

Dear Committee Member,

I saw Janet Mill's Inauguration and also the message from Ambassador Maulian Dana, and I certainly hoped that a genuine re-set with Maine native communities would be one of the governors first initiatives. There is the opportunity for mending, especially given Janet Mills involvement in decisions that were so detrimental to the welfare of those communities while she was the attorney general. For many of us, her track record as attorney general relating to Native issues, and in particular water rights for the Penobscot Nation, made her problematic as a candidate for governor.

It is distressing that our new Governor now intends to have Jerry Reid be the DEP commissioner. He is the very one who led the direct legal attack on the Penobscot Nation by arguing the States position in the dispute over sovereignty in the waters of the Penobscot River.

Make no mistake about it, this sends a powerful message to the Penobscot, and all Wabanaki tribes, that the future will hold more and similar hurtful actions. His appointment is deeply symbolic, and does not presage a new day, but marks once again our turning away from ethical obligations and good faith engagement. I am angry and frustrated that I must again be made complicit with the States continued and deliberate dis-enfranchisement and erasure of this lands first peoples.

I hope that the Committee on Environmental and Natural Resources will see clear to not endorse this appointment, and that they will encourage our governor to consider the tone, trajectory, and promise of her new administration towards our native neighbors.

All the best,

George Mason  
123 Borland Hill Road  
Nobleboro, Maine 04555

837-2491



To the Members of the Committee on the Environment and Natural Resources:

I am looking forward to the new leadership in the Maine legislature with Janet Mills at the helm, however I must express that I was concerned about electing her as our candidate due to her history as Attorney General and her position on water rights of the Penobscot.

At age 27, many of my peers were surprised and also concerned when I shared with them about her position on native issues.

I had hoped that she might take a new stance on the issue, however by returning Jerry Reid as the DEP commissioner, it's certainly sending a strong negative message to the tribal leadership and to their alliances across the state and the country.

I hope that Maine can set an example for many things, but especially how we treat our natural resources and the first people of our nation. I trust in the Committee or Governor Mills to find a qualified candidate who will lead honestly in working with the tribes to resolve this issue.

Sincerely,

Zoë Mason  
Nobleboro, Maine



Jeffrey Pidot, Esq.

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January 12, 2019

Senator Brownie Carson  
Representative Ralph Tucker  
Members of the Legislative Committee on Environment and Natural Resources

Dear Senator Carson, Representative Tucker and Members of the Committee:

I would like to have been able to appear before your Committee at its confirmation hearing on Governor Mills' appointment of Jerry Reid to serve as commissioner of the Department of Environmental Protection, but unfortunately I will be away on a long-scheduled trip. For this reason, I am submitting to you this letter, which has not been solicited by Jerry or anyone else.

I have known Jerry Reid very well for many years, beginning with his interning with us 25 years ago when he was a law student and extending throughout the years of his service as an Assistant Attorney General in the Natural Resources Division while I was that Division's chief. I worked with him for much of my time in that capacity, until my retirement and his succeeding me in that job. I have also followed Jerry's work over the years since then.

I cannot think of a finer lawyer or public servant. Jerry has a thoughtful and soft-spoken demeanor; yet he is tough and courageous. His mind is keen and analytical, yet practical. His judgment is wise. When he speaks, people listen. Given the breadth and depth of his experience in working with Maine's environmental laws and programs for more than two decades, including 11 years as the AG's division chief on such matters, Jerry will come to the commissioner's job with unparalleled knowledge and understanding.

Jerry's leadership and personal skills too are extraordinarily well suited to the role of DEP commissioner. Throughout his career, he has shown spirited dedication to his work and to the public interest, especially in protecting Maine's environment. People who work with him like and look up to him. He has demonstrated impressive management and leadership skills. Yet, he also has understood and comported with the necessary limitations of his role at the AG's office in enforcing and upholding the law while deferring to policy-makers as appropriate. I have complete confidence that Jerry already understands and will superbly execute the leadership, policy-making and management roles of DEP commissioner, while remaining ever attentive to the law.

It is said that the single most important thing a person can do in any job is to make sure their successor is someone who can do the job better. During my 17 years as the AG's Natural Resources Division chief, I believe that the single best thing I did was to strongly advocate for Jerry to be my successor. I don't know what else can be said by me that might stand as a greater testament.

In sum, with his profound knowledge, skills, intelligence, leadership and personal qualities, I believe that Jerry Reid stands out as the best possible person to serve as Maine's next DEP commissioner.

Thank you kindly for your consideration of these views.

Sincerely,



Jeffrey Pidot



Dear Members of the Environment and Natural Resources Committee,

I am writing to express my concern over Governor Mills's appointment of Jerry Reid as Commissioner of the Department of Environmental Protection. Mr. Reid has demonstrated himself as a threat to the well-being of Indigenous Mainers, having taken aggressive measures against Penobscot water sovereignty in court. Several Penobscot leaders have come forward to warn that Mr. Reid has acted unethically and untruthfully to advance the interests of water-polluting corporations, making him a dubious candidate for a position that should be fighting for water protections.

*I urge you **not** to approve Jerry Reid's appointment to the Commissioner position at this month's Environment and Natural Resources Committee meeting, as all Mainers deserve better leadership and a healthy environment.*

Thank you for your time,

- Sarah Ruggiero, constituent of Portland, ME





To Senator Carson, Representative Tucker and Members of the Committee:

I am writing about my concerns regarding Governor Janet Mills recent appointment of Jerry Reid to head Maine's Department of the Environment, and asking that each of you vote "OUGHT NOT APPROVE", and this is why:

Unhappily, while Governor Mills seemed to take seriously the need for reconciliation and rebuilding relationships with the indigenous peoples/ Tribes of Maine as a priority in her administration during her campaign, her choice for head of DEP is in distinct opposition to her stated intent. Jerry Reid presided over the case, "Attorney General Janet Mills vs the Penobscot Nation" in District Court--and was not only poorly prepared, but was antagonistic to the Penobscot Nation and clearly did not respect the sovereignty of the tribe as defined in both federal and state law. His nomination actually makes Governor Mills prior statements about working with the tribes, suspect.

Mr Reid has spoken out for the interests of industry, as superceding the interests of protecting the health of the Penobscot River and should not be put in a position to protect Maine's environment and waters in the interest of all the people of Maine. Tribal spokes persons are clear in their opposition to his appointment, and I trust their stewardship of our environment more than I can trust the multiple private interests the DEP is subject to influence from.

Given that one of our greatest resources in the State of Maine is our clean waters, the appointment of Jerry Reid to head the DEP should be opposed by all who prioritize the protection of our environment in these times of both continued development and climate crisis. And we need someone who can help build-not further destroy- Maine's relationship with the Tribes. Please, OUGHT NOT APPROVE Jerry Reid as had of the DEP.

Sincerely, Meredith Bruskin, FNP  
Swanville, Maine





Faculty of Law

Senator Brownie Carson, Chair  
Representative Ralph Tucker, Chair  
Committee on Environment and Natural Resources

January 25, 2019

Re: Nomination of Gerald Reid

Senator Carson, Representative Tucker, and members of the Committee:

My name is Jeff Thaler. I know several of you, but for the Committee's benefit: I have been an environmental attorney in Maine since 1984, and represented clients all over Maine during those years. I have handled many matters, and dealt with every Commissioner at the Department of Environmental Protection during that time. I also have had the opportunity to see Jerry Reid in action as an advisor to the Board of Environmental Protection, and spoken with him from time to time on discrete matters involving his Division in the Attorney General's office.

It is based on all of that experience, and on my best professional and personal judgment, that I write in strong and enthusiastic support of confirmation of Mr. Reid to be the next DEP Commissioner. My perception has been that Jerry has always been committed to fairness, transparency and ensuring the integrity of the process—all of which I and my clients, regardless of the issue or what side I am representing on a matter. It is very important for everyone in the public and other communities to know that their matter with the Department will be resolved, fairly, objectively, without bias, and expeditiously—without undue delay.

I believe that Jerry himself, and those who will be working for him, will not prejudice any issue, project or other matter that comes before the Department. Positions he may have previously taken as the legal advocate and defender of Department decisions will not prejudice his impartial analysis of new matters arising at the DEP. Last and not least, I think that Jerry has the temperament, demeanor and credibility to be an excellent communicator at events and proceedings all over Maine of the DEP's views on the many challenging issues facing Maine in the next few years.

In sum, I truly have no doubt that Jerry would make an excellent DEP Commissioner, and continue his long public service to Maine citizens in that capacity. I hope you will agree. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Thaler".

Jeffrey Thaler, Esq., Visiting Associate Professor, Maine Law School  
[Jeffrey.Thaler@maine.edu](mailto:Jeffrey.Thaler@maine.edu) 207-228-8539



Dear members and staff of the Committee On Environment and Natural Resources,

Thank you for your service to the people of the State of Maine. I appreciate your work, and your time and attention today.

I am a resident of Portland, Maine. **Please do not approve the appointment of Jerry Reid to serve as the next Commissioner of the Department of Environmental Protection.** I value protecting our fresh water resources, and I also advocate for an end to the ongoing genocidal policies against the indigenous peoples of Maine. Mr. Reid has sided with the water-polluting corporations in the Penobscot Nation vs Mills case, and he has also shown incompetence by claiming in court that the Penobscots only ever fished from the shoreline and not from the water. Therefore he is an unacceptable candidate.

In general, please let kindness and compassion guide you in your decisions as a member of this committee. In any and all situations, please take action to prevent corporations from exploiting our natural resources, especially Nestle and fossil fuel companies.

Thank you,

Sincerely,  
Leah Flumerfelt

Dr. Martin Luther King Jr. made this observation over 50 years ago:

“Our nation was born in genocide when it embraced the doctrine that the original American, the Indian, was an inferior race. Even before there were large numbers of Negroes on our shore, the scar of racial hatred had already disfigured colonial society. From the sixteenth century forward, blood flowed in battles over racial supremacy. We are perhaps the only nation which tried as a matter of national policy to wipe out its indigenous population. Moreover, we elevated that tragic experience into a noble crusade. Indeed, even today we have not permitted ourselves to reject or feel remorse for this shameful episode. Our literature, our films, our drama, our folklore all exalt it. Our children are still taught to respect the violence which reduced a red-skinned people of an earlier culture into a few fragmented groups herded into impoverished reservations.”

(source: "We Can't Wait" by Dr. Martin Luther King Jr., 1963)

**I'd like to make sure you know that my priority in writing you this message is a broader point or question:**

Is the Mills vs. Penobscot legal case fundamentally a part of the ongoing national policy of the United States Government of exterminating native people?

Does Jerry Reid have a conscience? Leaders should be grounded in secular ethics, like putting human rights in practice at all times. Any attempt to justify this kind of exploitation of Maine's natural resources and the resulting pollution, destruction and damage to human lives, is (in my humble opinion) cruel, grossly incompetent, and deluded. It is criminal to violate human rights. I am very, very concerned about current level of endangerment of the natural resources of Maine and the future ability of Maine people (including indigenous people and the people of my own community) to survive. **Please protect our environment and natural resources.**



Dear Senator Carson, Representative Tucker, and members of the ENR Committee,

It has come to my attention that my position regarding the confirmation of Mr. Jerry Reid as DEP Commissioner has been mischaracterized as being in support. Over the past several days I have been contacted by many individuals within the environmental community, state government, and the Penobscot Nation, regarding Mr. Reid's relationship with the Penobscot Nation. Apparently, some of those conversations have resulted in an interpretation that I fully support this nomination, which is not true.

The intent of this email is to clear up this mischaracterization directly with the ENR Committee. Please feel free to reach out to me if you wish.

Sincerely,

John S. Banks  
Director of Natural Resources  
Penobscot Nation  
12 Wabanaki Way  
Indian Island, ME 04468  
207-817-7330  
207-356-5022 (cell)  
[john.banks@penobscotnation.org](mailto:john.banks@penobscotnation.org)





Date: January 25, 2019  
To: JSCENR  
From: Hendrik D. Gideonse, 119 Old County Road, Brooklin, ME 04616 [gideonse@midmaine.com](mailto:gideonse@midmaine.com)  
Subject: Testimony on the nomination of Gerald Reid as Commissioner of Environmental Protection

In the gubernatorial campaign Governor Mills declared that her administration would “chart a new direction – one that will see Maine reclaim its place as a national leader in energy efficiency and renewable energy.” There is no more important public policy frame to guide Maine’s future.

This will be a huge, complex, demanding task. It more than rivals the 20<sup>th</sup> century world-wide undertaking -- recognizing the dangers and then defeating the Axis threat to the nations of the world in the 1930's and 40's. Removing the threat of climate change, for this state and for the world, will dwarf that earlier effort. Few now living – you'd have to be eighty or better like me -- have direct memories of how sweeping, all-encompassing, that accomplishment was, reaching into virtually every sector of all the world’s lives, to say nothing of the tens of millions of lives it ultimately took outright.

But mitigating climate change is not just huge. It is also without precedent; no legislative or executive authority has ever taken on such a challenge.

In recent years\* I've had occasion to watch the legislature try to address environmental and energy policy issues where a background in science is crucial. For one thing, very few members have one. Further, adequate sustained non-partisan multidisciplinary analytic support is not available to you on such comprehensive issues. Committee responsibilities are divided arbitrarily relative to the larger picture. Indeed, might not addressing climate change head-on suggest the possibility of a new role for ENR somehow exercising oversight of Maine’s developing responses to climate change even though the instruments for legislating on energy policy in the past have been in the domains of EUT, ACF, SLG, IDEAB and TR?

It is also the case that on the *executive* side of things, the current energy policy structure is a cumbersome tangle, staffed inadequately, and broadly decentralized. It, too, will require sustained attention in the governor's new administration. A logical initial coordinating point for inaugurating the Governor’s major policy aim, therefore, might conceivably rest with the commissioner with overall responsibility for environmental protection.

Lastly, the climate change initiative, because it will touch *every* Mainer and virtually every sector of the economy, has to be understood as of fundamental *political* import, not because it is partisan (because it mustn't be allowed to become so), but because it will touch every single one of us and because government must assure that across Maine's population everyone is considered equitably.

With responsibilities like these, what kind of skill set should you be considering for the Environmental Protection post? And then, how good a fit is any particular nominee?

At the top of the list is a background in science. The climate change threat to the environment must rest on science and policies based on science. Because of the accidents of contemporary history and politics in the partisan sense, however, science itself, logic, even facts, have come under daily assault. The leader of DEP (and also, presumably, the Governor's climate goal) must be deeply knowledgeable, therefore, about how science underpins his or her policy domain, both as processes and as pertinent outcomes. For eight years this state's leadership effectively denied climate change was an issue, so this new administration's battle starts out on an uphill climb.

Second, some facility at being able to work effectively with *very* diverse interest groups – economic, cultural, industrial, functional, professional and the like – would be equally desirable.

In addition to skills, two dispositions are important. The first would be demonstrating an ability to think “unto the seventh generation,” an orientation evidenced among the cultures already here when Europeans reached the shores of continents that came to be called the Americas. The second, closely related, is a sense of moral obligation to *all* Mainers as the necessary replacement of fossil fuels by renewables is achieved. The burdens of such a change should fall equitably across the population, present and future, those who have and who have not, assuredly those whose livelihoods, through no fault of their own, must be relinquished as humankind gives up fossil fuels. They are an equal part of the Maine commons, to be

\* Cf for example: [www.MaineLongRangeEnergyPlanning.com](http://www.MaineLongRangeEnergyPlanning.com)

harmed no more or less than any others and held with equal magnanimity, throughout the quest of the many and complex changes required.

Framed in these ways the nomination advanced must be questioned.

Mr. Reid does not have a background in science. His career path has been within the law pursuing prosecutions and working within existing legal frames and structures rather than crafting wholly new ones. Further, his oppositional stance in suits involving Maine's Native Americans' traditional rights and the state's obligation to support those rights have raised questions about his appreciation of the dispositions he himself must display and bring to the quest against climate change.

I would urge the withdrawal of the nomination in favor of one that pays deeper attention to the requisite skill and disposition sets.

cc. House and Senate Chairs of EUT, ACF, SLG, IDEAB, and TR  
Governor Janet T. Mills

Dear Senator Carson and Representative Tucker and Members of the Environment and Natural Resources Committee,

As a resident of Old Town from 1978 to 2014 and now a resident of Orland, member of Lake Stewards of Maine, Maine Lake Society, and Maine Audubon one of my primary interests has been the health of Maine's lakes and rivers and the protection of natural habitats. As an ally of the Penobscot Nation I have respect for their sovereignty and rights to protect the Penobscot River as part of their territory to the highest standards in order to maintain water quality for sustenance fishing rights. These high standards will benefit all Mainers.

My primary concern with Gerald Reid's nomination lies within his history with the Penobscot Nation v. Janet T. Mills case. He demonstrated a lack of respect for and an apparent misunderstanding of Tribal sovereignty.

There is no better way to preserve an ecologically sound environment than by respecting tribal rights to maintain the highest water quality standards possible in the Penobscot River.

Is the State of Maine intending to compromise water quality by weakening water quality standards for the Penobscot and other Maine rivers and lakes for the sake of economic development? If not, why question Penobscot sovereignty?

After watching the full proceedings and speeches during Gov. Mills' inauguration I don't believe that this administration intends to compromise the health of our environment. The message was very clear that as governor, Janet Mills would seek to improve trust and respect between the State and Maine Tribes. Gerald Reid needs to respond to the above concerns through your direct questioning.

Thank you for addressing these concerns in committee.

Katie M. Greenman

65 Meadow Brook Lane

Orland, Maine, 04472



To whom it may concern:

1. Withdraw Mr. Reid's nomination

2. Submit a new nomination of a qualified individual to head the DEP--one who doesn't already have an adversarial relationship with the Wabanaki; one who has some scientific background and will be in close contact with the Natural Resource Departments of all the Wabanaki tribes; and one who is informed on Wabanaki issues.

The time to heal historical oppression and suffering done to the Wabanaki people is now. It is past time to recognize the Wabanaki's sovereignty and their stewardship of the land and water that is called Maine. 350 Maine acknowledges that the Department of Environmental Protection can have a huge impact on efforts of the Wabanaki Confederacy. And, in order to create an equitable environment for everyone, the Commissioner must respect tribal sovereignty. This respect seems questionable given that Reid represented the State in a case that would further erode inherent rights of the Penobscot Nation with the territorial taking of the river.

Regards,

Anna Dibble

Anna Dibble  
33 Lafayette St #4  
Portland, ME 04101



Testimony to the Environment and Natural Resources Committee

On the Nomination of Gerald Reid for

Commissioner of the Department of Environmental Protection

January 30, 2019

By

James R. Beyer, Dixmont, Maine

Chair Carson, Chair Tucker and members of the Committee, thank you for the opportunity to testify today in support of Gerald Reid for Commissioner of the Department of Environmental Protection. My name is James Beyer and I am a resident of Dixmont. I am also an employee of the DEP, but I want to make it clear that I am testifying as a private citizen and not on behalf of the Department. I have known and worked Mr. Reid for the better part of twenty years and I have always found his legal advice to be well thought out and based on the language in the statute or rule and legal precedent. Mr. Reid's knowledge of environmental law and policy is vast and will serve him well as commissioner. Mr. Reid is smart, has a sense of humor, and he is a good problem solver. These attributes will also serve him well as commissioner.

As a 35+ year veteran of the Department, I have worked for every commissioner except, William Adams, the very first commissioner. Some have been better than others and others have been exceptional. I am sure Mr. Reid will be in the exceptional category.





Hello,

I am writing to oppose the nomination of Gerald Reid as head of the Department of Environmental Protection. While I appreciate his work as an environmental lawyer, the DEP should be headed by someone with a background in environmental science. More importantly, his relationship with the Wabanaki Confederacy is a major concern. Gerald Reid has intentionally acted to erode the rights of the first people to inhabit this land. The DEP has a lot of impact on Maine tribes, and as such the head of the DEP needs to be informed of and sympathetic to Native issues. I implore the governor and all members of the legislature to listen to the Penobscot people and stop the nomination of Gerald Reid as Commissioner of the DEP.

Thank you,

Haley Crim

Lewiston, Maine, 04240



Dear Honorable Members of the Environment and Natural Resources Committee,

Given his past record acting on behalf of the people of Maine, Jerry Reid is unfit to be DEP Commissioner.

The Penobscot Nation, whose reservation is just a few miles from Bangor, where I grew up, has long stewarded the lands, water, and air of this place we now call Maine. They, along with other three Wabanaki Tribes, have been doing this since before first contact hundreds of years ago. They led the clean-up of the Penobscot River, in partnership with many non-Native organizations, and they were very successful BECAUSE of their water rights - the unique treaty rights they have because of their well-documented history of use.

Their treaty rights, and the treaty rights of the other three Tribal Nations in the Wabanaki Confederacy, are the most valuable rights any of us have AND the Tribes use them to the benefit of all Maine people - to maintain a water, air and land quality that the rest of us do not have any legal claim to because we don't have the same history of use.

I ask you to stand with the Penobscot Nation.

I ask this of the Committee not only because it is the right thing to do for the legendary protectors of the water, land, and air of this place we all call home. I ask this not only because they choose to use their rights protect ALL of us. I ask because I trust them. I believe them.

The Penobscot Nation's long held, federally recognized treaty rights have been questioned, undermined, and fought tooth and nail in and out of court by Mr. Reid -- all at great cost to Maine tax payers. He has proudly done all of this -- in our name.

I fear what will he will do in our name - the name of Maine people - as Commissioner.

We ALL deserve better.

With gratitude,

Kimberly Crichton  
Lovell, Maine



# Friends Committee on Maine Public Policy

James Matlack, Clerk

PO Box 130

Rockport, ME 04856-0130

## Testimony on Confirmation of Gerald Reid to DEP Commissioner

To The Honorable Senator Brownie Carson, (chair) and Honorable Representative Ralph Tucker (chair), and Distinguished Members of the Joint Standing Committee on the Environment and Natural Resources

I am Anne D. (Andy) Burt, of Edgecomb, retired Environmental Justice Program director for the Maine Council of Churches (MCC), and currently representing MCC on the Environmental Priorities Coalition.

I speak today as a member of the Friends Committee on Maine Public Policy. The Friends Committee is a statewide network of Quakers who are focused on public policy issues in Augusta. For several decades we have addressed issues of concern to the Wabanaki peoples in Maine and sought to improve tribal-state relations. **The Friends Committee speaks neither for nor against the nomination of Gerald Reid to the position of Commissioner of the Department of Environmental Protection (DEP).**

Our committee holds a vision for a cooperative and transparent tribal-state relationship that respects the tribes' rights to self-determination, that recognizes and affirms their unique cultures and histories, and that guarantees their traditional fishing, hunting and gathering practices on land and waters. To more fully understand the tribes' current concerns around tribal-state relations, we, in partnership with the Episcopal Diocese Committee on Indian Relations, have been meeting with and listening to the chiefs and other tribal leaders, as well as Maine legislative leaders and the new Attorney General.

As a result of these consultations, which are still in progress, we have the following concerns about the confirmation of Gerald Reid as Maine's next DEP Commissioner:

- **To our knowledge the nomination process was done without respect or consultation with the tribes. While the Governor has the right to nominate the candidate of her choice, in this instance, given Mr. Reid's history in the Attorney General's office representing the State in cases against the Penobscot Nation and Passamaquoddy Tribe, we believe that a consultation with tribal leaders was called for.**
- **Given that two of the Maine cases on which Mr. Reid was lead attorney were focused on territorial sovereignty with regards to the Penobscot River and its water quality standards that guarantee sustenance fishing, we encourage ENR Committee members to pursue questioning with Mr. Reid on his future commitment to improving relations with the tribes and pursuing water quality standards that would meet federal criteria for sustenance fishing in the tribes' traditional fishing grounds. Developing a closer partnership with**

the tribes, who have been stewarding these water bodies as a sacred responsibility for centuries, would go a long way in building trust. In conversations with Mr. Reid, I have understood him to say it will be his intent to improve state-tribal relations and, to that end, he will initiate a process to upgrade the river's water quality to meet sustenance fishing rights. Because the DEP is the state agency that has the most direct relationship to tribal concerns over natural resources, it is important that the Commissioner be someone who is committed to building a trusting and respectful relationship with tribal governments and natural resources departments at all levels.

Governor Mills has spoken publicly of her desire to improve state-tribal relations; to move away from a litigious relationship to a respectful consultative relationship. While we are encouraged by recent signs of genuine interest on the part of the Mills Administration to bring Wabanaki peoples' issues to the table for state-tribal discernment and to open transparent communications between the state and tribes (appointing Penobscot Nation citizen and former representative to the Maine Legislature Donna Loring as Senior Advisor on Indian Affairs is a good example), we nonetheless believe that the ENR Committee should assure that Gerald Reid is committed to that process and to ascertain what steps he would take in that direction, should he be confirmed. We hope it would be the ENR Committee's intention as well to enact legislation that will support upgraded water quality standards in all Maine waters so that everyone can safely recreate and eat the fish.

Respectfully submitted,



Anne D. Burt  
27 Bunchberry Lane  
Edgcomb, ME 04556  
207-380-5387  
January 30, 2019

Hello,

Please do not allow the confirmation of Gerald Reid as Commissioner of DEP. His track record of trying to weaken water quality standards of the Penobscot River is not what I think is appropriate for this job. I also wonder about his credibility when he publicly stated that the Penobscot Tribe only fished from the land. This lack of understanding of their culture is absurd. Everyone else in the world knows that their culture was and still is based around the river and traveling and also fishing from canoes!

I do not think the voters in this last election were counting on a racist and friend of polluters to represent them.

Maine is known for its high water quality. Let's keep it that way!

Thank you,

Nels Liljedahl

Fryeburg, Maine





I would strongly ask Gov. Mills and the legislature to respect the wishes of the Penobscots.  
Surlly Gov. Mills can choose another nominee who doesn't cause so much pain and strife to the Penobscots.

- Emily Ecker  
Woodstock, Maine



To all whom this may concern:

While I am very happy with Gov. Mills choices for all other positions I am deeply saddened & disturbed at the selection of Mr. Reid for Commissioner of the DEP, a key position. He is representing the wrong view fighting the US Gov. Water Protection; what may be good for business in the short term is bad for the land & earth in the long view. And, his on going disdain & adversarial relationship with the Wabanaki people is of even greater concern as the Governor purports to want to establish a stronger, healthier and respectful relationship with our indigenous original citizens his appointment is a profound statement of a lack of sincerity on her part and compromises the efforts of Matt Dunlap & others at reconciliation.

We need a nominee who has a strong understanding of environmental issues as we deal with the many changes that will be required as we adjust to global warming and it's impacts on Maine & we need a nominee who knows the history of & is empathetic to the native peoples of Maine. Jerry Reid is not the correct person for this position.

Please do not support his nomination, you/we can do better & he can serve the state more effectively in another position.

Respectfully yours,

Linden Thigpen  
148 Hillside Ave.  
So. Portland, ME 04106



Dear Senator Carson, Representative Tucker, and all Members of the Environment and Natural Resources Committee,

I am writing today to request that the Committee recommend to "ought not approve" the confirmation of Jerry Reid to the position of Commissioner of the Department of Environmental Protection. I believe that Mr. Reid is not qualified to serve in this position as he lacks knowledge of and respect for the Penobscot Nation and the people who have 12,000 years of experience with stewarding the natural resources of the Penobscot River watershed. I believe Mr. Reid's misrepresentation of traditional Penobscot fishing practices having taken place only from the islands and not from the River in the case of the Penobscot Nation vs. Janet Mills provides evidence of his lack of knowledge of traditional indigenous environmental stewardship and cultural practices. (The two are inextricably linked.) I also feel that his opposition to the EPA's orders to increase water quality standards in tribal sustenance fishing waters in Maine disqualifies him as someone that has the ability to be fair and unbiased in accounting for tribal environmental concerns in the DEP's efforts to protect and restore Maine's natural resources.

Maine deserves an Environmental Protection Commissioner that can uphold the environmental stewardship and cultural traditions of a people that have lived on and cared for this land for far longer than the state has been in existence. We are also at a critical time in history where the traditional knowledge and stewardship practices of indigenous peoples must be taken into account if we want to conserve, enhance, and restore our natural resources, and where the sovereignty of indigenous nations must be respected in those efforts. In fact, I think the long-term survival of the human and natural communities in the state depend on it. Nominee Reid's track record of representing the State and industrial interests in matters of environmental importance does not provide an indication that he is qualified to succeed in fulfilling these most important responsibilities of the Commissioner's position.

Thank you for your consideration of my testimony.

Sincerely,  
Erica Buswell  
Searsport, Maine (territorial homeland of the Penobscot and Wabanaki Confederacy)



Honorable Environment and Natural Resources Committee -

I am writing to express my concern at Governor Mills' nomination of Jerry Reid as head of the Department of Environmental Protection.

Jerry Reid has played a pivotal role in two cases currently being heard concerning disputes between the State and the indigenous people of this land, the Wabanaki. Mr. Reid served as assistant Attorney General under AG Mills and argued the State's cases. Without getting in to the full legal arguments, these two cases are the current iterations of our long shared history of genocide committed against the Wabanaki.

Penobscot Nation v AG Mills is a territorial taking from the Penobscots.

State of Maine v EPA seeks to reduce water quality standards below what is needed for those who sustenance fish in our rivers.

I am a non-native person standing in support of our native neighbors. I believe that Governor Mills' selection of Mr. Reid is disrespectful to the tribes, made worse that Mills has stated that she wants to improve the relations with the Wabanaki tribes.

Further, I am a registered professional engineer practicing in the field of water quality. Given Mr. Reid's history, I am not comfortable with him presiding over a department that regulates the work I do as it is clear that his priorities are not with water quality, and appear (speculation) to be with the businesses and industries who are behind these lawsuits.

I strongly urge this committee to do everything in your power to deny Mr. Reid this position.

Sincerely,  
Dan Marks  
North Yarmouth





Dear Casey Milligan,

Please relay my opposition to the nomination of Gerald Reid to be the Commissioner of the Maine State Department of Environmental Protection (DEP). As you know, Mr. Reid has a contentious history with the Wabanaki people, and the DEP will need to work with them in the future. I believe it is important that the State of Maine approach our standing conflict with the Wabanakis in the way that has the best chance of a positive resolution, and having a Commissioner that they do not already distrust would help in this respect. Thank you for your attention to this matter.

Richard Thomas, PhD, Waterville Maine



*Attention: Appointment of Gerald Reid*

Dear Environment and Natural Resources Committee,

I am writing to urge you to vote **ought not to approve** the appointment of Gerald Reid to be the Commissioner of the Department of Environmental Protection (DEP).

Gerald Reid has represented the State in a case related to the Penobscot Nation and their inherent rights and relationship to the Penobscot River. This case would further erode the Penobscot Nations' rights with territorial taking of the river. The new Commissioner of the DEP should come to that office with a respect for all Maine peoples, including the Wabanaki, and have a history of creating and supporting an equitable environment--including respect for tribal sovereignty. Mr. Reid's past adversarial relationship should disqualify him from this position.

Kathryn P. Gaianguest



Dear Casey Milligan and the nominating committee,

From what I am able to know about this nomination of Gerald Reid as DEP Commissioner, generally does not bode well for the natives people of Maine.

This assessment is based on past actions of Mr. Reid working under Janet Mills.

And there has been much talk now about working with the tribes to shift these attitudes more in favor of collaboration and mutual respect.

If this is true and MR. Reid is truly sincere about working in this capacity then his nomination is not a problem for me. BUT unless the committee can hear from him, some course of action that he plans to do now that is CLEARLY different from past actions, he is NOT a true advocate for the environment, not for the tribal people and not for the immigrant people (most of us!) of Maine.

**We all need what the tribes are asking for, clear water, unpolluted land, sustainable use of land offerings for the human community!!!**

Since we immigrated to their land and it did not occur to us to integrate into their lifestyle, as we are asking immigrant people to do to the culture we established over 500 years ago on their indigenous land, how can we honestly and morally say to them... you must adapt to us and join our cultural norms.

The right of the tribes to exist in their culture and to determine how they do that is the LEAST that we can do.

Thank you

Arifa Boehler  
63 Back Meadow Rd  
Damariscotta ME 04543

207 563 5583



# David Littell



5 Medinah Circle, ME 04105  
207 828 2009  
David.Littell@maine.rr.com

1/29/2019

Committee on Environment and Natural Resources  
c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

Dear Chair Carson, Chair Tucker and Members of the Joint Select  
Legislative Committee on the Environmental and Natural Resources,

I write to commend Jerry Reid for your confirmation as Maine's  
Commissioner of the Department of Environmental Protection (DEP).

I had the privilege of working with the staff at the DEP for two years as  
deputy commissioner and 5 years as commissioner under Governor  
Baldacci. In those capacities, I worked with Jerry regularly and often on  
difficult legal and policy issues. The primary job of a commissioner is to be  
able to resolve difficult challenges that come up from the roughly 400 DEP  
staff, down from the Governor's office, across the river from the  
Legislature, and from stakeholders, the public as well as with other states  
in the region. There are dozens of challenges each day for a commissioner.

I know from working with Jerry very closely for seven years and since that  
Jerry approaches problems and challenges with an open mind. He respects  
the expertise of the DEP and AG staff as critical thinkers with significant  
expertise and the role of public transparency and input. I emphasize that  
because Jerry's primary qualification is not his exception legal knowledge  
and skill but his ability to work with others to reach solutions that need to  
be developed with thoughtful input from staff, the public, stakeholders,  
the Governor, and the Legislature among others. He is well qualified to  
meet the challenges of the job.



Jerry has one very significant qualification in that the staff at DEP know him and know he believes in their mission to protect Maine's environment, people and keeping Maine's ecosystems healthy. Before and during my tenure, Maine's DEP was regularly reviewed by the U.S. EPA as one of the top 5 in the U.S. in administering the Clean Water Act and Clean Air Act. I managed the state environmental programs which similarly were implemented with extraordinary expertise due to the outstanding staff commitment to their jobs, Maine's environment, people and ecosystems. That capacity needs to be rebuilt with careful attention to difficult management and funding issues with the Governor's staff and Legislature. That is not stuff for the media, it's boring -- and it's critical to performing the DEP's mission to support the dedicated DEP staff in doing their jobs every day. I know that Jerry has that ability to pay attention to detail, to logistics to use a military term, from his work in the AG's office. Not only do the staff at DEP trust and respect Jerry but he will pay attention to the details like ensuring DEP funding is solvent necessary to enable the DEP to do its job with extraordinary care and commitment.

The Commissioner job is different than being in the AG's office. The legal qualifications are helpful but really only a part of the commissioner job. As an AAG, Jerry's job was to represent the legal positions of the State. As Commissioner, the job is to find solutions and resolutions despite the constraints of the law, contentious positions, and limited resources. Sometimes a commissioner needs to find ways to move beyond constraints of legal positions by working with all of Maine's people among them Maine's sovereign Indian Tribes, Nations and peoples. I am sure that Jerry will be able to do that -- he has an extraordinary commitment to public service and to all of the peoples of Maine.

And I hope that you will accept my apologies for not being able to be present with you in person due to a conflicting meeting with state officials in Massachusetts.

Sincerely,

David Littell





Dear Environment and Natural Resources Committee:

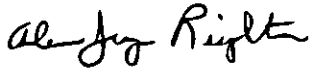
In her inaugural address Gov. Janet Mills ended her speech by welcoming everyone home. I am concerned about her appointment of Jerry Reid as Commissioner of the Department of Environmental Protection. I followed his work on the Penobscot Nation vs Janet Mills case as lead AG case attorney. I do not agree that appointing him to this position is in the best interest of our first environmentalists, our indigenous people.

[https://www.pressherald.com/2017/07/10/maine-voices-judges-dissent-to-ruling-on-penobscot-river-sets-vital-legal-precedents/?fbclid=IwAR2N9NaENlwokFj-0hm1wQStq\\_ss61yI7EXn3FS3h2EVxZWjrX12fGuj0](https://www.pressherald.com/2017/07/10/maine-voices-judges-dissent-to-ruling-on-penobscot-river-sets-vital-legal-precedents/?fbclid=IwAR2N9NaENlwokFj-0hm1wQStq_ss61yI7EXn3FS3h2EVxZWjrX12fGuj0)

The Environment and Natural Resources Committee ought not approve Jerry Reid as Commissioner of the Department of Environmental Protection. Mr. Reid does not understand nor support Maine's indigenous people and their needs. We need someone better suited to this work.

