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.

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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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.*
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.

<table>
<thead>
<tr>
<th>Required*</th>
<th>Provided</th>
<th>Exhibit</th>
<th>*Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>NO</td>
<td>Application Fee ..................................................</td>
<td>Required unless a waiver is granted by the LUPC Director in very specific and limited circumstances.</td>
</tr>
<tr>
<td>YES</td>
<td>NO</td>
<td>Attachment 1 – Past Actions By or Against the Applicant</td>
<td>Required if any of the statements are true.</td>
</tr>
<tr>
<td>✓</td>
<td>NO</td>
<td>Exhibit A – Location Map and Directions to Site ..........</td>
<td>Required.</td>
</tr>
<tr>
<td>✓</td>
<td>NO</td>
<td>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 ..................................................</td>
<td>Required, if not already on file with the Commission</td>
</tr>
<tr>
<td>Ø</td>
<td>NO</td>
<td>Exhibit C – Corporate Good Standing ..........................</td>
<td>Required if applicant is a Corporation.</td>
</tr>
<tr>
<td>✓</td>
<td>NO</td>
<td>Exhibit D – Notice of Filing ........................................</td>
<td>Required.</td>
</tr>
<tr>
<td>✓</td>
<td>NO</td>
<td>Exhibit E – Financial Capacity ........................................</td>
<td>Required.</td>
</tr>
<tr>
<td>✓</td>
<td>NO</td>
<td>Exhibit F – Technical Experience and Abilities ...............</td>
<td>Required.</td>
</tr>
<tr>
<td>Ø</td>
<td>NO</td>
<td>Supplement S-5: Agent Authorization ............................</td>
<td>Required, if the applicant wishes to authorize an agent to act on your behalf.</td>
</tr>
</tbody>
</table>
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_lands.shtml](http://www.maine.gov/dacf/parks/about/submerged_lands.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.

**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](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 seven days prior to filing this application with the LUPC, you must provide by regular mail a completed copy of the attached Notice of Filing Form to the following persons:

- Owners or lessors of property within 1,000 feet of the area in which the proposed change or activity would take place;
- Co-owners or co-lessees of the applicable property that are not also co-applicants;
- The landowner(s), if the applicant is a lessee;
- Plantation board of assessors or town select board, if applicable;
- County commissioners if any of the area in which the proposed change or activity would take place is within a township; and
- Any persons who have made timely requests to be notified of this application or project

Submit a complete list of everyone who was notified, including the name, mailing address, mailing date, and the map and lot numbers for each owner’s property near the development area.

*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) 624-5600 or at [www.maine.gov/revenue/taxes/property-tax/unorganized-territory/valuation-books](http://www.maine.gov/revenue/taxes/property-tax/unorganized-territory/valuation-books).

**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

Within seven days prior to filing an application with the Maine Land Use Planning Commission, the applicant must send by regular mail a completed copy of this notice to: all persons owning or leasing property within 1,000 feet of the proposed project; co-owners and co-lessees that are not co-applicants; the landowner(s) (if applicant is a lessee); plantation assessors or town select board (if applicable); county commissioners if any area proposed for development is within a township; and any persons who have made timely requests to be notified of this application or project.

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 (circle the appropriate office) on _____________________________.

(AUGUSTA OFFICE)

18 Elkins Lane - Harlow Bldg.  Tel. (207) 287-2631
22 State House Station  TTY (888) 577-6690
Augusta, ME  04333-0022  FAX (207) 287-7439

(NORTHERN REGION)

Serving most of Aroostook County and northern Penobscot County

45 Radar Road  Tel. (207) 435-7970
Ashland, ME  04732-3600  Tel. (207) 435-7969

(DOWNEAST REGION)

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

106 Hogan Rd, Suite 8  Tel. (207) 215-4685
Bangor, ME  04401  Tel. (207) 592-4448

(EASTERN REGION)

Serving southern Penobscot County, southern Aroostook County, and portions of Piscataquis County

191 Main Street  Tel. (207) 485-8354
East Millinocket, ME  04430  Tel. (207) 399-2176

(MOOSEHEAD REGION)

Serving Somerset County and most of Piscataquis County

43 Lakeview Street  Tel. (207) 349-0941
P.O. Box 1107  Tel. (207) 731-4398
Greenville, ME  04441

(WESTERN REGION)

Serving Franklin County and Oxford County

932 US Route 2 East  Tel. (207) 670-7492 FR
Wilton, ME  04294  Tel. (207) 670-7493 OX

Written comments and requests for a public hearing should be sent to the Maine Land Use Planning Commission at the address circled above and must be submitted in a timely manner. The Commission prefers that all written comments and requests for a public hearing be submitted within 20 days of the date an application is accepted for processing. Requests for a public hearing must clearly state the reason(s) a public hearing is warranted on this project.

For questions about submitting written comments, requesting a public hearing, or for any additional information, contact Commission staff at the office circled above.

The Land Use Planning Commission’s legal authority is established by 12 M.R.S. Section 683-A.

Maine Land Use Planning Commission

Hydropower Transfer Form

Notice of Filing Form