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A REVIEW OF STATE DAM ABANDONMENT AND REGISTRATION LAWS AND FEDERAL DAM LICENSING LAWS

Staff Study
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Prepared at the request of the Legislative Council

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TABLE OF CONTENTS

Appendices for Part B

Executive Summary

This staff study summarizes state laws pertaining to dam abandonment and regulation, and federal laws pertaining to licensing and regulating hydroelectric dams. The study is the result of action by the Joint Standing Committee on Natural Resources to carry over LD 626, An Act to Reinstate the Laws Governing Dam Abandonment, from the First Regular Session of the 117th Legislature to the Second Regular Session. The committee requested authorization to meet during the interim between sessions to consider issues raised during the First Regular Session. The Legislative Council, which must approve carry-over requests, authorized a staff study.

Maine's Dam Laws

The exact number of dams in Maine is unknown. In 1993 there were 744 dams registered under a law that is now repealed. These dams represented dams that were larger than a certain minimum size. Approximately 107 dams exist in Maine associated with the production of hydropower that the federal government licenses and regulates. (The state does play a regulatory role with these 107 dams through a water quality certification process when the dams become due for relicensing. In addition, a state permit is required for construction or reconstruction, or for undertaking certain alterations of a dam.)

Current Maine law: Current Maine law provides the state various powers related to dams within the state's regulatory jurisdiction.

> *Water-level law:* A dam owner may be ordered by the Commissioner of Environmental Protection to keep lake height and out-flow volumes at certain levels. The order may contain provisions requiring a dam owner to maintain a dam to ensure compliance with required levels. The commissioner may initiate an order. In addition, certain groups of people may petition the commissioner for an order. To date, the commissioner has issued water level orders for 29 dams. All of the orders resulted from petitions from lake-shore property owners who sought the establishment of certain water levels. Municipalities may adopt ordinances to set water levels, however, no municipalities have enacted such ordinances.
>
> *Dam safety law:* A dam owner may be ordered by the director of the Maine Emergency Management Agency (MEMA) to repair, maintain or operate a dam in a certain manner. An order may follow a safety inspection by MEMA. The director may initiate a dam safety inspection. In addition, certain people may petition the director for a safety inspection of a dam. MEMA was required by law to have inspected certain dams throughout Maine by June 1, 1995. However, a dam inspector position has never been funded and no dams have been inspected.

Abandoned dams: No general state law exists regarding the abandonment of dams. Abandoned dams may be defined in two ways:

- Dams for which an owner has abandoned maintenance; or
- Dams for which an owner cannot be determined

From 1983 to 1993, Maine law did exist concerning abandoned dam ownership. Maine's former dam registration and abandonment law provided a mechanism for giving ownership of abandoned dams to the state or other parties interested in owning a dam. Under the law, any unregistered dam was considered abandoned. If efforts by the state to find an owner were unsuccessful, the state assumed ownership and entertained petitions to transfer ownership to interested third parties.

The state assumed ownership of 11 dams while the law was in effect. In the cases of several of these dams, ownership could not be determined. Ownership of nine dams has been transferred to third parties. The state has retained ownership of two dams.

Dams Regulated by the Federal Energy Regulatory Commission

Although the Federal Power Act grandfathers some projects and provides exemptions for others, in general, a license from the Federal Energy Regulatory Commission is required to construct, operate, or maintain a hydropower project impacting navigable waters or a hydropower project that produces power affecting the public utility power grid. Typically, a project license includes not only the power generating dam but also related facilities such as storage dams, power houses and transmission lines.

State agencies consult with license applicants and make recommendations to FERC. FERC is not, however, required to incorporate the recommendations of the state agencies in the terms and conditions of a license. The only real control a state has in FERC licensing decisions is through certification of compliance with the Clean Water Act. An applicant for a FERC license must obtain certification from the appropriate state certifying agency. In Maine, the Maine Land Use Regulation Commission and the Department of Environmental Regulation are the certifying agencies. State law prohibits those state agencies from certifying a project unless they receive assurance that state water quality standards will not be violated.

Nationally, a growing number of dam owners seeking to terminate FERC licenses upon their expiration is anticipated. The complexity, cost and uncertainty of the relicensing process are cited as the reasons for this anticipated trend. FERC has recently issued a policy statement on the decommissioning of hydropower projects. This statement asserts FERC's authority to set conditions for the decommissioning of licensed projects. A dam licensed by FERC can not be simply abandoned.

There are approximately 15 storage dams in Maine that are not currently licensed or regulated by FERC yet are associated with hydroelectric projects licensed by FERC.

The Department of Environmental Protection is waiting for FERC to make a determination of jurisdiction for these dams. If FERC decides a dam is not within its jurisdiction, in some cases DEP may still not have authority to regulate water levels under current state law.

I. Introduction:

During the First Regular Session of the 117th Legislature, LD 646, An Act to Reinstate the Laws Governing Dam Abandonment, was introduced and referred to the Joint Standing Committee on Natural Resources. The bill as drafted proposes to re-enact provisions repealed in 1993 that enabled a dam owner to petition the Maine Department of Environmental Protection for the state to take title to a dam.

Testimony at the public hearing on LD 626 held March 22, 1996 indicated two major and related areas of concern, described briefly as follows:

1. Operation and maintenance of dams not regulated by the Federal Energy Regulatory Commission or the Maine Department of Environmental Protection. A dam owner's decision to change water level regimes, open the gates and draw down a lake, or to not maintain the dam structure can have a dramatic effect on fisheries and property values.

2. The cost of FERC licensing and relicensing. The cost and time involved in the licensing and relicensing of dams has become an increasing burden to owners, making operation of dams with marginal benefits uneconomic. Owners may respond by ceasing to operate dams for hydro production.

The issues surrounding these two areas of concern are related and somewhat complex. The Natural Resources Committee voted to carry this bill over until the Second Regular Session. The Chairs of the committee submitted a request to the Legislative Council for the committee to meet during the interim to study these issues. (Appendix 1.) The Legislative Council did not authorize the committee to meet during the interim but rather directed staff to research and present a report to the committee providing historical background on the Maine statutes relating to dams and a discussion of the FERC licensing process.

This report presents information pertinent to the discussion of the identified issues and relevant to the committee's continuing work on LD 626.

Part A

Questions and answers concerning Maine dams and state laws relating to dams

A. Introduction

The following question-and-answer format provides information regarding dams in Maine. It is divided into the following five sections:

Information is repeated in some answers, where appropriate.

B. Background on dams in Maine

1) Q: Does the state possess ultimate regulatory authority for all dams located in Maine?

A: No. There are approximately 107 dams in Maine associated with the production of hydropower that the federal government licenses and regulates. These federally licensed dams include dams that store water for use by a downstream hydropower facility. (The state does play a role when these dams become due for relicensing through a water quality certification process. In addition, a state permit is required for constructing or reconstructing a dam, or for undertaking certain alterations of a dam.)

2) Q: Do any dams exist in Maine that are not regulated by either the federal government or the state government?

A: There are two categories of dams for which regulatory authority has not been determined or for which only a portion of state laws apply:

i. Dams that are upstream from a hydropower facility and which store water for use by the hydropower facility fall under federal jurisdiction. The federal government has yet to determine whether 15 Maine dams fall into this category. Maine regulators are awaiting a decision from the federal government on jurisdiction.

ii. Two Maine dams store water for use by a downstream hydropower facility, yet the federal government has decided these dams do not fall within its jurisdiction. These dams are also outside the reach of a Maine law that authorizes the setting of water levels and minimum flows for dams. This Maine law exempts from its reach dams that store water for use by a downstream dam licensed or authorized by the federal government. (The dams would be subject to state dam safety inspection and related orders under Maine's dam safety and inspection law.)

3) Q: How many dams exist in Maine?

A: The exact number of dams in Maine is unknown. In 1993, there were 744 registered dams in Maine. These dams were registered under a Maine law that was repealed in 1993. The number of registered dams represented all dams in Maine (including federally regulated dams) that were two or more feet in height and had the capacity to impound 15 acre-feet or more of water. The law excluded any dam that had been constructed solely for assisting in the floating of logs during past timber operations.

4) Q: How many dams in Maine have structural problems or are in need of repair or maintenance?

A: The number and condition of problem dams in Maine is unknown.

C. Dam maintenance

1) Q: Is the owner of a dam required to maintain the dam?

A: No general requirement exists in Maine law for a dam owner to maintain a dam. However, there are two ways in which a dam owner can be ordered to maintain a dam:

i. An order issued by the Maine Emergency Management Agency under Maine's dam inspection laws *(for complete description see Appendix A-IV);* and
ii. An order issued by the Department of Environmental Protection or a municipality pursuant to Maine's laws regulating water levels associated with dams *(for complete descriptions, see Appendix A-II, and Appendix A-III).*

A 1991 study of water law in Maine examined the question of dam maintenance. It found: "It is not clear to what extent the owners of these dams, or the state are responsible under the common law to maintain dams in order to prevent" diminished use of water by lake-shore property owners and downstream property owners.[1]

2) Q: Are there provisions in Maine law for ordering a dam owner to maintain a dam?

A: Yes. Maine law contains a method by which a dam owner may be ordered to maintain a dam: An order issued by the Maine Emergency Management Agency under Maine's dam inspection laws.