I do not approve of Reid for this appointment. This is not 'welcoming home' all who reside in this state.

Sincerely,



Arlene Jurewicz Leighton  
560 Youngtown Rd  
Lincolntonville, Maine



## Milligan, Casey

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**From:** wolfspiritm <wolfspiritm@gmail.com>  
**Sent:** Saturday, January 26, 2019 11:30 AM  
**To:** Milligan, Casey  
**Subject:** Appointment of Jerry Reid for Head of the DEP

It is my understanding that Gov. Mills wants to appoint Jerry Reid to be Head of the DEP. It is also my understanding that on Wednesday, January 30th, at 10 am, the Maine Legislative Joint Standing Committee on Environment and Natural Resources will hold a public hearing and vote on whether to recommend the appointment of Jerry Reid to head the Department of Environmental Protection. The final vote goes to the Maine Senate. I understand also that those unable to attend that public hearing, may submit their comments by email before that date. By this email it is my intent to express my extreme opposition to this appointment for some important reasons:

As Assistant Attorney General, under Mills while Mills was Attorney General, Jerry Reid was the lead counsel representing the State, as well as numerous industrial interests, in two active cases directly opposing tribal sovereignty and environmental stewardship. These are Penobscot Nation v. Attorney General Janet Mills, in which the state refuted the existence of tribal waters within the Penobscot River. And in the State of Maine's lawsuit against the federal Environmental Protection Agency for their order to increase water quality standards in tribal sustenance fishing waters in Maine.

Governor Mills' nomination of Assistant Attorney General Jerry Reid to serve as the Commissioner of the Maine Department of Environmental Protection has Tribal members, as well as their allies, alarmed. since his positions to date have disregarded treaty rights and past interpretations of the Maine Indian Land Claims Settlement Act to the detriment of environmental protections.

Chief Kirk Francis and other notable members of the Penobscot Nation have said that the Penobscot Nation will be conveying their concerns to the Committee. Tribal members and many others throughout the state who oppose Reid's nomination, are urging lawmakers to vote against Reid and instead support a nominee who does not have an established adversarial relationship with the Wabanaki people, someone who acknowledges and supports Tribal Sovereignty and the right of the Penobscot People to protect the waters of their Penobscot IRiver.

To reiterate, I strongly and adamantly oppose the nomination of Jerry Reid to head the DEP.

Thank you for the opportunity to comment,

Marie Louise Morandi Long Zwicker

P.O. Box 230, Sullivan, Maine, 04664



To the Members of the Joint Standing Committee on the Environment and Natural Resources:

My name is Katherine Rhoda. I live in Hiram. As a Maine citizen, I have grave concerns about the prospect of Gerald Reid as DEP Commissioner.

Despite his relevant expertise, Mr. Reid fails to exemplify the qualities Maine needs in the person charged with protecting the water our very lives depend on. His work in *Penobscot v. Mills* to advance the interests of polluting intervenors makes for an unseemly appearance of conflict of interest.

Also, I believe, as I trust you do, that improving State-Tribal relations is long overdue, and in the best interests of all Maine people. As Penobscot Ambassador Maulian Dana said at Gov. Mills' inauguration, "The Wabanaki Nations of Maine, the Maliseet, Micmac, Passamaquoddy, and Penobscot are not just the Indigenous people but the carriers of the truth of these lands and waters." I take that both literally and seriously. I hope you do, too.

Mr. Reid has been at the forefront of the State's court battles with the Penobscot, misrepresenting their fishing heritage in court, reinterpreting the Maine Lands Claims Settlement in ways the Tribes never agreed to, challenging their territorial integrity and sovereignty, and opposing enhanced water quality standards set by the EPA to protect indigenous sustenance fishing rights.

His confirmation would be counterproductive both to improving relations and to pursuing the very best environmental policies, which would be enhanced by better State-Tribal collaboration. Mr. Reid's adversarial role has to have undermined the requisite trust.

Speaking of trust, I'm particularly troubled by his misrepresentation in court that, historically, Penobscot fishing was land-based only. My husband was present for that assertion. He tells me both spectators and judge burst into incredulous laughter at the absurdity of the claim. One might speculate Mr. Reid had no knowledge of fishing from canoes, though frankly that beggars belief. Telling a deliberate mistruth is generally known as lying. In my mind, the apparent willingness to lie in court to press one's case disqualifies a person from a position of public trust. Mr. Reid has certainly compromised his credibility, if not his integrity.

Maine can and must do better. I respectfully urge you to oppose his confirmation.

Thank you for your time, your attention, and your public service.

Katherine Rhoda  
299 Hiram Hill Road  
PO Box 58  
Hiram, ME 04041

207-625-4549  
katherinerhoda@yahoo.com

## Milligan, Casey

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**From:** Susan Viets <stviets@gmail.com>  
**Sent:** Tuesday, January 22, 2019 4:09 PM  
**To:** Milligan, Casey  
**Subject:** Do not appoint Mr.Reid

To the Natural Resources Council of Maine,

Mr Reid fought in court against the Penobscot Nation to their inherent fishing rights and claimed that the Penobscot River was not part of their reservation. He sided with the water-polluting corporations in the Penobscot Nation vs Mills case. He also absurdly claimed in court that the Penobscots only ever fished from the shoreline and not from the water, as though he had never heard of fishing from a canoe or watercraft. This should disqualify him from obtaining this position. We need an appointee that will stand up for our environment and with the Wabanaki.

This appointment tells us clearly where Gov. Mills stands with indigenous people. We who stand for the protection of our water and the Wabanaki demand better in state leadership for the people of Maine.

casey.milligan@legislature.maine.gov

Sent from my iPhone





## Milligan, Casey

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**From:** Ginny <ginnyschneider@hotmail.com>  
**Sent:** Saturday, January 19, 2019 3:42 AM  
**To:** Milligan, Casey  
**Subject:** I Oppose Gerald Reid for Commissioner of DEP

His position opposing the Penobscot Nation is inappropriate and anti-environmental.



## Milligan, Casey

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**From:** Edy Kizaki <edywhitemountains@gmail.com>  
**Sent:** Sunday, January 20, 2019 8:19 AM  
**To:** Milligan, Casey  
**Subject:** Do not approve Gerald Reid

I am a Maine voter and want to categorically state my opposition to appointing Gerald Reid, who by his paid advocacy for polluters has shown willingness to take sides in an essential area of governance for our state. Our environment must be protected and upheld against attack by polluters who want to "save money" in the short term which costs the government and the people much more in the long term to partially clean up damage that really can't totally be mitigated. We the people have rights and our land, the aquifers, streams, rivers have rights. The animals living here have rights. Get someone who can be real about what matters, not some stuffed suit that makes his living off exploitation and turning aside from seeing the damage it creates. My suggestion would be to nominate a Penobscot Nation person to take this position. Get real and do it now, before it's too late!

--

All the Best,

Edy

Edy Kizaki, Realtor  
Exit Heritage Real Estate



## Milligan, Casey

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**From:** Jeffrey H Hotchkiss <jefreiki@maine.rr.com>  
**Sent:** Monday, January 21, 2019 3:38 PM  
**To:** Milligan, Casey  
**Cc:** Sanborn, Heather; Collings, Benjamin; Chipman, Benjamin  
**Subject:** oppose nomination of Jerry Reid to DEP Commission

To the Committee on the Environment and Natural Resources:

Please do not confirm the nomination of Jerry Reid to DEP Commissioner.

Given his courtroom opposition against the Penobscot Nation, while under the direction of Attorney General Janet Mills, his nomination seems a direct message that hostile actions toward Wabanaki health and sovereignty will continue under Governor Mills.

I am sure she could consult with tribal leadership to find a better candidate. As a non-Native Maine citizen, having watched the state's behavior over the years, and having heard Wabanaki people speak and work on behalf of the environment, I trust their judgment and leadership over the state's.

You could send a good message now. Please work with the Governor to find a better choice.

Thank you,  
Jeffrey H Hotchkiss  
Portland  
207-618-0243



## Milligan, Casey

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**From:** Becca Gagne <schoodichollow@gmail.com>  
**Sent:** Thursday, January 17, 2019 12:20 PM  
**To:** Milligan, Casey  
**Subject:** Nomination of Jerry Reid

Dear Casey,

I am sorely disappointed at Janet Mills nomination of Jerry Reid to be the commissioner of the EPA. based on his past works, I don't believe that he will be a true voice for our lands or people and really truly hope that we can quash this nomination and come up with someone that can stand for integrity and long ranged visions of Maine's future.

Thank you,  
Rebecca Gagne

--

Sent from Schoodic Hollow Farm





## Milligan, Casey

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**From:** Judith Simpson <jsimpsonmindfulness@gmail.com>  
**Sent:** Thursday, January 17, 2019 4:15 PM  
**To:** Milligan, Casey  
**Subject:** GERALD READ

Friends and Representatives for me for my beloved State of Maine,  
I have always believed that Maine is the state that contains and shares my values of justice, willingness to protect our land and waters and providing a safe place for all ages to live.

The nomination of Gerald Read is a mistake....a serious mistake.  
Please consider all of our people from the beginning of this land to a future of serious environmental change. There is much experience and wisdom in Maine to lead us in environmental matters (which, when you get right down to us is what we depend upon for life!)

We need someone who can lead us in our protection of life in our state. Please enter a search for someone else, influencing our new governor to consider the same.

Thank you for thinking about this issue in a more holistic way!

Sincerely,  
Judith E Simpson  
9 Grove Street  
Belfast 04915



January 21, 2019

To Senator Carson, Representative Tucker and Members of the ENR Committee,

I am writing to ask you to not confirm Governor Mills' appointment of Jerry Reid to head the DEP. After seeing his bias in favor of polluters against the Penobscot Indian Nation, I think he would continue to ignore the indigenous perspective, shared by many other residents, and invite businesses to use and abuse our waters.

Jerry Reid sided with polluting corporations in the Penobscot Nation v. Mills case and argued that traditional sustenance fishing practices were only done from shore, not from the river itself! How blatantly silly is that? During Governor Janet Mills' candidacy, she stated that if elected she hoped to mend the relationship between the state and the Wabanaki people, but Reid's appointment does not reflect that goal.

We need someone to head the DEP who truly has our state's natural resources and ALL of its people as top priority. At this extreme time with climate and water both marginalized, we need strong leadership to reverse the trend that has been coming down. Janet Mills campaigned on a platform of wanting to engage and listen to all voices, Wabanaki included. Jerry Reid is not the person we need for this to happen.

Please look to our future, our real needs as a people, our need for clean water and caring for the environment. This includes the shining example the Penobscot Nation has set in their extensive water quality monitoring program, which the DEP depends on for over half of its data.

Let's honor the treaties, honor the residents of this land, and turn over a new leaf in environmental protection.

Sincerely,

Cloe Chunn  
Waldo, Maine



Dear Senator Carson, Representative Tucker and members of the Environment and Natural Resources Committee:

I am writing to oppose the appointment of Gerald Reid to serve as the Commissioner of the Maine Department of Environmental Protection.

As Assistant Attorney General Jerry Reid has demonstrated repeatedly a wanton disregard and disrespect of the Wabanaki Tribes in Maine, their treaty rights and the Maine Indian Land Claims Settlement Act. When Mr. Reid battles with them he fights the preservation of Maine's environment for them, among others, worship and sustain it every minute of every day.

Jerry Reid has been lead counsel representing the State of Maine in two particularly disturbing cases where industrial interests are pitted against environmental protections. These cases are glaring examples of Mr. Reid's consistent opposition to tribal sovereignty and environmental stewardship. Both of these cases illustrate Jerry Reid's indifference to environmental damage to our state's waters! Specifically, in *Penobscot Nation v. AG Janet Mills*, Jerry Reid refutes the existence of tribal waters within the Penobscot River! And in the State of Maine's lawsuit against the Federal EPA's order to increase water quality standards in tribal sustenance fishing waters in Maine Mr. Reid is demonstrating his complete dismissal of the crucial need to protect the environmental health of Maine.

As a property owner and resident of Fryeburg, where protecting water is a huge issue, the possibility of Jerry Reid coming into the Maine DEP, who have previously worked seamlessly with Tribal Nations and other community water advocates to insure water sampling and water quality standards for all of its people, animals and vegetation, is alarming.

Jerry Reid has repeatedly manipulated historical record and scientific fact in order to sway public opinion as well as the court. His dishonest statements and unethical tactics to take away protections of the Penobscot River even prompted a judge to laugh out loud at him.

Jerry Reid has no respect for water and has systematically demonstrated a lack of respect for the protection of the state of Maine's Environment and Natural Resources. Please oppose his appointment! There are candidates for this position who care about sustaining Maine's Environment and Natural Resources more than cossetting industry!

Respectfully,

Nora M. P. Schwarz  
Fryeburg, ME 04037



Chairman Carson, Chairman Tucker, and members of the Committee,

I wanted so much to attend this hearing, but due to the weather, I was unable to make the drive this morning.

I have grave concerns about Mr. Reid's appointment to head Maine's Department of Environmental Protection. Mr. Reid fought the Penobscot Nation in court over their water rights. Instead of affirming tribal sovereignty over the river that bears their name, Mr. Reid sided with polluting corporations in the Penobscot vs Janet Mills case. He claimed that the Penobscot had no inherent right to fish in their ancestral river, and argued that the river is not part of their reservation, while absurdly suggesting that the Penobscot only fished from the banks, never in the river. Has he never seen a birchbark canoe?

I, and many others, Indigenous and otherwise, have been very concerned about the stance Governor Mills will take regarding Penobscot water and fishing rights, given her extremely poor track record with the Penobscot as Attorney General. During her campaign, she pledged to mend the relationship between the state and the Wabanaki. Nominating Jerry Reid to head the DEP is a strong signal that she is already off-track.

I ask you to vote against Mr. Reid's confirmation and ask Governor Mills to put forward a candidate who will work to protect Maine's land and waters, and who will respect the sovereignty of the Wabanaki people who have been stewards of this land for thousands of years.

Respectfully,

Susan Dickson-Smith

151 S. Gouldsboro Rd

Gouldsboro, ME 04607

[properclay@gmail.com](mailto:properclay@gmail.com)





Dear ENR Committee,

I respectfully submit to you that someone with Jerry Reid's history as a blatant "environmental racist" who has actively worked to lower water quality standards not only for the Penobscot people, but for the rest of us, as well, should be condemned, not approved for service. Corporate-friendly lawyerly types are a big part of the problem. We must protect Maine's water. The Penobscot, Poland Springs, industrial aquaculture and pollution of Penobscot Bay, etc. Big Picture = Maine's waters are being polluted and extracted for corporate profits. This must stop.

Jerry Reid is the wrong direction for Maine.

Thank you,

Jason Rawn  
Lincolville

PS Please keep your eyes open for multiple bills (from Jan Dodge and others) encouraging a precautionary approach to industrial aquaculture and related challenges.

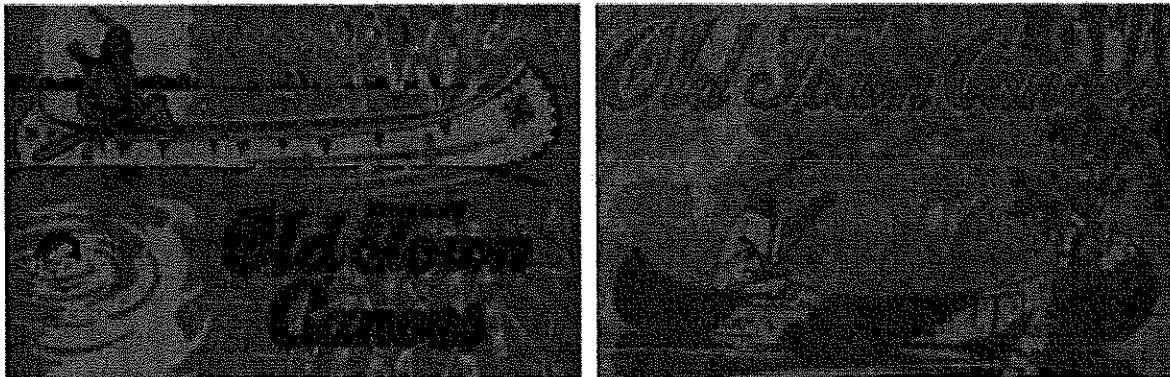


Chairman Senator Carson, Representative Tucker, and members of the Environment and Natural Resource Committee,

My name is Shri Andrea Verrill and I live in East Machias Maine. Please accept my testimony asking you to oppose Jerry Reid's nomination for Commissioner of the Department of Environmental Protection. We do need someone who will take strong action to address climate change but we ought to be able to find someone who is not racist, and who does not have an antagonist relationship with our Wabanaki friends and neighbors.

I was present in the federal court room in 2015 when Jerry Reid misrepresented material fact and made claims that the Penobscot People's never fished in the Penobscot River without keeping one foot on land. This did not pass the straight face test then and it is no laughing matter now. As an officer of the court he knowingly and willfully made false statements and misrepresented Penobscot tradition for the purpose of making a legal argument to support the former Attorney General's very narrow interpretation of the Maine Indian Land Claims Settlement Act.

Have you ever seen an Old Town Canoe? I have provided a couple images from the Old Town Canoe website below. You will notice that the person is using the canoe to traverse the water with both feet inside the canoe and therefore entirely on the water.



I understand that Mr. Reid is now denying that he made these false claims. I find his denial lacking in credibility and lacking good faith. I do not know if the misrepresentation he made is fraudulent but I certainly do not believe that it is due to negligence or innocence. And I am absolutely certain that he did make these statements, as I was there and will not sit by complacent or complicit and allow him to continue the erasure of our Wabanaki friends and neighbors. They are the original protectors of the environment and we must do better by them.

Thank you for reading my testimony,

Sincerely,

A handwritten signature in cursive script that reads "Shri A. Verrill". The signature is written in black ink on a light-colored background.

Shri A. Verrill  
East Machias, Maine  
04630



I write to you today regarding the nomination of Assistant Attorney General Gerald (Jerry) Reid to the position of Commissioner of the Department of Environmental Protection. I urge you to reject this nominee.

The Department of Environmental Protection (DEP) is charged with the protection and improvement of the quality of Maine's natural environment, and the resources which constitute it. The Department is also charged with the enhancement of the public's opportunity to enjoy the environment by directing growth and development which preserves for all time an ecologically sound environment. Despite previous experience in natural resources, Jerry Reid has a record of gross misunderstanding and hostility toward the rights of Wabanaki people in Maine, and their long history of knowledge and care for the environment.

Mr. Reid was the lead attorney for the state challenge to the Penobscot Nation's claim of jurisdiction over a portion of the waters of the Penobscot River. He attempted to claim that the waters surrounding the Penobscot reservation were not part of that reservation. What?? Penobscots never ceded their rights to the River. He could produce no document that showed this. Reid also tried to assert that Penobscot people historically only fished from the shore and never in the waters surrounding Indian Island. Seriously? Had he heard of fishing from a canoe or other water craft? It was incredible to hear these assertions by a state attorney. (In fact, even the judge laughed a little at this claim.) The Penobscot River is central to the identity, history, and culture of Penobscot people, who have have traveled and fished in it for centuries.

Jerry Reid was also lead attorney in Maine's lawsuit against the United States Environmental Protection Agency regarding water quality in Maine. The federal government recognizes that tribal members have not only an established right to fish in their waters, but the right and need for sustenance fishing, which is different than just recreational fishing. It is about feeding a family or community on a regular basis, especially when that family or community is poor, without much access to other food. Consequently, the habitat of those harvested fish is of the utmost importance. The EPA argued that Maine's water quality standards related to pollution needed to be improved in waterways that tribal members rely on for sustenance fishing. I can attest to the harmful effects of a lifetime eating tainted fish from the Penobscot River out of necessity. (Not for me, but for at least one Wabanaki person that I know.\*) Pollution affects not only individuals, but communities, and future generations yet to be born - or not able to be born.

When Mr. Reid argued against the EPA, he chose to protect polluters, not the people. And not just tribal people, but all the people of Maine.

When Mr. Reid made ridiculous claims about the relationship of the Penobscot people to the river that bears their name, he showed ignorance and hostility toward Native communities. How can Jerry Reid function as the Commissioner of the DEP when he has repeatedly opposed tribal sovereignty and environmental stewardship? The DEP is charged with preventing pollution of the natural environment, enforcing environmental laws, and negotiating agreements with federal, state and local agencies. How can he function effectively as a negotiator when his actions have alienated so many people over the last several years?

We need a DEP Commissioner who will hold the line against the destruction of natural resources, reject the undue influence of industries that delay or refuse to clean up their act, and who works with those who have knowledge and experience to share regarding responsible environmental stewardship.

I urge you to reject this nomination. Please vote "no".  
Thank you for your time and attention to this matter.

Sincerely,

Margy Dowzer  
67 Birchwood Drive  
Portland, Maine 04102  
[dowzer@maine.rr.com](mailto:dowzer@maine.rr.com)  
207-761-1927



Dear Elected Leaders,

Every decision we make leads to the next - and I ask the committee to decide wisely who becomes the next Commissioner of the Department of Environmental Protection.

Governor Janet Mills was elected in good faith to lead Maine in a *new* direction. She states she is a fighter for (all) Maine people and a fighter for a better future because she believed it was time for ... a new direction ... based on bold ideas, courageous, independent-minded leadership.

To move in a new direction, a direction full of bold ideas, courageous and independent-minded leadership begins with each and every decision.

If Maine chooses a Commissioner of the DEP, such as Mr. Reid, who does not reflect the values that will move us forward as an all inclusive community who understands our planet is in our care - well, then we have decided to forfeit this new direction and go with more of the same old tired ineffective, extremely short sighted kind of thinking.

To truly have independent-minded leadership we have to have leaders who have the backbone to stand for the good of all (our planet included) in the midst of those voices that shout for something else.

As Martin Luther King Jr. said,

" A genuine leader is not a searcher of consensus but is a molder of consensus.  
Coward asks the question is it safe,  
Expediency asks the question, is it politics,  
Vanity asks the question, is it popular,  
but conscience asks the question is it right."

To develop a backbone as a leader may not be an easy thing –  
but if one is to be a true leader it is an essential thing.

Dhyana Stanley





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Vanity asks the question, is it popular,  
but conscience asks the question is it right."

To develop a backbone as a leader may not be an easy thing - but if one is to be a true leader it is an essential thing.

Dhyana Stanley



Please vote "ought not approve" the nomination of Gerald Reid to serve as Commissioner of the Department of Environmental Protection.

Respectfully,

Nancy Conway  
Hollis



Testimony neither for nor against the nomination of Gerald D, Reid for the appointment as Commissioner of the Department of Environmental Protection.

Submitted by Representative Jeffrey Evangelos, House District 91. Submitted January 31, 2019 to the Joint Standing Committee on Environment and Natural Resources.

Senator Carson, Representative Tucker, and other distinguished members of the Environment and Natural Resources Committee.

Good morning. First, I'd like to acknowledge that our new Chief Executive is off to a great start and I'm very happy with almost all of the initiatives that have been undertaken since the inauguration. However I have serious reservations as to whether Mr. Gerald Reid is the best fit for the position of Commissioner of the Department of Environmental Protection. While Mr. Reid is a fine man and a dedicated public servant, his role in the Maine Attorney General's Office served to undermine the interests of the Penobscot Nation. Mr. Reid played an integral role in arguing against the sovereign interests of the Penobscots, who have very legitimate issues regarding the management of the Penobscot River.

The Penobscots have managed their portion of the river with great care and in fact have managed the river to standards that are higher than the State of Maine. Given that this is the case, I've had a hard time accepting the State's arguments in court, and elsewhere, against the Penobscot Nation when it comes to the Penobscot River. In fact, Mr John Banks, the Penobscot Nation's environmental expert, is a nationally recognized leader in environmental stewardship. Our State should be grateful for his leadership.

Mr. Reid's nomination comes at the wrong place at the wrong time. With Maine's relations with our Native American Nations hitting a new low, his nomination sends a terrible signal to our Native American brothers and sisters.

Beyond all the important sovereignty issues, the issue of sustenance fishing is critical to the health and welfare not only the Penobscot Nation, but to all Maine people who fish and consume fish from the Penobscot River. In fact, the 2018 Inland and Fisheries Fishing Law booklet has the following warning, placed on the very last page of the booklet, Section A-4:

“Safe Eating Guidelines, Mercury warning, Penobscot River below Lincoln. I find it curious that this warning appears on the very last page of this law booklet.

Due to the poor weather today, I am also concerned as to whether all who may have wanted to participate in today's hearing may not be able to do so because of the ice and snow.

Please deliberate slowly on this nomination. Hear the concerns of our Native Americans and take their situation very seriously before you vote on this confirmation.

I'm unable to attend the hearing today in person, if possible, please read this testimony into the record.

Thank you for your consideration.

Respectfully,

Rep Jeffrey Evangelos

## Comments on Nomination of Gerald Reid

Senator Carson, Representative Tucker, members of the Environment and Natural Resources Committee:

Thank you for accepting these written comments on the nomination of Gerald Reid for DEP Commissioner as I am unable to travel to Augusta due to work responsibilities. I have shared my concerns and these comments with Mr. Reid and hope he will address them at the hearing.

My name is Jon Reisman. I am an associate professor of economics and public policy at the University of Maine at Machias. I worked on Clean Air Act implementation for the King administration, and have been active in environmental policy in Maine for more than 30 years. I am probably Maine's most prominent climate change policy "skeptic" (or realist).

In his capacity as AAG and Chief of the Natural Resources Division, Mr. Reid was the point man in climate change policy initiatives that raise concerns about transparency, the First Amendment, and the use of state power to further partisan and special interests. I hope he will assure the committee that as Commissioner he and the Mills administration will promote transparency, freedom of speech for all, including corporations and think tanks, and not use State power to benefit partisan and/or special interests.

As AAG, Mr. Reid joined a partisan State Attorneys General coalition investigating Exxon. The first action of the partisan coalition was to sign a common interest agreement which shielded them from FOIA requests (attached). Broad subpoena were issued to prominent think tanks. The investigation was and is an attack on the First Amendment rights of Exxon, the think tanks and any climate change policy skeptic who disagrees with the partisan AG coalition.

As a result of persistent FOIA requests from the Competitive Enterprise Institute, one of the think tanks targeted by the partisan AG coalition, efforts to use state AG powers to further the climate change policy agenda of Michael Bloomberg and environmental interest groups has come to light. Mr. Reid was the point man for Maine contacts with the Bloomberg effort, and this collusion was kept quite quiet and opaque. I hope it will not continue when Mr. Reid becomes DEP commissioner, but I have little confidence that will be the case.

I include some links on the Bloomberg initiative to rent State AG offices for green special interests.

I would be happy to answer any questions the committee has. My e-mail is [jreisman@maine.edu](mailto:jreisman@maine.edu)

<https://cei.org/sites/default/files/Christopher%20Horner%20-%20Law%20Enforcement%20for%20Rent%20-%20Without%20Appendix%20-%20FINAL.pdf>

<https://cei.org/AGclimatescheme>

[https://www.theepochtimes.com/d-c-think-tank-sues-for-records-on-bloomberg-linked-climate-change-scheme\\_2745723.html](https://www.theepochtimes.com/d-c-think-tank-sues-for-records-on-bloomberg-linked-climate-change-scheme_2745723.html)





## CLIMATE CHANGE COALITION COMMON INTEREST AGREEMENT

This Common Interest Agreement (“Agreement”) is entered into by the undersigned Attorneys General of the States, Commonwealths, and Territories (the “Parties”) who are interested in advancing their common legal interests in limiting climate change and ensuring the dissemination of accurate information about climate change. The Parties mutually agree:

1. Common Legal Interests. The Parties share common legal interests with respect to the following topics: (i) potentially taking legal actions to compel or defend federal measures to limit greenhouse gas emissions, (ii) potentially conducting investigations of representations made by companies to investors, consumers and the public regarding fossil fuels, renewable energy and climate change, (iii) potentially conducting investigations of possible illegal conduct to limit or delay the implementation and deployment of renewable energy technology, (iv) potentially taking legal action to obtain compliance with federal and state laws governing the construction and operation of fossil fuel and renewable energy infrastructure, or (v) contemplating undertaking one or more of these legal actions, including litigation (“Matters of Common Interest”).

2. Shared Information. It is in the Parties’ individual and common interests to share documents, mental impressions, strategies, and other information regarding the Matters of Common Interest and any related investigations and litigation (“Shared Information”). Shared Information shall include (1) information shared in organizing a meeting of the Parties on March 29, 2016, (2) information shared at and after the March 29 meeting, pursuant to an oral common interest agreement into which the Parties entered at the meeting and renewed on April 12, 2016, and (3) information shared after the execution of this Agreement.

3. Legends on Documents. To avoid misunderstandings or inadvertent disclosure, all documents exchanged pursuant to this Agreement should bear the legend “Confidential – Protected by Common Interest Privilege” or words to that effect. However, the inadvertent failure to include such a legend shall not waive any privilege or protection available under this Agreement or otherwise. In addition, any Party may, where appropriate, also label documents exchanged pursuant to this Agreement with other appropriate legends, such as, for example, “Attorney-Client Privileged” or “Attorney Work Product.” Oral communications among the Parties shall be deemed confidential and protected under this Agreement when discussing Matters of Common Interest.

4. Non-Waiver of Privileges. The exchange of Shared Information among Parties—including among Parties’ staff and outside advisors—does not diminish in any way the privileged and confidential nature of such information. The Parties retain all applicable privileges and claims to confidentiality, including the attorney client privilege, work product privilege, common interest privilege, law enforcement privilege, deliberative process privilege and exemptions from disclosure under any public records laws that may be asserted to protect against disclosure of Shared Information to non-Parties (hereinafter collectively referred to as “Privileges”).

5. Nondisclosure. Shared Information shall only be disclosed to: (i) Parties; (ii) employees or agents of the Parties, including experts or expert witnesses; (iii) government officials involved with the enforcement of antitrust, environmental, consumer protection, or securities laws who have agreed in writing to abide by the confidentiality restrictions of this Agreement; (iv) criminal enforcement authorities; (v) other persons, provided that all Parties consent in advance; and (vi) other persons as provided in paragraph 6. A Party who provides Shared Information may also impose additional conditions on the disclosure of that Shared Information. Nothing in this Agreement prevents a Party from using the Shared Information for law enforcement purposes, criminal or civil, including presentation at pre-trial and trial-related proceedings, to the extent that such presentation does not (i) conflict with other agreements that the Party has entered into, (ii) interfere with the preservation of the Privileges, or (iii) conflict with court orders and applicable law.

6. Notice of Potential Disclosure. The Parties agree and acknowledge that each Party is subject to applicable freedom of information or public records laws, and nothing in this Agreement is intended to alter or limit the disclosure requirements of such laws. If any Shared Information is demanded under a freedom of information or public records law or is subject to any form of compulsory process in any proceeding ("Request"), the Party receiving the Request shall: (i) immediately notify all other Parties (or their designees) in writing; (ii) cooperate with any Party in the course of responding to the Request; and (iii) refuse to disclose any Shared Information unless required by law.

7. Inadvertent Disclosure. If a Party discloses Shared Information to a person not entitled to receive such information under this Agreement, the disclosure shall be deemed to be inadvertent and unintentional and shall not be construed as a waiver of any Party's right under law or this Agreement. Any Party may seek additional relief as may be authorized by law.

8. Independently Obtained Information. Provided that no disclosure is made of Shared Information obtained pursuant to this Agreement, nothing in this Agreement shall preclude a Party from (a) pursuing independently any subject matter, including subjects reflected in Shared Information obtained by or subject to this Agreement or (b) using or disclosing any information, documents, investigations, or any other materials independently obtained or developed by such Party.

9. Related Litigation. The Parties continue to be bound by this Agreement in any litigation or other proceeding that arises out of the Matters of Common Interest.

10. Parties to the Agreement. This Agreement may be executed in counterparts. All potential Parties must sign for their participation to become effective.

11. Withdrawal. A Party may withdraw from this Agreement upon thirty days written notice to all other Parties. Withdrawal shall not terminate, or relieve the withdrawing Party of any obligation under this Agreement regarding Shared Information received by the withdrawing Party before the effective date of the withdrawal.

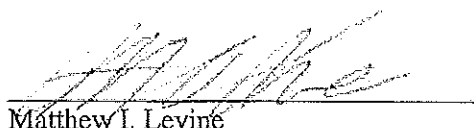
12. Modification. This writing is the complete Agreement between the Parties, and any modifications must be approved in writing by all Parties.

Dated: May 18, 2016



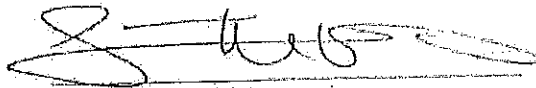
Michele Van Gelderen  
Supervising Deputy Attorney General  
Consumer Law Section  
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Tel, (213) 897-2000

Dated: May 3, 2016



Matthew I. Levine  
Assistant Attorney General  
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P.O. Box 120  
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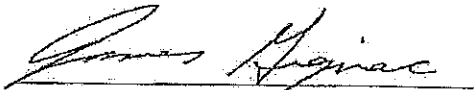
Dated: May 2, 2016



Elizabeth Wilkins  
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Washington, D.C. 20001  
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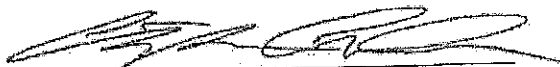
\*Admitted to practice only in Maryland. Practicing in the  
District of Columbia under the direct supervision of Natalie O.  
Ludaway, a member of the D.C. Bar pursuant to D.C. Court of  
Appeals Rule 49(c).

Dated: May 2, 2016



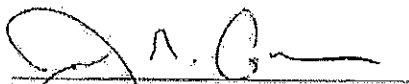
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Dated: April 29, 2016



CHRISTOPHE COURCHESNE  
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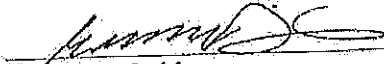
Dated: May 10, 2016



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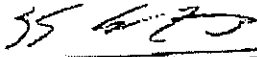
Dated: May 5, 2016

  
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Chief, Natural Resources Division  
Maine Office of the Attorney General  
(207) 626-8545  
jerry.reid@maine.gov

Signature: Karen D. Olson Date: 5/16/16

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Dated: April 29, 2016

  
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Dated: May 6, 2016

Tania Maestas

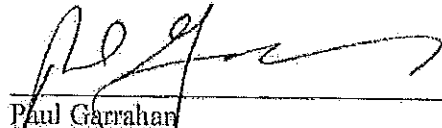
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Dated: May 2, 2016

Monica Wagner

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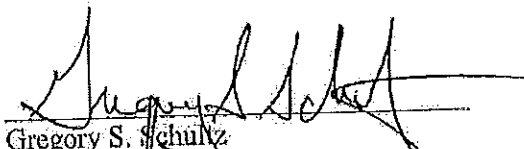
Dated: April 29, 2016



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Dated: April 28, 2016

  
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Dated: May 9, 2016

*Rhodes B. Ritenour*

5/9/16

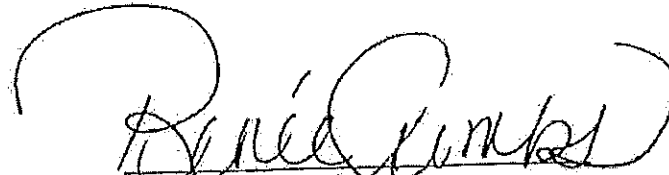
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Dated: May <sup>4th</sup> 10, 2016

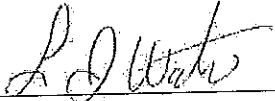


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Dated: April 29, 2016

*Nicholas J. Persampieri*  
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Dated: MAY 1, 2016

  
\_\_\_\_\_  
Laura J. Watson  
Senior Assistant Attorney General  
Washington State Office of the Attorney General  
(360)-586-6743  
Laura.watson@atg.wa.gov



January 29, 2019

re: Nomination for Commissioner of the Department of Environmental Protection

Dear Committee Members,

First, please come to grips with the truth that without water, there is no life.

