


HYDROPOWER PROJECT MAINTENANCE AND REPAIR

WHO MAY USE THIS FORM?

This form shall be used to request a state permit and Water Quality Certification for the proposed maintenance and repair of an existing and operating hydropower project where no expansion of generating capacity is proposed for a hydropower project in the plantations, unorganized townships and certain towns which remain under the Maine Land Use Planning Commission (“LUPC” or “Commission”) jurisdiction. However, see General Information on the next page for exceptions.

WHERE CAN I GET HELP TO COMPLETE THIS FORM?

Call the LUPC office that serves your area and ask to speak to one of our regional representatives (see below for office locations and contact information). Also, go to web site at www.maine.gov/dacf/lupc/ to browse through our rules and regulations, other applications, recent publications and newsletters, Commission meeting agendas, and other valuable information.

 *Your application may be returned if it is incomplete! Contact [LUPC office that serves your area](#) if you need any help with this form.*

MAILING YOUR APPLICATION

Fill out the application form. Mail the entire application form and the required attachments (including the appropriate application fee and exhibits – see instructions of page ii) to the LUPC office that serves your areas. (see the LUPC website at www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf)

**THIS FORM IS NOT A VALID PERMIT.
NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO YOUR RECEIPT OF A PERMIT.
THE LUPC MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.**

GENERAL INFORMATION

1. By submitting this application, an applicant requests approval under the Maine Waterway Development and Conservation Act and the Federal Clean Water Act to undertake maintenance and repair of a hydropower project.

Normal maintenance and repair of an existing and operating hydropower project is exempt from State regulation provided that:

- The activity does not involve any dredging or filling below the normal high-water line of any great pond, coastal wetland, river, stream, or brook; and
 - The activity does not involve any dredging or filling on the land adjacent to any great pond, coastal wetland, river, stream or brook such that any dredged spoil, fill or structure may fall or be washed into these waters.
2. The following types of normal maintenance and repair activities at existing and operating hydropower projects, by way of example, are specifically exempt from State regulation, provided that the activity does not diminish water quality below applicable standards:
 - The resurfacing or repair of dams, canals, powerhouses, retaining walls, or other structures where no cofferdam, dredging, filling, or permanent water level alteration is involved;
 - The repair, removal or replacement of flashboards, stop logs, gates, or intake racks where no cofferdam, dredging, filling, or permanent water level alteration is involved;
 - Removal of materials collected on trash racks;
 - Removal of dri-ki and other accumulated materials where no significant disturbance of soils or lake bottom materials is involved;
 - Installing or removing booms;
 - Placement and removal of non-earthen cofferdams temporarily installed immediately adjacent to an existing structure for the purpose of inspecting or repairing the structure;
 - Removal of sediment and debris from gated canals, tunnels and penstocks from which the water has been removed; and
 - Sealing of leaks in gates, stop logs and flashboards.
 3. Any maintenance and repair activity that involves dredging or excavating in or near the water or placing temporary or permanent fill in or near the water (including earth-fill cofferdams and rip-rap) **MUST BE APPROVED** by the Commission.

FILING INSTRUCTIONS AND PROCEDURES

1. Because no application can be considered complete until all necessary exhibits have been submitted and found to be complete, please read the description of what is required for each of the exhibits carefully. **Incomplete or inadequate applications and exhibits may be returned.** If you do not fully understand what is being asked in a question or exhibit, please contact the Land Use Planning Commission staff for assistance.
2. Each exhibit must be clearly identified with the applicant's name and the exhibit letter and/or identification (*i.e.*, Exhibit D, SITE PLAN) included on each page. **All plans must be drawn to scale and that scale clearly identified.** All exhibits must be clear and in ink. Pencil notes and drawings, very light copies of materials, and drawings and notes on onionskin paper are not acceptable and may be returned. Plans must not exceed 24" by 36" in size. If more than one sheet is required, match lines must be included on each sheet.

Any exhibits larger than 8 1/2" by 11", exclusive of Land Use Guidance Maps and deeds, must be submitted in multiple copies, each folded to 8 1/2" by 11". In some instances, the Land Use Planning Commission staff may request that you provide additional copies of the entire application. It may save time if you discuss your application with the staff prior to final submission. They should be able to advise how many extra copies should be included.