MEMA's director may initiate an order. In addition, four groups of people may petition MEMA to inspect a dam and issue an order:

- Ten or more persons who own property adjacent to a stream or body of water affected by a dam;
- 50 or more persons who own property within the flood plain downstream of a dam;
- The municipal officers of a municipality in which a dam or a body of water created by a dam is located; and
- The commissioners of any county in which a dam or a body of water created by a dam is located.

For a complete description of Maine's dam inspection laws, see Appendix IV.

A dam owner may also need to maintain a dam as a result of an order regulating waters levels behind a dam or minimum flows in stream below a dam. Such an order may be issued by the Department of Environmental Protection or a municipality pursuant to Maine's laws regulating water levels associated with dams. The Commissioner of Environmental Protection or a municipality with a water-level ordinance may initiate an order. In addition, three parties may petition the commissioner to issue a water-level order:

- The Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources;
- Twenty-five percent of the lake-shore property owners or downstream property owners, or 50 owners from either group, whichever is less; and
- A water utility that has the right to draw water from a water body.

For a complete description of Maine's water-level law, see Appendix A-II.
For a complete description of municipal powers to set water levels, see Appendix A-III.

3) Q: Is a dam owner subject to any liability for not maintaining a dam?

A: If a dam breaches and the resulting surge of water damages property, a property owner may initiate litigation to seek damages from the dam owner. The courts would decide the questions of liability and damages.

In the case of a poorly maintained dam that results in leakage and a lowering of a lake's level, there is no state law that applies universally to guarantee lake levels be maintained at certain levels relative to shoreline property. There are generally three courses of action available to lake-shore property owners who seek to set a water level:

i. They may negotiate with a dam owner, independent of any governmental action, to keep a lake at a certain level;
ii. They may petition the Commissioner of Environmental Protection to issue a water level order for the dam and lake *(For a complete description of Maine's water-level law, see Appendix II)*; or
iii. They may initiate litigation to assert rights to lake levels or to claim damages.

D. Keeping lakes at certain levels

1) Q: Can a dam owner be required to keep a lake or below-dam stream at a certain level?

A: Yes. Maine law contains provisions under which the Commissioner of Environmental Protection may issue an order regulating water levels in the body of water behind a dam or minimum flows in the stream or river that flows from a dam. A municipality with a water-level ordinance may also issue orders. In addition to action taken by the commissioner or a municipality, three groups of people may petition the commissioner to issue a water-level order:

- The Commissioner of Inland Fisheries and Wildlife or the Commissioner of Marine Resources;
- Twenty-five percent of the lake-shore property owners or downstream property owners, or 50 owners from either group, whichever is less; and
- A water utility that has the right to draw water from a water body.

For a complete description of Maine's water-level law, see Appendix II.
For a complete description of municipal powers to set water levels, see Appendix II.

2) Q: What recourse is available to shoreline property owners if a dam owner lowers a lake?

A: Absent an order or other legal document to the contrary, a dam owner is under no obligation to maintain water levels. However, the Commissioner of Environmental Protection or a municipality with a water-level ordinance may issue a water level order for a dam. In addition, there are generally three courses of action available to lake-shore property owners who seek to set a water level:

i. They may negotiate with a dam owner, independent of any governmental action, to keep a lake at a certain level;
ii. They may petition the Commissioner of Environmental Protection to issue a water level order for the dam and lake *(For a complete description of Maine's water-level law, see Appendix II)*; or
iii. They may initiate litigation to assert rights to lake levels or claim damages.

3) Q: If a lake is enjoyed by the public for boating, fishing and other recreational activities, is a dam owner obligated to maintain water levels for these uses?

A: Absent an order to the contrary, a dam owner is under no legal obligation to maintain water levels. However, the Commissioner of Environmental Protection or a municipality with a water-level ordinance may issue a water level order for a dam.

For a complete description of Maine's water-level law, see Appendix II. For a complete description of municipal powers to set water levels, see Appendix III.

4) Q: Is a dam owner required to maintain lake levels or out-flows from a dam for the purpose of supporting fish populations and wildlife habitat?

A: Absent an order to the contrary, a dam owner is under no legal obligation to maintain water levels. However, the Commissioner of Environmental Protection or a municipality with a water-level ordinance may issue a water level order for a dam to support fish and wildlife habitat.

For a complete description of Maine's water-level law, see Appendix II. For a complete description of municipal powers to set water levels, see Appendix III.

5) Q: Can a water level order be issued to set flows in a river or stream below a dam?

A: Yes. Maine's water level law specifically addresses downstream flows from a dam. It also allows property owners downstream from a dam to petition for a water level order. *(See question #1 of this section for a description of who may petition the Commissioner of Environmental Protection for a water level order.)*

6) Q: Who can petition the Commissioner of Environmental Protection to issue a water level order for a dam?

A: *See answer to question #1 of this section.*

E. Dam Abandonment

1) Q: What does "abandoned" mean when discussing dams?

A: The term "abandoned" can have several meanings. Three meanings fit the context of a discussion of Maine law:

i. Abandoned = dams for which no legal record of ownership can be found;
ii. Abandoned = dams which an owner does not repair or maintain; or
iii. Abandoned = dams that were called "abandoned" under the repealed dam registration law. That law stipulated that a dam that was not registered was considered abandoned. Thus, a dam that was not registered was considered abandoned even in cases where an owner could be identified. Ownership of unregistered dams was automatically transferred to the state.

2) Q: How many dam owners in Maine have abandoned repair or maintenance of their dams?

A: The answer to this question is unknown.

3) Q: How many dams exist in Maine for which an owner cannot be identified?

A: The answer to this question is unknown. The dam registration law that was repealed in 1993 worked to answer this question. Under the law, any unregistered dam was considered abandoned. If efforts by the state to find an owner were unsuccessful, the state assumed ownership and entertained petitions to transfer ownership to interested third parties. The state retained ownership if interested third parties could not be found.

The state assumed ownership of 11 dams while the law was in effect. In the cases of several of these dams, ownership could not be determined. Ownership of nine dams has been transferred to third parties. The state has retained ownership of two dams.

For a complete description of Maine's former dam registration law, see Appendix A-I.

4) Q: Did the state at one time have a law regulating the abandonment of dams?

A: Maine law previously addressed abandoned dams and its approach evolved over the years. Most recently, from 1983 to 1993, Maine's dam registration law was

in effect and defined abandoned dams in a certain way *(see definition #iii in question #1 of this section)*. The law also provided a process for assigning ownership of those dams. Note: The law did not contain provisions requiring maintenance or repair of a dam.

For a complete description of Maine's former dam registration law and the process for assigning ownership of dams abandoned under the law, see Appendix A-I.

F. LD 646: An Act to Reinstate the Laws Governing Dam Abandonment

1) Q: What "abandoned" dams does LD 646 address?

A: LD 646 seeks to re-enact one of two parts of dam law that were repealed in 1993. These two parts of law worked hand-in-hand. One part defined abandoned dams in a certain way. The other part provided a mechanism to transfer ownership of abandoned dams to the state or other parties.

The part of repealed law not included in LD 646 is the former dam registration program. Under this program unregistered dams were considered "abandoned."

The part of repealed law included in LD 646 established a process for transferring ownership of unregistered (and thus "abandoned") dams to the state or other parties. Note: Without the registration program as part of LD 646, the meaning of the term "abandoned" in LD 646 is unclear.

For a complete description of Maine's former registration and abandonment laws, see Appendix A-I.

2) Q: Does LD 646 provide the state with a method of requiring dam owners to repair or maintain their dams?

A: No. LD 646 does not address dam owners who decide to not maintain or repair their dams. However, Maine law already contains two methods for requiring dam owners to maintain certain dams:

i. Law authorizing the Commissioner of Environmental Protection or municipalities to set water levels for a dam *(for a complete description see Appendix A-II and Appendix A-III);* and
ii. Law authorizing the director of the Maine Emergency Management Agency to inspect a dam and order repair or maintenance for safety purposes *(for a complete description see Appendix A-IV).*

3) Q: Does LD 646 provide the state a mechanism to seek action against dam owners who fail to maintain historic water levels or out-flows?

A: No, LD 646 does not address lake levels or water flows from a dam. However, Maine law already contains provisions that authorize the Commissioner of

Environmental Protection or a municipality with a water-level ordinance to set water levels and out-flows for a dam. *(For a complete description see Appendix II, and Appendix III.)*

4) Q: Does LD 646 address dam owners who no longer want responsibility for a dam?

A: Yes. LD 646 would re-enact a part of repealed Maine law that provided a mechanism for dam owners to petition the state to take ownership of a dam. When the repealed law was in effect, the state could assume ownership, but only under limited circumstances. These circumstances involved dams for which a water level order had been issued. The state could assume ownership of a dam in cases where the owner was unable to relinquish title in a manner that ensured compliance with the water-level order. *(For a complete description, see Appendix A-I.)* LD 646 does not fully replicate the limited circumstances in the repealed law under which the state could assume ownership. LD 646 lacks reference to the water-level law. If the Natural Resources Committee favors re-enacting this part, it would need to amend LD 646.

ENDNOTES - Part A

1. Report of the Legal Framework Subcommittee, Maine Water Resource Management Board, Water Law in Maine, pg. 8

Part B Hydroelectric Project Licensing by the Federal Energy Regulatory Commission

This section discusses licensing of hydroelectric projects by the Federal Energy Regulatory Commission. Appendix B-I presents information on projects issued licenses, or exemptions from licensing, and projects with license applications pending. Table B-1 below gives an overview of licensed and unlicensed dams in Maine using 1993 inventory information from the state dam registration program and the FERC database information.