Now please consider:

Serving Governor LePage, Janet Mills and Patricia Aho filed suit against the EPA in 2015 in an effort to lower water quality standards in the Penobscot River. Jerry Reid presented the State's arguments in Court.

You have to ask why. Why oppose higher water quality standards that would restore a body of water to a healthy state that would allow fish to thrive and the people that eat those fish to live without fear of cancer and other diseases?

Now Mills nominates Mr. Reid for the Commissioner of the DEP. The same man who argued in court against EPA's higher water quality standards for the Penobscot River, specifically targeting "Indian waters." His lies made a fool of himself, provoking the Judge's ridicule, when he insisted that the Penobscot Indians never used canoes or boats to fish the waters surrounding their lands.

But this is not just about the Penobscot River and its people.

Have you heard that Canada has attempted to bring the dirtiest form of shale oil from the Tar Sands pits through Maine on its way to ports and refineries, exposing our natural resources to unnatural disasters?

Have you heard that Canada is proposing to bring a massive hydroelectric grid system through Maine for the benefit of residents of Massachusetts, and of no benefit to Maine?

What else would Jerry Reid do to make it easier for industry to pollute our water and air in the name of short-term profit? Have we not learned anything from the disastrous policies that led to a crisis in climate change?

Please do the right thing. Jerry Reid has not demonstrated he is interested in Environmental Protection. There are better candidates to choose from.

In hopes that you will vote NAY,

Nancy E. Galland  
Stockton Springs, Maine



## Milligan, Casey

---

**From:** Barbara Kates <bkates50@hotmail.com>  
**Sent:** Tuesday, January 29, 2019 4:51 PM  
**To:** Milligan, Casey  
**Subject:** Nomination of Gerald Reid

Dear Member of the Environment and Natural Resources Committee,

Thank you for reading this letter. I am a citizen of Bangor. I am writing to ask you to not support the nomination of Gerald Reid for Commissioner of the Department of Environmental Protection

I ask you to do this for two reasons. One is that the role most needs someone with skills in science and bringing people together. Legal advocates are not trained or experienced in either of these ways.

Secondly, it is long past time that Maine seriously invested in working with Wabanaki communities and tribal governments on environmental protection. The benefits of such collaborations are enormous. Together we can restore the health of our lands, waters, and communities. Mr. Reid cannot provide this leadership due to recent court cases where he represented the state worked against the tribes' interests and against the interests of non-Native Mainers like myself.

You may wonder why the legal cases against tribal interest should be the focus of a nomination. We have a history of genocide here. Penobscot Chief Francis said that Maine's effort to assert control of the waters around the Penobscot Nation's islands was an existential issue for his people. Such a statement from the leader of a people who have experienced genocide in their home territory must be taken seriously. Then Attorney General Janet Mills said she was only doing her job when she directed Reid to fight the case in court. People just doing their jobs have done great harm to marginalized people. It is time to send a message to stop harming Wabanaki people.

Please lead us in becoming the Maine we want to be. A place that honors our heritage and looks to the future building on our strengths. Mr. Reid represents diminishing one community to build up a more powerful community. That is not who we want to be.

Thank you for your consideration.

Sincerely,

Barbara Kates

Bangor Maine



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TO: Legislators of the Environmental and Natural Resources Committee

I'm writing to submit a statement about Gerald Reid.  
I do not think he should be appointed as Director of the Maine DEP.

He worked to keep water rights from the Penobscot nation.  
If Janet Mills is serious (and I hope she is) to improve relations with  
Indigenous people of our state, then appointing Mr Reid is  
not the direction to go.  
If the legislature wants to see improved relations with Indigenous peoples of our State, do not  
approve Gerald Reid.

Once again, please vote **NO on the appointment of Gerald Reid.**

**Submitted by,**  
**Susan Bakaley Marshall**  
**Montville Maine**  
**[wiserock@fairpoint.net](mailto:wiserock@fairpoint.net)**



Hello.

My name is Regina Rooney and I am a resident of Hope, Maine. I am writing today as a private citizen to respectfully ask you to oppose the nomination of Gerald Reid to the Maine DEP.

While Mr. Reid may be a qualified candidate in many ways, his nomination undercuts the new administration's stated commitment to improving relations with our Penobscot neighbors. Should Mr. Reid be appointed, I believe that Mainers will find ourselves even more challenged than we currently are to repair relationships with all of Maine's four tribes and to address the historical harm that the state and its citizens have done to tribal people. Too often, we have prioritized other interests above those of Maine's tribal citizens, and I think it is about time we make a different choice. This nomination is an opportunity for us to do just that.

Please oppose Mr. Reid's nomination so that we can appoint another qualified candidate who will not carry with them the contentious history Mr. Reid brings.

Thank you.

Regina Rooney  
954 Hatchet Mountain Rd.  
Hope ME 04847



Dear Governor Mills,

I am so glad we have you as governor. Better days are coming!

However, I am very disturbed by the nomination of Reid. His history with the tribes is so negative, I don't see how they can be anything but angry at his appointment.

I have not seen a direct response from you about the problems he presents to state-tribal relations. What is going on? Aren't there candidates with his expertise who do not have record of opposing tribal rights; recognizing broken treaties way, way back; over-running tribal sovereignty with preference to industrial and political power?

I beg you to reconsider this decision

Anxiously,

Nancy Holmes



Good Morning

I often ride Amtrak from Boston to New Haven to visit my grand children and we pass by many rivers and estuaries. So many of them are treated with disrespect... boat yards, oil storage facilities, sewage treatment plants, dumps of various kinds. Rivers are so easily seen as the equivalent of sewage pipes for our waste. This is the water my grandchildren will need in the future for drinking... basically for staying alive!!

Maine rivers are, on the whole still healthy, partly because the same kind industrial pressure has not yet blossomed. At this point in our history it has been native American tribes that have spoken out for our water ways, sometimes under great risk. Jerry Reid has made it clear that he will not encourage or even allow the Penobscot nation to have input into plans for the river that runs through their land. I find that very suspect and short sighted. Do we really want to see our waterways become polluted. I am not sure Jerry Reid is committed to protecting them!

Please do not accept his nomination. I am sure there are many more qualified people to protect our environment.

Thanks You  
Gale McCullough





## Milligan, Casey

---

**From:** Barbara Kates <bkates50@hotmail.com>  
**Sent:** Tuesday, January 29, 2019 4:51 PM  
**To:** Milligan, Casey  
**Subject:** Nomination of Gerald Reid

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Thank you for your consideration.

Sincerely,

Barbara Kates

Bangor Maine



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## Milligan, Casey

---

**From:** Cristina Malcolmson <cmalcolm@bates.edu>  
**Sent:** Tuesday, January 29, 2019 3:35 PM  
**To:** Milligan, Casey  
**Subject:** Testimony on Jerry Reid's qualifications

I am writing to express my strong opposition to Gov. Mills' appointment of Jerry Reid as Commissioner of the Department of Environmental Protection.

As a life-long Democrat, I was planning to vote against Gov. Mills because of her participation in stealing the river (another version of colonial theft) from the Penobscot Nation. However Donna Loring, a well-known member of the tribes in Maine, convinced me to vote for Mills by endorsing her in a letter in the Portland Press Herald. Now we see with this appointment that Gov. Mills does not respect the rights of the tribes since she has named the very person as Commissioner to the DEP who represented her in the case against the Penobscot Nation. Mr. Reid sided with polluting corporations during this time and as such does not reflect the qualities I'd like to see in the person heading the DEP. Gov. Mills' appointment speaks against any good-will effort to repair the state's frayed relationship with the tribes. Please do not endorse this appointment. For another articulation of this position, please see the letter printed on January 9, 2019, in the Portland Press Herald:

<https://www.pressherald.com/2019/01/09/letter-to-the-editor-gov-mills-steadily-targeting-tribal-rights/>

Sincerely,  
Cristina Malcolmson  
Professor Emeritus of English, Bates College  
70 Gleckler Road  
Portland, ME 04103  
773-5707



January 29, 2019

re: Nomination for Commissioner of the Department of Environmental Protection

Dear Committee Members,

First, please come to grips with the truth that without water, there is no life.

Now please consider:

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In hopes that you will vote NAY,

Nancy E. Galland  
Stockton Springs, Maine



## Milligan, Casey

---

**From:** Karen Marysdaughter <karenmd@myfairpoint.net>  
**Sent:** Wednesday, January 30, 2019 8:41 AM  
**To:** Milligan, Casey  
**Subject:** Confirmation hearing re: Gerald Reid for DEP Commissioner

To the members of the Committee on the Environment and Natural Resources: Greetings.

I am writing as a member of the Peace & Justice Center of Eastern Maine. I am a resident of Bangor, the ancestral homeland of the Wabanaki people through which flows the Penobscot River. We owe a great debt to the Penobscot Nation for their stewardship of the River. They have fought long and hard for not only their right to fish the River, but the right to a level of water quality that maintains safe and abundant fishing. We all benefit from their struggle and vigilance.

Many of the Native people who have been most active in the fight to safeguard the health of the River and the rights of the Penobscot Nation to continue as stewards of the River, are telling Governor Mills and our elected officials that they are opposed to the nomination of Gerald Reid as DEP Commissioner. Mr. Reid has actively participated in the lawsuits involving the Penobscot Nation's rights to the River and the water quality of the River. At best, his appointment is a slap in the face of the tribes; at worst it is giving leadership to someone who does not have the best interests of the environment of Maine at heart.

I have participated in a number of the recent hearings regarding the Juniper Ridge Landfill in Old Town, which also represents a real threat to the health of the River and those who live along it, most especially the Penobscot Nation right next door to it. Decision after decision has favored business interests over the interests of those most affected by the proximity of this massive dump of toxic materials. We need a major departure from these types of policies and procedures. Given Mr. Reid's participation in litigation that attacks indigenous rights and water quality protection, he is not the person for the job.

I urge you to reject Mr. Reid's nomination and join the Native and non-Native citizens who have dedicated many years to protecting water quality in Maine in calling for the nomination of someone who can lead the DEP without the conflicted interests that Mr. Reid appears to have.

Karen Marysdaughter  
[karenmd@myfairpoint.net](mailto:karenmd@myfairpoint.net)  
207/262-3706 (home)  
207/930-5440 (cell)





## Milligan, Casey

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**From:** Phoenix TKD <phoenixtkd@roadrunner.com>  
**Sent:** Wednesday, January 30, 2019 7:47 AM  
**To:** Milligan, Casey  
**Cc:** phoenixtkd@roadrunner.com  
**Subject:** Nomination of Gerald D. Reid

Dear Sir or Madam,

sent 7:45 am, 1/30/19

My name is Linda R. Harrell. I am writing for myself and my husband Henry C. Harrell for the purpose of opposing the nomination of Gerald D. Reid for Commissioner for the Department of Environmental Protection. I am a 35 year resident of Augusta and have a well and a long term interest in the water quality of the Kennebec River.

Because of this interest in drinkable water for all people of the State of Maine, we became interested in the issues involved in the Penobscot Nation vs Mills River case as well as the Juniper Ridge Landfill project, and have been allies of the Penobscot People for five years as a result of our findings.

We feel a high level of interest and involvement in the river here. My children have gotten their water from this watershed. We grow food here. We can only imagine the feeling of being stewards for the Penobscot for thousands of years. We are very much aware of the position taken by Mr. Reid that allowed higher levels of leachate and pollution to be entered into a river for which the Penobscot People both depended and felt responsible to. We are also aware of his assertion that the Penobscot never fished from the water, which is simply inaccurate. This assertion cannot have been researched to any appreciable degree. There is an abundance of information spanning the length of historical contact about this.

I am not going to send legal arguments. I am not Penobscot. The burden of law is not my expertise. There is a wealth of information suggesting the use of Maine's waterways by the Native people who depended on them for sustenance and for whom they felt responsibility. They shared knowledge about these waterways with non-Native people. The Penobscot, in my 50 years experience here and historically, have always been identified as strictly a riverine people. The river does not belong to them, they belong to it.

I have read the job description for Commissioner. It states that the successful candidate is charged to 'protect and improve the environment and resources.' And to 'preserve an ecologically sound environment.' I don't feel that Mr. Reid's support of lowering water quality standards represents this level of commitment. It gives the power to 'prevent pollution of the natural environment.' We do not feel that Mr. Reid, by virtue of his support of corporate entities and interest holders on the Penobscot, will see this as a priority. We are very concerned that the precedent set in Penobscot Nation vs. Mills through the shallowness of its research will become expanded to lack of concern for all Maine citizens at a time when complacency and climate change make vigilance essential.

Please consider another candidate for this position.

Linda R.  
Harrell



## Milligan, Casey

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**From:** Elaine Tselikis <etselikis@gmail.com>  
**Sent:** Wednesday, January 30, 2019 12:18 AM  
**To:** Milligan, Casey  
**Cc:** LaCroix, Linda  
**Subject:** PUBLIC COMMENTS\_Nominee Confirmation Hearing\_Commissioner of the Department of Inland Fisheries and Wildlife

### **Dear Members of the Joint Standing Committee On Inland Fisheries and Wildlife:**

Thank you for reading my concerns over MDIFW's special-interest leanings and outdated mission to continue cruel lethal trapping, hounding, baiting & trophy killing as so-called "wildlife management."  
(What follows is not about fair-chase hunting for food, which reflects a fraction of the minority of people who kill wildlife.)

I appreciate Ms. Camuso's background in bird biology and her public relations ability. However, I have grave concerns that she will continue to represent the status quo of MDIFW, which is the captured agency of a minority of trapping and trophy killing lobbyists – instead of the 85% majority of Mainers who do not exploit wildlife as consumptive objects. Most Mainers love wildlife. Revenue from viewing, appreciating and co-existing with living wildlife is greater than that from killing wildlife.

Despite Ms. Camuso's charming demeanor, I recall her full-throated support of barbaric hounding, trapping and baiting bears for trophies. Apparently, she has been with MDIFW for nearly 12 years and is strongly endorsed by the Sportsman's Alliance of Maine and Maine Trappers Association. In all her years with MDIFW, there is little to no evidence to support she is willing to break free from the lethal, non-science based, and 19th century anti-Nature, consumptive agenda against Maine wildlife. Rather than being a fresh outside breath of air for positive change, she seems to be part of the cloistered problem of the MDIFW Club.

I hope I am eventually proven wrong, as I will be watching closely how Ms. Camuso exercises her privileged role -- especially if she breaks with her past to make deeply needed and genuine reform of MDIFW. Notably:

- to elevate the needs of Wildlife and their natural Habitats in their own right – and not as defined by the special-interest consumptive agenda of MDIFW and its cohorts.
  - to bring MDIFW into the age of public accountability and participation that reflects the majority population that includes pro-wildlife Mainers.
  - to ditch the entire license fee structure and killing mission of MDIFW, which is unsustainable and unreasonable.
- 
- We need a leader in this position who understands how democratic process works – of the people, by the people and for the people -- and not someone who caters to special interests that represent 10-12% of Maine's population.
  - We need a progressive, bold leader who embraces the growing Compassionate Conservation movement, not one who accepts and promotes medieval trapping, and hounding/dogfighting that includes the cruelty chain by "sport" trophy killers who, in some regions, use live animals as "trainers" and "bait" mixed in with junk food.
  - We need a leader who is not afraid to expose investigations and go after perpetrators of wildlife cruelty, be it trappers, hounders, poachers, or murderers of captive animals in backwoods zoos, whose horrific treatment toward wildlife was publicized in a reputable national magazine.



- We need a leader who believes in genuine science that engages in external peer review and asserts that that no serious solution for Climate Change can occur without recognizing, supporting and protecting wildlife, woods, waters and especially carnivores.
- We need a leader who is curious about and acknowledges the science coming out every day about the sentience of wild animals and their relationships, and how their roles are vital to healthy ecosystems.
- We need a leader who does not believe that Nature made a mistake in her diverse Creation, and that wild animals have the right to live wild and free in their homes.
- We need a leader who is serious about protecting, creating and expanding wildlife corridors.
- We need a leader who is creative and exercises non-lethal means of wildlife management whenever possible.
- We need a leader who is self-critical and willing to discuss that we need “human management” when it comes to checking invasive, destructive behaviors toward wildlife and habitats.
- We need a leader who is willing to consider re-wilding apex carnivores back into this area, like wolves and mountain lions, who were exterminated by men, and whose removal has thrown Nature’s best wisdom and “management” into disarray.
- We need a leader who believes “the environment” is not just land for humans, but who will stand up to fiercely protect it as the rightful, undisturbed home of wild animals – from the bee to the bear -- whose very lives re-create, strengthen and protect it.
- We need a bold leader who will confront the old belief that carnivores are harmful; that Nature is to be eradicated; and the arrogant view that only humans know how to “manage” Nature. This is destructive to life on earth, as more scientists verify, and we see happening before our eyes with rapid changes in our climate as we reduce rich biodiversity to weak monocultures. This patriarchal prejudice, consumptive avarice, sense of entitlement and outright violence has led to animal genocide, deforestation, the rise in human autoimmune disease and the mess we are in with our climate.
- We need a leader who educates the public about how human disruption of wild lands and large carnivore populations has led to crop damage, altered stream structures, and changes to the abundance and diversity of birds, mammals, reptiles and invertebrates. Carnivores not only keep herbivores in check, they allow woody plants to flourish and store more carbon, and act as a buffer against Climate Change.
  - *“Human tolerance of these species is a major issue for conservation. We say these animals have an intrinsic right to exist, but they are also providing economic and ecological services that people value. Nature is highly interconnected. The work at Yellowstone and other places shows how one species affects another and another through different pathways. It's humbling as a scientist to see the interconnectedness of nature.” [Prof William Ripple, Department of Forest Ecosystems and Society, Oregon State University.]*
- We need a leader based in science (not science-fiction) with compassion and common sense enough to know that feeding bears increases their populations.
- We need a leader who is not skittish about giving all Mainers a seat at the table we deserve – and not just the closed club of consumptives.
- Above all, we need leaders who truly love animals, the wilderness, and are courageous and willing to break free from the grip of cruel, 19th century consumptive agenda.



- We need leaders who will reform MDIFW and turn Maine toward a new potential to be a national leader of Compassionate Conservation and a Green Revolution.
- Otherwise, it's the same old, closed door, status quo: bad for wildlife, bad for woods, bad for waters, and bad for the majority of Mainers, who are growing impatient with this "Big Game."

Thank you for you time in this process,

Elaine Tselikis  
South Portland ME





## Milligan, Casey

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**From:** Marissa Caminiti <asilverlining.me@gmail.com>  
**Sent:** Tuesday, January 29, 2019 11:42 PM  
**To:** Milligan, Casey  
**Subject:** Testimony DEP

Dear Senators and members of the committee,  
My name is Marissa Caminiti. I am from Gray. I am writing to oppose Gerald Reid's appointment to Maine's DEP.

Maine has been my home for my entire life. I am a 'millennial'. I have seen Maine's environment decline over the course of my 31 years of life due to encroaching development and industry. The state of Maine expresses much interest in ways to retain its young people. Well, I can firmly say that its beautiful environment is the only thing that keeps me here, especially since there are better economic opportunities elsewhere. If Maine intends to keep its youth, it needs to protect the environment.

It seems that everywhere we look in the USA, we see environmental catastrophe. It is difficult for me to look at. I have found myself reciting this line from the bible in order to cope with these tragedies: "Forgive them, for they know not what they do."

The person whom I would least like to recite this line for is the representative for Maine's Department of Environmental Protection. This is a very important role, and the person filling this role should very much know what they are doing. I do not see how Mr. Reid will live up to this job title of "protecting" the "environment" if he argues against the Penobscot Nation's treaty right to sustenance fishing. The fish in that river are already polluted, and the DEP needs to prioritize making them healthy again, rather than opposing cleaner water standards which would make them even more toxic.

Mr. Reid has proven his stance concerning the environment and it does not align with the best interests of Maine's people who live here, work here, grow food here, fish here, and vacation here.

I think we can learn from what we have seen elsewhere in the USA and know how vital it is to protect what we have here in Maine. Furthermore, Maine has an opportunity to develop a renewed relationship with Maine's Indigenous People's if we work together to find an alternative candidate who is mutually agreed upon by both the State and Tribal councils. The appointment of Jerry Reid is a step in the wrong direction. We need to build trust, work together, and respect Tribal Sovereignty.

Thank you for your time,  
Marissa Caminiti



## Milligan, Casey

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**From:** Deb Soule <debmaysoule@gmail.com>  
**Sent:** Tuesday, January 29, 2019 9:09 PM  
**To:** Milligan, Casey  
**Subject:** DEP nomination

I oppose the nomination of Gerald Reid to be the Commissioner of the Maine State Department of Environmental Protection (DEP) and encourage Janet Mills to seek a Commissioner who has not actively fought to erode the sovereignty of the Penobscot Nation.

Sincerely,  
Deb Soule  
Rockport, Maine



## Milligan, Casey

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**From:** Chelli Stanley <chlstan@yahoo.com>  
**Sent:** Tuesday, January 29, 2019 9:29 PM  
**To:** Milligan, Casey  
**Subject:** no Reid nomination

Hi, I am submitting my objection to Gerald Reid being appointed as the Maine DEP commissioner. I live in Waterville, and would like someone appointment who has a record of caring about the land, water, nature, and environment, and who understands what that means. He has lied to try to poison the Penobscot River and should not be put into that position. He has lied about the Wabanaki people in order to poison their water. He is not worthy of that position, and does not represent the will of the people of Maine at all.

Thank you,  
Michelle Stanley



## Milligan, Casey

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**From:** Bob Klotz Jr <knowpower@hotmail.com>  
**Sent:** Tuesday, January 29, 2019 10:50 PM  
**To:** Milligan, Casey  
**Subject:** Please oppose the nomination of Gerald Reid to the DEP

TO: Environment and Natural Resources Committee  
FROM: Bob Klotz, Jr.; 10 Whitehall Avenue, South Portland, Maine

**RE: Please vote "ought to oppose" Jerry Reid's nomination to the DEP**

To whom it may concern:

It's literally that easy: Mr. Reid does not deserve to head the DEP.

There is a great deal of information that is available to you that should save us both time with regard to this matter, but the key ones are:

1. Despite Gov. Mills' suggestion of her administration's intent to work with the native tribes, the nomination of Mr. Reid is a slap in the face
2. Mr. Reid's aggressiveness with regard to the tribes, especially with his stance in the Penobscot Nation vs Mills case, is unacceptable.

*As per 350 Maine: We call for Janet Mills to listen to the Wabanaki people speaking up in opposition to the nomination of Gerald Reid and rescind her nomination. The original stewards of this land deserve a DEP Commissioner who has not actively fought to further erode their sovereignty and one in whom they can trust.*

Ultimately, we need an appointee who will stand up for our environment and with the Wabanaki -- that is NOT Mr. Reid.

Please vote "ought to oppose" this unacceptable nomination.

Thank you.

Bob Klotz

**Tell me, what is it you plan to do  
with your one wild and precious life?**

-- from "The Summer Day" by Mary Oliver





Testimony of Michael Belliveau  
Executive Director, Environmental Health Strategy Center  
before the Joint Standing Committee on Environment and Natural Resources  
regarding the nomination of Gerald D. Reid  
for Commissioner of the Maine Department of Environmental Protection  
30 January 2019

Good morning, Senator Carson, Representative Tucker, Ranking Member Campbell, and members of the Environment and Natural Resources Committee.

My name is Michael Belliveau and I live in Hudson, Maine. I am the founder and executive director of the Environmental Health Strategy Center, a public health organization that works to ensure that all people have access to safe food and water, and everyday products that are toxic-free and climate-friendly. We have offices in Bangor and Portland, and about 10,000 supporters in Maine. We work nationally with partners based in Washington, DC.

We support the nomination of Jerry Reid as Commissioner of the Maine Department of Environmental Protection (DEP). However, we remain very concerned about one policy he's advocated that has effectively denied environmental justice to Maine's tribal nations by opposing water quality standards necessary to restore sustenance fishing rights. We support the nominee, but not that policy, which we urge the Legislature to change.

**Qualifications.** Mr. Reid is highly qualified for this position. As an experienced environmental attorney, he has extensive working knowledge of many of the laws and regulations the DEP is responsible for implementing and enforcing. In his role in the Attorney General's office, he and his team represented and defended DEP in policy and legal matters. He has long-standing professional relationships with senior DEP staff, and management experience as Director of the Natural Resources Division in the AG's Office.

**Character.** In my limited direct experience, Mr. Reid has demonstrated professional integrity, honesty, and even-handedness. He's approachable and you can reason with him. He freely shares information and is a good listener. I've not participated in or observed Mr. Reid in an adversarial legal proceeding, so I can't comment directly on either his strength as an advocate on behalf of his client or his fairness in the treatment of his legal opponents.

**Policies.** With one exception, Mr. Reid has repeatedly defended and advanced enforcement of state and federal laws to protect Maine's environment and public health. He assisted us once in challenging the LePage Administration's abuse of discretion in implementing Maine's Kid Safe Products Act. We look forward to working with the new Administration to better protect Maine children's environmental health from toxic chemicals in products.



Our one policy disagreement stems from Mr. Reid representing Maine in litigation opposed to water quality standards necessary to restore sustenance fishing for Maine tribes.

Beginning fifteen years ago, as a result of government-to-government dialog between the U.S. Environmental Protection Agency (EPA) and Maine tribes over sustenance fishing rights, the federal agency stopped approving Maine water quality standards for Indian waters. Five years ago Maine sued the Obama EPA for inaction. EPA then rejected Maine's standards because they failed to adequately protect human health. (See attached Timeline).

After the State failed to take corrective action, the Obama EPA adopted water quality standards for Maine Indian waters that are nearly ten times more protective of human health for methylmercury in fish than the State's, for example. Many fish from Maine waters remain unhealthful to eat because of methylmercury, which harms brain development during pregnancy and childhood, and increases the risk of deadly heart disease.

The State of Maine has since petitioned the Trump EPA to overturn the more protective health standards for Maine tribal waters. The court has allowed EPA a year to reconsider. The federal water quality standards remain in effect while the litigation continues.

The State views this as a jurisdictional dispute over its ultimate authority to decide who to protect and what water quality standards to adopt. However, through its aggressive legal advocacy, Maine has effectively denied environmental justice to the Penobscot Nation and other Maine tribes, which never surrendered their sovereign right to fish for sustenance.

Reading the State's Motion for Judgment,<sup>1</sup> which has Mr. Reid's name on it, one is struck by the voracity of its attack on the history, culture, and self-governing status of Maine tribes:

"EPA wrongly claims that the right to take fish ... is a reserved aboriginal right "rooted in treaty guarantees that were upheld through the settlement acts."" (page 47)

"The new requirement that tribes comprise the "target" population of any fishing use in Indian Waters is also contrary to EPA's guidance recognizing the authority of states to define the populations that they choose to protect." (page 50)

"EPA may not require that Maine adopt any special rights, protections, or WQS (water quality standards) for members of the Maine Tribes or for Maine's Indian Waters based on uniquely tribal considerations." (page 60)

It's easy to understand how the State's relentless legal advocacy has been widely construed as environmentally unjust. Tribal people in Maine and elsewhere suffer from hundreds of

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<sup>1</sup> ECF 118, *State of Maine v. McCarthy*, U.S. District Court of Maine, Case No 1:14-cv-00264



years of racism, poverty, ill health, and lack of access to resources. As a result of the combined effects of all these stressors, tribal people are more susceptible to the effects of the toxic pollutants in fish. And with greater cultural dependence on those resources for sustenance, the tribes face much higher health risks than the general population.

## CONCLUSION

We urge this Committee and the Legislature to both support this nominee AND to change the policy that's in dispute. Although you can't directly resolve or settle a legal conflict, you can make state law. You are the policymakers for the State of Maine.

We need a new state policy that designates "sustenance fishing" as a beneficial use of Indian waters in Maine, and that requires adoption of health-protective water quality standards for mercury and other toxic pollutants based on historic fish consumption rates.

Thank you for your consideration. I'd be happy to answer any questions.

Enclosure:

TIMELINE of Legal Conflict over Water Quality Standards in Maine Indian Waters



## **TIMELINE of Legal Conflict over Water Quality Standards in Maine Indian Waters**

2004 – The U.S. Environmental Protection Agency (EPA) begins to withhold federal approval of Maine’s water quality standards for Indian waters.

July 2014 – The State of Maine sues EPA to force a federal decision on pending water quality standards for Indian waters.

February 2015 – The Obama Administration EPA disapproves Maine’s water quality standards for toxic pollutants. EPA determines that Maine’s human health criteria are based on fish consumption rates that are far too low to protect sustenance fishing.

October 2015 – The State of Maine amends its lawsuit against EPA arguing that the federal disapproval of water quality standards for Indian waters should be overturned.

April 2016 – EPA formally determines that sustenance fishing is a designated use of Indian waters in Maine and proposes new water quality standards including human health criteria to protect sustenance fishing based on much higher fish consumption rates.

December 2016 – After responding to public comment, EPA adopts the final water quality standards for Maine Indian waters, with only minor changes, which remain in effect today.

February 2017 – The State of Maine petitions the Trump Administration EPA to reconsider its disapproval of Maine’s water quality standards for Indian waters, delaying the litigation.

December 2017 – The Trump EPA initially decides *not* to reverse previous EPA disapprovals of Maine’s water quality standards for Indian waters.

February 2018 – Maine’s motion for judgment in the lawsuit argues that EPA wrongly acted and that the tribes have no sustenance fishing rights and have no special right to more protective water quality standards than anyone else in Maine.

July 2018 – The Trump EPA asks the court to remand the issue, because the agency now wants to reconsider its disapproval of Maine’s water quality standards for Indian waters.

December 2018 – The court remands back to EPA the reconsideration of its disapproval of state-adopted water quality standards, with the federally adopted standards remaining in place in the interim, and with litigation over the State’s legal claims delayed for one year.

December 2018 – The court also rules that the Penobscot Nation may proceed with a counter-claim to determine whether it has a statutory right to engage in sustenance fishing, which carries with it a right to water quality that ensures that there will be fish of sufficient quality and quantity to safely sustain the tribe. (Such right would require Maine to adopt water quality standards that protect sustenance fishing within Indian waters.)





January 30, 2019

To: Senator Carson, Representative Tucker, and members of the Committee on Energy and Natural Resources

My name is Diane Oltarzewski and I live in Belfast.

I believe that the importance of the role and remit of Maine's Commissioner of Environmental Protection cannot be overstated. Protection of our ecosystem depends on a neutral consideration of science, and a commitment to uphold the highest federal standards for the safety of our air and water, our soil and our wetlands. Protection of our ecosystem requires unequivocal respect for the Clean Water Act, *especially* as it applies to Indigenous Sustenance Fishing Rights.

Many voices have been raised this year to support an equal seat at the table for the First People of Maine. The Wabanaki people speak of, and try to live, their indissoluble relationship with Maine rivers, and the sacred responsibility they feel for stewardship of traditional land and water. This moment represents a golden opportunity for us to move forward together, with mutual respect, toward intelligent co-management of the natural resources we all enjoy so much. Please, we must not squander it. For the sake of our children, we deserve and must have a Commissioner who is very clear that business-as-usual - that "settled regulation" - that corporate and industrial profit cannot outweigh the need of all living things for clean water.

Hope and despair hang in the balance - if our children are to believe they have a meaningful future, we must provide them with a Department led by someone they can trust to do the right thing.

It is my personal opinion that - due to his lack of scientific expertise and his evident ignorance of and disrespect for the Rights of Indigenous People - Mr. Reid is not the best person to fill this role. I urge you to examine his motivations and mindset very carefully, and to consider alternatives.

We must not squander this opportunity to correct the historic power imbalance between state and tribal leadership. We cannot afford to let the hope so many feel today be smothered - once again - in an atmosphere of distrust and polluted thinking.



In considering this nominee, you too have a sacred responsibility. Our children are depending on you to ensure the viability of our shared ecosystem.



Testimony neither for nor against the nomination of Gerald D, Reid for the appointment as Commissioner of the Department of Environmental Protection.

Submitted by Representative Jeffrey Evangelos, House District 91. Submitted January 31, 2019 to the Joint Standing Committee on Environment and Natural Resources.

Senator Carson, Representative Tucker, and other distinguished members of the Environment and Natural Resources Committee.

Good morning. First, I'd like to acknowledge that our new Chief Executive is off to a great start and I'm very happy with almost all of the initiatives that have been undertaken since the inauguration. However I have serious reservations as to whether Mr. Gerald Reid is the best fit for the position of Commissioner of the Department of Environmental Protection. While Mr. Reid is a fine man and a dedicated public servant, his role in the Maine Attorney General's Office served to undermine the interests of the Penobscot Nation. Mr. Reid played an integral role in arguing against the sovereign interests of the Penobscots, who have very legitimate issues regarding the management of the Penobscot River.

The Penobscots have managed their portion of the river with great care and in fact have managed the river to standards that are higher than the State of Maine. Given that this is the case, I've had a hard time accepting the State's arguments in court, and elsewhere, against the Penobscot Nation when it comes to the Penobscot River. In fact, Mr John Banks, the Penobscot Nation's environmental expert, is a nationally recognized leader in environmental stewardship. Our State should be grateful for his leadership.

Mr. Reid's nomination comes at the wrong place at the wrong time. With Maine's relations with our Native American Nations hitting a new low, his nomination sends a terrible signal to our Native American brothers and sisters.

Beyond all the important sovereignty issues, the issue of sustenance fishing is critical to the health and welfare not only the Penobscot Nation, but to all Maine people who fish and consume fish from the Penobscot River. In fact, the 2018 Inland and Fisheries Fishing Law booklet has the following warning, placed on the very last page of the booklet, Section A-4:

“Safe Eating Guidelines, Mercury warning, Penobscot River below Lincoln. I find it curious that this warning appears on the very last page of this law booklet.

Due to the poor weather today, I am also concerned as to whether all who may have wanted to participate in today's hearing may not be able to do so because of the ice and snow.

Please deliberate slowly on this nomination. Here the concerns of our Native American and take their situation very seriously before you vote on this confirmation.

I'm unable to attend the hearing today in person, if possible, please read this testimony into the record.

Thank you for your consideration.

Respectfully,

Rep Jeffrey Evangelos

## Milligan, Casey

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**From:** Meaghan LaSala <meaghan.lasala@gmail.com>  
**Sent:** Wednesday, January 30, 2019 8:38 AM  
**To:** Milligan, Casey  
**Subject:** Testimony on the appointment of Gerald Reid

To whom it may concern,

I am submitting testimony to the Environment and Natural Resources Committee against the appointment of Gerald (Jerry) Reid as Commissioner of the Department of Environmental Protection (DEP).

I am deeply concerned that governor Janet Mills would appoint Reid, whose appointment was quickly and openly denounced by many in the Wabanaki community. The fact that Mills made this appointment so soon after the campaign trail, after professing a desire to repair harms and forge a more trusting relationship between herself as head of state and indigenous people in Maine, shows that the governor misrepresented her willingness to take meaningful action to honor Penobscot sovereignty.

Cheif Kirk Francis and many Penobscot leaders and elders have spoken out against Reid's nomination, due to his involvement in litigation surrounding Penobscot territory and fishing rights. In the course of this litigation, Reid made absurd and ahistorical claims, such as arguing that Penobscot people only ever engaged in land-based fishing. This nomination will cause division and harm to our indigenous neighbors. It is the moral burden of the Environment and Natural Resources Committee to right the wrong of this appointment, and reject Reid's nomination.

Thank you,  
Meaghan LaSala

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Meaghan LaSala  
[meaghan.lasala@gmail.com](mailto:meaghan.lasala@gmail.com)  
973-862-7105

**Southern Maine Workers' Center**  
**[www.maineworkers.org](http://www.maineworkers.org) | [www.facebook.com/maineworkers](https://www.facebook.com/maineworkers)**





My name is John Maddaus. I live in Orono. I had planned to attend today's hearing on the nomination of Gerald Reid as DEP Commissioner to give my testimony in person. But due to the weather and uncertain road conditions, I am submitting my testimony via e-mail.