3. The Commission is required by law to assess fees for processing applications and for monitoring permit compliance. Application processing will not begin until all required fees have been paid. When filing, submit full fee payment (checks payable to: Treasurer of State).
4. Additional information may be required during the review process on any aspect of the project relating to compliance with applicable statutory criteria.

For office use:

Tracking No.

HP/WQC

Permit No.

\$

Fee Received

Application for Project Approval

*Under the Maine Waterway Development and Conservation Act
(12 M.R.S. Sections 401-407) and
Water Quality Certification (U.S. P.L. 92-500 Section 401)
For Hydropower Maintenance and Repair Only*

(Please Type or Print)

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

Telephone: _____ Email Address: _____

PROJECT INFORMATION

Name of Project: _____

Address (use "911" address, if available): _____

Plantation or Township: _____ County: _____

Lot Size: _____ acres Map _____ Plan _____ Lot # _____

GPS Coordinates, if known: _____

Federal Energy Regulatory Commission (FERC) license # _____

APPLICANT SIGNATURE

"I hereby declare that I have examined this application, including the accompanying exhibits, and to the best of my knowledge and belief, it is true accurate and complete. I understand and acknowledge that I am responsible for compliance with all the conditions and limitations of any permits issued to me by the Maine Land Use Planning Commission."

SIGNATURE OF APPLICANT _____ DATE _____

PRINTED NAME & TITLE _____

(If signature is other than applicant, attach S5 Agent Authorization Supplement Form signed by the applicant.)

For federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act.

1. **PROJECT DESCRIPTION.** Attach as EXHIBIT #1 a detailed description of the proposed maintenance and repair activity, including the following information:
 - A. General description of proposed activity, including in particular all proposed work below normal high-waterline.
 - B. Purpose of/reasons for the proposed activity.
 - C. Physical dimensions of any structure(s) to be replaced or area to be dredged, excavated or filled.
 - D. Composition and quantity of any material to be dredged, excavated or placed as permanent or temporary fill (including cofferdams and access roads) in or adjacent to the waterway.
 - E. Plans for the disposal of any dredged, excavated or cofferdam spoils.
 - F. Equipment to be used.
 - G. Estimated date for start of activity and length of time to completion

NOTE: Photographs of the proposed work area, while not required, may be very useful in describing the maintenance and repair activity and in determining its potential environmental impact). Any photographs included in EXHIBIT #1 must be labeled as to date, location of photographer, and direction of shot.
2. **MAPS AND PLANS.** Attach as EXHIBIT #2 maps and plans locating the project site and the proposed maintenance and repair activity, including:
 - A. A copy of the appropriate LUPC land use guidance map or other map of similar detail (such as U.S.G.S. topographic map or Maine Atlas and Gazetteer) marked to show the project location and the location of any proposed spoils disposal sites.
 - B. Scale drawings (plan and profile views) of the project site showing principal project structures, property lines, and the location of all areas proposed to be dredged, excavated or filled, including the location of any proposed cofferdams.
3. **TITLE, RIGHT OR INTEREST.** Attach as EXHIBIT #3 the appropriate document(s) establishing the applicant's title, right or interest in the project site, as described below:
 - Deed or lease (attach copy); and
 - Purchase Agreement or Option to Buy (Attach copy); or
 - Valid FERC License No. _____ (Copy not required).
4. **FINANCIAL INFORMATION.** Attach as EXHIBIT #4 the following information:
 - A. A statement of the estimated total cost of the maintenance and repair activity, including the cost of measures proposed to minimize or prevent adverse effects on the environment.
 - B. A statement of the applicant's plans for the financing of the proposed activity.
5. **ENVIRONMENTAL IMPACT.** Attach as EXHIBIT #5 a statement of any anticipated adverse environmental impacts of the proposed maintenance and repair activity, including potential impacts on:
 - Public Safety;
 - Traffic movement;
 - Water Quality, Soil Stability and the natural environment;
 - Fish and Wildlife resources;
 - Historic and archaeological resources;
 - Public access and use; and
 - Flood control.
6. **ENVIRONMENTAL MITIGATION.** Attach as EXHIBIT #6 a description of any measures proposed to mitigate adverse environmental impacts of the proposed maintenance and repair activity, including as applicable provisions for:
 - In-stream erosion and sedimentation control;
 - Temporary operational changes;
 - Stabilization of disturbed soils/spoils disposal areas;
 - Maintaining water levels and minimum flow releases;
 - Minimizing the magnitude and duration of in-stream activity;
 - Avoiding environmentally sensitive areas or time periods; and
 - Avoiding more environmentally intrusive alternatives.