Table B-1
Summary of Dams in Maine

Number of Dams in Maine[1]	744
Number of FERC Licensed Dams in Maine[2]	107
Number of Dams Issued FERC Exemptions from Licensing[3]	31
Total Number of Dams Authorized by FERC[4]	138
Number of Dams not Authorized by FERC[5]	606

1. This is the number of registered dams on 5/4/93 prior to repeal of the state registration requirement. Registration was required for man-made dams at least 2 feet high and impounding at least 15 acre-feet of water.
2. This number includes each dam licensed as a development under a FERC project license. The 107 dams are licensed under 73 project #'s. It includes 8 dams in Maine that are developments in a FERC licensed project producing power in New Hampshire.
3. This number is the number of dams granted exemptions from the licensing process by FERC. The 31 dams are exempted under 28 projects #'s. Each project produces less than 5 Megawatts of electricity.
4. This number is the sum of licensed and exempted dams (107 +31).
5. Total registered dams minus total FERC authorized dams.

A. FERC Jurisdiction

Hydropower Projects Requiring a FERC License

Under the Federal Power Act (16 USC 791a-825r), a license from the Federal Energy Regulatory Commission is required to construct, operate, or maintain a hydropower project that:

- is located on navigable waters, or

- was constructed or modified after 1935 and produces power affecting interstate or foreign commerce. Interstate or foreign commerce is assumed to be affected anytime the power produced enters the public utility power grid or replaces power from the public utility power grid.

Grandfathered Projects:

A hydropower project operated under and in accordance with a permit issued prior to enactment of the Federal Power Act (FPA) in 1920 is grandfathered. A FERC license is not required for a hydropower project constructed prior to the 1935 amendments to the Federal Power Act if the project is on a non-navigable stream and does not affect the navigability of downstream waters. A license from FERC is not required for a grandfathered project unless a major modification is proposed for the project.

Exemptions from licensing:

Two types of hydroelectric projects may be eligible for an exemption from FERC licensing; (1.) hydroelectric projects of 5 Megawatts or less and (2.) conduit hydroelectric facilities. A conduit facility is a facility that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity. An application for an exemption must be filed with FERC. The project is reviewed and when a project is exempted, an order is issued that reads much like a license order setting conditions for the project. There is, however, no expiration date for exemption orders. The exemption is valid in perpetuity as long as conditions are met. Twenty eight hydroelectric projects in Maine have been granted exemptions from licensing by FERC. Appendix B-I lists the 31 exempted dams within the 28 projects. The maximum capacity of an exempted dam in Maine is 1.125 Megawatts.

B. The FERC Licensing/Relicensing Process:

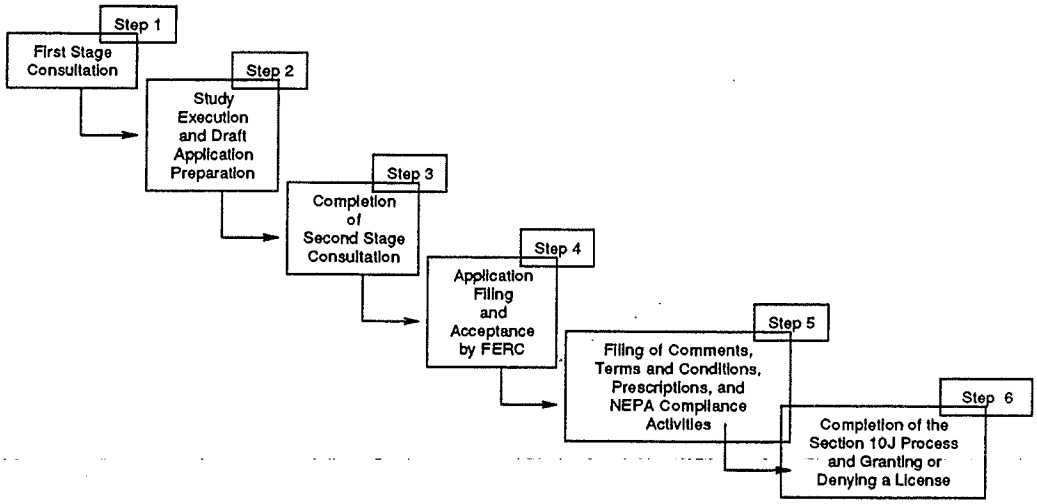
FERC licensing provides a process by which an entity can present a proposal to use a public resource such as a river, have that proposal evaluated and compared to any competing proposals and have a determination made as to the proposal's acceptability under the Federal Power Act and regulations adopted to implement the Act. If the proposal is ultimately acted upon favorably by FERC, the entity issued the license is granted exclusive use of a defined public resource for the duration of the license.

FERC may issue a license having a duration of 30 to 50 years. Diagram B-2 illustrates the steps involved in the licensing process. Flow charts detailing each step of the process are found in Appendix B-II. The process for relicensing (the current license holder obtaining a *new* license to continue operating the project) is very similar to the process for obtaining

an *original* license. Five years prior to the expiration date of a license, a licensee must notify FERC of its intention to apply for a new license. The application for relicense must be filed at least 2 years prior to the expiration date. Although processing time varies, 3 years from the date of application until the issuance of a new license is common. Projects that have submitted an application for relicensing are automatically issued an annual license each year until the Commission decides on a new license.

Diagram B-2

Major Steps in the Licensing Process



Source: Hydroelectric Project Licensing Handbook, December 1991
Office of Hydropower Licensing
Federal Energy Regulatory Commission

In general, the FERC licensing process looks at the following:

- the applicant's ability to operate the project safely
- the efficiency and reliability of service
- long-term and short-term needs for power and cost-effectiveness of the applicant's proposal
- state and federal comprehensive plans for developmental and non-developmental uses of the waterway
- protection and enhancement measures needed for environmental and other resources
- recommendations by state and federal wildlife agencies [1]

The Federal Power Act clearly requires the Commission to look at environmental quality. "In deciding whether to issue any license....for any project, the Commission, in addition to the power and development purposes for which licenses are issued, shall give equal consideration to the purposes of energy conservation, the protection, mitigation of, damage to, and enhancement of, fish and wildlife (including spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality (FPA, sec. 4, par. e)

C. State's Role in FERC Licensing Process:

1. State Agency Comments:

FERC is required to consider the "recommendations of federal and state agencies exercising administration over flood control, navigation, irrigation, recreation, cultural and other relevant resources of the state in which the project is located, and the recommendations (including fish and wildlife recommendations) of Indian tribes affected by the project". FERC is not required to incorporate a state's recommendations in the terms and conditions of an issued license.

Under Executive Order #13, FY 86/87 the State Planning Office, in consultation with the FERC Coordinating Committee (a subcommittee of the Land and Water Resources Council), is charged with monitoring state agency comments in FERC proceedings and mediating any disagreements among the state agencies regarding comments submitted to FERC or to an applicant. The FERC Coordinating Committee (FCC) consists of representatives from the following departments: Environmental Protection (DEP), Marine Resources (DMR), Inland Fisheries and Wildlife (IFW) Conservation (DOC), and the following commissions: Maine Land Use Regulation Commission (LURC), Maine

Historic Preservation Commission, Atlantic Sea-Run Salmon Commission and the Public Utilities Commission.

The FCC has established procedures to ensure that state agency comments in FERC proceedings are timely, coordinated and consistent. The procedures detail the State Planning Office's role as the lead agency and set time limits for state agencies to submit comments and study requests.(FCC, 1988)

The State Planning Office is required to develop a comprehensive river resource management plan for each watershed with a hydropower project requiring licensing by FERC.(12 MRSA §407) The plans are to be adopted in accordance with the Maine Administrative Procedure Act and are intended to provide a basis for state agency comments, recommendations and permitting decisions. To date, a comprehensive river resource management plan has been completed and adopted for the Kennebec River watershed only.

2. Certification under Section 401 of the Clean Water Act:

An applicant for a hydroelectric project license from FERC must obtain certification from the appropriate state agency to verify compliance with the Clean Water Act. In Maine, the Department of Environmental Protection is the "certifying agency" for all activities located in whole or in part within organized municipalities. The Maine Land Use Regulation Commission is the "certifying agency" for all activities located wholly within areas of LURC's regulatory jurisdiction. (Executive Order 16 FY 91/92) Certification is granted only when the applicant can reasonably assure DEP or LURC that state water quality standards will not be violated by the project. Applicable standards and classifications are in Title 38 sections 464 to 470. FERC must accept the state's decision on certification.

3. Public Participation in the Licensing and Relicensing of Hydroelectric Dams:

Maine law requires state agencies that review, comment on or consult in the licensing or relicensing process to ensure that interested members of the public are informed of and allowed to participate in the process. The State Planning Office, Department of Environmental Protection, the Department of Inland Fisheries & Wildlife and the Department of Marine Resources are charged with cooperatively taking steps to do this. Title 38, section 640 details the requirements for public notice, opportunities to comment and release of information.

D. Criticism of FERC Licensing Process.

A common theme to criticism of the FERC licensing process is that the extensive pre-filing consultation process with state and federal agencies and the post-filing

application review by FERC is inefficient.(Steps 2 and 5 in Appendix B- II) FERC is required under the National Environmental Protection Act of 1969(NEPA) to conduct an independent environmental analysis of the project. FERC must have the information to prepare an environmental assessment or environmental impact statement for the project. This preparation does not start until after the application has been filed. Both industry and FERC staff have suggested involvement by FERC staff in the pre-consultation phase and beginning the environmental documentation during this phase could result in more complete applications being received and reduce processing delays while applicants respond to post-filing study requests. [1. & 2.]