I am opposed to the confirmation of Gerald Reid as Commissioner of the Department of Environmental Protection because of positions that he took and statements that he made while in the Attorney General's Office involving cases against the Penobscot Indian Nation.

I believe that we need someone as Commissioner of the Department of Environmental Protection who can work cooperatively with the Penobscot Indian Nation and the other Wabanaki tribes, who has demonstrated a willingness to listen to tribal leaders and who can develop a relationship based on common goals and mutual trust. Gerald Reid's adversarial relationship with the Penobscot Indian Nation to date makes such trust building and collaboration virtually impossible.

The Penobscot Indian Nation has a long record of working for a sustainable environment, especially in regard to improving water quality in the Penobscot River necessary to make it safe to eat fish from that river. The Penobscot Nation has maintained a program of monitoring water quality in the Penobscot River over many years, and it has worked collaboratively with several partners through the Penobscot River Restoration Trust to achieve dam removal necessary for promoting sea-run fish populations.

The Penobscot Nation has the right to sustenance fishing in their traditional waters, a right that they have never surrendered. Yet that right has been compromised by the actions of others that have dramatically reduced fish runs and rendered the remaining fish unsafe to eat, especially in amounts approximating their historic consumption levels. They have the right to waters that are clean enough so that they could return to historic consumption rates of fish without fear of illness and death due to pollutants.

Gerald Reid's statements in two court cases involving the State of Maine, the Penobscot Indian Nation, and the U.S. Environmental Protection Agency indicate that he does not understand and does not share the goal of improving the quality of the water in the Penobscot River to levels necessary for sustenance fishing. Those actions affect the Penobscot people, but also anyone else who seeks to consume fish from the Penobscot River.

The Penobscot people are "the canary in the coal mine" when it comes to water quality, and environmental quality generally, in the State of Maine. If they are forced to suffer due to poor water quality, then the rest of us may also be forced to suffer when the quality of our environment is not vigorously protected. Given Gerald Reid's actions regarding the Penobscot Nation, how can any of us have confidence that he would vigorously support our right to a safe environment? How can we believe that he would stand up to those who would pollute our water, land, and air when our health is at stake? Surely there is someone else who could serve as Commissioner of the Department of Environmental Protection who has better prospects for developing a relationship of trust and collaboration with the Penobscot Indian Nation and other Wabanaki tribes, and a stronger record of protecting our environment against those who would pollute it.



## Milligan, Casey

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**From:** Lisa <cowmaplamp@gmail.com>  
**Sent:** Wednesday, January 30, 2019 8:31 AM  
**To:** Milligan, Casey  
**Subject:** written testimony in confirmation hearing

To: Casey Milligan, Legislative Information Office, I offer this written testimony.

Written testimony to the Environment and Natural Resources Committee on the consideration of confirming Gerald Reid for Commissioner of the Department of Environmental Protection

January 30, 2019

Committee Members,

I am concerned about Mr. Reid's past involvement in the Penobscot Nation vs. Mills case. In that case, Mr. Reid sided with corporations and municipalities interested in maintaining their right to pollute, and as such does not reflect the qualities I'd like to see in the person heading the DEP. Our DEP has used Maine's laws and the Federal Clean Water Act to improve Maine's water quality over the decades, and taking the position of lesser water quality standards should be out of the question for a person in charge of our Department of Environmental Protection.

Additionally, during Governor Mills' candidacy, she stated multiple times that she hoped to mend the relationship between the state and the Wabanaki people. This appointment is not reflective of those sentiments and I urge you to vote in the negative on Mr. Reid's nomination.

Thank you.

Respectfully,

Lisa Ravis  
Naples, Maine



## Milligan, Casey

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**From:** Catherine Schmitt <catherine.schmitt@maine.edu>  
**Sent:** Wednesday, January 30, 2019 8:23 AM  
**To:** Milligan, Casey  
**Subject:** Comment on nomination of Gerald Reid as DEP Commissioner

Casey Milligan  
Legislative Information Office  
100 State House Station  
Augusta, Maine 04333-0100

To the Legislature:

I am writing to request that you reject the nomination of Gerald Reid for Commissioner of the Maine Department of Environmental Protection. As an environmental scientist I have worked with Maine DEP staff and issues for 15 years. Given that DEP enforces laws and enacts policies and programs based on science: air and water quality monitoring, modeling, and restoration, hazardous waste site assessment and remediation, solid waste management, etc., the leader of the department should have a scientific background in order to make the best decisions on behalf of human health and the environment based on the best available research. Mr. Reid has not demonstrated that he has this ability to do this. In particular, in his role representing the state against Tribal nations, Mr. Reid misinterpreted and misrepresented ways that native people interacted with natural resources. This blatant lack of respect and understanding for human relations with the environment should disqualify him as a candidate for DEP Commissioner. Mr. Reid sought to deny tribal sovereignty, to deny the most simple and basic request: water clean enough so that tribal members - and all the people of Maine - can eat fish without adverse health effects.

This nomination seriously calls into question the Governor's expressed intent to repair relations with the Penobscot, Passamaquoddy, Maliseet, and Micmac people, and threatens to leave her promises of enhanced environmental protection unfulfilled.

Please reject this nomination, and support a different person with science training and a background unfettered by misinformation and mistrust.

Catherine Schmitt  
77 Somerset Street  
Bangor, ME 04401



Anne Farrington  
1808 Riverside Drive  
Auburn, ME 04210  
January 29, 2019

Maine House of Representatives  
Joint Standing Committee on  
Environment and Natural Resources  
2 State House Station  
Augusta, ME 04333

RE: Confirmation hearing - Gerald D. Reid's nomination as DEP commissioner

To the Chairs and Members:

I'm a semi-retired, non-indigenous white woman, taxpayer and registered voter (who voted for Gov. Mills who now will help undo the damage of the last eight years and move us forward for a better Maine. I trust her experience, skills and wisdom, but I'm at a loss to understand her nomination of Mr. Reid for DEP commissioner. I'm certain he's a good man, well-qualified for this position. Gov. Mills would not have selected him otherwise.

But we're all familiar, some of us more than others, with Mr. Reid's work under District Attorney Mills, arguing in court against the Penobscot Nation's fishing and sovereignty rights. Which makes his nomination very troubling, troubling enough for me to ask that you not approve the nomination. Unless Mr. Reid offers information to the contrary.

So before you make your determination, please ask Mr. Reid how he can reconcile his behavior as ADA with our Governor's recent assurance that she will "work with everyone to respect and maintain the cultural identity and the right to self-governance of the thousands of Native Americans in this state."

Gov. Mills has reminded us that when she was Attorney General, she didn't always get to choose the cases that came before her. But she auspiciously noted that "the role of Governor is very different from that of the Attorney General."

Will you ask if Mr. Reid sees his role as DEP commissioner as different from that of an ADA, with regard to protecting the fishing and sovereignty rights of indigenous people in Maine, and Maine's water? Is Mr. Reid now someone who understands Tribal issues? Thank you.

Sincerely,

*Anne Farrington*  
Auburn, Maine





## Milligan, Casey

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**From:** Ashley Bahlkow <bahlkow.a@gmail.com>  
**Sent:** Wednesday, January 30, 2019 9:06 AM  
**To:** Milligan, Casey  
**Subject:** Please reject Gerald Reid's nomination for DEP

I would like to encourage this committee to reject Gerald Reid's nomination for the DEP.

I believe Reid is a regressive choice based on his lack of understanding of how racism has characterized territorial taking of indigenous territory in history and in the recent court cases he litigated. His actions in Penobscot v. Mills and other cases have demonstrated this and show he doesn't understand the importance of tribal sovereignty. Instead his actions have perpetuated the horrifying paradigm of racism that has characterized the history of our country related to the taking of territory of indigenous people through outright genocide.

We collectively need to acknowledge that this was wrong and start to change our institutions via putting people with progressive policies in place.

I think we need to question why Penobscot V Mills was brought. It smells very much like the creep of big business interests who want access for roads and pipelines, and municipalities who want to decrease regs on discharges into our water. Is this environmental protection?

Thank you for your consideration!  
Ashley Bahlkow  
North Yarmouth



## Milligan, Casey

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**From:** Donna Broderick <dl\_broderick@hotmail.com>  
**Sent:** Wednesday, January 30, 2019 6:43 AM  
**To:** Milligan, Casey  
**Subject:** Appointment of Gerald Reid

Senator Brownie Carson, Representative Ralph Tucker and Respected Members of the Environment and Natural Resources Committee,


I am writing to request that Gerald Reid ought not be approved as the next Commissioner of the Department of Environmental Protection. Mr. Reid fought in court against the Penobscot Nation to their inherent fishing rights and claimed that the Penobscot River was not part of their reservation. He sided with the water-polluting corporations in the Penobscot Nation v. Mills case and fought for lower water quality standards than the federal mandate. He also implied in court that the Penobscots only ever fished from the shoreline and not from canoes or any watercraft. This should disqualify him from obtaining this position. We need an appointee that will stand up for our environment and with the Wabanaki.

Governor Mills campaigned with the promise to work hard to make progress with the Tribes and for clean water. Gerald Reid's nomination does not stand by those promises. In defense of water and the Wabanaki, I ask that we find better state leadership for the people of Maine.

Thank you for your time and consideration,

Donna Broderick  
Belfast, Maine  
207.218.1184

Sent from Mail for Windows 10

 Virus-free. [www.avast.com](http://www.avast.com)



Good Morning Senator Carson, Representative Tucker and Members of the Joint Committee on Environment and Natural Resources. Thank you for the opportunity to share my thoughts on this wintery day.

I share the widespread concern over the possible appointment of Mr. Jerry Reid to the position of Commissioner of the Department of Environmental Protection (DEP) of the State of Maine.

I believe that as the central figure arguing the two cases of Penobscot Nation v. Janet Mills and Maine v the EPA, Mr. Reid has demonstrated a profound lack of understanding, perhaps even respect for the history, treaty rights and culture of the Penobscot Peoples as well as for the importance of the environmental stewardship of our State. Mr. Reid opposed the E.P.A.'s demand for water quality standards suitable for sustenance fishing, citing that this would "hamper industry" along the river. I strongly object to this position (and legal interpretation) that industrial growth preempts right to healthy food on all possible moral, and ethical grounds; let alone as that right is guaranteed to the Penobscot Nation in treaties throughout Maine's history.

For thousands of years Native Americans have lived on this land with principles of sustainability and stewardship of water, soil and forests to ensure their future for nine generations. It is indeed quite



astounding to grasp the level of environmental  
destruction the original settlers on down through their  
successive generations have accomplished within just  
the last 400 years

As demonstrated through its insistence on the highest  
water quality standards to support all life I commend  
the Penobscot Nation for its exemplary historical  
stewardship of the River and believe we deserve no less  
than a Commissioner of Department of Environmental  
Protection who upholds these standards and respects  
the rights of all throughout the State of Maine.

Thank you for your consideration

Ridgely Fuller  
47 Village Rd,  
Belfast, Maine





## Milligan, Casey

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**From:** Judy Gardner <judygardner184@gmail.com>  
**Sent:** Wednesday, January 30, 2019 12:40 AM  
**To:** Milligan, Casey  
**Subject:** DEP Commissioner Nomination

Dear Members of the Environment and Natural Resources Committee:

I urge you to vote **ought not approve** the appointment of Gerald Reid to the position of Commissioner of the Department of Environmental Protection (DEP). Mr. Reid has opposed the rights of the Wabanaki people in the case regarding the Penobscot Nation and the taking of the river. Please appoint a commissioner who will respect and support the rights of the Wabanaki people.

Thank you for your consideration of this request,

Judith W. Gardner  
Islesboro  
603.868.1232



## Milligan, Casey

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**From:** Naomi Brautigam <nbrautig@gmail.com>  
**Sent:** Wednesday, January 30, 2019 8:10 AM  
**To:** Milligan, Casey  
**Subject:** Testimony for the Environment and Natural Resources Committee

January 20, 2019

Senator Carson, Representative Tucker and members of the committee, I am Naomi Brautigam from Monroe and I am writing to oppose Gerald Reid's appointment to the Department of Environmental Protection. I intended to present this testimony in person but today's storm has prevented me from doing so.

I am deeply concerned about Mr. Reid's role as lead counsel opposing both tribal sovereignty and environmental stewardship in two active cases: 1) in the Penobscot Nation vs Mills fighting against the Penobscot Nation and their inherent fishing rights while also refuting the existence of tribal waters in the Penobscot River and 2) in the state's lawsuit against the federal Environmental Protection Agency's order to increase water quality standards in tribal sustenance fishing waters. Placing the interests of Maine forest products and paper industries and their ability to discharge waste into the rivers above tribal sustenance fishers, Maine argued that the EPA was unfairly imposing heightened water quality standards in tribal areas. Mr. Reid's history of fighting for the interests Maine's industry and their ability to pollute waterways over the interests of Wabanaki tribes is extremely worrisome.

During Governor Mill's campaign, I heard her say numerous times that if she were elected Governor her administration would work to mend the relationship between the state of Maine and the Wabanaki people. How is appointing Mr. Reid as commissioner of the DEP going to accomplish this goal?

Instead of nominating Mr. Reid, who has shown blatant disregard and disrespect for the authority and sovereignty of the Wabanaki tribes, I urge the committee to listen to the many tribal members who have spoken out in opposition to this nomination and support a nominee who is able to build this new relationship with the Wabanaki tribes.

Thank you for your consideration,

Noami Brautigam  
Monroe, Maine



## **Milligan, Casey**

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**From:** Nancy Daly <gimmeshelter2@hotmail.com>  
**Sent:** Wednesday, January 30, 2019 8:43 AM  
**To:** Roebuck, Caleb; Carson, Brownie; Chenette, Justin; Foley, Robert; Devin, Michael; Fay, Jessica; Zeigler, StanleyPaige; Gramlich, Lori; Hobbs, Daniel; Campbell, Richard; Skolfield, Thomas; Johansen, Chris; Nancy Daly; Milligan, Casey; Tucker, Ralph; Lyford@legislature.maine.gov  
**Subject:** Regarding Gerald Reid  
**Attachments:** PENOBSCOT BOATS.png

**Hello.**

I live in Ellsworth, here in Hancock County and planned to carpool to the hearing regarding Gerald Reid--- however the heavy snowfall has prevented that.

As someone who has closely followed the demolition of the Penobscot's treaty to water rights, I am appalled that Mr Reid would ever be considered for Commissioner of the DEP. This man was even happy to lie in court claiming that the Penobscots, a riverine nation, did not use boats on the river to fish from. This man has proven by words and actions that he is mentally and morally unfit for this job.

From what I can see, there are enough enemies of the environment in positions of power over the management and care of it already. We do not have time for anymore under the table rewards when it comes to our natural world. We need a person who can put the care of the environment first and foremost. But I know Mr. Reid by his works and he has done enough harm, not just to the Penobscot Nation but to the health of the river itself.

We here in Maine, having such vast areas of pristine wilderness have more responsibility and are held to a higher standard to care for it. Remember it is easier to protect and care for it than it is to fix it.

We have no time for more mistakes with our environment. I am asking you to do the right thing and not place Gerald Reid in this position.

Thank you for your time and attention,

Sincerely

Nancy Jo Daly

9 Dollard Farm Way

Ellsworth, ME 04605



## Milligan, Casey

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**From:** Susan Lauchlan <peacework2@hotmail.com>  
**Sent:** Wednesday, January 30, 2019 8:30 AM  
**To:** Milligan, Casey  
**Cc:** Roebuck, Caleb  
**Subject:** Comment on Gerald Reid's Nomination to the DEP

To Senator Carson, Representative Tucker and members of the committee,

I'm speaking against the confirmation of Gerald Reid to the Department of Environmental Protection. I have attended several public hearings of the Department of Environmental Protection and the Board of Environmental Protection. I have seen the DEP time and again side with corporate interests over the environment, specifically Casella and how they manage the Juniper Ridge Landfill. This needs to change. We can no longer afford to put our environment at risk and we need to choose a nominee to head the DEP who will put the environment first and stand strong against corporate interests. I do not believe that Jerry Reid has shown that he will do this.

In fact he became the face of protecting Maine's corporate business interests during the state of Maine's lawsuit against the federal EPA order for increased water quality standards in the Penobscot River. The higher water quality standards are not only necessary to help protect the Penobscot Nation treaty rights to sustenance fishing, but are good environmental practice for Maine. Someone fighting against cleaner water in our rivers and against treaty rights and rights to the river is not the person I want to see heading the DEP.

The state of Maine has a poor history of not respecting the sovereignty of the tribes of the Wabanaki Confederacy. We continue to strip them of their rightful territories (Penobscot Nation v Mills) while disrespecting their treaty rights to sustenance fishing. One of Governor Mills' platforms is to improve the state of Maine's relationship with the Nations of the Wabanaki. Her choice of Jerry Reid for this position certainly seems a betrayal of that promise. And if he is confirmed, I believe this will be more of the same old story of the way the state of Maine operates with lack of respect for the tribes. The original environmental stewards of this land deserve a DEP Commissioner who has not actively fought to erode their sovereignty and their treaty rights.

I urge you to vote Ought-Not-to-Pass.

Sincerely,

Susan Lauchlan  
Waldo ME





## Milligan, Casey

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**From:** Matt Bear-Fowler <wakingdreaming@gmail.com>  
**Sent:** Wednesday, January 30, 2019 9:04 AM  
**To:** Milligan, Casey  
**Subject:** Testimony for the Environment & Natural Resources Committee to Vote No: Gerald Reid to Head the Department of Environmental Protection

Members of the Committee:

My name is Matthew Bear-Fowler and I am a lifelong resident of the Augusta-Gardiner area, currently living in Hallowell. I am also a person of indigenous (Native American) identity. My grandmother was a "full blood," in common parlance, member of the Tobique (New Brunswick) Maliseet First Nation and the Houlton Band of Maliseet Indians.

I oppose Gerald Reid's appointment to the DEP, because of his role in the Mills vs Penobscot Nation case. I have come to respect the reputation of Governor Janet Mills for most of her positions, which show great respect for human and civil rights, in the state of Maine and elsewhere. However, her pursuit of the Mills vs. Penobscot Nation case, and the involvement of Gerald Reid in the same case, is a notable and disturbing exception. That is why I cannot support his nomination to head the DEP.

Chief Kirk Francis, of the Penobscot Nation, has spoken powerfully about the attempted removal of the Tribes ability to manage their sustenance resource, which falls under the legal mandate of the Maine Indian Claims Act (MICA) as the Penobscot Nation's responsibility for multiple generations. The lawsuit filed by Mills, and pursued by her team including Gerald Reid, seeks to strip these legal rights from the Penobscot people. As Chief Francis has asserted, in terms of the removal of the water and sustenance fishing rights from the Tribe, which this lawsuit would accomplish, it constitutes termination and extermination action against the tribe. This action would amount to an act of genocide against one of Maine's indigenous nations.

Such an action, pursued in the lawsuit by Mills and Reid, is an outrage. It is not something the legislature of this state should ever excuse or accept. I insist that the legacy of this legislature and gubernatorial administration is not tainted by appointing one of the primary orchestrators of this dangerous lawsuit to head Maine's Department of Environmental Protection. Maine's government needs leaders that understand the concept of stewardship and sovereignty, who have a strong moral compass, and who have experience working with Maine's indigenous people or similar populations elsewhere.

I thank you for your attention to this crucial matter.

Sincerely,  
Matthew Bear-Fowler

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Travel changes you. As you move through this life and this world you change things slightly, you leave marks behind, however small. And in return, life — and travel — leaves marks on you. Most of the time, those marks — on your body or on your heart — are beautiful. Often, though, they hurt.

- Anthony Bourdain



Lissa Widoff  
PO Box 21  
Freedom, ME 04941

January 29, 2019

**RE: Testimony concerning the appointment of Gerald Reid as Commissioner of the Department of Environmental Protection**

Hon. Co-Chairs Ralph Tucker and Brownie Carson, and Honorable Members of the Energy and Natural Resources Committee:

My name is Lissa Widoff and I am submitting this testimony on my own behalf expressing deep concern about Governor Mills appointment of Mr. Gerald Reid as Commissioner of the Maine Department of Environmental Protection. I have previously served on the Board of Environmental Protection (under Gov. Baldacci), worked professionally in the environmental field for 40 years and in Maine for 35 of those years. I have also worked for the US Forest Service, the University of Maine. The Maine Chapter of the Nature Conservancy and currently serve as Executive Director of the Switzer Foundation, an environmental foundation based in Belfast, Maine.

I wish to register two main areas of concerns about Mr. Reid's appointment.

1. Mr. Reid's oral arguments in the Janet Mills V Penobscot Nation case resulted in, as I understand it, an erosion of Penobscot Nation tribal territory and water rights. Governor Mills' role in the case as Attorney General and Reid's participation calls into question his ability to respect Native tribal rights, culture and history. Mr. Reid's role in the taking of Penobscot Territory calls into question his integrity on tribal matters, particularly concerning environmental protection. Environmental protection is a right and expectation of every citizen in the State, and by virtue of the special relationship between the state and Maine's tribes, of tribal citizens as well. I am not a member of the Penobscot Nation and will not speak to the details of the case, except to say that his and Governor Mills support of the erosion of tribal rights while making no material pledge to counter the impact, is of grave concern. The Penobscot Tribe has been a strong advocate for clean water, healthy ecosystems and shared use of river resources.
2. The second area of concern is related to the first. The erosion of Tribal water rights is suggestive of a state position that is willing to sacrifice water quality standards on the Penobscot River. Referring to the Mills V Penobscot Nation case again, the parties to the appeal were paper companies, municipalities and sewer districts along the river, all of whom share an interest in subjecting the



river to pollutant discharges. I question the degree to which Mr. Reid can and will support the strongest water quality standards on the Penobscot River.

In my years of environmental work in far corners of the state, I have come to know many environmental scientists who have worked on the Penobscot river and know the commitment the Penobscot Nation has to maintaining high water quality standards. Decades ago, as an NRCM board member and advocate, I often spoke at water quality standards hearings and know full well the industrial pressures on all major rivers. I also served on the Maine BEP and participated in weeks of hearings about the cleanup of the Holtra Chem site. These are complex issues, but this nomination is a signal that the state does not respect tribal sovereignty on the Penobscot River. I am deeply concerned that this will result in deterioration of water quality and that is something that Maine and tribal citizens cannot afford to withstand.

This focus on the Penobscot River is symbolic of both the need for respect of tribal territories, rights, culture and heritage as well as the need for a clean and healthy environment for ALL, including tribal members. In my view there is NO group in the state, be it environmental, municipal or other, that is more dedicated to clean water in the Penobscot River, which drains 2/3 of the land area of the state, than the Penobscot Nation. I stand with them in favor of the strongest water quality standards and respect for their historic sovereignty and rights to maintain water quality that provides for their sustenance rights, and clean waters for the rest of us.

Whoever shall become DEP Commissioner must be a bridge-builder and gain the respect of all tribes and communities. The "P" in DEP is about environmental PROTECTION. Maine has the gift of water, and DEP has the responsibility protect it. Sadly, there has also been severe erosion of staffing, morale, capacity and responsiveness in this department as a whole. The next DEP Commissioner must also be able to rebuild an organization in dire need of strong organizational leadership.

Thank you in advance for your service and leadership on this committee. I hope that my comments may inform your deliberations.

Respectfully submitted,

A handwritten signature in black ink that reads "Lissa Widoff". The signature is written in a cursive, flowing style.

Lissa Widoff  
207-322-6553  
[lissawidoff@gmail.com](mailto:lissawidoff@gmail.com)



## Milligan, Casey

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**From:** Devon Kelley-Yurdin <devon.kelley.yurdin@gmail.com>  
**Sent:** Wednesday, January 30, 2019 8:57 AM  
**To:** Milligan, Casey  
**Subject:** Public comment against the appointment of Jerry Reid

Dear Environment and Natural Resources Committee,

I was hoping to attend today's hearing at the statehouse to make public comment, but a family matter has kept me home. I wanted to send a letter to express my opposition to Janet Mills' appointment of Jerry Reid to serve as the next Commissioner of the Department of Environmental Protection (DEP)

He has consistently sided against the well-being of the Penobscot people with misleading information. I don't trust that his record and qualifications stand in the best interest of the land we all share.

It is time for us to listen to the original stewards of this land, and to follow their lead. It's time that Janet Mills is accountable to her promise that she will improve relationships with the indigenous peoples of this land from her time as Attorney General. The Penobscot people, as well as environmental organizations like 350 Maine, oppose the appointment of Jerry Reid, and so do I.

Thank you,  
Devon Kelley-Yurdin  
120 Chadwick St, Portland, ME 04102





## Milligan, Casey

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**From:** Susan and Chris <wiserock@fairpoint.net>  
**Sent:** Wednesday, January 30, 2019 8:59 AM  
**To:** Milligan, Casey  
**Cc:** Susan and Chris  
**Subject:** Do NOT appoint Gerald Reid

Dear Legislators,

I'm writing to submit a statement about Gerald Reid.  
I do not think he should be appointed as Director of the Maine DEP.

He worked to keep water rights from the Penobscot nation.  
If Janet Mills is serious and I hope she is to improve relations with  
Indigenous people of our state then appointing Mr Reid is  
not the direction to go.  
If the legislature wants to see improved relations with Indigenous peoples of our State do not  
approve Gerald Reid.

Once again, please vote **NO on the appointment of Gerald Reid.**

**Submitted by,**  
**Susan Bakaley Marshall**  
**Montville Maine**  
**wiserock@fairpoint.net**



## Milligan, Casey

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**From:** Marita Kennedy-Castro <embodytherhythmportland@gmail.com>  
**Sent:** Wednesday, January 30, 2019 8:49 AM  
**To:** Roebuck, Caleb; Milligan, Casey  
**Subject:** Deep Concerns re: DEP nominee Jerry Reid

Dear Maine Legislators,

I'm writing this morning with deep concern about the nomination of Jerry Reid to head up the Department of Environmental Protection, and to **join my voice with the many others in Maine urging for a delay of the hearing *until a new choice for commissioner can be found, with input from the Tribal nations of Maine.***

Mr. Reid has misrepresented the Penobscot tribe's fishing heritage, reinterpreted the Maine Lands Claims Settlement in ways the Tribes never agreed to, opposed enhanced water quality standards set by the EPA to protect indigenous sustenance fishing rights, and sided with polluting intervenors. The people of Maine, including the first peoples, deserve a more clearly trustworthy person to head the DEP.

Thank you for your time, attention and consideration.  
In community,  
Marita Kennedy-Castro

131 Leland St.  
Portland, ME  
04103



## Milligan, Casey

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**From:** Caitlin KH <caitlin.keltyhuber@gmail.com>  
**Sent:** Wednesday, January 30, 2019 8:48 AM  
**To:** Milligan, Casey; LaCroix, Linda  
**Subject:** Public Comments for MDIFW Committee, RE Judy Camuso

Dear Members of the Joint Standing Committee on Island Fisheries & Wildlife,

How fitting that today, the day of Judy Camuso's hearing for Commissioner of MDIFW, there is yet another bitter winter storm bearing down on Maine. From my kitchen sink, I have a clear view of the flimsy boxes my neighbor keeps his hunting dogs in. Day and night, storm after storm, and even when the temperatures drop to single digits and below, these dogs are outside in their austere kennels. They could have been protected from the psychological abuse of being confined to kennels no larger than twice the length of their bodies year round; they could have been spared the physical pain endured while they are coerced to track and corner terrified animals out in the woods. Unfortunately, in 2014, Judy Camuso, used her power to make sure that the suffering of hunting dogs would continue. Knowing fully the marginalized status of dogs used in hunting, Camuso turned her back on these pups, who shiver, and cower, and wait endlessly with the hope that their abysmal circumstances will someday change.

Mainer's love dogs. We love the outdoors. We love the spectacular nonhuman species who live among us. We are overwhelmingly nonconsumptive users of our great outdoors. Most of us would never dream of using our dogs as tools of violence against other animals. We could not conceive of leaving baited traps in the woods to lure other animals to their painful deaths. Most of us would never choose to pick up a weapon and walk into the seclusion of the woods with the intent to cause other animals suffering and death.

Yet, the state is again poised to confirm an individual who vehemently protects the extreme positions of a minority of Mainers—trappers and hunters, especially those who hunt with dogs—to the top of the MDIFW. It is time for a change in Maine. I want to see MDIFW represent the majority of Mainers, who generate millions of dollars in nonconsumptive use of the outdoors. I want to see those who are willing to subject animals, both dogs and wildlife, to extreme suffering held accountable.

When you vote today, I urge you to consider the countless dogs, frigid and alone in their kennels. I ask you to think of the tremendous terror and desperation of animals caught in traps. This abuse can never be justified, and should never be condoned. Maine can do better than Judy Camuso, who has the blood and suffering of these individuals on her hands. The reign of those who tout the consumptive use of Maine's wild spaces must come to an end. Vote no on Camuso.

Thank you for your time.

Sincerely,

Caitlin Kelty-Huber  
Richmond, Maine



## Milligan, Casey

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**From:** Diana Newman <timberedlake@gmail.com>  
**Sent:** Tuesday, January 29, 2019 9:50 PM  
**To:** Milligan, Casey  
**Subject:** Testimony re: nomination of Gerald Reid

1-29-2019  
P.O. Box 95  
Southwest Harbor, Maine

Dear Environment and Natural Resources Committee,

As a resident of the State of Maine who is concerned about both our environment and the sovereign rights of the Penobscot Nation, I strongly urge you to vote *ought not approve* the appointment of Gerald Reid to be the Commissioner of the Department of Environmental Protection.

Sadly, Mr. Reid has already demonstrated willingness to engage in a misguided and adversarial relationship with the Penobscot Nation in an attempt to divest the Penobscot Nation of its traditional relationship to a river for which their name and cultural identity have been foundationally derived. The Penobscot Nation has been exemplary in its vigilant environmental stewardship of its territorial waters. It deserves acknowledgment of its obvious reliance on and reciprocal relationship with the Penobscot River.

In this time of pervasive environmental crisis, we all need a responsive Commissioner who can be exemplary in diplomacy and coalition building on behalf of the health of our natural environment. Disputing the sovereignty of the Penobscot Nation is an egregious overreach of power and is not congruent with the most critical matter at hand, which is how to effectively safeguard environmental health on behalf of all life.

Thank you for taking this into consideration.

Sincerely,  
Diana Newman



ReplyReply allForward





## Milligan, Casey

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**From:** Hope Brogunier <whooper71@gmail.com>  
**Sent:** Tuesday, January 29, 2019 8:12 PM  
**To:** Milligan, Casey  
**Subject:** DEP Nomination

To Natural Resource Committee Members,

I am unable to attend the hearing tomorrow on January 30 th so I am expressing my thoughts in writing.

The nomination of Gerald Reid I consider to be a very poor choice for the important position of DEP Commissioner and disappointing for many reasons. His role in opposition to the Penobscot Nations rights to clean water in order to be able to fish in Penobscot river waters determined by treaty to be theirs has understandably stirred up questions as to whether the Governor is sincere in her stated goal of improving relations with Native American tribes in Maine.

I listened to a radio program last week in which four prominent members of the Penobscot Nation spoke against the appointment of Gerald Reid for this exact reason. They were Chief Kirk Francis, Ambassador Maulian Dana, Sherri Mitchell, author of Sacred Instructions and lawyer, and Marie Giraud, historian and tribal activist for clean water. These people have been taking the kind of leadership for clean water that all of us need to be doing, and that means standing up to industry when it doesn't comply, not making it easier for them to compromise high standards.

It is not only Native Americans who care about clean water. We have them to thank for standing up for what all Mainers need and want. Clean, unpolluted water ought to be an inalienable right. However we know that, especially given strong pressure for development, a department such as the DEP has to be led by someone capable of defending strong standards and defending the highest water quality possible. This nominee does not appear to me to have that dedicated commitment and I hope very much you will seek a stronger one. Thank you for your attention to reconsidering this appointment.

Respectfully,  
Hope Brogunier Bangor



## Milligan, Casey

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**From:** Carol Wishcamper <carolwishcamper@gmail.com>  
**Sent:** Tuesday, January 29, 2019 6:10 PM  
**To:** Milligan, Casey  
**Subject:** Nomination Hearing for Jerry Reid - January 30,2019

To the honorable members of the Environment and Natural Resources Committee:

I write to express concern about the appointment of former Assistant Attorney General, Jerry Reid to the position of Commissioner of the Department of Environmental Protection.

Between 2013-2015, I served as Co-Chair of the Maine Wabanaki State Child Welfare Truth and Reconciliation Commission. Our mandate was specific to investigating the State of Maine being out of compliance with the federal Indian Child Welfare Act of 1978. Our focus of inquiry was aimed at reforming child welfare practice.

We found in making our final report, that our findings and recommendations needed to acknowledge ongoing institutional racism, a pattern of cultural genocide, and lack of regard for tribal sovereignty.

We felt compelled to extend our findings and recommendations beyond the purview of Maine Child Welfare practices but to also examine the societal context within which the child welfare system operates.

Here is a link to the Truth and Reconciliation report, "Beyond the Mandate". <http://www.mainewabanakitrc.org/report>

### **Findings:**

**We interpret this information within a web of interconnected causes, including the presence of institutional racism in state systems and the public; the effects of historical trauma; and a long history of contested sovereignties and jurisdictions between the state and the tribes.**

**Furthermore, we assert that these findings can be viewed as evidence of cultural genocide, held within the 1948 U.N. Convention's definition of genocide, Article 2, Sections b and e. These reference an intent to destroy through "causing serious bodily or mental harm to members of the group" and "forcibly transferring children of the group to another group." Given the long history of practices that have removed Native children from their families, ranging from boarding schools to adoption movements, it is critically important to note this connection.**

### **Recommendations:**

***Respect tribal sovereignty and commit to resolve and uphold federal, state and tribal jurisdictions and protocols at both state and local levels.***

***Honor Wabanaki choices to support healing as the tribes see fit and celebrate the cultural resurgence of the tribes within the Wabanaki confederacy so that both individuals and communities may be strengthened.***



I am aware of the concerns being expressed by the Tribes about Jerry Reid's role in legal suits opposing the Tribes sustainable fishing and treaty rights.

I trust that as a Committee you will deliberate with sensitivity to Tribal sovereignty and treaty promises.

The relationship between the Tribes and the State of Maine needs focused intention to heal and repair past harms.

With appreciation for your consideration of the Tribes perspective on this appointment.

Carol Wishcamper  
*Former Co-Chair of the Maine Wabanaki State Child Welfare Truth and Reconciliation Commission*  
35 Little River Lane  
Freeport, Maine 04032  
207 671-9302



## Milligan, Casey

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**From:** Janette Gustafson <rg787878@hotmail.com>  
**Sent:** Wednesday, January 30, 2019 9:02 AM  
**To:** Milligan, Casey  
**Subject:** Re: Nomination

I oppose the nomination of Mr. Reid based on his opposition to native people's water rights and water quality.  
Thank you,  
Janette Gustafson  
Falmouth





## Milligan, Casey

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**From:** Susan Dickson-Smith <properclay@gmail.com>  
**Sent:** Wednesday, January 30, 2019 9:00 AM  
**To:** Milligan, Casey  
**Subject:** Testimony opposing Mr. Reid's confirmation

Chairman Carson, Chairman Tucker, and members of the Committee,

I wanted so much to attend this hearing, but due to the weather, I was unable to make the drive this morning.

I have grave concerns about Mr. Reid's appointment to head Maine's Department of Environmental Protection. Mr. Reid fought the Penobscot Nation in court over their water rights. Instead of affirming tribal sovereignty over the river that bears their name, Mr. Reid sided with polluting corporations in the Penobscot vs Janet Mills case. He claimed that the Penobscot had no inherent right to fish in their ancestral river, and argued that the river is not part of their reservation, while absurdly suggesting that the Penobscot only fished from the banks, never in the river. Has he never seen a birchbark canoe?

