


HYDROPOWER TRANSFER FORM

WHO MAY USE THIS FORM?

This form shall be used for the transfer of permit/certification authorization for the construction and/or operation of a hydropower project in the plantations, unorganized townships and certain towns which remain under the Maine Land Use Planning Commission ("LUPC" or "Commission") jurisdiction.

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 [the 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 area](#). (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.**

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For office use:

Tracking No.

HP/WQC

Permit No.

\$

Fee Received

Application for a LUPC Permit

*For Maine Waterway Development and Conservation Act Permit
(12 M.R.S.A. Sections 401-407); and/or
Water Quality Certification (U.S.P.L. 92-500 Section 401)
For Hydropower Projects*

This form shall be used for the transfer of permit/certification authorization for the construction and/or operation of a hydropower project. All required fees must be paid before application processing will begin.

New Applicant (Proposed Owner):

Name: _____

Mailing Address: _____

Telephone: _____ Email Address: _____

Current Permittee (Current Owner):

Name: _____

Mailing Address: _____

Telephone: _____ Email Address: _____

Location of Activity:

Name of Project: _____

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

Plantation or Township: _____ County: _____

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

GPS Coordinates, if known: _____

Federal Energy Regulatory Commission (FERC) license # _____

CERTIFICATION

By signing this application, the current permittee certifies that he or she agrees to the transfer of his or her permit to the new applicant named on this form.

Signature of Current Permittee

Date

Print or Type Name and Title

By signing this application, the new applicant certifies he, she or it is familiar with the Commission's project file and will comply with the permit/water quality certification being transferred, including all existing amendments and all attached conditions.

Signature of Applicant

Date

Print or Type Name and Title

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.

CHECKLIST OF REQUIRED FEES, EXHIBITS, AND SUPPLEMENTS

Please check off the following for the application fee, exhibits, and supplements. To determine which exhibits are required for your application, use the highlighted notes (✎) contained in certain questions and the instructions in Required Fees, Exhibits and Supplements. Please check if the exhibit is required and if it has been provided, and note that the supplements may also require additional exhibits. Please check with Commission staff if you have any questions.

Required*		Provided		Exhibit	*Required
YES	NO	YES	NO		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Application Fee	Required unless a waiver is granted by the LUPC Director in very specific and limited circumstances.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Attachment 1 – Past Actions By or Against the Applicant	Required, if any of the statements are true.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit A – Location Map and Directions to Site	Required.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit B – Deed, Lease or Sales Contract for landowner, any legal restrictions on the property and a Legal Agreement with Landowner(s) if applicant is not the landowner	Required, if not already on file with the Commission
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit C – Corporate Good Standing	Required if applicant is a Corporation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit D – Notice of Filing	Required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit E – Financial Capacity	Required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exhibit F – Technical Experience and Abilities	Required.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplement S-5: Agent Authorization	Required, if the applicant wishes to authorize an agent to act on your behalf.

REQUIRED FEES AND EXHIBITS

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.

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.

APPLICATION FEE (*nonrefundable*)

Contact the LUPC office that serves your area for the appropriate fee.

ATTACHMENT 1:

If any of the following statements are true about the new applicant (proposed owner), attach a detailed explanation and copies of the subject documents:

- an application by the applicant for any environmental or and use license, permit or authorization, was denied;
- any environmental license, permit, or authorization held at any time by the applicant was not renewed or reissued; and/or
- the applicant has been subject to any enforcement action by a local, state, or federal government for alleged land use or environmental violations of law or rule.

EXHIBIT A: LOCATION MAP AND DIRECTIONS TO SITE

Submit, as EXHIBIT A, a copy of a Land Use Guidance Map, a U.S.G.S. Topographic or equivalent map on which you have clearly marked the location of the project site. Mark the project site location with an X, then draw a circle around the X and then an arrow which points to your lot.


Land Use Guidance Maps are available for all towns, townships and plantations under Land Use Planning Commission jurisdiction. If you did not receive one of these maps with your application, copies are available, upon request, from the commission's office. There is no charge for these maps when associated with an application.

Please also provide specific directions to the proposed development site. These directions should be typed or printed on a separate 8 1/2" by 11" sheet of paper and attached to the location map. The directions should provide enough detail so that someone from the Commission can locate the site.

EXHIBIT B: TITLE, RIGHT OR INTEREST

Provide each applicable document, label each applicable in the upper right hand corner of the first page of each document numbering each separately (*e.g.*, Exhibit B1: Deed; Exhibit B2: Submerged Land Lease; EXhibit B3: Transfer Agreement).

- **Deed, Lease or Sales Contract.** Unless already on file with the LUPC, submit complete, signed copies of all deeds or leases that demonstrate the applicant's title, right or interest in all of the land addressed in this application. A current binding option to purchase all necessary interest in the land, or a similar contractual agreement that establishes terms for future title and provides a description of the property are also acceptable. If you are submitting a contractual agreement, you must also submit complete, signed copies of all deeds or leases that demonstrate the current land owner's title, right or interest in all of the land addressed in this application. If you are submitting a lease that requires the lessor's approval, also submit written approval signed by the lessor.