At a national level, there appears to be some movement towards merging the pre-filing consultation and FERC review steps. [1.] At a state level the FERC Coordinating Committee has discussed involving non-governmental organizations in the pre-consultation process as a way to identify issues and environmental mitigation options prior to the post-filing preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

E. Options to Relicensing:

With the cost of relicensing escalating and the market price of electricity going down, license holders can be expected to carefully consider their options as a license approaches its expiration date. This section briefly describes those options.

1. License issued to a new party. The FERC process does allow a party other than the original licensee to apply for a license renewal. If a license is issued to a new party, all facilities authorized in the project license are transferred to the new license holder. In most cases, compensation to the original licensee would be by agreement between the original licensee and the new licensee. However, in some cases compensation may be determined by either FERC or a court.

2. Surrender of a license. A license holder can not simply walk away from a licensed project during the term of a license or upon its expiration date. FERC has a process to surrender a license. However, people in the industry fear that the process to surrender a license may be as costly and complex as the relicensing process. Recently, FERC issued a policy statement on project decommissioning at the time of relicensing (Docket # RM93-23-000). [3.] This statement discusses FERC's authority regarding surrender of a license and FERC's examination of non-power uses when decommissioning is reviewed. The statement indicates that many license surrenders have been successfully worked out. FERC imposes conditions for surrender on a case-by-case basis. Environmental consequences of retaining or removing facilities and non-power uses of facilities are considered. A licensee may be required to remove or breach a dam but more commonly dams are retained. "If the dam is to remain in place or there are other aspects of the project left which may significantly affect public resources, the commission generally wants to be satisfied that there is another authority to take over regulatory supervision." In practice, FERC has issued annual non-power licenses thereby retaining jurisdiction until

the terms of decommissioning are resolved. Upon resolution, FERC terminates the license.

F. Licensing of Storage Dams:

The Maine Department of Environmental Protection has requested that FERC make a determination of jurisdiction for certain storage dams not currently licensed by FERC. An understanding of FERC jurisdiction over storage dams and of references in Maine law to dams used to store water for a FERC licensed project is central to an understanding of where gaps in regulation exist. This section and the case study that follows examine the regulation of storage dams.

The FPA definition of "project" includes storage dams. If a storage dam is constructed, operated or maintained as part of a hydropower project and any part of that project requires a license then the storage dam must also be licensed. A storage dam that is linked to a hydropower project is typically considered a development within the project. A single project license identified by a single project number may encompass several developments, i.e. storage dams, power houses, transmission lines and other appurtenant structures.

In Maine, many storage dams were originally built to accommodate the log drives. Several of these dams have been maintained or rebuilt and operated to regulate stream flow to downstream hydropower facilities. In general, companies have applied for licenses for those storage dams which significantly contribute to power production. Companies wait for a jurisdictional determination by FERC for dams of marginal value for power production. Companies are reluctant to begin the licensing process for dams of marginal value. To determine if a storage dam falls under FERC jurisdiction, FERC studies the headwater benefits of the dam for power production. Size of the impoundment, distance upstream from the generating facility and mode of operation are all considered in determining jurisdiction. A dam that potentially has significant headwater benefits may not be under FERC jurisdiction if operationally flow is managed primarily for recreation. Jurisdiction of storage dams is determined on a case-by-case basis. If FERC determines that a storage dam does, in fact, fall within FERC jurisdiction, the owner may begin the original licensing process for that dam under a new project number or may reopen and amend the license of the appropriate licensed hydropower project to include authorization for the storage dam.

Table B-3 presents a list of storage in Maine licensed by FERC. Appendix B-III lists storage dams that are not presently included in a project license and for which the Maine DEP has asked FERC to make a determination on jurisdiction. Two dams pending a determination of jurisdiction have been sold. They no longer share ownership with a downstream licensed facility. It is unlikely that FERC will assume jurisdiction.

TABLE B-3

Storage-Only Hydro Dams in Maine Licensed by FERC
Oct-95

Project Number	Name	Licensee or Developer	Stream	Expire Date
2727*	Graham Dam	Bangor Hydro Electric Co.	Union R.	12/31/17
2559*	Messalonskee Lake	Central Maine Power	Meslnsk. Lk.	12/31/91
2612	Flagstaff	Central Maine Power	Dead R.	12/31/97
2613	Moxie	Central Maine Power	Moxie	12/31/93
2492	Vanceboro	Georgia-Pacific Corp.	E Br St. Croix R.	03/01/16
2618	West Grand Lake Dam	Georgia-Pacific Corp.	W Br St. Croix R.	09/29/00
2618	Sysladobsis	Georgia-Pacific Corp.	W Br St. Croix R.	09/29/00
2660	Forest City	Georgia-Pacific Corp.	E Br St. Croix R.	08/31/00
2804*	Swan Lake Dam	Goose River Hydro, Inc.	Goose R	02/29/20
2458*	Millinocket Dam	Great Northern Paper, Inc.	Minkt Str., W Br. Pen R.	12/31/93
2634	Seboomook	Great Northern Paper, Inc.	W Br. Penobscot R.	04/30/00
2634	Caucomgomoc Dam	Great Northern Paper, Inc.	Cauc. Str., W Br. Pen. R.	04/30/00
2634	Canada Falls Dam	Great Northern Paper, Inc.	W Br. Penobscot R.	04/30/00
2634	Ragged Lake	Great Northern Paper, Inc.	Ragged Str, W Br. Pen R.	04/30/00
2671	Moosehead Lake	Kennebec Wtr Power Co.	Kennebec R.	12/31/93
2367*	Millinocket Lake	Maine Public Service Co.	Millinocket Str. & Lk.	12/31/43

*** These storage dams are licensed as developments within a project that includes a generating facility.**

Note: Shaded areas indicate more than one storage dam licensed under same project #.

Case Study

This section of the report is a brief case study of 2 reservoir dams in Maine. 1) Moxie Lake Dam - a FERC licensed dams and 2) Mattagamon Dam - a storage dam that is not currently licensed by FERC. A discussion of the status of these 2 dams and the state's lack of authority to regulate water levels at these dams will, hopefully, clarify some of the concerns raised at the public hearing on LD 646.

Moxie Lake Dam: Moxie Dam (FERC project #2613) is licensed by FERC as a storage dam only. Central Maine Power Company owns Moxie Lake Dam and has historically operated the dam to control flowage to its downstream generating facility, Wyman Dam, in Bingham on the Kennebec River. Wyman Dam is licensed as a conventional hydropower plant, FERC project # 2329. In 1991 CMP filed an application to relicense Moxie Dam. However, prior to the license expiration date of 12-31-1993, CMP submitted a letter to FERC notifying FERC of the company's intention to cease jurisdictional activity. The jurisdictional activity in this case being water storage for a downstream facility. CMP has a purchase and sales agreement with The Forks Plantation. The agreement requires CMP to make certain repairs to the dam and to train persons designated by the plantation in maintenance and operation of the dam. Upon purchasing the dam, The Forks would then assume responsibility for operating the dam and controlling flow for recreational purposes.

Upon receipt of CMP's decision not to seek relicensing, FERC solicited proposals from other parties interested in a license. No one responded to this solicitation. Since the 12-31-93 expiration date, FERC has issued an annual license each year to CMP for the Moxie Dam. Annual fees and all responsibilities set forth in the license continue to apply. It is unclear at this time if FERC will require CMP to file an application to surrender its license, will issue a license for non-power use to either CMP or The Forks, or will simply terminate the current license.

Mattagamon Dam. Mattagamon Lake Dam is owned by the East Branch Improvement Company (EBI). The East Branch Improvement Company is owned 60% by Bangor Hydro-Electric Company and 40% by Great Northern Paper, Inc. It has never been licensed by FERC. It is one of several storage dams with a decision on FERC jurisdiction pending. Mattagamon Dam is located on the East Branch of the Penobscot River upstream from Great Northern's Mattaseunk generating facility (FERC # 2520) and other generating facilities on the Penobscot. According to EBI, Mattagamon Dam was originally built to control water levels for the log drives. The dam is currently maintained for recreational purposes. Flowage regulated by the dam is incidental to power production at downstream facilities. EBI, therefore, contends a FERC license is not necessary.

G. State's authority to establish water levels

Title 38, section 840 allows the Commissioner of Environmental Protection to establish a water level regime for a body of water impounded by a dam, except for a dam that is :

A. licensed by FERC

B. Authorized under the Federal Power Act, Section 23:

C. Used to store water for a downstream facility licensed by FERC or authorized by the Federal Power Act, Section 23 provided that the owner of the downstream facility possessed a majority ownership of the upstream dam as of January 1, 1983; or

D. Operating with a permit setting water levels and issued in accordance with another section of Maine law.

Currently the commissioner can not set a water level regime for Moxie Lake Dam because that dam is operating under a FERC license (paragraph A applies). If its license is surrendered or terminated, the dam would no longer be "used to store water for a downstream facility licensed by FERC" and the commissioner could set water levels under section 840.