I, and many others, Indigenous and otherwise, have been very concerned about the stance Governor Mills will take regarding Penobscot water and fishing rights, given her extremely poor track record with the Penobscot as Attorney General. During her campaign, she pledged to mend the relationship between the state and the Wabanaki. Nominating Jerry Reid to head the DEP is a strong signal that she is already off-track.

I ask you to vote against Mr. Reid's confirmation and ask Governor Mills to put forward a candidate who will work to protect Maine's land and waters, and who will respect the sovereignty of the Wabanaki people who have been stewards of this land for thousands of years.

Respectfully,

Susan Dickson-Smith

151 S. Gouldsboro Rd

Gouldsboro, ME 04607

[properclay@gmail.com](mailto:properclay@gmail.com)



## Milligan, Casey

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**From:** Heidi Vierthaler <heidijv@hotmail.com>  
**Sent:** Wednesday, January 30, 2019 6:20 AM  
**To:** ENR; Carson, Brownie; Milligan, Casey; Tucker, Ralph  
**Cc:** Heidi Vierthaler  
**Subject:** 4:ENRCommittee:PleaseVoteNoOnGeraldRied4DEP  
**Attachments:** 1-30-2019-StatementReGReidAsDEP.docx; BOEM-FD-OffshoreOilDrillingStatement-3-9-2018.docx

Please see attachments for more formal formatting. Thank you.

1-30-2019: Testimony for the Environment & Natural Resources Committee to Vote No: Gerald Reid to Head the Department of Environmental Protection:

Senator Brownie Carson, I'm honored to be your Constituent, Representative Tucker, and members of the committee, I am Heidi J. Vierthaler, a decade long Resident in the Freeport area. I oppose Gerald Reid's appointment to the DEP, because of his role in the Mills vs Penobscot Nation case.

I am a decades long Resident of Maine, we moved here in 1981, in 1984 I graduated from Deer Isle-Stonington High School, moved away, and came back to earn my BA in Geography and Anthropology, with an emphasis on Indigenous Cultural Survival from USM in 1994.

I have grown up respecting our planet. At Summit K-12 Alternative School in Seattle, in 1977 in 6th grade, I learned about the Haida Tribal Heritage from my Homeroom Teacher, and about Cultural Genocide in a class on the Holocaust, etc..

Ever since high school, I have had a pride for our State. As someone who grew up dealing with racism in Georgia in the 70's, holding Mother's hand as we crossed the picket lines protesting against the desegregation of our Lily-white school in Atlanta, for which we were retaliated against by the Klu Klux Klan; I have regretted the history of the KKK in Maine, but I thought of this as an outside influence on our state.

However, when I saw the Sunlight Media Collective Production: The Penobscot: Ancestral River, Contested Territory (1), I was outraged at how, someone in our state, who I had come to respect for her stands on Human Rights and against racism, along with her Team, including this Nominee Gerald Reid; could have taken up sides against a Tribe here in Maine. When I saw Chief Kirk Francis talk about the attempted removal of the Tribes ability to manage their sustenance resource which is under the rights of the Maine Indian Claims Act (MICA) to be responsible for multiple Generations, and when correspondence from Maine AG Schneider said that "the river itself is not part of the Penobscot Nation Reservation" under the MICA, in terms of the removal of the water and sustenance fishing rights from the Tribe, that according to Chief Francis, you are really talking about a termination and extermination action against the tribe. I had to ask myself how is this is not Cultural Genocide and Ecological Ethnic Cleansing?

To me this contradicts what I had expected for the legacy that I had hoped would be the Leadership of this Department of Environmental Protection, and this Administration.

I want someone who understands the concepts of stewardship and sovereignty, honors the Treaties and has a sincere moral compass that points in the direction of anti-exploitation and anti-extraction, and works for a Peaceful Green Energy Economy.

I thank you for your attention to this important matter.  
Heidi Johanna Vierthaler  
Freeport, Maine Area



HeidiJV@hotmail.com

Because I have unlisted phone numbers, I ask that if you want to contact me by phone please ask Caleb Roebuck for my contact information, but unless urgent I prefer calls after 2PM.

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Ever since high school, because of the pristine beauty all around me, I have had a real sense of pride in our State. As someone who also grew up dealing with racism in Georgia in the 70's, I held my Mother's hand as we crossed the picket lines protesting against the desegregation of our Lily-white school in Atlanta, for which we were retaliated against by the Klu Klux Klan; I have regretted the history of the KKK in Maine, but I sort of thought about this as an outside influence on our state.

However when I learned about what has happened with the Mills vs the Penobscot Nation I can't stay silent, because I can't believe that a situation so similar to a never again is happening here in Maine.

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These issues are further outlined from comments from a friend's Facebook post, and they should disqualify Gerald Reid:

"Two cases:  
Penobscot Nation vs. Attorney General Janet Mills

The Penobscot River has always been home to the People of the Penobscot Nation. As the Attorney General listed in the lawsuit Penobscot Nation vs. AG Janet Mills, Mills has vociferously defended the State's opinion that the Water flowing in the Penobscot River surrounding the 200+ islands that make up the Penobscot Nation, was not part of Penobscot Territory. This contradicts Treaties and past interpretations of the Maine



Indian Land Claims Settlement Act (MILCSA). The State of Maine and a consortium of 17 Industrial and municipal interveners, represented by the lobbying firm Pierce Atwood, opposed Penobscot stewardship of the main stem of the River in a manner said by the Federal Government to be in violation of Federal Indian law, and tantamount to an "unlawful territorial taking" of 61 miles of River. In December of 2015, the U.S. District Court in Portland, Maine, reaffirmed the Tribe's Treaty-reserved sustenance fishing rights, but decided in favor of the State in redefining the definition of "Tribal Waters." In the First Circuit Court of Appeals, one of three judges issued a dissenting opinion. Judge Juan Torruella wrote an argument reaffirming the Penobscot territory to include both the land and the water, in which he cited the Treaties of 1796, 1818, and 1833; and legal precedents set in previous agreements which support Tribal stewardship of the River.

Moving forward, the Penobscot Nation has one more level of appeals called an "en banc review" in which the case is heard by a large panel of judges and is usually reserved for complicated or unusual cases. This option is currently being discussed by Tribal leaders. We will need the support of all of our friends and coalitions to keep Industrial interests from framing the narrative in a way that suggests the Penobscot People are trying to exclude anyone from using the River; the Penobscot Nation is simply defending itself against territorial theft and a termination attempt. The River is our Relative and we are determined to protect her health for future generations of ALL the people of Wabanaki Territory.

### Maine vs. the EPA

Clean water and fish on the dinner table should be a right for all of the people in Wabanaki Territory, now called Maine. In 2014, the State of Maine's DEP tried unsuccessfully to set water standards so low as to allow only 1.4 ounces of fish from Tribal Waters per day. This equals a portion the size of almost one-half of a deck of playing cards; not even close to the definition of sustenance.

The EPA refused these standards, fulfilling the Federal Government's trust responsibility to uphold Treaty-reserved sustenance fishing rights, and in 2016, insisted on water standards in Tribal Waters that would allow for safe consumption of 10 ounces of fish per day. This resulted in the lawsuit Maine vs. the EPA, in which AG Mills stood with Industrial interests and Gov. LePage in opposition to clean water for all of us. Later, Mills petitioned Trump's former EPA administrator, Scott Pruitt, to withdraw the standards set by his predecessor. The EPA is now poised to rollback these Water quality standards.

At the current time, Scientists from the Penobscot Nation Dept. of Natural Resources recommend NO freshwater fish consumption for Women who are pregnant, nursing, or planning to become pregnant; nor for any child under the age of eight. For anyone else, recommended consumption of fish from the Penobscot River is 10 ounces per month.

Moving forward, resistance to this regression in water quality standards is of the utmost importance. Because Penobscot people eat more fish than surrounding populations, the cancer rate is five times higher in our communities than in the communities of our neighbors. Our cultural connection to the River includes eating fish, just as our Ancestors have done since time began here in this beautiful place we now call Maine. Clean water is in the best interest of ALL the people of Maine, and we must make sure that Industrial interests and Trump's EPA no longer have an ally in the Blaine House nor in the Attorney General's office, as they did while LePage was Governor.

In all of the issues outlined above, the recurring theme is the question of sovereignty and misinterpretation of the Maine Indian Land Claims Settlement Act. The Act was signed with the understanding that any ambiguities should favor of the Tribe and that the MILCSA never abrogated our Treaty rights."

To me all of this contradicts what I had expected for the legacy that I had hoped would be the Leadership of this Department of Environmental Protection, and this new Democratic Party Administration.

I also urge you to follow suit to "Suit Up Maine's' position:

**"REID TO LEAD DEPARTMENT OF ENVIRONMENTAL PROTECTION**

While we are pleased that Gov. Janet Mills has expressed a clear intent to take strong action to protect Maine's environment and to form better relationships with the Wabanaki tribes, we are disappointed by her nomination of Jerry Reid to lead the Department of Environmental Protection. Having lead opposition in cases





relating to tribal sovereignty and water rights, Reid is viewed by many tribal leaders, members, and allies as a person who cannot be trusted to fully understand or advocate for their concerns. We urge Gov. Mills to withdraw Reid from consideration, and ask legislators to oppose his nomination. For more background, please listen to Sunlight Media Collective's "Penobscots Speak on Reid Nomination to DEP"

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This is where worldviews clash. Ownership is a colonial/imperial concept. It carries with it the notion that the Natural world is there to be controlled and used as one sees fit. Or put in a box to keep others out.

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Stewardship: I belong to the land and water."), and sovereignty, honors the Treaties and has a sincere moral compass that points in the direction of anti-exploitation and anti-extraction, and someone who will truly take a stand to protect our environment and the First Nation's Peoples who have long been the stewards of our State of Maine and held our land as sacred.

I am also attaching my Statement to the Bureau of Ocean Energy Management against Offshore Drilling, in hopes that you will be able to see the kind of devotion to our Environment that I have learned throughout my life, and see the impact that the Native American People have had on not only my life but on our Earth, so that you can keep some of these issues in mind as you look for another Candidate to fill this Department of Environmental Protection position, and as you consider legislation in front of your Committee.

Furthermore I want someone who will be devoted to a Peaceful Clean Green Energy Economy, one in which all working in the Defense, Guns, Nuclear, and Fossil Fuel Industries, and now the Prison Industrial Complex and it's Internment Camps, and the unemployed, are provided positions earning more than a Living Wage.

I thank you for your attention to this important matter. If I can be of any further assistance to you it would be my honor to do so.

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Get [Outlook for Android](#)



1-30-2019: Heidi J Vierthaler to: Environmental & Natural Resources Cmttee: No on Gerald Reid DEP 1  
Unlisted Mobile/Text, see my contact information under my signature

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Ownership: The land and water belongs to me.

Stewardship: I belong to the land and water."), and sovereignty, honors the Treaties and has a sincere moral compass that points in the direction of anti-exploitation and anti-extraction, and someone who



1-30-2019: Heidi J Vierthaler to: Environmental & Natural Resources Cmttee: No on Gerald Reid DEP 5  
Unlisted Mobile/Text, see my contact information under my signature

will truly take a stand to protect our environment and the First Nation's Peoples who have long been the stewards of our State of Maine and held our land as sacred.

I am also attaching my Statement to the Bureau of Ocean Energy Management against Offshore Drilling, in hopes that you will be able to see the kind of devotion to our Environment that I have learned throughout my life, and see the impact that the Native American People have had on not only my life but on our Earth, so that you can keep some of these issues in mind as you look for another Candidate to fill this Department of Environmental Protection position, and as you consider legislation in front of your Committee.

Furthermore I want someone who will be devoted to a Peaceful Clean Green Energy Economy, one in which all working in the Defense, Guns, Nuclear, and Fossil Fuel Industries, and now the Prison Industrial Complex and it's Internment Camps, and the unemployed, are provided positions earning more than a Living Wage.

I thank you for your attention to this important matter. If I can be of any further assistance to you it would be my honor to do so.

Heidi Johanna Vierthaler  
Freeport, Maine Area  
HeidiJV@hotmail.com

Because I have unlisted phone numbers, I ask that if you want to contact me by phone please ask Caleb Roebuck for my contact information, but unless urgent I prefer calls after 2PM.

1. Please watch this Sunlight Media Collective Production: *The Penobscot: Ancestral River, Contested Territory*  
<https://www.sunlightmediacollective.org/index.php/the-penobscot>



3-3-2018: Heidi J Vierthaler to: Bureau of Ocean Energy Management Re Offshore Drilling  
781-647-7648: Mobile/Text: Unless urgent I prefer calls after 2PM Eastern Time

3-3-2018: Bureau of Ocean Energy Management Testimony: Offshore Oil Drilling

Heidi Johanna Vierthaler  
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\*Unless urgent I prefer calls  
After 2PM Eastern Time

First of all what happens to one, happens to us all. The ocean is not just one region, town, village, or city, it is global. We have had enough disasters in our oceans due to Fossil Fuel extraction, and infrastructure; and I feel most responsible to keep any future disasters from happening again, and to see a positive future flourish on our planet. Many people in addition to scientists have proven that Fossil Fuels contribute to Climate Change, due to large amounts of carbon emissions and other greenhouse gases into the atmosphere, and that if we continue to build our energy systems on the foundation of Fossil Fuel extraction, we will tether ourselves to what could be the extinction of life on our planet.

Therefore I have been for decades saying that we, as a global society, need to urgently establish a new Peaceful Clean Green Energy Economy one in which all working in the Defense, Guns, Nuclear, and Fossil Fuel Industries, and the unemployed, are provided positions earning more than a Living Wage.

This is very personal to me,  
I hope that by explaining my connection to the ocean it might inspire you at the Bureau of Ocean Energy Management, and the powers that be, to help see how we all are connected to the ocean, and that I hope that you will see through my eyes the example of how we want to be good stewards of our ocean, and how drilling for oil is one of the most destructive things that one can do to the environment, and the very future of life on Earth.

My deep love for our Oceans was gained through first-hand experience of having spent much of my life along our nation's oceans from Coast to Coast.

My introduction to the ocean was during my middle school years in Seattle in Puget Sound, which was named by the Native Americans the Salish Sea. At Summit K-12 Alternative School there, I was blessed to have had a Haida teacher teach us about her Haida heritage, which had a powerful respect for the oceans.



All of the tribes along the Salish Sea have this deep respect, and according to Paul Cheoketen Wagner of the Saanich tribe:

"Here's some words about our connection to our Salish Sea. As the first peoples of these lands we've been here since time immemorial. We did not come from any other place but from the waters of these lands which came from the star Nations. When we look out at that salt water, and we see the reflections on the water, the light sparkling; there we recognize those things as our ancestral connections. We refer to the Salish Sea as our Ancestral Highway, which we have traveled upon, and eaten from for millennia. Those canoes that we would travel on the water are also our ancestors, as we buried our people up in the giant Cedars, and inside our giant Cedars, the DNA of our ancestors are in those Ancient Cedars that we carved those dugout canoes from. We've always known that we must lift up all of the beings around us: all of the people around us, because we are the human people, but all of the other people, the Salmon people, the Orca people, and the Cedar Tree people, and the Bird people, all of them we must lift up above ourselves; because we were put here last, and all of those other people, were put here before us, and therefore they are above us. We were put here only to lift them up, and to care for them to ensure that all of the balances of the creations of the creator are respected. We made sacred promises with the salmon people, and they made sacred promises with us: that they would give themselves as the Cornerstone of all of the food chain that was in our Salish Sea bioregion, and that we would return their bones, and ceremony to show a deep respect to those very people. Without these sacred trusts, and sacred relationships Colonial Society has become lost, and destructive, and is walking outside of the Circle of Life. To us the circle of life in the Salish Sea is Who We Are. We are the Salmon, we are the Orcas, we are the Water we do not see ourselves as separate from them these are our ancient ways."

It was during our family's time in Seattle where our family would spend overnight trips to the San Juan Islands, where we communed with the rocky and sandy beaches. In seventh grade, I was also afforded the opportunity, as part of the Orcas Island based YMCA Camp Orkila, a camp that I spent many years at, to be a part of their Adventurers Program.

(Please see the beauty of the environment in the Camp Orkila Virtual Tour in the second slide in the slide show of their website:<https://www.seattleyymca.org/camps/orkila> ) There I lived in a Tipi on Satellite Island, owned by The Y, from where we paddled our canoes to Roche Harbor on San Juan Island. On Satellite, I also had my first solo overnight on a cliff overlooking a beach. Although I was so homesick, I remember how stunning and beautiful that whole experience was. However I also remember how sad that I was because I was well aware that Washington Governor Dixie Lee Ray had opened up the Puget Sound to Super Tankers carrying oil. At Summit I took a class in Micronesian Cultures in which I learned about the aftermath of the nuclear bombing of the Bikini Atol, and I also saw the pollution from the flares from the refineries on the way to the Ferry boats to the San Juan Islands, so I could only imagine the risks that might hurt the beauty in front of me. I also remember that my first environmental cause was the Greenpeace Campaign to end the seal hunt.





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[Furthermore one of my formative introductions to taking action for the environment was when my Mother and I, were a part of the Friends of the Rag Art's Ensemble, of which Mom was a member, which was honored to be the Seattle Aquarium's Opening Ceremony! We put on a performance of the story of how beautiful a place the ocean is, and my Mom, whom worked with rubber, created her character Pollutius Conglomeratus and when her character arrived on the scene, that was my cue to yell "Eco" and someone came to vacuum her character up! So it is such a joy to see a friend enjoying a place that I had such a special part to play in it's opening, in such a spectacular way!] Our family also took a trip to the Pacific Ocean on the Olympic Peninsula, where I came to appreciate the vastness of the open waters, and the power of the crashing waves.

Our family took a short stint of living in Smithville Flats NY where I learned about the rythms of nature in a rural inland CommUnity. To give me the understanding about how our environment might be effected by toxins, I was the only high school member of the Geneganslet Chapter of Citizens Against Poison which helped to stop the development of a Toxic Waste Chemical Treatment Plant from being developed two miles upstream from my old home.

My introduction to the East Coast and the Atlantic Ocean, was by moving to the Penobscot Bay, in Downeast Maine where we got our start at Goose Cove Lodge on the Western side of Deer Isle in Stonington, where we were able to take walks to Barred Island that overlooked the bay over to the Camden Hills, before we moved to the mostly White Collar CommUnity in Blue Hill to attend George Stevens Academy for the year. It wasn't until we moved back to Deer Isle, where I attended Deer Isle-Stonington High School; that I was blessed to have been able to, in my winter rental home, look out on the Eggmoggin Reach, the inspiration for the Dan Fogelberg song The Reach. This song\* and the fisherman, whom I was able to watch from our windows, really enriched my life with a great understanding for the rhythms of nature, and the Ocean.

\*[https://youtu.be/HEL\\_qqXGjHU](https://youtu.be/HEL_qqXGjHU)

We also spent some of our Summers on or just off the Main Street of Stonington, where we were able to see the busy lobstering, and fishing harbor at work.

You can see this in action, from the Penobscot Bay Press Stonington webcam (please also see the news content to give you more insights to the fragile ecosystem of our CommUnity):

<https://penobscotbaypress.com/multimedia/webcams/stonington/#.WqEFvnNOkWA>

However one of my most memorable experiences was when our family drove into Stonington, and we spotted a big ship, and was thus blessed to have a tour on board the Greenpeace vessel Rainbow Warrior, on my Sophomore year High School Birthday!



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I also have to say that I was so blessed to have celebrated my last Birthday in Stonington. We went to celebrate our friend Richard Kane's World Premiere of his film about our family friend internationally renowned jeweler Fred Woell, whom helped us in our move to Maine. It would have been a perfect evening, our hotel was so charming and we had an ocean view, but I found myself tossing and turning in tears, because of my dire concerns for the sheer survival of our former home CommUnity, because of Climate Change. I knew that if all of the carbon emissions were to rise above the 350 Parts Per Million, we are currently at 410 PPM, that this would lead to ice melt, which leads to rising of sea levels, and also that carbon dissolves into the ocean sink and thus causes acidification which is bad for the sea life.

Furthermore, according to the Natural Resources Defense Council, "Ocean acidification (OA) is the quiet tsunami of environmental degradation. Within a few decades, OA may devastate some marine ecosystems and threaten the productivity of our fisheries. When we burn oil, coal, or gas, scientists have recently shown, we are transforming the fundamental chemistry of the oceans, rapidly making the water more acidic."

<https://www.nrdc.org/sites/default/files/NRDC-OceanAcidFSWeb.pdf>

This would thus decimate the fishing and lobstering CommUnity that makes Stonington such a special place. In all of my tossing and turning, I couldn't help but realize that due to Climate Change this island paradise could all be destroyed in so many different ways, the Main Street, as well as the causeway connecting to the mainland, could all be under water, the fishing industry could all dry up, and the economy, including tourism would tank. Although I live in Southern Maine now, I am constantly homesick for our beloved Deer Isle-Stonington, and all of these thoughts are like a nightmare from which I still cannot wake up.

[Besides the Penobscot Bay Press webcam site, I am sharing the following websites to show how Stonington can be seen as a Microcosm of many other Coastal Communities along the entire coastline of America. The Inn On The Harbor, has a wonderful listing of many of the attractions that will be affected by Climate Change, and the other two are organizations that are working to preserve our way of life in Maine.

<http://www.innontheharbor.com/>

<https://coastalfisheries.org/#>

<http://www.islandinstitute.org/about> ]

After I graduated in the class of 1984, I became a Freshman at College of the Atlantic where I studied Human Ecology.

( <https://www.coa.edu/about/> )

One reason why I was drawn to the college was seeing Dr. Steven Katona one of its renowned Professors, on a boat, talking about his work studying whales with Geraldo Rivera on 20/20. There I learned more about the nuances of the ecology of the Oceans. As a way to communicate my love for our planet, I was drawn to Berklee in Boston, and Broadcasting at the University of Maine at Orono and then I returned to Berklee.



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Since I was homesick for Seattle, I returned in June of 1988, where I spent much less time in the San Juan Islands than I had hoped. However the more remarkable thing is that I was there when the Exxon Valdeze oil spill occurred in Alaska, and I attended the One Month Anniversary Memorial Service at the Seattle Center. I was devastated by the destruction of wildlife that I saw in the slide show that was presented, and I wrote my poem For The Tragedy: Beauty We Will Send\*, in tears. More scientifically, I was shocked to learn from one of the presenters that the animals, fish, and birds didn't need to swallow the oil to get sick, that it was toxic to the touch! I also remember that I was methodically making phone calls to leaders whom might be able to make a difference, and attended meetings to ensure that an oil spill would not hit the Puget Sound region. I also wrote my song X-On Oil Spills.

X-On Oil Sills:

Let's put an x on the oil spoils  
Let's look  
For something without a dollar luring hook  
Let's put an X-on the oil spoils  
Oil creates  
Great  
Environmental foils  
Oil boils  
All life toils  
And pulls the rug out from the Royal  
So they go downward from the money coil  
And outward walk the painfilled  
Loyal  
Who know their Consciousness they have soiled  
And their minds they have broiled -  
Let's put an x on the oil spoils!  
@ 1989 Heidi Johanna Vierthaler

In 1990 I come back East to attend the University of Southern Maine (USM) in Portland - Gorham, so that my social, and environmental songs would be backed with the credibility of diligent research. During that time I spent a couple of days as an Intern with a local TV station, and I was there to experience the meteorological perspective on how Hurricane Bob affected the Atlantic Ocean. I then spent a semester at the Long Island University of Southampton's Friend's World College, where I read Peter Matthisen's book Men's Lives, about the fisherman on Long Island, and spent my Birthday morning with my Student Environmental Action Coalition friends cleaning up the local beach. I was also introduced to the atrocious way that the James Bay, South of Hudson Bay, Hydro-Qubec Mega Dams made the local Cree and Inuit First Nations peoples in Canada, and their ecosystems, disasterously sick with mercury poisoning. That was because they didn't do an Environmental Assessment. When I returned to USM, I produced



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some events to raise awareness about this tragedy. For my final project in my Cartography class I drew a map outlining the more than a dozen oil spills that have already occurred in our local Casco Bay, without any oil rigs in our harbor. I also gained many transferable skills to help to understand the importance of our Oceans. I earned my BA in Geography and Anthropology in 1994.

After graduating I moved back to take a job with the Boston Symphony Orchestra. There I spent some of my sacred moments at the pier at the John F Kennedy Library, and out in the tiny town of Hull way out on a peninsula out in the Boston Harbor. There I saw how fragile a place it is jutting out into the Atlantic. I also worked as an Extra on the Movie A Civil Action, which helped me to understand how the town of Woburn MA developed a cancer cluster because of illegal dumping of carcinogenic chemicals. I also was blessed with the opportunity to dog-sit and house-clean for a friend who lived on Nantucket, where I was able to see the beauty of and how carefully balanced an ecosystem that island is in the middle of the Atlantic Ocean.

I later moved to the suburbs of Staten Island and then to Greenwich Village in Manhattan. Where I enjoyed my time commuting on the Staten Island Ferry's. When I saw the news about the Asian Tsunami, I was moved to write a Tsunami Questionnaire, based on the understanding that I gained from the Exxon Valdeze oil spill, the James Bay Hydro-Qubec Mega Dams mercury poisoning of the Cree, and the Woburn cancer cluster, which dealt with the way that the chemicals that were floating around in the wavewaters, might be affecting the people affected by the Tsunami. This was a two page document. Then when Hurricane Katrina hit I expanded it to a seven page document, with even more nuances regarding the environment. This extended it into questions regarding, infrastructure, Homeland Security, and the rights of the affected residents to be able to retain their home CommUnity voting rights in their refugee CommUnities.

Shorty after that, I moved back to Maine, and found myself volunteering at Wolfe's Neck Farm now Center for Agriculture and the Environment, on the ocean ( <https://www.wolfesneck.org/> )There I was introduced to the issue of invasive green crabs. I also was heartsick, with all that I have been able to see especially on Facebook of the man-made BeePee Deepwater Horizon oil rig volcano and carcinogenic Corexit dispersants used to cover up the so-called spill. This made so many of my Facebook Friends sick and killed many along the Gulf of Mexico. One friend from somewhere near Plaquemines Parish took photographs of the mysterious rashes, some that looked like boils, that were miss-diagnosed by the professionals in the Emergency Room, so she had to go see a special dermatologist a three hours drive away. Another friend a fisherman has said that he would not eat the seafood from the Gulf of Mexico, since the man-made BeePee Volcano hit.





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I share this from a friend who wishes to remain anonymous in the interest of protecting their family from retaliation if they spoke out (I know another friend whom is experiencing such a situation).

"The effects of the spill were horrible. Many who live in our area are either fighting cancer or have died from cancer. That much exposure to the toxic mix of raw crude and dispersants used were devastating. I've been to more funerals than I care to count. Our fisheries from near shore to beyond the Mississippi canyon were hit hard. I watch closely as each year passed following the BP disaster, our stocks declined across the board. During this time I've seen things I had never seen before.

Now it is 2018, we are starting to see some recovery offshore but we are not Pre-BP disaster status yet. I haven't seen any sign of oil or the effects of oil and dispersants in a few years now as far as the fish go. People who do not have drilling off their shoreline should count themselves blessed. We deal with small spills on a regular basis. And the deeper the companies go the greater the chances we have of another major spill. I know there are a lot of people trying to sell this great idea of drilling off the east coast, buyer be ware!

For those with the power of pen I'll say this. If your constituents have a sustainable economy leave well enough alone. Come down to Louisiana and look around, that is all."

Honestly I am still waiting for the toxic mix from this oil volcano to wash up on our shores. So the thought of something like the BP sludge finally making it's way to Maine, or an Exxon Valdeze oil spill, or an oil rig disaster like what happened in the Gulf of Mexico, happening here terrifys me.

Eventually, I became involved in the 350 Maine and Protect South Portland endeavor to stop the reversal of the Portland to Montreal Pipeline that would bring carcinogenic tar sands from Alberta, Canada, into the busy Port of South Portland. We already have enough oil tanks defiles through the entire town and coastline of South Portland, they are not only a real eyesore, but they put the entire region at the risk of an explosion if even one of them were to have an accident. This would become even worse if the current administration were to allow for offshore oil drilling. Because of my experience of seeing the tragedies that have unfolded in so many other places, I didn't want to see such a disaster to happen along our coast here, especially if no one has performed an environmental impact assessment. I learned so much about how the tar sands, the worst grade of Fossil Fuel, have wreaked havoc from the tar sand spills in Kalamazoo Michigan, and Mayflower Arkansas, and how the Volatile Organic Compounds VOC's including carcenogic benzene have made many friends very sick. Thus if I didn't want to have our shorelines swimming with toxic tar sands sludge, I would definitely would not want to see any kind of oil spill to decimate, as it already has experienced to a certain extent already, the sparkling purity of not only Casco Bay, but all of our oceans surrounding our country, and encircling our world.

Therefore I am doing all that I can do to stop Oil Drilling in our oceans. I am also waking up to how much my life history has given me an appreciation for the many experiences that have positioned me to have a new realization of the enormity of the shift that needs to take place!



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I do believe that we need to transition from the Fossil Fuel paradigm, which is contributing even more swiftly to Climate Change, and faster than anyone could imagine! Furthermore as the costs of Fossil Fuel extraction infrastructure continues to be exorbitantly expensive, while the costs of the new renewable energy sources continue to plummet. It is now imperative to transition to a new paradigm of a Peaceful Clean Green Energy Economy, one in which all working in the Defense, Guns, Nuclear, and Fossil Fuel Industries, and the unemployed, are provided positions earning more than a Living Wage. I envision this so that no one in the previous economy will miss out in the new economy. That everyone will be able to make enough to make a comfortable livelihood.

In the beginning of this statement I said something about this decision to allow oil drilling off of our coastlines being personal, well this makes it even more personal, because I have a brother who fell in love with boats all of the way out in Seattle, as a child. My brother has had a career in boatbuilding, has had his captains license and has chartered his John Alden catch, for decades and is finally realizing his dream of owning a Schooner, Actress, in the Belfast Harbor, on the Downeast Maine coastline. So his whole economy is wrapped up in the preservation of a clean ocean environment, which would be decimated by an oil spill, which the possibility would be made even worse if an oil rig were to be allowed to be built along the Maine coast.

I love listening to The Reach by Dan Fogelberg, and although I never met him, I would like to think that by my writing to you here, and that by your heeding my plea to save our nation's oceans, that we all will be honoring his living legacy.



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I would like to leave you with this my poem:

For The Tragedy - Beauty We Will Send:

For the tragedy Beauty we will send;  
These tears bear the scars of belonging to the human race  
To our Earth we have brought disgrace

Hungry  
Homeless  
Hiroshima  
Chernobyl  
Bhopal  
and that of the Seas of the  
once pure Valdez,  
Are just a part of our Wicked  
disease  
And please let's not forget the  
destruction of the Cree and  
The Inuit James Bay  
ecosystem,  
And:  
The America's forests and  
Amazon  
And the Life along the world's  
shorelines and bays  
That is yet  
to be gone  
If it's trees we cut for debt,  
I beg let us work to let them  
Stand in their stays.

On my own  
Disgusting phlegm  
I do choke and swallow  
Digesting  
The wretch and bile  
Of the tragic d  
Desecration  
That those of my species  
Have wrecked upon this Earth.

Havoc  
Rests heavy in my heart  
Oh how  
I wonder  
How will I  
Ever be able to make up to the Earth  
In my own small soul shell  
For the tragedy caused by so many



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For The Tragedy - Beauty We Will Send:

Continued:

But then I remember  
Feelings of these  
There are many a member -  
That I'm not alone  
Rock on an island  
Lord  
Let us find  
The others of our kind of mind  
So our dreams may be outlined And further on defined  
To get us out of our wretched bind  
So that we can leave it all behind And for the future  
Beauty we will send  
And give a hand and lend  
And together our Earth  
We will defend  
Spirits intertwined  
In enthusiasm  
Our march  
We will up-wind!  
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P.S. To see what happened at the Rhode Island Bureau of Ocean Energy Management event, please see the links to my Facebook Friend John Gonzalez's Facebook Live coverage of thier Press Conference, and Peoples Hearing:

- Part 1 of John Gonzalez's coverage of the Press Conference and March to the so-called hearing in Providence, and the People's response to the sham hearing:

Here's his description:

"The complete ECRI Press Conference: Opposition to Offshore Oil Drilling in NE, along with march to the Marriot for The People's Hearing: Against Oil Drilling in New England

Share, educate and inspire...

Mitakuye Oyasin,

Standing Bear ~ John Gonzalez

#WaterIsLife

#NoOffShoreDrilling

#ProtectTheSacred

#NoLNGinPVD

#NoNewPowerPlant

Citizens Against the Rehoboth Compressor Station"

[https://m.facebook.com/story.php?story\\_fbid=2039774486039216&id=10000020053671](https://m.facebook.com/story.php?story_fbid=2039774486039216&id=10000020053671)

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- Here's the link to Part 3 (part 2 was too short) of John Gonzalez 's Facebook Live stream of the BOEM hearing in Providence Rhode Island. Here's his first edit of his description: "The complete "The People's Hearing: Against Oil Drilling in New England"

[To watch John's amazing Facebook Live stream, please click on the Facebook link in the bold letters at the end of this comment, and see the link of 350 dot org article for the list of speakers, and many more articles.

Here's my description:

" Part 3: Please join us, John Gonzalez, and Tim DeChristopher [featured in the movie Bidder 70, who skillfully organized this People's Hearing and so eloquently spoke truth to power! Be on the lookout for our comments about him!], re the Bureau of Ocean Energy Management Hearings in Providence, Rhode Island, please join us now, and watch this from the beginning, please see this link for my post about this event, and the need to end Fossil Fuel infrastructure, and form a new Clean Green Energy Economy, [one in which all working in the Defense, Nuclear, and Fossil Fuel Industries, and the unemployed, are provided positions earning more than a Living Wage]!

Here's John's final draft of his description:

"PROVIDENCE — The meeting Wednesday on the Trump administration's plan to open up coastal waters to oil and gas drilling wasn't designed to be a public hearing, but opponents to the controversial proposal turned it into one.

A group led by Climate Action Rhode Island peacefully took over the meeting room in the Providence Marriott Downtown where the federal Bureau of Ocean Energy



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Management had set up information tables to answer questions about the plan and laptop computers for members of the public to type in comments.

While BOEM staff quietly looked on, speaker after speaker stepped up to express their objections to a plan they called dangerous, ill-conceived and a threat to Rhode Island's coastline and ocean health. They read poems and sang songs in counterpoint to the "listening session" they described as a sham. In the absence of a microphone, supporters in the crowd repeated their words in unison for everyone to hear and also to emphasize their arguments.

"Our climate crisis is at such an advanced point that we can't be developing new fossil fuel resources, especially in one of the wealthiest countries in the world that has the largest historical responsibility for causing climate change," said nationally-known climate activist Tim DeChristopher, of Pawtucket. "All of our oil and gas needs to be kept in the ground and here in Rhode Island we're going to make sure that happens."

State Rep. Aaron Regunberg said the plan released by Interior Secretary Ryan Zinke to overturn Obama-era restrictions on drilling off the nation's coasts serves only to further the interests of the fossil fuel industry.

"We've got all the information we need about any proposal to betray our communities to big oil," the Providence Democrat told the federal officials in the room. "If you have come to Rhode Island to talk about offshore drilling, you have come to the wrong state."

-ProJo



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Read more [This is the 350 Rhode Island with a full list of the speakers]:

<http://world.350.org/rhodeisland/the-peoples-hearing-wrap/>

Uprise RI: <https://upriseri.com/news/environment/offshore-drilling/2018-03-01-peoples-hearing-offshore-drilling/>

Share, educate and inspire...

Mitakuye Oyasin,  
Standing Bear ~ John Gonzalez

#NoOffShoreDrilling  
#NoNewPowerPlant  
#NoLNGinPVD  
#ProtectTheSacred  
#WaterIsLife

Digital Smoke Signals  
No LNG in PVD  
UNITED AGAINST CLEAR RIVER ENERGY CENTER  
Citizens Against the Rehoboth Compressor Station  
Climate Action RI • 350 RI  
Sugar Shack Alliance  
Fossil Free RI  
Our Revolution RI  
Green Party Of Rhode Island"

["https://m.facebook.com/story.php?story\\_fbid=2039905752692756&id=1000002005367](https://m.facebook.com/story.php?story_fbid=2039905752692756&id=1000002005367)

10

I hope that you will join us in this important endeavor! Thank you!  
Mini Wiconi = Water is Life!