 *If you are leasing your property, read your lease carefully and contact the lessor before submitting this application to the LUPC. You may need to get written permission for your proposal from the lessor first.*

- **Submerged Land.** Many activities below the natural low water line on lakes or ponds must be approved by the Maine Bureau of Parks and Lands (BPL). Contact BPL (207) 287-3061 to determine if your activity requires a submerged lands approval. www.maine.gov/dacf/parks/about/submerged_land.shtml. If so, include the BPL approval with this application. If not, indicate by “n/a”.
- **Flowed Land.** Activities conducted on flowed land must be approved by the owner of the flowed land, if the owner can be identified. If applicable, include a letter of permission from the owner with this application. If not applicable, indicated by “n/a”.
- **Transfer Agreement.** Attach a signed copy of the written agreement between the existing and proposed permittees that contains a specific date for the transfer of the development, permit responsibility, coverage and liability between the parties.


 **Flowed land** is the area between the normal high water mark and the natural low water line for lakes where the water level is controlled by a dam. For general information on flowed land, contact BPL or your LUPC regional representative.

EXHIBIT C: CORPORATE GOOD STANDING If the owner of the proposed development is a corporation, submit, as EXHIBIT C, 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.

EXHIBIT D: NOTICE OF FILING

Within the same week that this form is filed with the Commission, you must provide by certified mail a completed copy of the attached Notice of Filing Form to the following persons: (1) all persons owning or leasing property abutting or within 1,000 feet of the property involved in the proposal (as shown on the records of the Maine Revenue Service or plantation or town tax assessors); (2) plantation assessors or town selectboard; and (3) county commissioners. You must also send a complete copy of the application to Town or Plantation, and County officials. The written notice must either be provided using the attached form or contain the information, exactly as stated on the attached form.

Submit to the Commission a copy of the written notice that was sent and a complete listing of all persons to whom notice was provided (including names and mailing addresses) and the date such notice was provided.

IMPORTANT: Additional notice requirements will apply where the LUPC Director deems the application to be of general public interest due to their nature, location, or size (Chapter 4, Section 4.04). Contact the [LUPC office that serves your area](#) to determine whether these additional requirements apply to your application.

Note: Names and addresses of abutting property owners are available from town and plantation public officials or, in unorganized townships, from the Maine Revenue Service at (207) 624-5611 or at www.maine.gov/revenue/.

EXHIBIT E: FINANCIAL CAPACITY

To demonstrate that you have adequate financial resources to undertake the proposed development, submit the following:

Exhibit E1: a breakdown of costs for any unfinished construction and for project operation. These must include costs resulting from compliance with the current Commission Hydropower Permit or Water Quality Certification.

Exhibit E2: at least one of the following:

- Submit a letter from a financial institution, government agency or other funding source indicating a commitment to provide a specified amount of funds and the uses for which those funds may be utilized. In cases where there can be no commitment of money until approvals have been received, submit a letter of Intent to Fund from the funding institution indicating the amount of funds and their specified uses.
- Submit the most recent corporate annual report indicating availability of sufficient funds to finance the development, along with explanatory materials to interpret the report.
- If you will personally finance the development, submit copies of bank statements or other similar evidence indicating availability of funds necessary to complete the development, including all proposed improvements, structures and facilities.

EXHIBIT F: TECHNICAL EXPERIENCE AND ABILITIES

To demonstrate that you and/or your contractors have adequate technical experience and abilities to undertake the proposed transfer, submit information which demonstrates such technical capacity including but not be limited to: a statement of the applicant's and/or the contractor's prior experience and appropriate training relating to the nature of the

proposed development and a description of professional qualifications of personnel who will be employed to design, install and oversee the proposed development, including stabilization and erosion control measures.

SUPPLEMENT S-5: AGENT AUTHORIZATION.

If either the New Applicant (Proposed Owner) or the Current Permittee (Current Owner) 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 FILING OF HYDROPOWER TRANSFER APPLICATION
WITH THE MAINE LAND USE PLANNING COMMISSION**

At the time an application is filed with the Maine Land Use Planning Commission, the applicant must 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 applicant)

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 for purposes of _____

The application will be filed for public inspection at the Maine Land Use Planning Commission office circled below on _____

(specify the date that this application will be filed with the LUPC).

(circle the appropriate office)

<u>AUGUSTA OFFICE</u>	<u>NORTHERN REGION</u>
18 Elkins Lane - Harlow Bldg. Tel. (207) 287-2631 22 State House Station Maine Relay 711 Augusta, ME 04333-0022 FAX (207) 287-7439	<i>Serving most of Aroostook County and northern Penobscot County</i> 45 Radar Road Tel. (207) 435-7970 Ashland, ME 04732-3600
<u>DOWNEAST REGION</u>	<u>EASTERN REGION</u>
<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	<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
<u>MOOSEHEAD REGION</u>	<u>WESTERN REGION</u>
<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	<i>Serving Franklin County and Oxford County</i> 932 US Route 2 East Tel. (207) 670-7492 Wilton, ME 04294 Tel. (207) 670-7493

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.