Although Mattagamon Dam is not a FERC licensed dam, DEP regards it as "used to store water" for a FERC licensed facility. Paragraph C applies and, therefore, the commissioner can not establish water levels. FERC has not made a determination on jurisdiction for Mattagamon dam. If FERC does determine it has jurisdiction, then a FERC license will be required for Mattagamon dam and water levels could be addressed in the conditions of that license. If FERC determines that it does not have jurisdiction over Mattagamon Dam, the department's authority to set water levels for Mattagamon under section 840 may still be questionable.

In a recent order on jurisdiction issued by FERC (Docket No. UL94-1-000 and UL 94-3-000) FERC determined Rangeley Dam and First Roach Pond Dam were not subject to FERC jurisdiction.[4] The order stated that "these facilities do have some impact upon power generation" but concluded that they "are not used or useful in connection with a complete unit of improvement or development that includes the downstream hydropower projects". The order also notes that the dams "appear to be operated for the most part to meet recreational and environmental needs". Despite FERC determination that it does not have jurisdiction, one could argue based on the order that the dams are in fact "used to store water for a downstream facility licensed by FERC" and therefore exempt from DEP authority under section 840.

Paragraph C of section 840 was enacted by P.L. 1983 c.417. A rereading of the bill file for LD 1252 and DEP staff recollection of the discussion at that time suggests that the legislature intended for paragraph C to exclude storage dams under the same ownership as FERC licensed downstream dams from DEP regulation. If paragraph C is not intended to exclude from DEP regulation unlicensed storage dams that are sold and no longer share common ownership with a downstream licensed facility, the language in paragraph C could be amended to clarify this.

Paragraph B of section 840 excludes dams grandfathered by the FPA from regulation by DEP. No data is immediately available on the number of grandfathered dams and problems presented by the lack of regulatory authority for these dams. Paragraph B also excludes projects exempted from FERC licensing. Dams that have been constructed or reconstructed after enactment of the 1983 rivers legislation are required to have a state permit under Title 38, section 634. Minimum flows are addressed in the permitting process. Therefore, dams excluded under paragraph B but issued a permit under section 634 remain under some form of state regulation.

Summary of Gaps in Regulatory

Dams licensed by FERC are inspected for safety by FERC. The environmental impacts of a project are studied extensively during the licensing process. Licenses are issued with conditions and terms that address resource concerns and through the 401 water certification process, the state can assure water quality standards are met. There is a lack of authority by state or federal government to regulate water levels for (1) dams not licensed by FERC but otherwise authorized by the FPA and (2) unlicensed storage dams upstream from a facility licensed by FERC.

ENDNOTES - Part B

1. Dewitt, Thomas E. The Hydropower Relicensing Challenge, pp. 97-104 in Conference Proceedings "Hydropower, energy, and the environment: options for increasing output and enhancing benefits" Stockholm, Sweden, 14-16th June 1993.

2. Greely, Gail Ann. Testimony of National Hydropower Association. Hearings on The Federal Energy Regulatory Commission's Hydropower Licensing Program before the Environment, Energy and Natural Resources Subcommittee of the Committee on Government Operations House of Representatives. 102nd Congress, May 15, 1992.

3. Federal Energy Regulatory Commission. Project Decommissioning at Relicensing; Policy Statement. Issued December 14, 1994. Docket No. RM93-23-000 60F.R. 339 (Jan. 4, 1995).

4. Federal Energy Regulatory Commission. Order on Jurisdiction. Union Water Company - Docket No. UL94-1-00; Kennebec Water Power Company - Docket No. UL94-3-000. Issued August 1, 1994.

APPENDIX 1

Letter to Chairs, Natural Resources Committee to Legislative Council

SENATE

WILLIS A. LORD, DISTRICT 34, CHAIR
W. JOHN HATHAWAY, DISTRICT 32
RICHARD P. RUHLIN, DISTRICT 6

DEB FRIEDMAN, LEGISLATIVE ANALYST
JON CLARK, LEGISLATIVE ANALYST
LYNNE HANLEY, COMMITTEE CLERK

STATE OF MAINE

HOUSE

RICHARD A. GOULD, GREENVILLE, CHAIR
THOMAS E. POULIN, OAKLAND
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RANDALL L. BERRY, LIVERMORE
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DAVID C. SHIAH, BOWDOINHAM
ERNEST C. GREENLAW, STANDISH
CATHARINE L. DAMREN, BELGRADE
ROY I. NICKERSON, TURNER
JOHN P. MARSHALL, ELIOT

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

COMMITTEE ON NATURAL RESOURCES

May 16, 1995

Senator Jane Amero, Chair
Legislative Council
117th Maine Legislature

Dear Senator Amero:

We are writing on behalf of the Joint Standing Committee on Natural Resources to request permission for the committee to conduct a study during the up-coming interim on issues relating to dams.

We propose to study two major issues:

1. Issues related to abandonment of dams not now regulated by the FERC or the state DEP, including water level regimes, draw downs, effects on fisheries and revegetation planning; and

2. The costs and time involved in licensing and relicensing which my cause dam ownership and operation to become uneconomic and thus result in some form of abandonment, and what may be done to reduce these regulatory burdens or to facilitate dam transfer to government or other entities which are willing to manage the operation of these dams.

We would propose to meet no more than 4 times over the course of the interim. We would request the assistance of staff appointed by the Council.

In a separate letter (copy attached) we have requested to carry over LD 646, "An Act to Reinstate the Laws Governing Dam Abandonment". This bill would provide us a useful vehicle for reporting out our recommendations on these issues next session.

Thank you for your consideration.

Sincerely,

Willis A. Lord
Senate Chair

Richard A. Gould
House Chair

cc: Members, Joint Standing Committee on Natural Resources
Members, Legislative Council

6860NRG

APPENDICES FOR PART A

PART A-I Appendix

Maine's Former Dam Registration and Abandonment

PART A-II Appendix

WATER LEVEL LAW

PART A-III Appendix

MUNICIPAL REGULATION OF WATER LEVELS

PART A-IV Appendix

DAM SAFETY LAW

Appendix A-I
Maine's former dam registration and abandonment program

When enacted in 1983, Maine's former dam registration and abandonment program was part of a larger law that had six major functions:

1) Create a record of all dams in Maine that met or exceeded a certain minimum size;
2) Identify the ownership of all dams in Maine;
3) Provide a mechanism for the state or other parties to assume ownership of dams that were considered abandoned because ownership could not be determined or owners refused to register dams;
4) Inspect dams considered unsafe and, if necessary, require repairs, maintenance, breaching or operation standards;
5) Provide a mechanism for dam owners to petition the state to assume ownership of dams; and
6) Establish water levels for bodies of water impounded by dams and for rivers and streams below a dam.

All but two of these functions were repealed in 1993 because of concerns over the cost of registration fees. The safety inspection function is still in effect *(see Appendix A-IV for complete explanation).* The water level law is still in effect *(see Appendix A-II for complete explanation).*

A. Summary of the repealed dam registration program

(See MRSA Title 38, former sections 830 - 837)

Dam registration law applied to all dams

All dams in Maine, including federally licensed dams, that were two or more feet in height and had the capacity to impound 15 acre feet or more of water, had to be registered under the law. The law excluded any dam that had been constructed solely for assisting in the floating of logs during past timber operations.

Registration was required every five years

The dam registration law required all dam owners to register their dams with the state every five years.

Unregistered dams were considered abandoned

Ownership of a dam would be automatically transferred to the state when a dam remained unregistered at the end of a calendar year in which registration was required. This transfer of ownership would follow efforts by the DEP during the year to notify owners or determine the ownership of a dam.

The state could award title to a third party

A dam for which ownership had passed to the state because of a failure to register could be transferred to a third party. Parties interested in obtaining ownership of a dam were given one year from the date of assumption of the title by the state to seek and obtain ownership. After the passage of a year, ownership would be retained by the state.

9 dams transferred under the registration program

From the effective date of the dam registration law in 1983 until its repeal in 1993, 11 dams were abandoned and brought under state ownership because of lack of registration.

Of the 11 dams transferred to the state, ownership of 9 dams was transferred by the state to third parties. Ownership of 2 dams was retained by the state.

B. Dam title transfer provisions

(See MRSA Title 38, former section 836)

The registration and abandonment laws also contained a section that provided a mechanism under which a dam owner could petition the state to take ownership of a dam. The state could assume ownership under limited circumstances.

Purpose of the section

The dam title transfer section provided a safety valve for dam owners in cases where the costs of certain state dam regulations put an owner in a position of wanting to relinquish ownership or be free of requirements to perform required maintenance.

How the title transfer section worked

1) *Action initiated by dam owner:* A dam owner was required to petition the Commissioner Environmental Protection for the state to take ownership of a dam.

2) *State could assume ownership under limited circumstances:* The Commissioner was required to approve a title transfer if a dam owner wanted to relinquish ownership but could not do so in a manner that guaranteed the dam would remain in compliance with

certain state orders issued for a dam. The state orders that applied changed throughout the years and included the following:

* From 1983 (the year the title transfer law went into effect) through 1989, the DEP commissioner was required to approve a transfer when a dam owner could not dispose of a dam in a manner that guaranteed the dam would remain in compliance with orders relating to the safety of a dam's condition or an order regulating the water level behind a dam.

* In 1989, the safety component was dropped from the approval criteria leaving only orders relating to the maintenance of certain water levels in the water body behind a dam. Thus, from 1989 to 1993 (when the title transfer law was repealed) the commissioner was required to approve a transfer when a dam owner could not dispose of a dam in a manner that would have left the dam in compliance with a state order regulating the water level behind the dam.