## Milligan, Casey

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**From:** Amy Eshoo <amy@350maine.org>  
**Sent:** Wednesday, January 30, 2019 7:39 AM  
**To:** Milligan, Casey  
**Cc:** Tucker, Ralph; Chenette, Justin; Devin, Michael; Zeigler, StanleyPaige; Campbell, Richard; Skolfield, Thomas; Johansen, Chris  
**Subject:** Testimony for Environment and Natural Resources Committee hearing Reid nomination

**To:** Casey Milligan, Legislative Information Office

**Testimony** for the Environment and Natural Resource Committee hearing on the nomination of Gerald Reid to be the Commissioner of the Maine State Department of Environmental Protection

**From:** 350 Maine (grassroots movement dedicated to fighting for climate justice)

### **350 Maine's Statement of Opposition to Gerald Reid for Maine DEP Commissioner and Support for the Wabanaki Confederacy**

After listening to many politically active Penobscot Nation members, 350 Maine reinforces its commitment to allyship with the Indigenous peoples of this country, especially the Wabanaki people, by opposing the nomination of Gerald Reid to be the Commissioner of the Maine State Department of Environmental Protection (DEP).

Further, we call on the Mills' administration to:

1. Withdraw Mr. Reid's nomination
2. Submit a new nomination of a qualified individual to head the DEP--one who doesn't already have an adversarial relationship with the Wabanaki people; one who has some scientific background and will be in close contact with the Natural Resource Departments of all the Wabanaki tribes; and one who is informed on Wabanaki nations' issues.

The time to heal historical oppression and suffering done to the Wabanaki people is now. It is past time to recognize the Wabanaki nations' sovereignty and their stewardship of the land and water that is called Maine. 350 Maine acknowledges that the Department of Environmental Protection can have a huge impact on efforts of the Wabanaki Confederacy. And, in order to create an equitable environment for everyone, the Commissioner must respect tribal sovereignty. This respect seems questionable given that Reid represented the State in a case that would further erode inherent rights of the Penobscot Nation with the territorial taking of the river.

We are, overall, pleased with the Mills' administration's dialogue with regard to climate change and other environmental impacts. We hope her administration works to take immediate and aggressive action that is long overdue. The time for conversation, studies and diluted action has passed – we must confront the reality of climate change immediately.





We call for Janet Mills to listen to the Wabanaki people speaking up in opposition to the nomination of Gerald Reid and rescind her nomination. The original stewards of this land deserve a DEP Commissioner who has not actively fought to further erode their sovereignty and one in whom they can trust.

Thank you.  
350 Maine

Amy Eshoo  
Program Manager  
350 Maine  
[amy@350maine.org](mailto:amy@350maine.org) / 415-246-8050  
[350 Maine website](#) | [Facebook](#)



## Milligan, Casey

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**From:** Sarah Lachance <sarah@350maine.org>  
**Sent:** Tuesday, January 29, 2019 5:16 PM  
**To:** Milligan, Casey  
**Subject:** please vote no on Reid

Hi there,

I am writing to ask that Reid does NOT become our next DEP Commissioner

In recent weeks, we have heard from many Penobscot Nation members that they are very unhappy with this nomination. There has not been a single Penobscot to come out in support.

The time to heal historical oppression and suffering done to the Wabanaki people is now. It is past time to recognize the Wabanaki nations' sovereignty and their stewardship of the land and water that is called Maine. The Department of Environmental Protection can have a huge impact on efforts of the Wabanaki Confederacy. And, in order to create an equitable environment for everyone, the Commissioner must respect tribal sovereignty. This respect seems questionable given that Reid represented the State in a case that would further erode inherent rights of the Penobscot Nation with the territorial taking of the river.

Please vote down this nomination  
thank you  
Sarah Lachance

--

Sarah Lachance  
Team 350 Maine  
(207) 459-0419  
[www.350maine.org](http://www.350maine.org)  
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Now, more than ever, we need to connect the dots between climate, poverty, energy, food, and water. These issues cannot be addressed in isolation ~ UN Secretary-General Ban Ki-moon



January 30, 2019

To: Senator Carson, Rep Tucker, and Members of the Joint Environmental and Natural Resources Committee;

From: Emma Macaillen, RN, BUS, MEd (Sociology, Psychology, Counseling)

I ask that that Gerald Reid not be confirmed. Any person who has worked as an environmentalist who then represents a court hearing designed to decrease water quality standards, for any reason, shows disrespect and contempt for the earth and disregard for the health and welfare of us and our children. Why did Mr Reid sell out? It seems most plausible that it was in order to conform to commodification of our natural resources and in support of the corpocracy who run this country. I suggest that he and Janet Mills acted out of a desire to squelch and discredit the Penobscot Nation People working in collaboration with other Wabanaki Nations and allies to successfully clean up the toxicity of our waterways. They were working toward returning to sustenance fishing. The cleaner waterways were allowing not only fish to return, but for the plants to flourish, improving the health of the animals also food sources. A big move up a cleaner, healthier food chain... for all of us.

I suggest that this was seen as too much power to be held by the people. The Penobscot People were being quite vocal to Mills about their sovereignty and stewardship of the land, and their leaders were building solid alliances of non natives who were attending their teachings, not only about caring for the earth, but about the truth of their history and our history. We were and are beginning to get the picture and we are aligning in strong solidarity with the numbers growing with alacrity and strength.

Although I did not hear anything specific from the indigenous people about this, the next obvious step beyond sustenance would be in moving toward sustainability and that would, I believe, be a vital threat to the structure of our political system. The people at grass roots would be in charge of the quality of their own water, food, air, and medicines. The government/corpocracy would lose their control over us all even with their 1% of wealth and political power. And so Mills, an astute political player, enacted a court hearing to stop this with her accomplice, Reid. This was the perpetuation of oppression which the Wabanaki Nations have been subjected to since settlers arrived here. It is White Privilege exercising its authority.

David Stannard, a credible historian, wrote in his book, "The American Holocaust", 1990, Oxford Press, that in the settling of white colonists in this country, between 60 and 100 MILLION First Nation People were killed. 98% of the Wabanaki People were killed here in the Dawnland, now referred to as Maine. It was so "successful" at horrific mass killings that Hitler used it as a model for his holocaust. Reservations = Concentration Camps. The Church sanctioned these murders because the First Nations People were pagans and did not believe in Christ, therefore did not qualify in their eyes as people. Perhaps the settlers came here for religious freedom but history suggests to me that they came for the commodification of the abundant natural resources. And this continues at the expense primarily of indigenous peoples globally, nationally, and locally in many ways. White privilege thinks it has the right to destroy lands and people for economic gain without regard for the future. It is the misuse of power on every level.



It is being caught in this privileged power that I believe influenced Gerald Reid and Janet Mills to sacrifice the quality of our water and our lives, in order to support the prevailing hierarchy/business and politics as usual. Governor Mills has said that she is interested in changing her ways and in building relations. She speaks good words but this change will be exemplified only by her actions. She has taken steps toward this and we will respectfully hold her to her words. We know her history.

We, all of us who are non native, have to change this system of white privilege which reigns with dominance and oppression. It has eroded us into vacuousness and great illusions. We do not know how to truly value and honor ourselves or the earth. We can only cling to thinking we are superior because of our color, or absence of it. And absent we are. But we can change this by the practice, and it is a *practice*, of decolonizing our self definitions and our dominance in every aspect of our lives. We must see our true inherent worth and goodness and use it to guide us in strengthening our moral compass, our integrity, so that we can begin to respect and honor the earth and all of its people. It is these things that will change our institutions and our systems into ways of right living and doing fulfilling work. I ask that you consider this task today from this position of integrity and justice.

Gerald Reid does not have the right to be our Commissioner. He sacrificed the health of our earth and our children for power. He has increased the toxicity of our food, water, and air and it is critically effecting our health. My family has many disabilities and auto immune challenges some of which are life threatening. There is little control of the types of effluents piped into our waterways which has filled them with lethal chemicals and metals, sickening us and deadening our rivers, oceans, and land. Reid has been complicit in this degradation. Please do not confirm this appointment.

Thank you for your time and thoughtful regard.

Emma Macaillen  
4 Longfellow Hgts  
Orono, Me.





## Milligan, Casey

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**From:** Amy Eshoo <eshooamy@gmail.com>  
**Sent:** Tuesday, January 29, 2019 5:14 PM  
**To:** Milligan, Casey  
**Cc:** Tucker, Ralph; Chenette, Justin; Devin, Michael; Zeigler, StanleyPaige; Campbell, Richard; Skolfield, Thomas; Johansen, Chris  
**Subject:** Testimony for Environment and Natural Resources Committee hearing Reid nomination

Dear Environment and Natural Resources Committee,

I am writing to urge you to vote **ought not approve** the appointment of Gerald Reid to be the Commissioner of the Department of Environmental Protection (DEP).

In order to create an equitable environment for everyone, the Commissioner must respect tribal sovereignty. This respect seems questionable given that Gerald Reid represented the State in a case that would further erode inherent rights of the Penobscot Nation with the territorial taking of the river. Mr. Reid already has an adversarial relationship with the Wabanaki people and we all deserve someone who has not actively fought to further erode their sovereignty and can truly represent equity in the state of Maine.

Thank you for your consideration and for voting **ought not approve**.

Sincerely,

Amy Eshoo, North Yarmouth, Maine





## Unitarian Universalist Association of Congregations - Maine Ministers

January 30, 2010

Senator Brownie Carson  
Representative Ralph Tucker  
Committee on Environmental and Natural Resources  
100 State House Station  
Augusta, ME 04330

### **Testimony on Confirmation of Gerald Reid to DEP Commissioner**

To Their Honorable Senator Brownie Carson, (chair) and Honorable Representative Ralph Tucker (chair), and Distinguished Members of the Joint Standing Committee on the Environment and Natural Resources

We, the undersigned, Unitarian Universalist Ministers serving or retired in Maine, are deeply concerned with the appointment of Gerald Reid to the position of Commissioner of the Department of Environmental Protection. As religious leaders in Maine we stand in solidarity with the Wabanaki people who are deeply troubled and concerned by this appointment.

In June 2018, the Unitarian Universalist Association voted to pledge support and *take direct and tangible action to protect the environment and restore traditional indigenous ways of life*. The Action of Immediate Witness in Solidarity with Indigenous Water Protectors recognizes, the *Indigenous peoples of this continent who have lived by traditions that maintain ecological balance for thousands of years before colonization*. Furthermore we, recognize *colonization as an oppressive system that values resource extraction over life itself and is directly linked to genocide of Indigenous peoples. This colonization involves sequestering Indigenous peoples on reservations, flooding Indigenous lands, incarcerating disproportionate numbers of Indigenous peoples, and other forms of oppression*.

The appointment of Gerald Reid furthers the goals of colonization and is a direct assault on the traditional spiritual practices, native land and water, and ways of life of the Wabanaki People.

As lead council in *Penobscot Nation v. Mills*, then Assistant Attorney General Reid opposed Indian sovereignty by refuting the existence of tribal waters within the Penobscot River. He fought against the inherent fishing rights of the Penobscot people and further claimed the water was not part of their reservation. In his arguments, he offered the absurd argument that the Penobscot people did not fish from the waters and from their canoes on the river.

As lead council Reid has disregarded treaty rights and past interpretations of the Maine Indian Land Claims Settlement Act to the detriment of environmental protections. He sided with the water-polluting corporations who fought for lower water quality standards than the federal mandate.

We celebrate the expressed desire of Governor Mills improve state-tribal relations by bringing Wabanaki peoples' issues to the table and to re-open communications. We applaud the inclusion of Ambassador Dana at the inauguration of the 75<sup>th</sup> governor of Maine. We venerate the recent appointment Donna Loring as Senior Advisor on Indian Affairs. We praise her early efforts and actions shifting the dialogue around climate change and environmental priorities.

**We oppose the appointment of Jerry Reid as Commissioner of the Department of Environmental Protection, and we urge you to vote no.**

Building bridges and pathways to recognize and honor tribal sovereignty, tribal water and land rights are vital steps in improving state-tribal relation. Listening to the tribal chiefs and leaders is the right next step for the great State of Maine. We call upon our elected leaders to oppose this nomination and ask Governor Mills for a nominee who will work with the Wabanaki People – the original stewards of this land and water.

Sincerely,

Rev. Carie Johnsen

Minister, Unitarian Universalist Community Church of Augusta, Maine  
Founding Steering Committee member, Maine Unitarian Universalist State Advocacy Network  
Founding member, Decolonizing Faith Project

Re. Christina Sillari,  
Minister, First Parish Unitarian Universalist, Portland Maine  
Co-Chair, Racial, Native and Immigrant Justice, MUUSAN

Rev. Dr. Myke Johnson  
(Retired) Minister Emerita, Allen Avenue UU Church, Portland  
Steering Committee, Decolonizing Faith Project

Rev. Dr. Albert Boyce

Molly Brewer  
Ministerial Intern  
First Universalist Church of Auburn

Rev. Sara Hayman  
UU Church of Ellsworth, ME

Lane Fisher  
UUA Ministerial Candidate  
Belfast, ME

Rev. Margaret Beckman

Rev. Andrew Moeller

Rev. J. Mark Worth  
Minister Emeritus, Unitarian Universalist Church of Ellsworth

Rev. Mark Glovin

Rev. Helen Zidowecki

Rev. Lara Campbell  
Minister, First Parish Unitarian Universalist Church  
Kennebunk, ME

Rev. Dr. Jodi Cohen Hayashida  
Minister, First Universalist Church of Auburn

Rev. Dr. Anita Farber-Robertson,  
Minister, Allen Ave. Unitarian Universalist Church  
Portland, ME

Rev. Erika Hewitt,  
Minister, Midcoast Unitarian Universalist Fellowship  
Damariscotta, ME

Rev. Charles J. Stephens,  
Minister emeritus, UU Church in Ellsworth, ME

Rev. Shay MacKay  
Minister, The Sanford Unitarian Universalist Church  
Minister, The Unitarian Universalist Church of Saco-Biddeford

Claire Curole, M.Div.  
Unitarian Universalist Community Church of Augusta

Rev. Bill Leggett

Rev. Sylvia Stocker  
Minister, Unitarian Universalist Church of Brunswick

Rev. Nancee Campbell  
Retired UU Minister  
Unitarian Universalist Community Church of Augusta

*Testimony of Jerry Reid  
Governor Mills' Nominee for  
Commissioner of the Maine Department of Environmental Protection  
Before the  
Joint Standing Committee on the Environmental and Natural Resources  
January 30, 2018*

Senator Carson, Representative Tucker, distinguished members of the  
Environment and Natural Resources Committee-

Thank you for the opportunity to introduce myself to you. I also want to begin by  
thanking Governor Mills for the honor of being her nominee to be the  
Commissioner of the Department of Environmental Protection. If confirmed, I will  
do everything in my power to show myself worthy of the confidence she has  
shown in me with that nomination.

I'd like to start by sharing with the Committee some information about my  
background that doesn't appear in any of my nomination paperwork, although  
talking about myself in personal terms in a public setting would normally be  
something I'd try to avoid at all cost. I live in Harpswell with my wife and three  
school-age daughters. We've lived there since 1996. When I'm not working these  
days most of my time is spent driving my girls around to various activities, and one  
of the things I enjoy most is watching their basketball and soccer games. I used to





like playing sports growing up, but I've had so much more fun watching my girls play than I ever had playing myself. Any free time I might have after that I like to spend freshwater fishing. We're lucky to have a camp in Sandy River Plantation near Rangeley, and I love fishing and exploring in the western mountains, and also going on annual fishing and camping trips with old friends in the North Woods. One of the sad ironies about fishing in even the most remote and seemingly pristine ponds in Maine is that the fish caught there are contaminated with mercury, the result of air pollution from power plants hundreds of miles to our south and west. During my time in the AG's Office we joined with some other states to bring a series of lawsuits that forced EPA to adopt a regulation which has led to a 90% reduction in that mercury pollution and will dramatically reduce mercury poisoning in Maine's fish and wildlife.

Growing up, I wanted to be an environmental lawyer for just about as long as I can remember. Issues of pollution, environmental degradation, and wildlife conservation always made a big impact on me. I also knew I wanted a career in the public sector. The AG's Office turned out to be a perfect fit for me. Much of what the AG's Office does is to protect the public interest under the law, and that's exactly what I wanted in a legal career. When Governor Mills talked to me about the possibility of this nomination, my only hesitation was leaving a job that I have



really loved, and leaving an office full of people who I like and admire so much. But I'm incredibly excited about the possibility of being Governor Mills' DEP Commissioner and leading an agency that does such important work.

There are several things about my professional background that I think have prepared me well for this position. I have worked directly with DEP for more than 22 years as an assistant attorney general, and served as the agency's lead lawyer since 2007, when I became Chief of the Natural Resources Division. During that time I have represented and advised DEP in every context, from civil enforcement actions and criminal prosecutions under Maine's clean air, clean water, hazardous waste, solid waste and land use laws, to defending the important and difficult decisions the agency is called upon to make in each of those program areas. I have worked closely with DEP commissioners under Republican, Democratic and Independent governors to help them achieve their policy goals consistent with constitutional and legal requirements. In the course of this work I have had the pleasure of getting to know many of the people who have dedicated their professional lives to DEP's mission of protecting and restoring Maine's natural environment. I now have strong relationships with this talented staff built on years of working together to solve challenging problems.



I want to acknowledge that some people have raised concerns about my nomination in light of my role defending the State of Maine in *Penobscot Nation v. Mills*. I recognize that some of them are here today and intend to present testimony against my nomination. I appreciate that they care so deeply about these issues that they have taken the time to do that, and I will be listening carefully to what they have to say.

My legal representation of the State in that case was a function of my job in the AG's Office. The role of the Commissioner is very different, and I share Governor Mills' desire to improve the relationship between the Tribes and state government. If I am fortunate enough to be confirmed, I will actively engage with the Tribes and welcome their input into DEP's decision-making.

My record in the AG's Office also includes work on cases where the interests of the Tribes and the State were closely aligned, including the multistate litigation I mentioned earlier over airborne mercury pollution, enforcing Mallinckrodt's nearly \$200 million clean-up of the former HoltraChem site in Orrington, and prosecuting a sewage dumping case that occurred on Passamaquoddy Territory. More often



than not, DEP and the Tribes will have similar views on environmental issues, and I look forward to the many projects that will allow us to join forces.

I see an early opportunity to do just that by joining the Penobscot Nation before this Committee in supporting a legislative package of water quality standard upgrades for 400 miles of rivers and streams, including portions of the Penobscot River and its tributaries. I also plan to propose new water quality standards for certain waters, including the 60-mile Main Stem of the Penobscot, designed to protect and support sustenance fishing that is occurring there. These two initiatives would be important environmental achievements, but would also allow us to create a foundation to build on in our effort to improve tribal-state relations. I think my past work in this area of the law will actually help me get these things done, because I know exactly where the troublesome issues are and how to avoid them along the way.

I understand that, if confirmed, it will take time to build greater trust, and I look forward to the opportunity to do that and will pursue it with good will and in good faith. Like Governor Mills, I believe there is so much more we can accomplish when we pursue conversation rather than litigation, and am hopeful that we can do that to make real progress for Maine's Tribes and all Maine citizens.





I'd like to share two other priorities as well. The first is internal within DEP. Significant parts of the agency are over-worked, under-funded and consequently suffering from morale problems. I want to do everything I reasonably can to support the professional staff so they can do the excellent work that they want to do, and that the public expects from them. This will involve advocating for increased funding in smart, creative and realistic ways, so that important but long vacant positions can again be filled. I also want to support and encourage DEP staff re-engagement with local, state and regional organizations to take advantage of efficiencies and to share and learn new ideas about addressing environmental challenges. By way of example, Maine's many volunteer lake associations do incredible work with water quality monitoring. We need to reconnect with this network, support it, and take full advantage of the data it produces.

I'd also like to talk briefly about climate change, the single greatest environmental challenge we face. Maine can't solve climate change by itself, but we also can't afford not to do our part. We can take immediate action by joining a regional effort to cut greenhouse gas emissions from our transportation sector. And we need to update Maine's climate action plan from 2004 to reflect the best available



strategies, restate our goals and allow us to chart our progress. There's so much work to be done both to address global warming's cause, and to prepare for its impacts, and I hope this is beginning of an on-going conversation with this Committee about how to take responsible and effective action.

Thank you very much for your time, and I would welcome any questions the Committee may have.





STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0001

**Testimony of Senior Advisor Elise Baldacci Introducing Nominee Jerry Reid  
Commissioner of the Department of Environmental Protection  
January 30, 2019**

Good morning, Senator Carson, Representative Tucker, and members of the Environment and Natural Resources Committee.

My name is Elise Baldacci, I'm a Senior Policy Advisor in the Governor's Office and I'm here today to present Jerry Reid, Governor Mills' nominee for the Commissioner of the Department of Environmental Protection.

Mr. Reid has more than two decades of experience in the Maine Attorney General's Office Natural Resources Division where he specialized in matters related to the Clean Air Act, Clean Water Act, hydroelectric licensing, land use law, and environmental litigation. He will bring a deep-seeded respect for Maine's environment and natural resources and a demonstrated track record of protecting them to the position of Commissioner. In addition, Mr. Reid will also take steps to protect the future of our state and ensure that we confront climate change head on.

The Department of Environmental Protection serves as the stewards for Maine's air, water, and land. Governor Mills has the faith in Mr. Reid to execute these duties as DEP Commissioner both within the Department and in the legislature. Jerry will serve as the face for the administration before this Committee and we look forward to open and transparent lines of communication.

Thank you for your consideration of Jerry Reid, Governor Mills' nominee for Commissioner of the Department of Environmental Protection. I would be happy to answer any questions pertaining to this nomination.

Sincerely,

Elise Baldacci  
Senior Advisor  
Governor Janet Mills  
[Elise.Baldacci@maine.gov](mailto:Elise.Baldacci@maine.gov)  
207-287-3544



**Testimony in Support of Jerry Reid's Nomination  
for Commissioner of the Department of Environmental Protection**

by Peggy Bensinger, Assistant Attorney General  
January 30, 2019

Senator Carson, Representative Tucker, Members of the Environmental and Natural Resources Committee.

My name is Peggy Bensinger. I am an Assistant Attorney General in the Natural Resources Division of the Office of the Attorney General. I have worked with Jerry Reid in the Attorney General's Office for 24 years, including 12 years in which he was head of the Natural Resources Division of the AG's Office. I am here in support of Jerry's nomination for Commissioner of the Department of Environmental Protection.

When he first came to the Attorney General's Office Jerry represented the Bureau of Health, then came to the Natural Resources Division where he has represented the former Department of Conservation, the Department of Environmental Protection, and the State of Maine. The scope of Jerry's legal work is broad and has ranged the gamut from administrative appeals to large complex multi-state litigation. Jerry is extremely knowledgeable about all aspects of environmental law. As the Commissioner of the Department of Environmental Protection, Jerry's specialized knowledge of environmental legal issues will be a tremendous asset. As an attorney, Jerry is bright, an analytical thinker, a very good writer, and an articulate advocate as he represents his client agencies and the State of Maine. Jerry has excellent judgment and he is fair, highly ethical, and a good listener.

As the head of our division he oversees the work of seven or eight other attorneys and one administrative assistant with a deft touch – never micromanaging but always available for advice. Jerry never fails to make time to listen to our concerns. He's a talented editor of our written work. We seek his thoughtful suggestions frequently and his ability to come up with elegant solutions to dilemmas is remarkable. He's unbiased, open-minded and respectful of





differing viewpoints. Jerry's even-keeled disposition is a tremendous asset in dealing with issues, people and cases that sometimes involve passionately espoused positions and litigation.

One of Jerry's strongest qualities is his focus on doing what's right. He can make difficult decisions and will take responsibility for them. He will tell you the hard truth. But he's also supportive and kind. He will take some of the load off of an overwhelmed attorney and he'll do the most unpleasant case himself.

Jerry understands the unique position of being the attorney for an agency or the State. He'll remind us that we're not the decision-makers on a permit or a policy issue: we give legal advice, and if the agency's decision is a reasonable interpretation of the law, we defend it. For example, in a recent case we worked on together Jerry didn't let his personal opinion affect his straightforward and best effort defending a policy decision that was within the law but would not have been the decision he would have made.

Jerry is widely respected as smart, hardworking, good-natured and an excellent problem-solver, but his best quality is his character. He does not let the pressures of a contentious matter cloud his good judgment or lead him to abandon his integrity. In the 24 years I have known him, I have seen that he deals with people honestly and treats every person with respect, including his co-workers, our clients, people advocating different views, people on the opposing side in litigation, and members of the public. He makes us all better at what we do in the technical, legal sense. More fundamentally, he also fosters a culture of open-mindedness and respect towards others and the practice of law with integrity.

Confirmation of Jerry Reid as Commissioner of the Department of Environmental Protection will be a great loss to the Attorney General's Office, but will be of great benefit to the State of Maine. Jerry is an excellent choice to be the Commissioner of the Department of Environmental Protection.





**Thom Harnett**

52 Marston Rd  
Gardiner, ME 04345

[Thom.Harnett@legislature.maine.gov](mailto:Thom.Harnett@legislature.maine.gov)

# HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

January 30, 2019

**Testimony of Rep. Thom Harnett  
Before the Joint Standing Committee on Environment and Natural Resources  
In Support of the nomination of Jerry Reid**

Good morning, Senator Carson, Representative Tucker and members of the committee. My name is Thom Harnett, and I represent the residents of District 83 which includes the Town of Farmingdale and the City of Gardiner. I thank you for the opportunity to be here to testify in support of Jerry Reid to be the Commissioner of the Department of Environmental Protection for the State of Maine.

I have known Jerry for a long time, a quarter of a century. I first met Jerry when he was a summer intern in the Office of the Attorney General, where I was working, in 1993. Jerry was a great intern, but we asked him back because he was a really, really good softball player. Being athletically limited, I played first base which meant I had to field Jerry's throws from shortstop. I am pretty sure I still have the callouses.

Jerry proved to be much more than a great shortstop. He was and is a great attorney who is totally committed to protecting Maine's environment. He has demonstrated that commitment for decades, including many years as the Chief of the Natural Resources Division in the Office of the Attorney General. During his time serving the State of Maine, he has overseen the biggest and most consequential environmental challenges facing our state. He has done that with a level of expertise and judgment of which we should all be proud.

Of note, he oversaw and coordinated the state's response to the largest mercury pollution to the Penobscot River and won, forcing the parties responsible for contaminating that incredible resource to pay for the consequences of their actions and to clean up the mercury they discharged into the river.

Jerry Reid is eminently qualified to direct and manage the Department of Environmental Protection, which is vital to protecting Maine and all we love about our state.

That is why I am proud to support his nomination and ask you to support it as well.

Now, to the issue that concerns so many here today. I am fully aware that I will have friends support this nomination and friends that will oppose it. I do not question the heartfelt positions of

anyone here today. I know there are members of the Penobscot Indian Nation and others here today that oppose Jerry for his defense of the state in a lawsuit filed against Maine.

I know there are many who believe our state has an unhealthy relationship with the sovereign nations that are as much, or more, a part of Maine as anybody.

I have worked with our sovereign nations for a long time. I served as the liaison between the Office of the Attorney General and the Maine Indian Tribal State Commission for three years in the mid-1990s. During that time, I was honored to visit all of Maine's tribal nations and learn from tribal members. I saw inequality of treatment, poverty, lack of opportunity and a vision of Maine that I did not want to see and one that pained me. Naively perhaps, I saw opportunity as well. I saw an opportunity to work to heal unforgivable wounds. I saw a map for a better future. Sadly, those possibilities have not been realized.

I also know that I have absolutely no idea what it is like to be a member of a sovereign nation in Maine. I found that I could empathize, I could console and maybe even offer possible solutions. Yet I could never know what their life experience was then and is today.

The relationships between the state and our fellow nations needs repair. It is not as healthy or as strong as it could be. It is not as healthy or as strong as it should be. And most importantly, it is not as healthy or as strong as it must be.

The Jerry Reid that I know, that I have worked with for decades, can and will, if given the chance, be a part of improving those relationships and protecting the environment that we all share.

Of that I am certain.

Thank you for your time. I am happy to answer any questions you may have for me.



# Natural Resources Council of Maine

3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • www.nrcm.org

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## **Testimony in Support of the Nomination of Jerry Reid to serve as Commissioner of the Maine Department of Environmental Protection**

Pete Didisheim  
Advocacy Director  
January 30, 2019

Senator Carson, Representative Tucker, and distinguished members of the Committee on Environment and Natural Resources. My name is Pete Didisheim. I am the Advocacy Director for the Natural Resources Council of Maine, and I appreciate the opportunity to testify in support of the nomination of Jerry Reid to serve as Commissioner of the Department of Environmental Protection.

Based on the many positive experiences that I and other NRCM staff have had working with Mr. Reid over the past two decades, we believe that he has the qualifications needed to be an excellent DEP Commissioner. We recommend him highly.

Mr. Reid has provided leadership from the Attorney General's Office in hundreds of cases that have helped restore fisheries to our rivers, protect our lakes, reduce air pollution, address climate change, and curb hazardous waste, including mercury pollution in the Penobscot River. He has successfully prosecuting parties who egregiously violated Maine's environmental laws and has represented Maine in multi-state cases aimed at blocking rollbacks of some of the nation's most important environmental laws.

Before elaborating further, let me speak to the issue of tribal relations.

NRCM recognizes that this nomination has raised deep concerns from members of the Penobscot Indian Nation and others who are looking to the Mills Administration to repair damaged relations between Maine tribes and the State—the result of hundreds of years of troubled history. NRCM has heard those concerns and also believes it should be a high priority for the Mills Administration to work to heal the damage. The history of injustice the tribes have experienced and continue to experience is something we all should reckon with as Mainers.

NRCM values our ongoing working relationship with the Maine tribes, and we look forward to continued collaborations to help protect Maine's rivers, fisheries, wildlife, and other natural resources. We have worked closely with the Penobscot Indian Nation on the Penobscot River Restoration Project, which has dramatically improved the water quality and fisheries in the Penobscot River. We also worked closely with the Passamaquoddy Tribe to re-open the St. Croix River to alewives. The run was down to only a few thousand fish in 2008; now, it numbers nearly 300,000. And we have worked closely with the Houlton Band of the Maliseets to fight the threat of mining pollution.

NRCM has repeatedly backed efforts by the Penobscot Indian Nation to secure more protective water quality standards to support the Nation's sustenance fishing rights, and we will continue to do so. We also are working with the Penobscot Indian Nation on the river reclassification

package that will come before the Legislature this year, which includes important upgrades for the Penobscot River.

We have discussed these issues with Mr. Reid and believe that both he and Governor Mills are committed to improved relations with the Maine tribes and to achieving continued forward progress for the Penobscot River, including passage of the river reclassification package and a process for improving water quality standards to protect sustenance fishing rights.

We believe the frayed relations between Maine tribes and the State must improve, but we also hope that all parties can focus on the character, qualifications, and accomplishments of the nominee before this committee.

Maine's environment is safer and cleaner because of the role Jerry Reid has played over the past 20 years. We particularly appreciate his role in the following areas:

- **Climate:** Representing Maine in the landmark Massachusetts vs. EPA case that protected EPA's authority to regulate greenhouse gases.
- **Clean Air:** Representing Maine over the past 20 years in every multi-state ozone pollution case to ensure that the Clean Air Act can be implemented and enforced to protect Maine's air from upwind polluters.
- **Public Lands:** Defending the Katahdin Woods and Waters National Monument by testifying against legislation at the State House aimed at blocking the Monument, and representing Maine in the case against the Trump Administration's attempt to radically reduce the size of the Bears Ears and Grand Staircase National Monuments, in violation of the Antiquities Act.
- **Fisheries:** Defending Maine's regulatory approvals for removal of the Ft. Halifax Dam, opening up the Sebasticook River to sea-run fish.
- **Mercury Pollution:** Enforcement action against the Holtrachem manufacturing plant in Orrington for the company's illegal mercury pollution of the Penobscot River.
- **Lakes:** Protecting Maine's authority to regulate water levels at Flagstaff Lake and other lakes.
- **Enforcement:** Many successful enforcement actions, including for falsification of wastewater discharge reports, and for violations of Maine's hazardous waste, shoreland zoning, and air quality laws.

In conclusion, we believe that Jerry Reid's record of public service demonstrates both his deep commitment to the protection of Maine's environment and his qualifications to serve as DEP Commissioner. We also believe that he will work for a stronger, more productive relationship with the tribes going forward. For these reasons, we urge you to support this nomination.

Letters

## **Monday, Jan. 14, 2019: Refreshing acts of kindness, farm bill focus, scientist needed at DEP**

January 12, 2019 9:58 am

### **Scientist, not lawyer, needed at DEP**

Maine's Department of Environmental Protection needs to be run by a scientist with environmental science expertise. Effective environmental protection is essential to Maine's largest industry, tourism, as well as its natural resource-based industries of fishing, forestry and agriculture.

Maine's Attorney General's office has statutory authority to represent all governmental entities, including agencies, in legal matters, whether as plaintiffs or defendants. Duplication of the AG's legal expertise is unnecessary within the DEP.

Importantly, we need to begin to restore citizens' trust in government by data-driven decisions that honor the best nonpolitical, nonpartisan knowledge available. Also, repair of the diminished morale of the department's able staff can be led by science-based, rather than the previous political-ideology-based, management.

Recent experience within the DEP's rulemaking on metal mining issues shows major rule changes made without scientific justification and an embarrassing lack of understanding of the technical complexities of the issues. The legislative policy committee demonstrated its inability to access scientific expertise in its rush to enact current law that violates the laws of physics with regard to groundwater contamination. Having scientific expertise at the head of the DEP does not guarantee good policy, but continuing in the mode of scientific ignorance cannot be helpful.

Legislators on the policy committee that makes recommendations on confirmation, and state senators who will vote on such confirmation, should quickly encourage our new governor to withdraw Jerry Reid's nomination as DEP Commissioner (without prejudice) and replace it with an expert scientist.

**Ralph Chapman**

*Brooksville*





Submitted by Peter Beckford, 44 Cox Hill Rd, Liberty, ME04949. (589-3023) 1/30/19

To the Joint Standing Committee on Environment and Natural Resources:

Thank You for being here today. I would like to make three points this morning as I ask you to not approve the nomination of Mr. Reid for commissioner of the DEP. I'm sure he is a dedicated public servant, and of course I mean nothing personal in my opposition to his nomination, it is just that at this time in Maine, and due to the environmental crisis we all face, he is not the person for the job. My three points will be: 1. His opposition in court to environmental protections does harm to the state and Tribal Nations. 2. He was willing to misrepresent historical facts in *Penobscot Nation v. Mills*. And 3, Tribal endorsement of a nominee for this post is crucial.

First, What I know of Mr. Reid's work is his efforts on behalf of the State to restrict Tribal sovereignty in *Penobscot Nation v. Mills*, and the State's fight against the Federal order for higher clean water standards in the Penobscot River. I know his office also joined Washington state in their effort to fight protections for the Pacific salmon. These are not fights that an environmentalist would take on, they are fights that benefit polluters more than they do our natural resources. A lawyer committed to the environment would have refused those fights. We need a dedicated environmentalist in this job, someone who's made it their mission to fight for clean air, clean soil and clean water. A nominee's commitment should be unquestionable.

My strongest feelings stick to my second point, Mr. Reid's dishonesty in court. I'm referring to his much publicized statement that the Penobscots have only fished from land. This statement was made by him as an argument that their sovereign territory does not include the river. Maybe I'm naïve, I'm sure I am actually, but I have enough respect for the courts and the hard work that lawyers do, that I consider it a disqualifier that Mr. Reid would deliberately make such a false statement in court. And my respect for Mr. Reid's intelligence does not allow me to think that it was anything but deliberate dishonesty. I wager that you can not find a person in Maine today that believes that Indians have only fished from shores. It's really unfathomable that he would say that in pursuit of his end. There is no excusing it for him, as unintentional or mistaken or a slip. Besides being harmful and offensive to many people, and besides embarrassing the State as another example of the depths of dishonesty Maine will stoop to in its approach to State-Tribal relations, besides those things, one of its much lesser consequences is that Mr. Reid has disqualified himself for this post.

