



MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

REQUEST FOR ALTERNATIVE WATER FLOW
OR
ALTERNATIVE WATER LEVEL DETERMINATION

Chapter 587 In-stream Flows and Lake and Pond Water Levels rules, Section 7, establishes a procedure to establish alternative flows or water levels that allow for withdrawal, diversion, activity, or other use based on the results of a site-specific flow or water level study that is found by the Commissioner to be protective of all water quality standards, including all designated uses and characteristics, and taking into account the need for natural variation of flow or natural variation of water level by indigenous aquatic organisms and the processes needed to maintain those resources.

How to File a Request:

- Before filing your request, you are required to publish a public notice in a newspaper of general circulation in the area of your facility, using the format supplied in this packet. The notice must also be mailed to abutters to the parcel of land on which your facility is located. A copy of the public notice, or a certified statement that public notice has been made, should be attached to your application.
- File a copy of your completed request with the city or town clerk of the municipality in which your facility is located. In the case of a plantation or unorganized territory, file with the plantation or county clerk.
- Send completed request form with all supporting documents to:

Department of Environmental Protection
Bureau of Land & Water Quality
Sustainable Water Use Program
State House Station #17
Augusta, Maine 04333-0017

- After the Department has received your application, you will be notified within 15 working days of the acceptability of the application, the name of the project manager and the expected date of decision. The project manager will then contact you to schedule a field visit to assess the waterbody and the potential impacts of the proposed flows or water levels on aquatic life use and all other water quality standards relating to the waterbody, taking into account the need to protect natural variation of flow or natural variation of water level.
- Other interested state agencies will be provided notice of the filing and the scheduling of the field visit. At the request of an applicant, the Department may conduct field evaluations sufficient to determine an Alternative Water Flow or Alternative Water Level.
- It is the responsibility of the applicant to provide evidence needed to sustain an application.
- You will be notified in writing of any decision and provided with a copy of your rights of appeal.
- **Please contact the Division of Environmental Assessment at (207) 287-3901 at any point in the process if you have any questions about your request. Department staff are prepared to assist you.**

**REQUEST FOR ALTERNATIVE WATER FLOW
OR
ALTERNATIVE WATER LEVEL DETERMINATION**

(please type or print)

Name: _____

Address: _____

Telephone Number: _____

Name of Contact or Agent: _____

Telephone Number: _____

Location of Activity

Affected Water Body: _____

Municipality or Township: _____ County: _____

UTM Northing (if known): _____ UTM Easting (if known): _____

GPS Coordinates (if known) Latitude: _____ Longitude: _____

Brief description of activity affecting flows or water levels:

- Attachment 1.** Attach to this form a location map with the location of the activity clearly marked (use a U.S.G.S. topo map or Maine Atlas & Gazetteer map)
- Attachment 2.** Amount, duration and frequency of proposed withdrawal. Describe the amount, duration and frequency to the proposed withdrawal. This should include maximum withdrawal rates stated in gallons per minute, total volume per day, ETC.
- Attachment 3.** A description of the water use, including assessment of any best management practices or water conservation practices relevant to the type of water use.

Attachment 4. The water flows or water levels that the water user proposes to maintain at the point of withdrawal, including alternative flows or water levels and management provisions that may be implemented when natural drought conditions occur.

Attachment 5. A plan for maintaining the proposed water flows or levels, including a monitoring plan that provides information on water use and flows or levels with a monitoring schedule reasonably sufficient to monitor compliance with the proposed flows or levels.

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

CERTIFICATIONS / SIGNATURES

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

Signed: _____ Title _____ Date: _____

NOTICE OF INTENT TO FILE

Please take notice that

(Name, Address and Phone # of Applicant)

is intending to file an application with the Maine Department of Environmental Protection pursuant to the provisions of Chapter 587 In-stream Flows and Lake and Pond Water Levels rules, Section 7, for an alternative stream flow or water level.

(describe facility)

in the Town/Plantation of: _____

The application will be filed on or about _____ and will be available for public
(anticipated filing date)

inspection at the DEP's offices in Augusta during normal working hours. A copy of the application may also be seen at the municipal offices in _____, Maine.
(town/city)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is accepted as complete for processing by the Department. A request for public hearing must indicate the interest of the person filing the request and specify the reasons why a public hearing is warranted. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land & Water Quality, 17 State House Station, Augusta, Maine 04333-0017.

CERTIFICATION OF PUBLICATION

By signing below, the applicant (or authorized agent) certifies that he or she has:

1. Published a Notice of Intent to File once in a newspaper circulated in the area where the project site is located within thirty days prior to the filing of the application;
2. Sent a completed copy of the Notice of Intent to File by certified mail to the owners of the property abutting the land upon which the project site is located within thirty days prior to the filing of the application; and
3. Sent a completed copy of the Notice of Intent to File by certified mail and filed a duplicate of this application with the town clerk or city clerk of the municipality(ies) where the project is located.

Signature of Applicant

Date

Print name and title of applicant

If signature is other than that of the applicant, attach letter of agent authorization signed by applicant.