3) *State could award title to a third party:* The law contained a mechanism whereby the state could award title of a dam (once it had assumed ownership) to a person or organization that was interested in owning the dam. Interested parties were given one year from the date of the title transfer to the state to seek and obtain ownership. After the passage of one year in which no parties expressed interest, ownership would be retained by the state.

Two petitions received

In the ten years this section was in effect, the state received two petitions for the transfer of a total of seven dams. These petitions were submitted in the weeks immediately before the effective date of the law's repeal. One of the dams has been transferred to a third party without going through the state process. Two of the dams were determined to not fall under the jurisdiction of the law. Action is pending on the remaining four dams.

Appendix A-II
Water Level Law
(See MRSA Title 38, sections 840-843)

Maine's water level law provides a mechanism for the state to order a dam owner to keep lake levels and out-flows from a dam at certain levels. A dam owner must maintain a dam to ensure compliance with a water-level order.

Process requires DEP commissioner to issue water level orders

The Commissioner of Environmental Protection must embark upon the process for establishing a water level for a dam whenever certain parties petition the commissioner for such an order. In addition, the commissioner may embark upon the process upon the commissioner's own initiative.

The process consists of a hearing, the presentation of evidence and written findings by the commissioner. Once a hearing is held, the commissioner is required to issue an order that establishes water levels for a dam.

Once a water level order is issued for a dam, the dam owner must maintain a dam so the required water levels are met. Failure to comply with an order is punishable by a fine ranging from $100 to $10,000 for each day of violation.

Who may petition for a water level order

The DEP commissioner may issue a water level order on the commissioner's own initiative. In addition, three groups of parties are allowed to petition for water level orders. They are:

1) The commissioner of Inland Fisheries and Wildlife and the commissioner of Marine Resources;

2) Twenty-five percent of the lake-shore property owners or downstream property owners, or 50 owners from either group, whichever is less; and

3) A water utility that has the right to draw water from a water body.

Testimony at a hearing is limited to eight areas:

The DEP commissioner may hear evidence and base his or her decision on eight areas related to water levels. They are the water level and minimum flow requirements necessary to:

1) Maintain public rights of access to and use of the water for fishing, fowling, recreation and other lawful public uses;

2) Protect the safety of abutting landowners and the public;

3) Maintain fish and wildlife habitat and water quality;

4) Prevent excessive erosion of shorelines;

5) Accommodate precipitation and runoff of water;

6) Maintain public and private water supplies;

7) Allow ongoing use of the dam to generate hydroelectric or hydromechanical power or to enhance downstream hydroelectric or hydromechanical power; and

8) Provide downstream flows from a dam adequate to accommodate public access and use, fish propagation and fish passage facilities, fish and wildlife habitat and water quality downstream from dam.

Dams for which the state may not issue a water level order

Certain dams either fall outside the state's jurisdiction to establish water levels or are addressed through other state laws. Maine's laws pertaining to water level orders do not apply to the following dams:

- Hydroelectric dams licensed by the Federal Energy Regulatory Commission (FERC);

- Hydroelectric dams authorized under the Federal Power Act (FPA);

- Dams used to store water for use by a downstream hydroelectric dam licensed by FERC or authorized by the FPA;

- Dams where water levels are controlled by any other state law; and

- Dams regulated by one or more municipalities that have adopted ordinances regulating dam water levels.

The number of dams operating under a water level order

Of the 744 known[1] dams in Maine as of 1993, approximately 600 were dams for which a state water level could be adopted. As of 12/1/95, 29 dams were operated under water level orders.

Of the 29 orders:

- 29 were initiated by abutting property owners because of disagreements with dam owners over water level management;
- 0 were initiated by the DEP commissioner;
- 0 were initiated by the IFW or Marine Resources Commissioner; and
- 0 by water utilities.

[1] These dams represent thes number of dams registered under a Maine law that was repealed in 1993. For an explanation of this law see Appendix A-I.

Appendix A-III
Municipal regulation of water levels
(MRSA Title 30-A, sections 4454-4456)

State law provides municipalities the authority to adopt ordinances that regulate the water levels of dams and set the minimum flow requirements from dams. Such ordinances must include all the substance of state law under which the DEP regulates dam water levels and minimum stream flows. *(SeeAppendix A-II for an explanation of the state law.)* The ordinances must also include provisions that allow the Commissioner of Environmental Protection and any municipality downstream of a dam to petition the municipality for a hearing to set the water levels and minimum stream flow requirements for a dam.

To date, no municipality has adopted such an ordinance.

Municipalities may jointly regulate dams

Two or more municipalities may enter into agreements to establish water levels and minimum flow requirements from a common dammed body of water. However, each municipality must have in effect a valid dam ordinance before entering into such agreements.

Appendix A-IV
Dam safety law
(MRSA Title 37-B, sections 1061-1070).

Inspection and petition process.

Maine's dam safety laws require the inspection of certain dams and provide a process whereby certain people can petition for a safety inspection of a dam. Dam safety inspection is conducted by the Maine Emergency Management Agency (MEMA). Dams found to be unsafe must be repaired, removed or operated in a certain manner by their owners, as directed by a MEMA order.

MEMA may undertake the work required by one of its orders whenever a dam owner refuses to comply with an order. In those cases, the dam owner becomes liable for any costs incurred by MEMA.

Dams MEMA must inspect

MEMA was required to have inspected three categories of dams by June 1, 1995. However, MEMA's dam inspection position was not funded and no dams have been inspected.

The three categories of mandated MEMA inspections are:

1) All Maine dams listed in the 1981 U.S. Army Corps of Engineers Inventory of Dams as "high" and "significant hazard" dams. *Note:* The dams on the inventory do not necessarily lack structural integrity. Rather, the dams listed are those that would cause substantial harm to life and property were they to fail.

2) Any other new or existing dam that may, in the judgment of the MEMA director, constitute a potential threat to public safety.

3) Any dams for which MEMA's director accepts a petition calling for a safety inspection.

Who may petition MEMA for a dam safety inspection

The following may petition MEMA's director to inspect a dam:

1) Ten or more persons who own property adjacent to a stream or body of water affected by a dam;

2) 50 or more persons who own property within the flood plain downstream of a dam;

3) The municipal officers of a municipality in which a dam or a body of water created by a dam is located; and

4) The commissioners of any county in which a dam or a body of water created by a dam is located.

MEMA's response to a petition

MEMA's director must within 30 days of the receipt of a petition notify the petitioners whether a safety inspection will be ordered or whether the petition is denied because it was determined a safety inspection would be unnecessary.

MEMA has received no petitions for safety inspections.

Dams MEMA may not inspect

MEMA does not have jurisdiction over any dam licensed or inspected by any agency of the Federal Government or by the International Joint Commission.

APPENDICES FOR PART B

B-1 - Hydroelectric Projects in Maine Licensed by FERC Sorted by Expiration Date
- **Exemptions from Licensing by FERC Sorted by Developer**
- **Pending Applications for Hydropower Licensing by FERC**

B-II Steps in the FERC Licensing Process

B-III Unlicensed Storage - Only Hydro Dams in Maine

APPENDIX B-I

KEY TO LETTER CODES

Capacity Type:

E - existing (operating) plant capacity
C - capacity of plan under construction
R - capacity of plant when it was retired from service
P - proposed capacity of unconstructed plant
U - ultimate capacity estimated for development at the site

Status of Project:

MO - major license issued
MA - application for major license pending
NO - minor license issued
NA - application for minor license pending
LE - exemption from licensing granted
EA - application for exemption

Type of Development:

CD - constructed conventional plant
CU - unconstructed conventional plant
RP - retired plant, recently studied for rehabilitation
RS - reservoir only

