

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land Resource
17 State House Station
Augusta, Maine 04333
Telephone: (207) 287-7688

FOR DEP USE
#L-_____
Fees Paid _____
Date Fees Received _____

**APPLICATION FOR PROJECT APPROVAL UNDER THE
MAINE WATERWAY DEVELOPMENT AND CONSERVATION ACT
(38 M.R.S.A. SECTIONS 630-637)**

HYDROPOWER PROJECT MAINTENANCE AND REPAIR ONLY

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.

All required fees must be paid before application processing will begin. Please submit payment as shown on the [DEP fee schedule](#). Fees are payable to Treasurer, State of Maine.

(Please Type or Print)

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

Name of Contact or Agent: _____

Telephone: _____

PROJECT INFORMATION

Name of Project: _____ FERC No. _____

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

Name of Waterbody Affected: _____

Municipality or Township: _____ County: _____

GPS Coordinates, if known: _____

REQUIRED FOR PROCESSING

1. Completed application form.
2. Application fee.
3. If applicant is a registered corporation, provide either a Certificate of Good Standing (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.
4. A signed Certification of Publication and a completed Notice of Intent to File an Application for Water Quality Certification.
5. Demonstrate Title, Right, or Interest in the property for which the permit is sought.

NOTE: All supporting documents summarized above must be attached to this form and sent to the DEP Office listed below:

Department of Environmental Protection
Bureau of Land Resources
17 State House Station
Augusta, ME 04333
Tel: (207) 287-7688

"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 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. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

DATE: _____

SIGNATURE OF APPLICANT

(IF SIGNATURE IS OTHER THAN APPLICANT,
ATTACH LETTER OF AGENT AUTHORIZATION
SIGNED BY APPLICANT)

PRINTED NAME & TITLE

HYDROPOWER PROJECT MAINTENANCE AND REPAIR

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.
2. 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 Department.

FILING INSTRUCTIONS AND PROCEDURES

1. When filing, send a signed original paper copy plus one (1) electronic copy of a completed application to the Department. All maps and plans must be folded to 8 1/2" X 11".
2. The Department 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 as shown on the [DEP fee schedule](#). Please make checks payable to: Treasurer, State of Maine.
3. Within 10 working days of receiving an application and all required fees, the DEP shall determine whether the application is acceptable for processing.
4. Additional information may be required during the review process on any aspect of the project relating to compliance with applicable statutory criteria.

HYDROPOWER PROJECT MAINTENANCE AND REPAIR

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-water line.
 - 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 labelled 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 USGS topographic map or other map of similar detail (such as 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 (Attach copy or list deed reference numbers).
 - Purchase Agreement or Option to Buy (Attach copy).
 - Lease (Attach copy).
 - 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 archaeologic 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.

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for Maine Waterway Development and Conservation Act projects within 30 days prior to filing the application. In the notice, the applicant must provide the information included in the attached Notice of Intent to File form.

“Abutter” for the purposes of the notice provision means any person who owns property that is contiguous with the property on which the project requiring a license from the Department is proposed.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication.
2. **Abutters and Others Owning Land Within 1,000 Feet:** You must mail a copy of the Notice of Intent to File to abutters and all persons owning land within 1,000 feet of the proposed project. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office or County Commissioner(s):** You must mail a copy of the Notice of Intent to File and a duplicate of the entire application to the Municipal Office or, if the proposed project is located in an unorganized or deorganized area of the State, to the county commissioner(s). The Municipal Office or county commissioner(s) must receive notice within 30 days prior to the filing of the application with the Department.

ATTACH a copy of the published notice and a list of persons to whom notice was provided.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A mailing of the Notice of Intent to File was sent to all abutters and all other persons owning land within 1,000 feet of the proposed project within 30 days prior to filing of the application;
3. A mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located or, if applicable, to the county commissioner(s); and
4. Provided notice of and held a public informational meeting, if required, in accordance with the Department’s Chapter 2 rules, Processing of Applications and Other Administrative Matters, Section 12, prior to filing the application. Notice of the meeting was sent to abutters and all other persons owning land within 1,000 feet of the proposed project and to the town office of the municipality in which the project is located or to the county commissioner(s), as applicable, at least at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____.
(Date)

Approximately _____ members of the public attended the Public Informational Meeting.

Signature of Applicant or Authorized Agent

Date

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that:

(Name and Mailing Address of Applicant)

(Phone Number and Email Address of Applicant)

is intending to file an application with the Maine Department of Environmental Protection for a permit pursuant to the provisions of the Maine Waterway Development and Conservation Act (MWDCA) and a Water Quality Certification pursuant to the MWDCA and the Federal Clean Water Act, Section 401, on or about:

(Anticipated Filing Date)

The application is for:

(Description of the Project)

at the following location:

(Project Location)

A request for a public hearing must be received by the Department in writing no later than 20 days after the application is found by the Department to be complete and is accepted for processing. 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 application processing period.

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, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in ☐ Portland, ☐ Augusta, ☐ Bangor, or ☐ Presque Isle during normal working hours. A copy of the application may also be seen at the municipal offices in _____, Maine.
(City/Town)

Written public comments may be sent by email to LandOnCall@maine.gov or by mail to the regional office in Portland, Augusta, Bangor, or Presque Isle where the application is filed for public inspection:

MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333

MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

MDEP, Northern Maine Regional Office, 1235 Central Drive, Presque Isle, Maine 04769

*For more information on how to submit public comment with the DEP, please go to our website:
[Public Participation in the Licensing Process \(Information Sheet\) Maine DEP](#)*