My third point is to suggest that a nominee for commissioner of the DEP should receive the endorsement of Indian tribes within Maine. Who would want to proceed otherwise? There are nations within Maine's border that have equal or higher environmental standards to Maine's, and have a history of success caring for this land and water. Whether Mr. Reid has that endorsement, I don't know. But if not, that's another reason he should not be approved for the job.

In conclusion, I must say that I expect many of you have a bias towards letting the Governor have the cabinet members that she wants. That's how I would feel. However, you have been entrusted with this right and responsibility to approve or disapprove, and I suspect it has to do with your protecting the interests of the citizens of Maine. This is not a good nomination for the State of Maine and all its citizens. Please vote No and give the Governor a chance to pick again, so we can get serious about this new era of protecting our environment and natural resources.

Thank you. Sincerely, Peter Beckford (Liberty)





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## Maine Chapter

565 Congress St. Ste. 206B, Portland, ME 04101

Phone: (207) 761-5616

[www.sierraclub.org/maine](http://www.sierraclub.org/maine)

**To:** Joint Standing Committee On Environment and Natural Resources

**From:** Olin Jenner, Executive Committee Vice Chair, Sierra Club Maine

**Date:** January 30, 2019

**Re: Testimony In Opposition to the Nomination of Jerry Reid for the Position of Commissioner of the Maine Department of Environmental Protection**

Chairman Carson, Chairman Tucker, and members of the Joint Standing Committee on the Environment and Natural Resources, my name is Olin Jenner and I am a resident of Portland and a member of Sierra Club Maine's executive committee, representing over 18,000 Sierra Club Maine members and supporters.

It is with deep regret that I am here to testify in opposition to the nomination of Jerry Reid as the Commissioner of the Maine Department of Environmental Protection. The Sierra Club does not take this position lightly. Only after we heard that many of our members have deep concerns about this nominee did the ExCom vote to oppose this appointment.

The members of the Maine Chapter of the Sierra Club are committed to protecting Maine's natural resources and in promoting social justice and equality for all of Maine's people.

As an organization, we supported and endorsed the election of Attorney General Janet Mills as our next Governor. We continue to believe that Governor Mills will be a champion for the environment and commit to an active stand to protect our environment; to promote higher water quality in Maine's rivers, lakes, ponds and bays.

In our own efforts to protect Maine's resources, we have not found Jerry Reid in his position as assistant attorney general to be the advocate needed for the protection of our State's water resources and fragile environment. Perhaps it is unfair to judge Mr. Reid for positions he has taken, or not taken, while in his role as an Assistant Attorney General. However, it is that role that forms the basis for his nomination.

We believe that there are many strong environmentalists in Maine who will better serve the interests of ALL of Maine's people and Governor Mills in this position. We encourage the new Governor to choose someone else to head DEP -- someone who does not evoke the mistrust, and negative reaction that Mr. Reid's nomination has caused among our members and colleagues across the state.

Sierra Club Maine believes Governor Mills and this legislature will address the problems of a changing climate, but regrettably, we ask you to vote NO on this nominee.



Good Morning Senator Carson, Representative Tucker and Members of the Joint Committee on Environment and Natural Resources. Thank you for the opportunity to share my thoughts on this wintery day.

I share the widespread concern over the possible appointment of Mr. Jerry Reid to the position of Commissioner of the Department of Environmental Protection (DEP) of the State of Maine.

I believe that as the central figure arguing the two cases of Penobscot Nation v. Janet Mills and Maine v the EPA, Mr. Reid has demonstrated a profound lack of understanding, perhaps even respect for the history, treaty rights and culture of the Penobscot Peoples as well as for the importance of the environmental stewardship of our State. Mr. Reid opposed the E.P.A.'s demand for water quality standards suitable for sustenance fishing, citing that this would "hamper industry" along the river. I strongly object to this position (and legal interpretation) that industrial growth preempts right to healthy food on all possible moral, and ethical grounds; let alone as that right is guaranteed to the Penobscot Nation in treaties throughout Maine's history.

For thousands of years Native Americans have lived on this land with principles of sustainability and stewardship of water, soil and forests to ensure their future for nine generations. It is indeed quite

astounding to grasp the level of environmental destruction the original settlers on down through their successive generations have accomplished within just the last 400 years

As demonstrated through its insistence on the highest water quality standards to support all life I commend the Penobscot Nation for its exemplary historical stewardship of the River and believe we deserve no less than a Commissioner of Department of Environmental Protection who upholds these standards and respects the rights of all throughout the State of Maine.

Thank you for your consideration

Richely Fuller  
47 Village Rd  
Belfast, ME

Written testimony in regards to the confirmation hearing of Gerald Reid as nominated by Governor Janet Mills January 30, 2019 before the State of Maine Environmental and Natural Resources Committee. By Ambassador Maulian Dana of the Penobscot Nation and on behalf of the Nation.

Dear Senator Carson, Representative Tucker, and honorable members of the committee,

I send my regrets that I could not attend in person today, weather conditions and my childrens' school being canceled are factors in my absence. However I wanted to send along some thoughts on behalf of the Penobscot Nation. I am confident you will hear these same concerns reiterated by Citizens of our Nation and allied groups and I thank you in advance for your patience.

We are voicing concerns from the Nation on this nomination based on Mr. Reid's close involvement in litigation between the United States Government with the Penobscot Nation versus the State of Maine over rights to the Penobscot River. Mr. Reid represented previous Attorney General Janet Mills' office at the Federal Court case in October 2015. This case was decided for the State which we appealed to the First Circuit Court of Appeals where we also faced a decision not in our favor and have appealed that as well. We are waiting for a full panel en banc review. The case has weighed heavily on our Nation and constant litigation is both a drain on our resources and community but our inherent sovereignty and sustenance is so central to who we are as a Nation that we have decided to persevere in hopes that we can open hearts and minds to our deep love and care for our River which not only is tied into our ways of life and survival but our cultural identity and ancestry.

There is a cacophony it seems from many watching this unfold over the years of discussion and passionate debate over who is responsible for the tension and who is in the wrong. I seek to cut through some of that in my role of Ambassador and Chief Francis as well is ready to see new opportunities on the horizon. Governor Mills was fairly responsive to these hopes for new beginnings during her campaign, had taken a stand on Indian mascot use in Maine, graciously invited me to speak at her inauguration, and has developed a Tribal State Liaison position staffed with former Representative to the Legislature and revered Penobscot veteran and elder Donna Loring. For these actions and potential improvements in Tribal State relations we are thankful and hopeful.

However we would miss an opportunity if we did not weigh in on her choice for this critically important role. After careful review of court transcripts we need to raise a few issues we have with Mr. Reid's comments in prior litigation. It is our firm position that we have never ceded any rights to sustenance fishing in the Penobscot and this is supported by United States Congress and the Maine Indian Land Claims Settlement and Implementing Acts. Mr. Reid stated that he cannot fully subscribe to this claim. He also made statements that sustenance fishing is not something that is common practice among our people and while he may have data to support this, we would point out that levels of pollution and contaminants from discharge into the river have harmed the fish supply and quality and this is a reason for lower rates of our Citizens living off the fish. I am 34 years old and growing up my parents did not allow me to eat fish from the river or even swim in it because of fear of cancer causing pollution. Recent efforts have made the river much safer and cleaner and we are hopeful this trend continues.

It stands to be determined if the new roles for both Mr. Reid and Governor Mills will produce new boarder thinking about Tribal Sovereignty and how it should be recognized in Maine. Sovereignty is not something we are asking for, it is something we already have. Part of that puzzle





is education on the unique relationship that we have with the federal government and how that relationship will by nature supersede some areas of Maine law and policy. That does not translate to a lack of respect or validation for Maine but rather a heightened sense of needing to define the roles and responsibilities of all of us as sovereign bodies.

Moving forward we ask that we be consulted and respected in actions in Maine having to do with the environment and our river, which we see as a sacred part of our family. As the original stewards of this land and having a record of extreme care and love for Maine lands and waters it will be to the benefit of all to have our voice and resources at the table. Should Mr. Reid be confirmed we are open to a working relationship where past misunderstandings can be mitigated for the good of all of us. At the end of the day one would hope that we all want clean water for us and future generations.

Thank you for consideration of my testimony and with utmost respect,  
Maulian Dana  
Ambassador, Penobscot Nation



Senator Carson, Representative Tucker and members of the Committee, I am Ann Kerr from Cumberland and I am here to oppose Gerald Reid's appointment to the DEP.

Maine needs someone who will work with the Maliseet, Micmac, Passamaquoddy and Penobscot. The DEP needs a leader who will collaborate with Wabanaki and other state offices to create real, transformative, sustainable environmental policies and programs. We are all interconnected and should all follow the ~~same standards~~ same standards.

As Governor Mills said in her inaugural speech "We are all in this together. We all want Maine to have a beautiful environment, happy people and prosperous communities."

Why should there be different water quality standards for tribal and non-tribal land? We should follow the lead of the Wabanaki and strengthen our measures to improve the health of the water, land and air in this land known as Maine.

Thank you for taking the time to consider my testimony.

Ann Kerr  
171 Tuttle Rd  
Cumberland ME 04021

In Mr Reid's opening statement he claimed he was "just doing his job" regarding the pending litigation with the Penobscots and how he hopes to work with all the tribes moving forward. These statements only uphold settler-colonialism and ignore the ~~trauma~~ trauma the State of Maine has caused the Wabanaki people. I ask that a different nominee be put forth who has a positive working relationship with the tribes.



Dear Environment and Natural Resources Committee,

I am here today to urge you to vote not to approve the appointment of Gerald Reid to be the Commissioner of the Department of Environmental Protection (DEP).

I am deeply concerned about Mr.Reid's actions in regards to water rights and water quality. His words and actions during the State of Maine vs. the EPA really highlight what kind of a commissioner he would be. Rather than fighting to improve water quality for all Mainers, he chose to challenge the Penobscot Nation and have their water quality standards lowered. That is not the kind of person I want working for the environment in our beautiful state.

I speak as a 28-year old women who plans to have a family. With Maine's aging population, it is crucial that Maine attracts young people to live here. I will seriously think twice about settling down in Maine if Mr.Reid is confirmed and I can bet that many other environmentally conscious young people feel the same way. We need people in our government who care about the environment and want to protect it for future generations, not throw it away for profit.

Lastly, I stand in solidarity with the Penobscot Nation. I acknowledge their right as a sovereign nation to determine their future. I also stand in solidarity with the Passamaquoddy, Mi'kmaq, Wolastoqiyik, and Eastern Abenaki of Maine. All of whom will be impacted by this decision.

Thank you for your consideration.

Julia Gustafson  
2 Susan Lane  
Falmouth, ME  
04105



I am a social worker living and working in Southern Maine. I am writing to express my concern regarding the nomination of Gerald Reid for Commissioner of the Department of Environmental Protection. I am asking you to not approve this nomination.

Protection of our environment and natural resources is a vital issue today and for future generations. It essential that we partner effectively with the indigenous nations of Maine to do so. Gerald Reid fought in court against the Penobscot Nation and against clean water in the Penobscot Nation v Mills case.

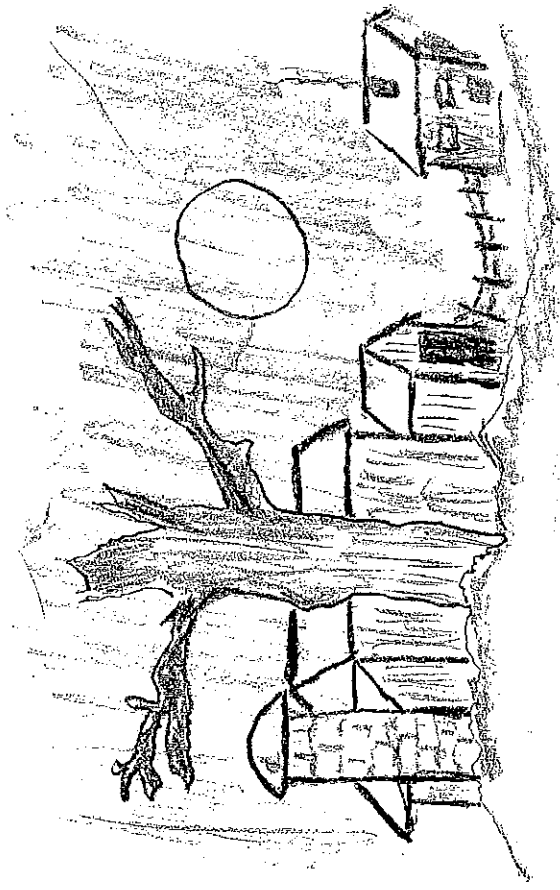
I am asking that as member of the Environmental and Natural Resources Committee, you will not approve his nomination. Thank you for your consideration.

Best,

Allison Strausberg







If we will have the wisdom to survive,  
To stand like slow-growing trees  
On a ruined place, Renewing it,  
enticing it, we will make our seasons  
Welcome here. The lives our lives  
Prepare will live here, their homes  
strongly placed upon the valley sides,  
WARM, lived in by people made joyful  
by the beauty and abundance of the  
fields, the songs of its people and  
its birds. This is no paradisaical dream.  
Its hardship is its possibility.  
— Adapted Wendell Berry

Sunday, Jan. 27, 2019. ... Noon  
Sunny ... 25°F

Tells Gary Mulligan,

My wife Margie and I just received a note from a member of the Petre & Justice Carter & Coakley Maine in Bangor that Governor Janet Mills has chosen Howard Reed

To head the D.E.P. along with the P & J. Carter, and the Democratic Nation, Margie and I want to express our opposition to this choice, as Mr.

Reed has opposed the fishing rights of the Democratic Nation in the Great-Salt Ponds. Governor Mills has said that she is committed to better relations with the indigenous people of Maine. This nomination doesn't seem to

fit that commitment. Hopefully he has rethought his opposition to the Democratic Nation's fishing rights & their subsistence uses of the river. If not, we support the withdrawal

of Mr. Reed's Name for this post.

Marge & I love the land in Grand Falls Maine, near Burlington. Burlington's town motto is "Burlington. The Way Maine Life Should Be," i.e. a commitment to maintain the beauty of our environment. And grand falls have always maintained that commitment. We should respect them.

Sincerely,  
Bill Chesene  
Margie Doakane



For a thriving New England

CLF Maine 53 Exchange Street, Suite 200  
Portland, ME 04101  
P: 207.210.6439  
F: 207.221.1240  
www.clf.org

January 4, 2019

Senator Brownie Carson  
Representative Ralph Tucker  
Environment and Natural Resources Committee  
100 Statehouse Station  
Augusta, ME 04333

Re: Jerry Reid

Dear Sen. Carson and Rep. Tucker,

I write on behalf of the Conservation Law Foundation (CLF) to support the nomination of Jerry Reid to be Commissioner of the Department of Environmental Protection. I have known and worked with Jerry for more than two decades as a lawyer in private practice at Verrill Dana LLP and in my current role as Executive Vice President of CLF. For a number of reasons, I cannot think of a better person to lead the DEP at this moment in time.

First, Jerry intimately knows the statutes and regulations that form the backbone of environmental protection in Maine. Second, Jerry is well-respected as someone who is consistent, transparent and fair in his application of those statutes and regulations. Third, he is focused not just on process but also on results that are pragmatic and beneficial to the people, communities and businesses of Maine. And finally, he is a person of high moral character who will be an outstanding representative for Maine in the various regional collaborations which will be critical to the success of meeting the challenge of climate change.

I regret that I will most likely be out of the country when Jerry's nomination comes before you and the other members of the Legislature. I have been involved in many cases with Jerry – both on the same side and on the opposite side – and I have always come away from those cases with increased respect for his work ethic, the team that he builds, and his commitment to securing a just and fair result. That is the leadership the DEP is entitled to, the working relationship the Legislature deserves, and the type of DEP Commissioner the people of Maine demand.

Thank you for your consideration and I wish you the best of luck in this coming and historic legislative session.

Very truly yours,

Sean Mahoney  
Executive Vice President  
Director, CLF Maine



TESTIMONY OF DAVID L COURTEMANCH SUPPORTING THE CONFIRMATION OF  
GERALD REID FOR COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

30 January 2019

To: Senator Carson, Representative Tucker (Chairs)

Members of the Environment and Natural Resources Committee of the 129<sup>th</sup> Maine Legislature

My name is David Courtemanch. I am currently a Freshwater Science and Policy Specialist for The Nature Conservancy in Brunswick. Previously, I was an aquatic biologist at the Maine DEP for 40 years (1971-2012), with the last 20 of those years as the Director of Environmental Assessment. As director, I was responsible for setting water quality standards and criteria for all State's waters, fresh, marine and groundwater, and providing the assessment and direction for attainment of those standards. It is in that capacity at the DEP where I had considerable interaction with Mr. Reid for a number of years and over a variety of issues and circumstances where I feel qualified to provide you with insight into the knowledge and character of Mr. Reid. In short, Governor Mills has provided this committee with an outstanding nominee to be Commissioner of the DEP.

I would like to offer a few examples of the kind of work Mr. Reid and I were involved with and how, as Commissioner, I expect he will show governance and decision-making skills necessary to successfully guide the Department's environmental protection responsibilities. The most notable set of issues where Mr. Reid, myself, and others in the department have had significant interaction involved hydropower regulation, an issue of very high importance today. Of State, as well as National, importance was the lawsuit by the S.D. Warren Co. challenging the State's right under Section 401 of the Clean Water Act to impose conditions on the operation of hydroelectric facilities to ensure compliance with water quality standards. The Attorney General through the work of Mr. Reid successfully defended Maine's interests in front of the U.S. Supreme Court. This decision was of great significance, assuring that the States, through the Clean Water Act, have the authority and responsibility for managing their waters. In a later action involving the relicensing of the Flagstaff Lake hydropower storage project, the Department, with considerable involvement and guidance from Mr. Reid over a period of years, tried to broker reasonable water quality standards for that facility only to see a commissioner waive the State's



standards enforcing role under Section 401 and abandon the State's responsibility for managing that very large and valuable lake resource. As Commissioner, I know that Mr. Reid understands the importance of the State's responsibility in establishing and protecting our water quality standards and would not allow another such lapse of accountability to occur. It should be noted that the Department presently has a similar relicensing case before it involving Brassua Lake in the Jackman-Rockwood area.

Much of the other work that I did with Mr. Reid was in drafting legislation and rules on water quality standards. I know he works across the department assisting DEP staff with this important task and therefore has broad knowledge of the Department's regulatory policies. Working with Mr. Reid was always enjoyable and worthwhile as he was always just as interested in learning what we knew about water and water quality as he was in lending his legal expertise. This is an important association that the Department must have with the Attorney General's office and one where in working with Mr. Reid I always came away learning a great deal because of the insight he would give me explaining the legal details that need to be incorporated in setting standards. Additionally, Mr. Reid was always a valuable resource when working with the USEPA, an agency which doesn't always see the world as we do in Maine, but nevertheless is a very important working partner in setting environmental policy. Mr. Reid is well respected at that agency and he will be an important asset for this State. I would like to suggest that this committee and our next DEP commissioner pay particular attention to USEPA's newly proposed Waters of the United States rule to be sure it does not undercut any standards that we presently have in Maine.

In summary, the approach I have seen Mr. Reid use to address environmental issues is one involving an objective assessment considering the available facts, attention to all sides of the issue, engagement of experts and staff, and reflection using his expertise in environmental law resulting in thorough, thoughtful decisions. I expect this committee will find Mr. Reid to be very forthcoming with information and a willingness to explain his analysis and recommendations. You will clearly know just how he has come to his decisions. The committee should not expect any less of the next DEP commissioner.

*David Cantel*







**Testimony before the  
Joint Standing Committee on Environment and Natural Resources**

**By Rob Wood, Energy Policy & Projects Advisor**

**January 30, 2019**

**Re: Nomination of Jerry Reid for Commissioner of the Maine  
Department of Environmental Protection**

Senator Carson, Representative Tucker, members of the Joint Standing Committee on Environment and Natural Resources, my name is Rob Wood and I serve as a policy advisor for The Nature Conservancy in Maine focusing on climate and energy issues. I appreciate this opportunity to testify in support of the nomination of Jerry Reid for Commissioner of the Maine Department of Environmental Protection.

The Nature Conservancy is an international conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world's toughest challenges so that nature and people can thrive together. Working in more than 70 countries, we use a collaborative approach that engages local communities, governments, the private sector, and other partners. The Nature Conservancy has been working in Maine for more than 60 years and is the 12th largest landowner in the state, owning and managing roughly 300,000 acres. We work across the state to restore the rivers and streams that support healthy fish populations, partner with fishermen to rebuild groundfish populations to benefit coastal communities across the Gulf of Maine, and develop innovative solutions to address the impacts of climate change.

The Department of Environmental Protection is responsible for protecting and restoring Maine's natural resources and enforcing the state's environmental laws. It is also directed to protect and enhance the public's right to use and enjoy the State's natural resources. The Department administers programs, educates the public and makes regulatory decisions that contribute to the achievement of this mission.

The Nature Conservancy has worked directly with Mr. Reid on a handful of projects over the last 15 years during his tenure at the Attorney General's office. Together, we worked to balance large-scale conservation around Moosehead Lake with targeted development



opportunities for that region. He also served as an important sounding board in the effort to push back on the LePage Administration's refusal to release the 2009 and 2011 voter-approved Land for Maine's Future bonds. Through all our work, Mr. Reid was clear-eyed, strategic, and an excellent listener. His dedication and commitment to Maine, its people and natural resources was clear.

The Nature Conservancy has a strong partnership with the Department of Environmental Protection, and we are looking forward to working with Mr. Reid to protect Maine's core land and water regulations. At the same time, we look forward to continuing our joint efforts to enhance Maine's natural resources. This includes the Maine Natural Resource Conservation Program (MNRCP), a wetland mitigation program that helps compensate for impacts to protected natural resources in Maine by funding the restoration, enhancement, preservation, and creation of similar resources to maintain ecological benefits. Since its establishment in 2007, MNRCP has supported more than 100 projects across the State. Our joint efforts also include building continued momentum for the Stream Crossing Upgrade Program, a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings to improve fish and wildlife habitats and increase road safety. Since its inception in 2014, the program has invested in more than 70 municipal projects from Kittery to Fort Kent.

In our previous work with Mr. Reid, he has demonstrated an even-keeled demeanor, and has excellent people and managerial skills to successfully lead the Department. On behalf of The Nature Conservancy in Maine, I offer our full support and enthusiasm to Governor Mills's nomination for his leadership at the Department of Environmental Protection.



**Testimony of Jeffrey David Talbert**  
**Before the Joint Standing Committee on Natural Resources**  
**Concerning**  
**Confirmation Hearing Regarding Gerald Reid**  
**as Commissioner of the Maine Department of Environmental Protection**

Senator Carson, Representative Tucker, Members of the Natural Resources Committee:

My name is Jeffrey David Talbert. I am a Partner at Preti Flaherty based in Portland Maine. I practice in the areas of litigation and environmental law. I am here to testify in support of the nomination of Gerald Reid for the position of Commissioner of the Maine Department of Environmental Protection.

I have known Jerry for over 10 years and have interacted with him on environmental litigation and contentious permitting matters on behalf of a number of clients. He is an excellent lawyer who is not only knowledgeable, but is approachable and straight forward. He has an excellent mastery of environmental law, having led the Natural Resources Division of the Maine Attorney General's Office for many years and will make an excellent Commissioner of the Maine Department of Environmental Protection.

It is no surprise to me that Jerry Reid has received such broad and enthusiastic support for his nomination. I am surprised, however, to have read and heard some raise questions regarding his independence and willingness to enforce the State's environmental laws, against corporate interests.

After being on the opposite side of Jerry in active litigation regarding the enforcement of Maine's environmental laws, I can personally attest that he exercises independent judgment, is

not swayed by corporate interests, or soft on enforcement. In fact, in my experience Jerry Reid is a strong but honest and fair advocate for Maine's environmental laws.

For example, my first interaction with Jerry was on an environmental litigation matter under the Uncontrolled Hazardous Substance Site Law. I had just moved to Maine from Washington DC where I was a trial lawyer in the Environmental Enforcement Section of the US Department of Justice and the State of Maine had just brought one of its the largest environmental enforcement actions against one of my firm's clients. Jerry and I each lead a team of lawyers and experts in a three-week administrative hearing before the Maine Board of Environmental Protection. Over the course the next several years, we engaged in negotiations, discussions regarding issues raised by the BEP's decision, and subsequent appeals. During this time, Jerry was a strong and unflinching advocate for Maine's environment.

Since that time, I have interacted with Jerry on several other cases, including other State environmental enforcement actions. I have also worked with Jerry in the context of permitting projects, where environmental permits were needed. In each of those cases he proved himself to be extremely competent, fair open and approachable while also being a strong advocate for his client, the DEP.

I have no doubt that he will exhibit all of these qualities as Commissioner of the Maine Department of Environmental Protection.

The Governor has made an excellent choice for DEP Commissioner and I wholeheartedly support this nominee.

I would be happy to answer any questions that the Committee may have.

Senator Carson, Representative Tucker and members of the Committee, my name is Kat Joyce, and I am here to testify in support of Jerry Reid for Commissioner of the Department of Environmental Protection.

You all don't know me particularly well, but I have practiced environmental law in the State of Maine for over 15 years, and for better or worse, it is pretty difficult to inspire effusive praise from me. Feel free to consult with those who know me - I am not easily impressed, and so the testimony that follows should be taken with that in mind. And please note that I cannot recall a time when Jerry and I had the luxury of seeing eye to eye on any issue. So, I do not support him because I believe that he will see the world the way I see it, or the way my clients wish he would see it. Rather, I support him for three simple reasons:

- 1) He is an incredible public servant. As lawyers, it is our job to analyze, implement, and effectuate laws on behalf of and at the direction of our clients - Jerry has taken his position in the AG's office as a solemn charge, regardless of his personal viewpoint on any particular law. I admire him for his unwavering advocacy on behalf of his client. I don't believe it is an overstatement to say that Jerry knows better than anyone the strengths and weaknesses of our environmental laws.
- 2) He is a bright, articulate, and honorable man. There are several examples in which my clients and the executive branch of the State of Maine had different objectives, which has landed Jerry and me firmly on opposite sides of debates about a law, or its proper administration. And yet, in every encounter I have had with him, with exactly zero exceptions, Jerry has not only been a smart and astute lawyer, but has been imminently decent, thoughtful, respectful and respectable. I have always, and I encourage you to do the same, respected the seriousness with which he takes his job, and that he performs it with admirably exacting standards of excellence.
- 3) Having Jerry in a new role as Commissioner of the DEP will provide Maine with the tools that it desperately needs to deeply engage in solving the problems we face around protecting our natural resources while allowing our economy to thrive. Placing him in this new role will allow him to translate his experience into invaluable perspective and counsel around effectively implementing, improving, and providing clarity on our environmental laws to the staff, to the public, and where appropriate, to the legislature.

This is an opportunity Maine and its natural resources simply cannot afford to pass up. I strongly recommend Mr. Reid's confirmation as Commissioner of the DEP.







**Trout Unlimited**  
**Testimony in Support of Jerry Reid's Nomination as**  
**Commissioner of the Maine**  
**Department of Environmental Protection**  
**1/30/2019**

**Senator Carson, Representative Tucker and members of the Joint  
Standing Committee on Environment and Natural Resources:**

My name is Jeff Reardon, and I am testifying today on behalf of Trout Unlimited (TU), a national conservation organization whose mission is to conserve, protect and restore North America's trout and salmon and their watersheds. I am representing our 6 chapters and about 1800 members in Maine. Our Maine Council voted unanimously on January 17<sup>th</sup> to support Jerry Reid's nomination as Commissioner of the Maine Department of Environmental Protection.

It is not often that a nominee comes in front of this Committee—or any committee—having spent an entire career working in the public interest. That's what Jerry Reid has been doing since he graduated from the University of Maine School of Law in 1994. Mr. Reid spent 6 years as one of the state Attorney General's specialists in enforcing the Maine Civil Rights Act and has more than 20 years' experience with the AG's office in environmental law. Since 2007 he has served as Chief of the Maine AG's Office of Natural Resources. There is probably not an attorney in Maine who knows the state's environmental law better than Mr. Reid.

Among many other cases in a long career, Mr. Reid has taken the lead for several that were especially important to Trout Unlimited and other native fish advocates. He fought all the way to the US Supreme Court to defend Maine's right to require fishways at dams as part of Maine's water quality standards. In the Federal Courts of Appeal, he defended Maine's right to regulate water levels behind hydropower dams so that Maine's lakes can meet state water quality standards. In the Maine Supreme Court, he defended the state's authority to issue permits to remove the Fort Halifax Dam—a decision important to fish advocates like TU and to regulated industries who want certainty when the state issues permits. He's prosecuted unregulated discharges into the state's waters and violations of the state's shoreland zoning laws.

You will hear concerns today about Mr. Reid's representation of the state in a long-running, complicated, and messy dispute over water quality and tribal sovereignty issues on the Penobscot River. TU certainly has not agreed with every position the state has taken in that dispute, and we wish they'd found a way to settle it a long time ago. Governor Mills committed during the campaign and since her election to improve relations with Maine's tribes. Improving water quality on the Penobscot River to support native fish and have them clean and plentiful enough for the Penobscot Nation's to have meaningful subsistence fishing rights is an important first step. In his current role, Mr. Reid has supported the DEP's efforts to upgrade water quality classification on the Penobscot to meet that goal, and it would be fitting for him to lead the Department as those proposed upgrades come before the Legislature. It would be a first step to positive engagement with the tribes, and a big win for the Maine public.

We look forward to working with Mr. Reid and urge you to confirm his nomination.

**Jeff Reardon, Maine Brook Trout Project Director**  
**[jreardon@tu.org](mailto:jreardon@tu.org) 430-8441 615 9200 (cell)**



**Testimony of Tim Feeley**  
**In Support of the Nomination of Gerald Reid**  
**Commissioner of the Department of Environmental Protection**  
**January 30, 2019**

Good morning Senator Carson, Representative Tucker, and distinguished members of the Joint Standing Committee on Environment and Natural Resources. I am Tim Feeley, I am a resident of Brunswick, and I am here today to testify in support of the nomination of Jerry Reid to be Maine's next Commissioner of the Department of Environmental Protection.

I formerly worked with Jerry in the Attorney General's Office - I left that office in 2017 to pursue a law degree and I am here today in my personal capacity; representing no one but myself.

The people of Maine are fortunate to have the collection of talented lawyers and quality people serving them on the 6th and 7th floors of this building. The men and women of the Attorney General's Office are the most dedicated and trustworthy public servants I have encountered. But even among those impressive individuals, Jerry Reid stood out for his grace, knowledge, integrity and his ability to connect with people.

I was recently describing my old job as Special Assistant to the Attorney General to a classmate and I likened it to being a firefighter. I was always dealing with hot issues and putting out fires. I learned quickly that the Assistant Attorneys General were up to the task of helping me, but none handled these difficult situations as well as Jerry. He was always prepared with the law and the facts and he has that unique talent of being able to disagree, without being disagreeable. His knowledge of the issues facing DEP and his ability to work with and collaborate with people set him up well to serve as Commissioner.

I have worked in the State House for nearly 20 years and I am hard pressed to think of people I have encountered here who have as much character and integrity as Jerry Reid. He will serve the people of Maine well and I urge you to vote in favor of his nomination. Thank you.



To Their Honorable Senator Brownie Carson, (chair) and Honorable Representative Ralph Tucker (chair), and Distinguished Members of the Joint Standing Committee on the Environment and Natural Resources

As a citizen of the State of Maine, as a United Methodist Clergy, and as a human being, I come with concerns about the appointment of Gerald Reid to the position of Commissioner of the Department of Environmental Protection. Along with many of my fellow clergy in Maine I wish to stand in solidarity with the Wabanaki people who have expressed their opposition to his appointment to this position.

In 2015 my denomination's meeting of our Annual Conference in New England began with an Act of Repentance Service, in which we sought to acknowledge the role that Methodism played in the history of colonization and the harm that was perpetrated against indigenous peoples. The theme of that service was "Listen", and contained in it was a mandate to seek ways to educate ourselves to our past and to ally ourselves with indigenous people in the future.

I have listened to the voices of a number of Penobscot leaders on Gerald Reid's nomination to the Department of Environmental Protection, and have heard clearly that his past positions have disregarded treaty rights and past interpretations of the Maine Indian Land Claims Settlement Act, in ways that have weakened environmental protections, and have established an adversarial relationship with the Wabanaki people.

I believe that if we are serious about preserving the environment in Maine we serve everyone by listening to these people, who have remained close to the land, air and water. So I urge you, for the sake of justice and of the environment, to listen to their concerns, and to vote no to the appointment of Gerald Reid as Commissioner of the Department of Environmental Protection.

Respectfully,

Rev. Dr. Margaret Sheffield

United Methodist Elder in the New England Conference

Pastor of West Scarborough and Clark Memorial United Methodist Churches in Maine



January 30, 2019

Re: Jerry Reid

Hello,

**The Maine Green Independent Party** opposes the appointment of Jerry Reid.

We and many other Mainers who are aware of the theft of waters and breaking of treaties will do everything we can to block Mr. Reid's penchant for weaker environmental standards AND ridiculous decisions against the Penobscot Nation.

It is beyond stupid and insensitive to invite the fox to guard the hen house.

Appointing Reid will cause disharmony amongst the people trying so hard to make Maine better, fairer, cleaner, and the way life should be.

Do you (plural) want constant uproar or to peacefully clean our land, waters and make Maine whole and healthy again as a happy team? No one disagrees with clean air and clean water, except when money can be made. Please appoint a person not tied to pollution, theft, and corporate greed.

If you (plural) want all hell to break loose and for people to fill the State House yard with protesters, just like we have for the past 8 years, keep appointing foxes to tear the chickens in the hen houses to pieces. We, the people of Maine are not going away and we will not put up with bad actors making deadly decisions. Water is Life.

Sincerely,

Lyn Maravell

Maine Green Independent Party

Steering Committee

LynMaineGreens@outlook.com







Committee on Environment and Natural Resources  
c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

January 30, 2019

**RE: Nomination of Gerald Reid to be Commissioner of the Maine Department of Environmental Protection**

Dear Chair Carson, Chair Tucker, and Members of the Environment and Natural Resources Committee:

On behalf of Maine Audubon's 30,000 members and supporters, thank you for the opportunity to share our resounding support for the nomination of Mr. Gerald Reid to be Commissioner of the Department of Environmental Protection.

Mr. Reid is exceptionally qualified for this position. As head of the Natural Resources Division of the Maine Office of the Attorney General for the past 12 years and as an Assistant Attorney General in the Natural Resources Division for 11 years' prior, Mr. Reid has demonstrated an unparalleled command of and respect for Maine's natural resource laws. Representative cases and responsibilities include:

- *Massachusetts, et al. v. EPA*, 549 U.S. 497 (2007), establishing the Environmental Protection Agency's (EPA) obligation to regulate emissions of greenhouse gases.
- *Save our Sebasticook v. Maine Bd. of Env'tl. Prot.*, 2007 ME 102, upholding regulatory approvals for removal of Fort Halifax Dam, which opened Sebasticook River spawning habitat to sea-run fish.
- *State of Maine v. Volkswagen, et al.*, CV-2016-242 (Kennebec County 2016), a civil enforcement action for violations of Maine vehicle emission standards resulting in civil penalty of more than \$5.1 million.
- *Maine Dep't. Env'tl. Prot. and Attorney General v. Lake Pemaquid Campground*, CV-01-0195 (Kennebec County 2001), an enforcement action for major shoreland zoning violations resulting in injunction and record civil penalty.
- *New Jersey, et al. v. EPA*, 517 F.3d 574 (D.C. Cir. 2008), reversing EPA decision to remove powerplants from the list of sources whose hazardous air emissions are subject to regulation under Section 112 of the Clean Air Act.
- Amicus participation in *Hopi Tribe and Wilderness Society v. Trump*, currently pending in the Federal District Court for the District of Columbia, 1:17-cv-02590 and 1:27-cv-2591, a brief supporting tribes, conservation and environmental organizations in opposition to the Trump Administration decision to dramatically reduce the size of the Bears Ears and Grand Staircase National Monuments in violation of Antiquities Act.