ltrcode/word
OPLA:cnr

Hydroelectric Projects in Maine Licensed by FERC
Sorted by Expiration Date

Project Number	Name	Licensee	County	Stream	Capacity in KW	Capacity Type	Expire Date	Status	Type
2403	Veazie	Bangor Hydro Electric Co.	Penobscot	Penobscot R	12,100	U	9/25/85	MO	CD
2710	Orono	Bangor Hydro Electric Co.	Penobscot	Stillwater R, Pen. R	2,332	E	9/25/85	MO	CD
2534	Milford	Bangor Hydro Electric Co.	Penobscot	Penobscot R	8,000	U	12/31/90	MO	CD
2283	Gulf Island	Central Maine Power	Androscoggin	Androscoggin R	25,200	U	12/31/93	MO	CD
2283	Androscoggin No. 3	Central Maine Power	Androscoggin	Androscoggin R	3,600	U	12/31/93	MO	CD
2283	Gulf Island	Central Maine Power	Androscoggin	Androscoggin R	3,000	P	12/31/93	MO	CD
2283	Deer Rips	Central Maine Power	Androscoggin	Androscoggin R	6,625	E	12/31/93	MO	CD
2325	Weston	Central Maine Power	Somerset	Kennebec R	12,770	E	12/31/93	MO	CD
2329	Wyman	Central Maine Power	Somerset	Kennebec R	72,000	E	12/31/93	MO	CD
2389	Edwards Division	Edwards Mfg & Augusta,	Kennebec	Kennebec R	10,850	U	12/31/93	MO	CD
2458	East Millinocket	Great Northern Paper, Inc.	Penobscot	W Br Penobscot R	9,600	E	12/31/93	MO	CD
2458	Dolby	Great Northern Paper, Inc.	Penobscot	W Br Penobscot R	20,988	E	12/31/93	MO	CD
2458	Millinocket Dam	Great Northern Paper, Inc.	Penobscot	Mlnkt Str., W Br. Pen R.			12/31/93	MO	RS
2458	Millinocket	Great Northern Paper, Inc.	Penobscot	W Br Penobscot R	14,880	E	12/31/93	MO	CD
2458	North Twin	Great Northern Paper, Inc.	Penobscot	W Br Penobscot R	9,840	E	12/31/93	MO	CD
2527	Skelton	Central Maine Power	York	Saco R	16,800	E	12/31/93	MO	CD
2529	Bonny Eagle	Central Maine Power	York	Saco R	7,800	P	12/31/93	MO	CD
2552	Fort Halifax	Central Maine Power	Kennbec	Sebasticook R	1,500	E	12/31/93	NO	CD
2555	Meslsk 4, Automatic	Kennebec Water District	Kennebec	Meslsk Str., Ken. R.	800	E	12/31/93	NO	CD
2556	Meslsk 5, Union Gas	Central Maine Power	Kennebec	Meslsk Str., Ken R.	1,500	E	12/31/93	NO	CD
2557	Meslsk 3, Rice Rips	Central Maine Power	Kennebec	Meslsk Str., Ken. R.	1,600	E	12/31/93	MO	CD
2559	Meslsk 2, Oakland	Central Maine Power	Kennebec	Meslsk Str., Ken. R.	2,800	E	12/31/93	MO	CD
2572	Ripogenus	Great Northern Paper, Inc.	Piscataquis	W Br Penobscot R	37,530	E	12/31/93	MO	CD
2613	Moxie	Central Maine Power	Somerset	Moxie			12/31/93	MO	RS
2671	Moosehead Lake	Kennebec Wtr Power Co.	Piscataquis	Kennebec R			12/31/93	NO	RS
2712	Stillwater	Bangor Hydro Electric Co.	Penobscot	Stillwater R, Pen. R	1,950	E	12/31/93	MO	CD

Project Number	Name	Licensee	County	Stream	Capacity in KW	Capacity Type	Expire Date	Status	Type
2612	Flagstaff	Central Maine Power	Somerset	Dead R			12/31/97	MO	RS
2666	Medway	Bangor Hydro Electric Co.	Penobscot	W Br Penobscot R	4,080	U	3/31/99	MO	CD
2375	Riley Mill	International Paper Co.	Franklin	Androscoggin R	7,800	E	9/30/99	MO	CD
2375	Livermore Falls	International Paper Co.	Androscoggin	Androscoggin R	8,615	E	9/30/99	MO	CD
2375	Jay	International Paper Co.	Oxford	Androscoggin R	3,125	E	9/30/99	MO	CD
2897	Saccarappa (W. 2)	S.D. Warren Co.	Cumberland	Presumpscot R	1,350	E	9/30/99	NO	CD
8277	Otis Falls	Otis Hydroelectric Co.	Franklin	Androscoggin R	10,350	E	9/30/99	MO	CD
2634	Seboomook	Great Northern Paper, Inc.	Somerset	W Br Penobscot R			4/30/00	MO	RS
2634	Caucomgomoc Dam	Great Northern Paper, Inc.	Piscataquis	Cauc. Str, W Br Pen. R.			4/30/00	MO	RS
2634	Canada Falls Dam	Great Northern Paper, Inc.	Somerset	W Br Penobscot R			4/30/00	MO	RS
2634	Ragged Lake	Great Northern Paper, Inc.	Penobscot	Ragged Str, W Br Pen R			4/30/00	MO	RS
2932	Mallison Falls	S.D. Warren Co.	Cumberland	Presumpscot R	800	E	5/31/00	NO	CD
2941	Little Falls	S.D. Warren Co.	Cumberland	Presumpscot R	1,000	E	5/31/00	NO	CD
2660	Forest City	Georgia-Pacific Corp.	Washington	E Br St. Croix R			8/31/00	MO	RS
2931	Gambo	S.D. Warren Co.	Cumberland	Presumpscot R	3,900	U	8/31/00	MO	CD
2618	West Grand Lake Dam	Georgia-Pacific Corp.	Washington	W Br St. Croix R			9/29/00	MO	RS
2618	Sysladobsis	Georgia-Pacific Corp.	Washington	W Br St. Croix R			9/29/00	MO	RS
2721	Howland	Bangor Hydro Electric Co.	Penobscot	Piscataquis R	1,800	E	9/30/00	MO	CD
2942	Dundee	S.D. Warren Co.	Cumberland	Prescumpscot R	2,400	E	9/30/01	MO	CD
2142	Harris (Indian Pond)	Central Maine Power	Somerset	Kennebec R	75,000	E	12/31/01	MO	CD
2312	Great Works	James River-Norwalk, Inc.	Penobscot	Penobscot R	7,655	E	3/31/02	MO	CD
2984	Eel Weir	S.D. Warren Co.	Cumberland	Presumpscot R	1,800	E	3/31/04	MO	CD
2364	Abenaki	Madison Paper Industries	Somerset	Kennebec R	16,977	U	4/30/04	MO	CD
2365	Anson	Madison Paper Industries	Somerset	Kennebec R	9,000	E	4/30/04	MO	CD
2574	Lockwood (Milstar)	Merimil Ltd PNSP	Kennebec	Kennebec R	6,550	E	4/30/04	MO	CD
2194	Bar Mills	Central Maine Power	York	Saco R	4,000	E	6/30/05	MO	CD
2615	Brassua	Central Maine Power, et al	Somerset	Moose R	4,180	E	3/31/12	MO	CD
2492	Vanceboro	Georgia-Pacific Corp.	Washington	E Br St. Croix R			3/1/16	MO	RS
2335	Williams	Central Maine Power	Somerset	Kennebec R	14,500	U	12/31/17	MO	CD

Project Number	Name	Licensee	County	Stream	Capacity in KW	Capacity Type	Expire Date	Status	Type
2531	West Buxton Upper	Central Maine Power	York	Saco R	3,925	E	12/31/17	MO	CD
2531	West Buxton Lower	Central Maine Power	York	Saco R	4,000	U	12/31/17	MO	CD
2727	Graham Dam	Bangor Hydro Electric Co.	Hancock	Union R			12/31/17	MO	RS
2727	Ellsworth	Bangor Hydro Electric Co.	Hancock	Union R	8,900	E	12/31/17	MO	CD
2520	Mattaceunk (Weldon)	Great Northern Paper, Inc.	Penobscot	Penobscot R	19,200	E	8/31/18	MO	CD
2808	Barkers Mill (Lower)	Consol Hydro Maine, Inc.	Androscoggin	L Androscoggin R	1,500	E	1/31/19	NO	CD
2809	American Tissue	Consol Hydro Maine, Inc.	Kennebec	Cobboss Str, Ken. R.	900	U	4/30/19	NO	CD
2804	CMP Dam	Goose River Hydro, Inc.	Waldo	Goose R	200	E	2/29/20	NO	CD
2804	Masons Dam	Goose River Hydro, Inc.	Waldo	Goose R	75	E	2/29/20	NO	CD
2804	Swan Lake Dam	Goose River Hydro, Inc.	Waldo	Goose R			2/29/20	NO	RS
2804	Mill Dam	Goose River Hydro, Inc.	Waldo	Goose R	94	E	2/29/20	NO	CD
2322	Shawmut	Central Maine Power	Kennebec	Kennebec R	8,650	E	1/31/21	MO	CD
2368	Squa Pan	Maine Public Service Co.	Aroostook	Squa Pan Str. & Lk.	1,500	E	12/3/21	NO	CD
5362	Kesslen	Kennebunk Lt & Pwr Dist.	York	Mousam R	150	E	3/31/22	NO	CD
5362	Twine Mill	Kennebunk Lt & Pwr Dist.	York	Mousam R	300	E	3/31/22	NO	CD
5362	Dane Perkins	Kennebunk Lt & Pwr Dist.	York	Mousam R	150	E	3/31/22	NO	CD
4784	Pejepscot	Tphm Hydro Ptns Ltd.	Cumberland	Androscoggin R	13,880	E	8/31/22	MO	CD
2530	Hiram	Central Maine Power	Cumberland	Saco R	10,500	E	11/30/22	MO	CD
3562	Barkers Mill (Upper)	Consol Hydro Maine, Inc.	Androscoggin	L Androscoggin R	950	E	7/31/23	NO	CD
4202	Lowell Tannery	Consol Hydro Maine, Inc.	Penobscot	Passadumkeag R	875	E	9/30/23	NO	CD
2519	North Gorham	Central Maine Power	Cumberland	Presumpscot R	2,250	E	12/31/23	MO	CD
7189	Green Lake	Green Lake Wtr Pwr Co.	Hancock	Reeds Bk, Union R	500	E	3/31/24	NO	CD
2600	West Enfield (Stanford)	Bangor Pacific Hydro Assn.	Penobscot	Penobscot R	13,000	E	5/31/24	MO	CD
6398	Hackett Mills	Hackett Mills Hydro Assn.	Androscoggin	L Androscoggin R	485	E	8/31/24	NO	CD
2333	Rumford Falls Lwr	Rumford Falls Power	Oxford	Androscoggin R	12,800	E	9/30/24	MO	CD
2333	Rumford Falls Upr	Rumford Falls Power	Oxford	Androscoggin R	43,550	U	9/30/24	MO	CD
4026	Aziscohos	Androscoggin Res Co, et al	Oxford	Magalloway R	5,311	E	3/31/25	MO	CD
3428	Worumbo	Miller Hydro Group, Inc.	Androscoggin	Androscoggin R	19,100	E	11/30/25	MO	CD
2302	Lewiston Falls	Central Maine Power, et al	Androscoggin	Androscoggin R	28,440	E	8/31/26	MO	CD