7. **PUBLIC NOTICE.** The Commission may require that an applicant provide public notice describing the location and nature of the activity proposed for approval. The public notice requirements that may apply to this application are described below. If required, the following information must be submitted:
 - A copy of a completed Notice of Filing Form (attached); and
 - A list of abutters and assessors to whom notice was provided. [An abutter is any person or entity who owns or leases property that is within 1,000 feet of the project area. For the purposes of this application, abutters also include the owners of all property adjacent to the location of the maintenance and repair activity described in this application (including properties adjacent to any proposed dredging, excavating, filling, or access roads).]
8. **CORPORATE GOOD STANDING.** If the owner of the proposed development is a corporation, submit, as EXHIBIT #7, a certification of corporate good standing from the Secretary of State, State of Maine. Certification of good standing can be requested at: <https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x> or by contacting the Bureau's Reporting and Information Section at (207) 624-7752.
9. **SUPPLEMENT S-5: AGENT AUTHORIZATION.** In applying for this permit you wish to authorize an agent to act on your behalf in this permit process, please provide a completed S-5 supplement form for each agent. Contact the [LUPC office that serves your area](#) for additional information and to obtain a copy of this supplement or go to www.maine.gov/dacf/lupc/application_forms/index.shtml.

Notice of Application

At the time this application is filed with the Maine Land Use Planning Commission, the petitioner may be required to send by certified mail a completed copy of this notice to: all persons owning or leasing property abutting or within 1,000 feet of the property to be rezoned (as shown on the records of the Maine Revenue Service or plantation or town tax assessors); plantation assessors or town selectboard; and county commissioners.

This is to notify you that _____
(name and address of petitioner)

has filed a zoning petition with the Maine Land Use Planning Commission, Commission has filed an application for a Hydropower Permit and Water Quality Certification with the Maine Land Use Planning Commission pursuant to the Maine Waterway Development and Conservation Act and the Federal Clean Water Act, Section 401 to: _____

(Describe specifically, explaining what is to be done and how much land is involved)

The application will be filed for public inspection at the Maine Land Use Planning Commission office circled below (*circle the appropriate office*) on _____
(specify the date that this petition will be filed with the LUPC).

<p><u>AUGUSTA OFFICE</u></p> <p>18 Elkins Lane - Harlow Bldg. Tel. (207) 287-2631 22 State House Station Maine Relay 711 Augusta, ME 04333-0022 FAX (207) 287-7439</p>	<p><u>NORTHERN REGION</u></p> <p><i>Serving most of Aroostook County and northern Penobscot County</i> 45 Radar Road Tel. (207) 435-7970 Ashland, ME 04732-3600</p>
<p><u>DOWNEAST REGION</u></p> <p><i>Serving Hancock, Knox, Lincoln, and Sagadahoc Counties, and portions of Washington, Kennebec, Penobscot and Piscataquis counties; and the coastal islands in the LUPC service area</i> 106 Hogan Rd, Suite 8 Tel. (207) 215-4685 Bangor, ME 04401 Tel. (207) 592-4448 FAX (207) 941-4222</p>	<p><u>EASTERN REGION</u></p> <p><i>Serving southern Penobscot County, southern Aroostook County, and portions of Piscataquis County</i> 191 Main Street Tel. (207) 485-8354 East Millinocket, ME 04430 Tel. (207) 399-2176</p>
<p><u>MOOSEHEAD REGION</u></p> <p><i>Serving Somerset County and most of Piscataquis County</i> 43 Lakeview Street Tel. (207) 349-0941 P.O. Box 1107 Tel. (207) 557-2874 Greenville, ME 04441</p>	<p><u>WESTERN REGION</u></p> <p><i>Serving Franklin County and Oxford County</i> 932 US Route 2 East Tel. (207) 670-7492 Wilton, ME 04294 Tel. (207) 670-7493</p>

Written comments from interested persons should be sent to the Maine Land Use Planning Commission address circled above and **must be received by the Commission in a timely manner.**

Requests for a public hearing must be submitted in writing and **must be received by the Commission in a timely manner.**
 Requests for a public hearing must clearly state the reasons for why a public hearing is warranted on this project.

For information on how to request a public hearing or for additional information, contact the Maine Land Use Planning Commission staff at the office circled above.