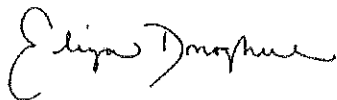
This is a brief selection of the many cases in which Mr. Reid has worked on behalf of the State of Maine to protect our air, water, land, and wildlife. Perhaps most notable is the litany of

enforcement action cases Mr. Reid has initiated or has been a part of to maintain Maine's air quality. At the risk of hyperbolizing, we can thank Mr. Reid for the relative cleanliness of the air that we breathe.

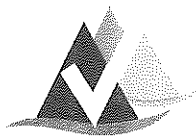
Personally, Mr. Reid is thoughtful, approachable, and committed to his work. I had the good fortune of interning with Mr. Reid as a law student. Mr. Reid was head of the Natural Resources Division at the time and undoubtedly busy, but he happily and generously made himself available to answer my questions and hash out how we might collectively approach whatever task was before me. He respected me as a team member. I have no doubt he will bring that same respect to the DEP staff team. Good leadership isn't just about a command of your profession—it is also, perhaps even more importantly, about buoying the people you work with. Mr. Reid will float all ships at the DEP.

Maine Audubon is looking forward to working with the Mills Administration on policies and actions that support Maine's wildlife and habitat. Among those issues needing attention is securing increased levels of water quality protection for the Penobscot River. This is especially important to us, as we were a party to the 16-year effort to restore Penobscot River ecology, hydrology, fish, and wildlife by removing two dams and building a fish bypass around a third dam. There is much to celebrate about that project—Maine Audubon has seen great numbers of fish and fish-eating birds return to the river since the removals—but there is still more to do. Just like us, fish and other aquatic life need clean water. Maine Audubon has no doubt that Governor Mills and Mr. Reid will work proactively and collaboratively with stakeholders to ensure the long-term health of a river that means so much to so many Maine people.

Thank you,

A handwritten signature in cursive script that reads "Eliza Donoghue".

Eliza Donoghue, Esq.



# Maine Conservation Voters

*Inform. Vote. Protect.*

## TESTIMONY OF MAINE CONSERVATION VOTERS BEFORE THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Supporting the Appointment of Gerald Reid  
as Commissioner of the Department of Environmental Protection

January 30, 2019

Good morning Senator Carson, Representative Tucker, and members of the Environment and Natural Resources Committee. My name is Beth Ahearn and I am the political director of Maine Conservation Voters (MCV). MCV is a nonpartisan, nonprofit organization that works to make Maine's environment a high priority.

MCV supports the nomination of Gerald (Jerry) Reid and believes he would make an excellent commissioner of the Department of Environmental Protection (DEP). Mr. Reid has the talent and expertise to bring Maine back to the forefront of environmental protection. DEP is charged by law "with the protection and improvement of the quality of Maine's natural environment and the resources which constitute it, and with the enhancement of the public's opportunity to enjoy the environment by directing growth and development which preserves for all time an ecologically sound environment." Mr. Reid is well suited for this task.

I've had the opportunity to work with Mr. Reid and find him to be an invaluable source of information and expertise. Working in the Natural Resources Division in Maine's Attorney General's office for more than two decades and as its head for the last twelve years, Jerry Reid knows Maine's environmental laws and regulations as well as anyone. He has a rich background in air quality law, which is particularly useful in tackling the challenge of climate change. Given his qualifications, Mr. Reid's selection demonstrates that Governor Mills is serious about protecting human health and ensuring that our air, land, and waters are protected.



Jerry Reid has dedicated his career to protecting Maine's natural resources. In fact, he interned for me when I was the Staff Attorney at Maine Audubon in the early 1990s. He is smart, kind, fair, even-keeled, and has earned the respect of his colleagues and the assistant attorneys general he supervises.

As head of the Natural Resources Division in the AG's office, Mr. Reid has been instrumental in moving enforcement actions forward to punish polluters for breaking Maine's environmental laws. He has fought the Trump Administration from weakening a wide variety of protections including multiple defenses of the Clean Air Act to regulate carbon, ozone, and mercury pollution. And, he promised to continue fighting rollbacks at the federal level. He has also defended the Katahdin Woods and Waters National Monument from attacks.

We acknowledge the antagonistic history between the Maine Attorney General's office and the Wabanki people, in particular the Penobscot Nation. We strongly encourage Mr. Reid and Governor Mills to address this history head-on and work to repair damaged relationships with members of the Penobscot Nation. It is our understanding that they have promised to do so and have already begun this important work. In addition, Mr. Reid has pledged to immediately support legislation coming from the Board of Environmental Protection this session and prioritized by Maine's Environmental Priorities Coalition, to improve the water quality of the Penobscot River, which is an important first step forward.

In closing, MCV believes Jerry Reid has the experience and commitment to be a superb DEP Commissioner, ensuring that our natural resources will be protected for future generations.

Chairman Senator Carson, Representative Tucker, and members of the Environment and Natural Resources Committee:

I stand before you today as a member of the Penobscot Nation and Relative to the Penobscot River. I deeply appreciate your time as you hear my words. I am here to oppose the appointment of Jerry Reid as Commissioner of the Department of Environmental Protection. I do so because I don't trust him to listen to our concerns, nor to represent the best interests the People in the defense of land and water in Wabanaki Territory, now called "Maine". Jerry Reid has already proven himself to be at odds with sovereignty and stewardship in regards to the Penobscot River, and has displayed a blatant lack of understanding of the way we see the Natural world, and our role in protecting what the state and Industrial Interests call "Natural Resources." I believe that Reid's appointment as head of the DEP was a direct attack on the Natural world, and a slap in the face of Penobscot People. As the lead

What does stewardship mean?

This is where worldviews clash. Ownership is a colonial/imperial concept. It carries with it the notion that the Natural world is there to be controlled and used as one sees fit. Or put in a box to keep others out. Stewardship is the notion that the Natural world is our Relative, and carries with it a responsibility to protect.

Ownership: The land and water belongs to me.

Stewardship: I belong to the land and water.

First, I'd like to give an overview of the two concurrent River cases and the involvement of the Attorney General's office. As the Attorney General and Assistant Attorney General listed in the lawsuit Penobscot Nation vs. AG Janet Mills, Mills and Reid have vociferously defended the State's opinion that the Water flowing in the Penobscot River surrounding the 200+ islands that make up the Penobscot Nation, was not part of Penobscot Territory. This contradicts Treaties and past interpretations of the Maine Indian Land Claims Settlement Act (MILCSA). Reid represented the State of Maine opposing Penobscot stewardship of the main stem of the River in a manner said by the Federal Government to be in violation of Federal Indian law, and tantamount to an "unlawful territorial taking" of 61 miles of River. Intervening in the case on the side of the State was a consortium of 17 Industrial and municipal intervenors that were represented by the lobbying firm Pierce Atwood. In December of 2015, the U.S. District Court in Portland, Maine, reaffirmed the Tribe's Treaty-reserved sustenance fishing rights, but decided in favor of the State in redefining the definition of "Tribal Waters." In the First Circuit Court of Appeals, one of three judges issued a dissenting opinion. Judge Juan Torruella wrote an argument reaffirming the Penobscot territory to include both the land and the water, in which he cited the Treaties of 1796, 1818, and 1833; and legal precedents set in previous agreements which support Tribal stewardship of the River. The Penobscot River has always been home to the People of the Penobscot Nation, and anyone who says otherwise will be seen as an unacceptable threat to our sovereignty and stewardship. This court case is ongoing, and a DEP Commissioner who has already proven himself to be clueless of our cultural heritage and the relationship we have with the River would be detrimental to future relationships and would interfere with cooperation.

Clean water and fish on the dinner table should be a right for all of the people in Wabanaki Territory, now called Maine. In 2014, the State of Maine's DEP tried unsuccessfully to set water standards so low as to allow only 1.4 ounces of fish from Tribal Waters per day. This equals a portion the size of almost one-half of a deck of playing cards; not even close to the definition of sustenance.



The EPA refused these standards, fulfilling the Federal Government's trust responsibility to uphold Treaty-reserved sustenance fishing rights, and in 2016, insisted on water standards in Tribal Waters that would allow for safe consumption of 10 ounces of fish per day. This resulted in the lawsuit *Maine vs. the EPA*, in which AG Mills and Assistant Attorney General Jerry Reid stood with Industrial interests and Gov. LePage in opposition to clean water for all of us. Later, Mills and Reid backed a petition to Trump's former EPA administrator, Scott Pruitt, to withdraw the standards set by his predecessor. The EPA is now poised to rollback these Water quality standards.

At the current time, Scientists from the Penobscot Nation Dept. of Natural Resources recommend NO freshwater fish consumption for Women who are pregnant, nursing, or planning to become pregnant; nor for any child under the age of eight. For anyone else, recommended consumption of fish from the Penobscot River is 10 ounces per month.

Moving forward, resistance to this regression in water quality standards is of the utmost importance. Because Penobscot people eat more fish than surrounding populations, the cancer rate is five times higher in our communities than in the communities of our neighbors. Our cultural connection to the River includes eating fish, just as our Ancestors have done since time began here in this beautiful place we now call Maine. Clean water is in the best interest of ALL the people of Maine, and we must make sure that Industrial interests and Trump's EPA no longer have an ally in the Blaine House nor in the Attorney General's office, as they did while LePage was Governor. We also sincerely hope to welcome a Commissioner to head the Dept. of Environmental Protection who has not already proven himself to be adversarial to the Wabanaki tribes.

In all of the issues outlined above, the recurring theme is the question of sovereignty and misinterpretation of the Maine Indian Land Claims Settlement Act. The Act was signed with the understanding that any ambiguities should favor of the Tribe and that the MILCSA never abrogated our Treaty rights.

As a State and as a community of People who would like to leave the land and water better than when we found ourselves here in this time and space, we face many future challenges. A few examples of the issues we face in the future are:

Juniper Ridge Landfill, the East/West Industrial corridor, paper mills, wastewater discharge, and clean-up of lead and mercury,

Janet Mills and Jerry Reid have stated that their involvement with the above court cases was part of the oath of Office they took as Attorney General and Assistant Attorney General and that they shouldn't be personally held responsible for them. Please allow me to point out that this is false; the courts ruled that they could pick and choose her battles in spite of pressure from a Governor.

One of the battles the AG's office chose to engage in had nothing to do with the oath of Office as AG and everything to do with trying to set an anti-Water legal precedent in a case all the way across the country. Had this precedent been set, the State of Maine and their Industrial allies would have had a legal go-ahead to help them avoid responsibility for environmental damage here, including the estimated 280 million dollar clean-up of lead and mercury in the Penobscot River near Orrington. Just last March, Janet Mills and 10 Republican State AGs signed on to the lawsuit *United States vs. Washington State*, in which 21 tribes were speaking up in defense of the Salmon and Orca Nations. I believe the involvement by the AG's office relates to future environmental responsibilities of the State, and was an attempt to avoid those responsibilities.





A letter criticizing the AG's office under the leadership of LePage was signed by the elected leadership of the Penobscot and Passamaquoddy tribes and more than 20 progressive groups, leveling a charge of "attacking tribal fishing rights at home and well beyond Maine."

I oppose Reid's nomination, and urge the Governor to find someone who can navigate the State to Tribe relationship in an acceptable manner.



January 29, 2019

Senator Carson, Representative Tucker and members of the Environmental & Natural Resource committee, my name is Susan Lubner, of Bath. I come to speak to you in opposition to Gerald Reid being appointed as Commissioner of the Maine DEP.

Please do not support Mr. Reid! The appointment of DEP commissioner effects all of Maine's air, water & land resources. All who value our environment and natural resources need to speak out. Should he lead DEP's efforts to protect & restore our natural resources?

In *Penobscots v. Janet Mills*, G. Reid, representing Maine state AG's office, fought against U.S. clean water standards and the Tribes sustenance fishing rights, on the Penobscot river. Sustenance=life sustaining. What value are "sustenance" fishing rights when there is no control over what pollutants are "dumped" into the river upstream?

Where were the "Ed Muskies" to stand with the tribes in their fight for clean water?

And, with the current Federal Administration, we need to have people in our state DEP who "hold the line" in exercising HIGH STANDARDS" in protecting our air, water & natural resources, to the best of their ability. We cannot just have someone who fought against the Feds, YET, was very weak in upholding environmental standards, in this fight. Maine is a state of so many strong environmentalists! I am sure there are good administrators and advocates among them.

Governor Mills has said that "her door is open" and also, that she wants to repair relations with the Tribes. Donna Loring is a good first step. Yet, there is so much reparation work to do. Please do not allow her to close this door!

Please ask Governor Janet to choose another candidate by not confirming Gerald Reid. Thank you.

Susan Lubner  
51 Bedford Street, Bath 04530



Senator Carson, Representative Tucker and members of the committee, I am Nickie Sekera, a resident of Fryeburg and I am here to oppose Gerald Reid's appointment to the Department of Environmental Protection.

Mr. Reid's participation in the Penobscot Nation vs Mills case calls into question his ability to respect not only Indigenous rights, but also culture and history.

I am concerned that his contributive role in the taking of Penobscot Territory calls also into question his integrity on tribal matters that we hope to resolve, in a time when we are in need for bridge-building leadership, with particular concern of environmental protection. Environmental protection is a not only a right, but also an expectation of each and every citizen of Maine, and by virtue of the special relationship between the state and Tribal Nations.

Part of the DEP mission states that legislative mandate directs the DEP to prevent, abate and control the pollution of the air, water and land. The charge is to preserve, improve and prevent diminution of the natural environment of the State.

I would be remiss to believe that this mission could be effectively upheld with a leader (whether it be Mr Reid or any other candidate) who appears to have shown a **deliberate indifference**. What I mean by deliberate indifference is the "conscious or **reckless** disregard of the consequences of one's acts or omissions. This entails something more than simply negligence, but is satisfied by something less than acts or omissions for the very purpose of causing harm or with knowledge that harm will result."

When we justify deliberate indifference whether it be toward the Penobscot (the people or the river) or to the air, land and waters within our state, we are negligent to the health and security to what the DEP is tasked to protect. This calls again into question the degree in which Mr Reid can or will support the strongest water quality standards on the Penobscot River, which watershed covers 2/3rds of the state and where sustenance fishing is currently not safe to exercise.

When I hear the justification that Mr Reid was simply following orders or 'just doing his job' in the legal case against the Penobscot- and to argue for lower clean water standards, this doesn't exonerate him from this doing. Especially since our tax dollars were used to carry out such an offense, and (inherently) done in our name.

Nickie Sekera

Fryeburg, ME 04037

January 30, 2019



Senator Carson, Representative Tucker and members of the committee,

Thank you for hearing us today. My name is Luke Sekera-Flanders and I am a sophomore at Fryeburg Academy. I am here to oppose Gerald Reid's appointment to the DEP.

As a member of the “up and coming” generation, one of our greatest challenges that we face are threats to the water and our environment. The last few decades of environmentalism have introduced many concepts and terms, but one of those that I believe is most essential to influencing change is environmental justice. Environmental justice means advocating for decisive change for the environment while placing the needs of those who have been most deeply disenfranchised at the forefront, as harmful impacts on our environment tend to disproportionately affect people of demographics that experience oppression.

In this political moment, we have a critical opportunity to make forward-thinking changes in Maine's environmental policy.

We can't have legitimate environmental justice without putting respect and justice for tribes such as the Penobscot in the forefront, as they have been most deeply affected over the past few centuries and are the longest standing protectors and data collectors of the waters within the state of Maine. As far back as and even before settlers started to build dams in the 1830s, the U.S. government has been manipulating natural water systems to feed industrial operations, to the great detriment of Native Peoples of this land, who were and are to this very day largely

ignored when considering such projects. This situation, I feel, is a repetition of many over the last several centuries.

Once again, the State of Maine is disrespecting indigenous sovereignty. To threaten the right of sustenance fishing for the Penobscot natives from the river is a threat to the entire watershed. The legal protection of indigenous fishing rights is the strongest defense of the water quality of the Penobscot River. By challenging their subsistence fishing rights, we pave the way for large industries to pollute the river with less impetus to keep the water clean enough for the fish and all other living things to thrive. Without this protection, the Penobscot Natives will not be able to live off of the river from which they have been sustaining themselves in a traditional and safe way for millennia. Indigenous people should not be overlooked in the equation as Mr. Reid is considered to head the DEP.

It appears that Mr Reid does not share similar values with what we are looking for in leadership at this time, where he was willing to stand in opposition to the Penobscot and highest clean water standards. Due to the nature of the Department's namesake of Environmental Protection, that should never be compromised as a top priority. In this top level appointment, we need someone to lead us to environmental justice as my generation and our future generations are counting on us, in this moment.

Luke Sekera-Flanders, Fryeburg, ME 04037, January 30th, 2019



Testimony neither for nor against the nomination of Gerald D, Reid for the appointment as Commissioner of the Department of Environmental Protection.

Submitted by Representative Jeffrey Evangelos, House District 91. Submitted January 31, 2019 to the Joint Standing Committee on Environment and Natural Resources.

Senator Carson, Representative Tucker, and other distinguished members of the Environment and Natural Resources Committee.

Good morning. First, I'd like to acknowledge that our new Chief Executive is off to a great start and I'm very happy with almost all of the initiatives that have been undertaken since the inauguration. However I have serious reservations as to whether Mr. Gerald Reid is the best fit for the position of Commissioner of the Department of Environmental Protection. While Mr. Reid is a fine man and a dedicated public servant, his role in the Maine Attorney General's Office served to undermine the interests of the Penobscot Nation. Mr. Reid played an integral role in arguing against the sovereign interests of the Penobscots, who have very legitimate issues regarding the management of the Penobscot River.

The Penobscots have managed their portion of the river with great care and in fact have managed the river to standards that are higher than the State of Maine. Given that this is the case, I've had a hard time accepting the State's arguments in court, and elsewhere, against the Penobscot Nation when it comes to the Penobscot River. In fact, Mr John Banks, the Penobscot Nation's environmental expert, is a nationally recognized leader in environmental stewardship. Our State should be grateful for his leadership.

Mr. Reid's nomination comes at the wrong place at the wrong time. With Maine's relations with our Native American Nations hitting a new low, his nomination sends a terrible signal to our Native American brothers and sisters.

Beyond all the important sovereignty issues, the issue of sustenance fishing is critical to the health and welfare not only the Penobscot Nation, but to all Maine people who fish and consume fish from the Penobscot River. In fact, the 2018 Inland and Fisheries Fishing Law booklet has the following warning, placed on the very last page of the booklet, Section A-4:

“Safe Eating Guidelines, Mercury warning, Penobscot River below Lincoln. I find it curious that this warning appears on the very last page of this law booklet.

Due to the poor weather today, I am also concerned as to whether all who may have wanted to participate in today's hearing may not be able to do so because of the ice and snow.

Please deliberate slowly on this nomination. Hear the concerns of our Native Americans and take their situation very seriously before you vote on this confirmation.

I'm unable to attend the hearing today in person, if possible, please read this testimony into the record.

Thank you for your consideration.

Respectfully,

Rep Jeffrey Evangelos

Hello Senator Carson, Representative Tucker, and everyone. Thank you for your time, and for delaying the start of the hearing to allow for more people from around the state to dig themselves out and attend.

My name is Heather Whittier.

I'm from the midcoast, but I now live in Augusta. My grandmother grew up in Gardiner. I've been all over Maine, and deeply appreciate my state!

At this point in Maine History, with our bicentennial fast approaching, I believe it is time we put our house in order.

One thing becomes very clear, as we begin that task:

This state has forever disrespected and misled Wabanaki People, over and over and over again. This is no longer up for debate, as the history is well documented.

The Penobscot People are connected to the Penobscot River in ways that are only beginning to be understood.

They have been listening to this river for millennia.

"This is where the worldviews clash. Ownership is a colonial/imperial concept. It carries with it the notion that the Natural world is there to be controlled and used as one sees fit. Or put in a box to keep others out. Stewardship is the notion that the Natural world is our Relative, and carries with it a responsibility to protect.

Ownership: The land and water belongs to me.

Stewardship: I belong to the land and water."

Dawn Neptune Adams

Someone who was a biologist by training would likely understand that everything is connected, and be likely to respect those connection. Such a person might be a wise choice for DEP Commissioner. I have looked and looked to see whether Jerry Reid's work history contains anything outside of the legal realm. I was not able to find anything. I mean no disrespect to parcers of the law. They are trained and bound to protect the interests of their clients. When your client is the State of Maine, you are representing that position On Behalf of the people of this state. As a citizen of Maine, I do not like finding out that I am perpetuating genocide without knowing it. As I see it, the seizure and poisoning of the Penobscot River (which is ongoing to this Day, as I'm sure you are aware) is as clearly a genocidal action as the bounty put on scalps not all that terribly long ago. It is simply a bad faith position on the part of the State, to have the standing law claim things like, "As a matter of law, as a matter of statute it appears that they can't ~~can't~~ fish from a boat." (Docket no. 1:12-cv-254-GZS ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT)

Jerry Reid was the one who said those words, and as he did so, he came to embody that position. Acting on my behalf, as a citizen of Maine. Making me partly responsible for that stance.



I have been told, by a longtime friend of Mr.Reid's, that he found it "incredibly offensive" that Community Water Justice referred to Mr.Reid as an "Oppressor of Native people". I was told that he is a great guy.

I am not here to pass judgement on the man's character. That is not my responsibility. My responsibility is to advocate for my state to act with integrity, going forward. Which in this instance comes down to you.

Maine's Department of Environmental Protection deserves a Commissioner whose default is not litigation mode. Whether Jerry Reid personally agrees with that previously mentioned(ludicrous, as I see it) interpretation of the law, he has come to embody that interpretation. I wish him well, but I do not believe he should be DEP commissioner.

Janet Mills has claimed to want to come to a place of better relationship with the tribes. Thus far, her movement on this has been performative at best. The proof is in the pudding.

This appointment, knowing what he represents to them, is a slap in the face to the tribes, and to the people of Maine.

I oppose the nomination of Jerry Reid. Thank you for your time.

"Dear, White People,

No one is asking you to apologize for your ancestors. We are asking you to dismantle the systems of oppression they built, that you maintain and benefit from."



## MSL, Circulation

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**From:** Laura Nobel <laurabnobel@gmail.com>  
**Sent:** Wednesday, January 30, 2019 1:59 PM  
**To:** MSL, Circulation  
**Subject:** [EXTERNAL SENDER] Fwd: Please to Print and Thank You So Much!

----- Forwarded message -----

**From:** Laura Nobel <laurabnobel@gmail.com>  
**Date:** Wed, Jan 30, 2019, 1:58 PM  
**Subject:** Please to Print and Thank You So Much!  
**To:** <circulation@mssl.maine.gov>

Honored representatives of the environmental committee and of the people and Mister Jerry Reid.

I greet you and all the people in the room and all those were holding space in other places if they could not be here directly today.

I think we can all agree that as the citizens and inhabitants of this state we each in our own individual ways are feeling the effects of a changing climate.

Small things like massive amounts of snow changing to pouring rain and then sheets of ice within 48 hours can have huge ramifications as it plays out in everyone's lives. these ramifications cut across multiple areas of society that used to be considered "separate." for example the aforementioned "transportation" and "waste" divisions that may have in the past been seen as separate isolated issues and therefore different Realms of governance and departments.

I think if you pay attention to current signs and listen the previous thought line of separate actually does not "hold water" in anymore.

Things are interconnected the more we learn the more this fact becomes more pervasively true.

Water is a basic human need and touches us all daily.

The term to hold water I use this euphemism now. Water is easy to understand in this way because it flows and is not always easy to contain in the many ways it touches Our Lives.

I stand before you speaking as an educator and citizen who has lived beside the Penobscot River for the past 10 years.

I am testifying ~~and I oppose~~ in opposition to this nomination of a lawyer to head the important Department of Environmental Protection. Taking something to court is just one way of protecting it.

As someone who lives along the Penobscot River I believe you can't look at this massive water system and scientifically reasonably think that it can be boiled down and whittled into segments were only a few specific miles here and a few specific miles there are under specific Focus have better standard towards sustenance

fishing or higher water quality standards. Penobscot River Watershed includes an area of 8570 square miles and it affects ~~nearly~~ <sup>more than</sup> one-third of the state in this way.

Mr. Reid you've spoken about your sources in terms of Consulting with lawyers I have not heard enough from you with regards to what sources you would utilize to build and round out your scientific knowledge specifically with regards to taking ecosystems and watersheds into account across the state.

At this time in history where we need Vision to carry us forward in a new way, I would like to hear from any nominee that there is a vision towards caring for the health of our waterways on a watershed basis. I have not heard this. We cannot afford to go on with business as usual separating issues into departments when they actually are interconnected. That is the old way and it has resulted in many costly lawsuits and those things that you have fought so diligently for and against for years.

This position requires a broad and far-reaching Long View where it is understood decisions made today will have an impact for years to come and stretch across multiple State departments and touch all people across the state.

The health of our environment affects people in many ways. <sup>To me</sup> ~~It~~ <sup>our environment</sup> in protecting ~~it~~ one of the rules of this department needs to be spearheading a better more functional Coalition and collaborative and cohesive effort meant to promote working together with multiple stakeholders having a seat at the table consistently in moving forward and creating proactive Visionary policy that will benefit all people of the state.

I believe this will take and need someone who is able to see the big picture and work with an ecosystem and Watershed approach to the environment not partition it off into separate issues.

While Mr. Reid may have a lot of Versatility in fighting and legal courts on environmental issues I want to hear of ways that Mr Reid has and is prepared with a comprehensive and consistent plan to help direct the state and its people across all boards to work together. I have only heard so far that he's willing to consider it <sup>for the future</sup>.

This concerns me greatly the environmental crisis affects us across the board. ~~We~~ have 12 years when looking at climate change and trying to turn the tide.

<sup>For example,</sup> Previously it was mentioned that there might be Bond dollars that he would want to help improve Wastewater discharged. Well that is necessarily a good thing I have yet to hear from ~~Mr.~~ Reid what ways funds could also be put towards proactive measures to work to prevent the need to remediate dirty water in the first place.

The solutions to business are out there already there are many proactive business endeavors where the <sup>externalities of</sup> environment is taking into account. And they can actually be economically beneficial to implement. I'm talking about ideas like the Cradle to Cradle idea around products and services.

The Wabanaki tribes have positioned themselves as speaking for the river and the waters but they are not alone as people who live here and care for this land and its Waters. So many Mainer benefit from and live by our Waters and land. I believe we need someone as head of this department who has the Adept ability to bring people together and put forth creative and innovative ideas that are on The Cutting Edge of science and speak to the interconnectedness not further divisions of thought, departments, or in people.

I would like to hear from ~~Mr.~~ Reid or any nominee that there could be a vision towards moving to having and incorporating a greater Long View.

We live in this state. the waters connect us. I do not support this nomination because I have not heard from him as a nominee that he has an understanding of these things of watersheds and comprehensive ecosystems and that he is really truly ready to implement a more collaborative and proactive vision. ~~The~~ sustainability and direction



of our state is at stake. for its lands its Waters its peoples we are interconnected. Time is short and the head of this department needs to demonstrate he has better understandings of all these things. I urge the committee to consider these things in finding the best candidate to be nominated and approved to this position.

and continue the search

at the start  
not learn along the way

Sincerely,

LAURA B. NOBEL

BREWER, MAINE  
PENOBSCOT RIVER RESILIENCE TRANSITION

Laura B. Nobel



Meredith DeFrancesco

## Testimony to Environment and Natural Resources Committee

Today I just want to share a couple of perspectives, but I think it is more important to hear today from any Wabanaki people who are present today, have submitted their comments in writing, or who have otherwise been in contact with you.

I am part of Sunlight Media Collective, a media organization made up of Indigenous and non-Indigenous contributors, the majority from the Wabanaki Tribes. I am one of the non-Indigenous members. We have as our mission to amplify Wabanaki perspectives, with a particular emphasis on the intersection between Wabanaki environmental stewardship and Tribal sovereignty. Our goals are to facilitate public awareness and understanding by presenting the voices of Wabanaki leaders and tribal members, to give historical context and analysis from Wabanaki perspectives, and to promote social change, including healthier Tribal-State relations.

In 2015, we produced the documentary, The Penobscot: Ancestral River, Contested Territory, which looked at the ongoing case *Penobscot Nation v. Attorney-General Janet Mills*, which you may have seen on MPBN, on line, or at an event. We also sent a short video to each of the legislators this past Friday, presenting the concern and alarm articulated by Penobscot leaders following the nomination of Jerry Reid to head the Maine Department of Environmental Protection. These include Chief Kirk Francis, Ambassador Maulian Dana, historian and organizer, Maria Girouard, and Indigenous rights attorney, Sherri Mitchell.

It has already been said, as Assistant Attorney General, under Mills, Jerry Reid was lead counsel representing the State, in conjunction with industrial interests, in two *currently* active cases directly opposing tribal sovereignty and environmental stewardship. These are *Penobscot Nation v. Attorney General Janet Mills*, in which the state refutes the existence of tribal waters within the Penobscot River, a charge the Tribe takes as an existential threat. And in the State of Maine's lawsuit against the federal Environmental Protection Agency for their order to increase water quality standards in tribal sustenance fishing waters in Maine.

In these cases, Reid has demonstrated, at the very least, a professional disconnect from Tribal realities and priorities, particularly as they pertain to environmental protection and sovereignty, or a working knowledge of federal Indian law or the



federal government's trust responsibility to Tribes, including in Maine.

In court briefs and oral arguments for *Penobscot Nation v Mills*, Reid argued the Tribe does not have the right to sustenance fish from boats in the Penobscot River, only with one foot on the land, a declaration the Tribes found shocking and egregious. Reid defended the State's stance, saying, "Their own expert makes a big deal about how important fishing from the islands was. So it's not fair for them just to pretend it's somehow demeaning to them to limit fishing from the islands". He may not have said that the Tribes did not *only* fish with one foot from the land, but he posited in written and oral arguments that shore fishing was the type of fishing that was historically and culturally significant to the Tribe and therefore they should not be offended by a loss or recognition of historical or current fishing from canoes or boats, the latter, he said in oral arguments he was told by a warden, doesn't happen anymore.

It should be noted, additionally, Jerry Reid, as Assistant Attorney General was also counsel in the *State of Maine vs Commissioner Johnson, EPA* in 2007 – another case where an increase in water quality protections in tribal sustenance fishing waters was fought by the State, under the pretense that the Tribes had relinquished those rights, afforded other nationally recognized Tribes, in the Maine Indian Land Claims Settlement Act. Interestingly where there was acknowledgment of the existence of tribal waters.

Now it can be argued, as Janet Mills did, that these were positions Reid was required to take because that was his job. Then I think we need to hear from Mr. Reid how his personal and newly professional opinions will differ from what has been his professional opinion over these past years.

It has been the expressed opinion of the Tribes and a growing number of other Maine residents that the State has too long held a position that discounts and disrespects the Wabanaki Tribes and, in concert, the environment.

The current system has continuously elevated the State's interpretation of the Maine Indian Land Claims Settlement Act above Tribal interpretations. Hopefully, the the Maine Indian Tribal State Commission, as some signals from the new administration suggest, will indeed be granted its originally intended position to advise and interpret the Settlement Act as disagreements on its application continue to surface.

This all time allows me to write currently. Thank-you for your attention.



Notes January 2019

It is challenging to me  
to understand  
a seeming change

from legally addressing an  
issue that did not address  
Penobscot concerns -  
- particularly water use -  
and quality

to statements that you would  
to meet with and hear from  
people of the Penobscot Nation  
and honor their concerns

11 Leeman St.

Portland ME 04103

Karen Druley,  
Portland Maine

~~Penobscot Nation~~





**Office of the Chief and Council**

Kirk E. Francis  
*Chief*

Mark Sockbeson  
*Vice-Chief*

Maulian Dana  
*Tribal Ambassador*



Penobscot Nation  
12 Wabanaki Way  
Indian Island, Maine 04468  
(207) 817-7349

FAX (207) 827-6042

Written testimony in regards to the confirmation hearing of Gerald Reid as nominated by Governor Janet Mills January 30, 2019 before the State of Maine Environmental and Natural Resources Committee. By Ambassador Maulian Dana of the Penobscot Nation and on behalf of the Nation.

Dear Senator Carson, Representative Tucker, and honorable members of the committee,

I send my regrets that I could not attend in person today, weather conditions and my childrens' school being canceled are factors in my absence. However I wanted to send along some thoughts on behalf of the Penobscot Nation. I am confident you will hear these same concerns reiterated by Citizens of our Nation and allied groups and I thank you in advance for your patience.

We are voicing concerns from the Nation on this nomination based on Mr. Reid's close involvement in litigation between the United States Government with the Penobscot Nation versus the State of Maine over rights to the Penobscot River. Mr. Reid represented previous Attorney General Janet Mills' office at the Federal Court case in October 2015. This case was decided for the State which we appealed to the First Circuit Court of Appeals where we also faced a decision not in our favor and have appealed that as well. We are waiting for a full panel en banc review. The case has weighed heavily on our Nation and constant litigation is both a drain on our resources and community but our inherent sovereignty and sustenance is so central to who we are as a Nation that we have decided to persevere in hopes that we can open hearts and minds to our deep love and care for our River which not only is tied into our ways of life and survival but our cultural identity and ancestry.

There is a cacophony it seems from many watching this unfold over the years of discussion and passionate debate over who is responsible for the tension and who is in the wrong. I seek to cut through some of that in my role of Ambassador and Chief Francis as well is ready to see new opportunities on the horizon. Governor Mills was fairly responsive to these hopes for new beginnings during her campaign, had taken a stand on Indian mascot use in Maine, graciously invited me to speak at her inauguration, and has developed a Tribal State Liaison position staffed with former Representative to the Legislature and revered Penobscot veteran and elder Donna Loring. For these actions and potential improvements in Tribal State relations we are thankful and hopeful.

However we would miss an opportunity if we did not weigh in on her choice for this critically important role. After careful review of court transcripts we need to raise a few issues we have with Mr. Reid's comments in prior litigation. It is our firm position that we have never ceded any rights to sustenance fishing in the Penobscot and this is supported by United States Congress and the Maine Indian Land Claims Settlement and Implementing Acts. Mr. Reid stated that he cannot fully subscribe to this claim. He also made statements that sustenance fishing is not something that is common practice among our people and while he may have data to support this, we would point out that levels of pollution and contaminants from discharge into the river



have harmed the fish supply and quality and this is a reason for lower rates of our Citizens living off the fish. I am 34 years old and growing up my parents did not allow me to eat fish from the river or even swim in it because of fear of cancer causing pollution. Recent efforts have made the river much safer and cleaner and we are hopeful this trend continues.

It stands to be determined if the new roles for both Mr. Reid and Governor Mills will produce new boarder thinking about Tribal Sovereignty and how it should be recognized in Maine. Sovereignty is not something we are asking for, it is something we already have. Part of that puzzle is education on the unique relationship that we have with the federal government and how that relationship will by nature supersede some areas of Maine law and policy. That does not translate to a lack of respect or validation for Maine but rather a heightened sense of needing to define the roles and responsibilities of all of us as sovereign bodies.

Moving forward we ask that we be consulted and respected in actions in Maine having to do with the environment and our river, which we see as a sacred part of our family. As the original stewards of this land and having a record of extreme care and love for Maine lands and waters it will be to the benefit of all to have our voice and resources at the table. Should Mr. Reid be confirmed we are open to a working relationship where past misunderstandings can be mitigated for the good of all of us. At the end of the day one would hope that we all want clean water for us and future generations.

Thank you for consideration of my testimony and with upmost respect,  
Maulian Dana  
Ambassador, Penobscot Nation