Project Number	Name	Licensee	County	Stream	Capacity in KW	Capacity Type	Expire Date	Status	Type
2302	Bates 2	Central Maine Power, et al	Androscoggin	Andro R-Cross Cnl #3	450	U	8/31/26	MO	CD
2302	Lower Androscoggin	Central Maine Power, et al	Androscoggin	Andro R-Gulley Bk	270	U	8/31/26	MO	CD
2302	Continental Mills	Central Maine Power, et al	Androscoggin	Andro R-Cross Cnl #3	1,584	E	8/31/26	MO	CD
2302	Hill Mill	Central Maine Power, et al	Androscoggin	Andro R-Cross Cnl #2	2,160	E	8/31/26	MO	CD
2302	Bates Weave Shed	Central Maine Power, et al	Androscoggin	Andro R-Cross Cnl #1	3,900	E	8/31/26	MO	CD
11006	Upper Androscoggin	Lewiston, City of	Androscoggin	Lewiston Cnl (Andro. R.	1,695	U	8/31/26	MO	CD
2284	Brunswick	Central Maine Power	Androscoggin	Androscoggin R	19,600	E	2/28/29	MO	CD
2528	Cataract	Central Maine Power	York	Saco R	6,650	E	5/31/29	MO	CD
2528	W Channel (Saco Div)	Central Maine Power	York	Saco R	900	E	5/31/29	MO	CD
9340	Kezar Falls Lower	Central Maine Power	York	Ossipee R	650	E	9/30/30	NO	CD
9340	Kezar Falls Upper	Central Maine Power	York	Ossipee R	350	E	9/30/30	NO	CD
5073	Benton Falls	Whitman, Everett E., et al	Kennebec	Sebasticook R	4,468	E	2/28/34	MO	CD
2611	Hydro Kennebec	Scott Paper Co., et al	Kennebec	Kennebec R	18,900	E	9/30/36	MO	CD
2367	Millinocket Lake	Maine Public Service Co.	Piscataquis	Millinocket Str. & Lk.			12/31/43	NO	RS
2367	Caribou	Maine Public Service Co.	Aroostook	Aroostook R	800	E	12/31/43	NO	CD
10981	Orono	Bangor Hydro Electric Co.	Penobscot	Stillwater R, Penobscot R	2,300	E		MA	CD
10981	Basin Mills	Bangor Hydro Electric Co.	Penobscot	Penobscot R	38,000	U		MA	CU
10981	Veazie	Bangor Hydro Electric Co.	Penobscot	Penobscot T	16,400	U		MA	CD
11132	Eustis	Consol Hydro Maine, Inc.	Franklin	N Br Dead R	250	E		NA	CD
11142	Estes Lake	Consol Hydro Maine, Inc.	York	Mousam R	775	E		NA	CD
11163	South Berwick	Consol Hydro, Inc.	York	Salmon Falls R	1,200	E		NA	CD
11365	Swans Falls	Swans Falls Corp.	Oxford	Saco R	820	U		EA	RP
11433	Sandy River	Madison Electric Works	Somerset	Sandy R	547	E		NA	CD
11472	Burnham	Consol Hydro Maine, Inc.	Somerset	Sebasticook R	1,430	U		NA	CD
11482	Marcal	Consol Hydro Maine, Inc.	Androscoggin	Little Androscoggin R	1,310	E		NA	CD
	expdate/excel								
	12/22/95								

Hydroelectric Projects in Maine Issued
Exemptions from Licensing by FERC
Sorted by Developer

Project Number	Name	Developer	County	Stream	Capacity in KW	Capacity Type	Expire Date	Status	Type
8505	Abbot's Mills	Abbot's Mills Hydro	Oxford	Concord R	40	E		LE	CD
8736	Pioneer	Anthony, Christopher M.	Somerset	Sebasticook R	300	E		LE	CD
8788	Ledgemere	Central Maine Power	York	Little Ossipee R	450	E		LE	CD
5647	Milo	Consol Hydro Maine, Inc.	Piscataquis	Sebec R, Piscataquis R	600	E		LE	CD
9411	Biscoe Falls	Crouch, John, Jr. & Sons	Oxford	L Androscoggin R	50	E		LE	CD
7118	Smelt Hill	Cumberland Power Corp.	Cumberland	Presumpscot R	1,125	E		LE	CD
4293	Waverly Avenue	Express Hydro Serv., Inc.	Somerset	Sebasticook R	400	E		LE	CD
6618	Frankfort	Express Hydro Serv., Inc.	Waldo	Marsh Str, Penobscot R	400	E		LE	CD
5399	New Mills (Gardiner)	Gardiner Water District	Kennebec	Cobboss. Str, Ken. R.	116	E		LE	CD
7473	Gilman Stream	Gilman Stream Hydro	Somerset	Gilman Str, Carra-	75	E		LE	CD
7979	Foss Mill	Graham, Peter C.	Waldo	Marsh Str, Penobscot R	15	E		LE	CD
9384	Whites Brook	Head, David	Oxford	Whites Bk, Andro. R.	60	E		LE	CD
5613	Browns Mills	Hydro Generating Co., Inc.	Penobscot	Piscataquis R	550	E		LE	CD
6132	John C. Jones	Jones, John C.	Waldo	Marsh Str, Penobscot R	70	E		LE	CD
4413	Kennebago Falls	Kennebago Corp.	Franklin	Kennebago R	700	U		LE	CD
4413	Mahaney	Kennebago Corp.	Franklin	Kennebago R	200	U		LE	CD
4413	Kennebago Falls	Kennebago Corp.	Franklin	Kennebago R	700	E		LE	CD
8321	Thurston Mill	M W Thurston, Inc.	Oxford	Swift R	350	E		LE	CD
4727	Grist Mill	Maine Energy Ptns	Penobscot	Sodbsck Str, Pen. R.	200	E		LE	CD
6684	Days Mill	Matson, Roland	York	Kennebunk R	68	E		LE	CD
5912	Moosehead	Moosehead Mfg. Co.	Piscataquis	Piscataquis R	300	E		LE	CD
3444	Rocky Gorge (Lower)	Rocky Gorge Corp.	York	Great Works R	500	E		LE	CD
3444	Rocky Gorge (Upper)	Rocky Gorge Corp.	York	Great Works R	80	E		LE	CD
8640	Seabright	Seabright Hydro, Inc.	Knox	Megunticook R	94	E		LE	CD
7253	Sebec	Sebec Hydro Co.	Piscataquis	Sebec R	1,100	E		LE	CD

Hydroelectric Projects in Maine Issued
Exemptions from Licensing by FERC
Sorted by Developer

Project Number	Name	Developer	County	Stream	Capacity in KW	Capacity Type	Expire Date	Status	Type
8450	Stony Brook	Small Hydro East	Oxford	Stony Bk, Bear R	35	E		LE	CD
7591	Wight Brook	Sysko, James D.	Oxford	Wight Bk, Bear R	25	E		LE	CD
9421	Gardner Brook	Sysko, James D.	Oxford	Gardner Bk, Ellis R	50	E		LE	CD
8791	Starks	Vaughn, Mark A.	Somerset	Lemon Str, Sandy R	50	E		LE	CD
9079	Upper Spears	Vaughn, Mark A.	Oxford	Spears Str, Andro. R.	50	E		LE	CD
8417	Old Sparhawk Mill	Yale Thomas & Lemaistrel	Cumberland	Royal R	270	E		LE	CD

Exempt/excel
12/22/95

Pending Applications for Hydropower Licensing by FERC

Project Number	Name	Licensee or Developer	County	Stream	Capacity in KW	Capacity Type	Expire Date	Status	Type
11365	Swans Falls	Swans Falls Corp.	Oxford	Saco R	820	U		EA	RP
10981	Orono	Bangor Hydro Electric Co.	Penobscot	Stillwater R, Penobscot R	2,300	E		MA	CD
10981	Basin Mills	Bangor Hydro Electric Co.	Penobscot	Penobscot R	38,000	U		MA	CU
10981	Veazie	Bangor Hydro Electric Co.	Penobscot	Penobscot T	16,400	U		MA	CD
11132	Eustis	Consol Hydro Maine, Inc.	Franklin	N Br Dead R	250	E		NA	CD
11142	Estes Lake	Consol Hydro Maine, Inc.	York	Mousam R	775	E		NA	CD
11163	South Berwick	Consol Hydro, Inc.	York	Salmon Falls R	1,200	E		NA	CD
11433	Sandy River	Madison Electric Works	Somerset	Sandy R	547	E		NA	CD
11472	Burnham	Consol Hydro Maine, Inc.	Somerset	Sebasticook R	1,430	U		NA	CD
11482	Marcal	Consol Hydro Maine, Inc.	Androscoggin	Little Androscoggin R	1,310	E		NA	CD

Status Code: ***EA = Application for Exemption Pending***
MA = Application for Major License Pending
NA = Application for Minor License Pending

status/excel
12/22/95

Appendix B-II

Steps in the FERC Licensing Process

3.3.1 Step 1, First-Stage Consultation (Continued)

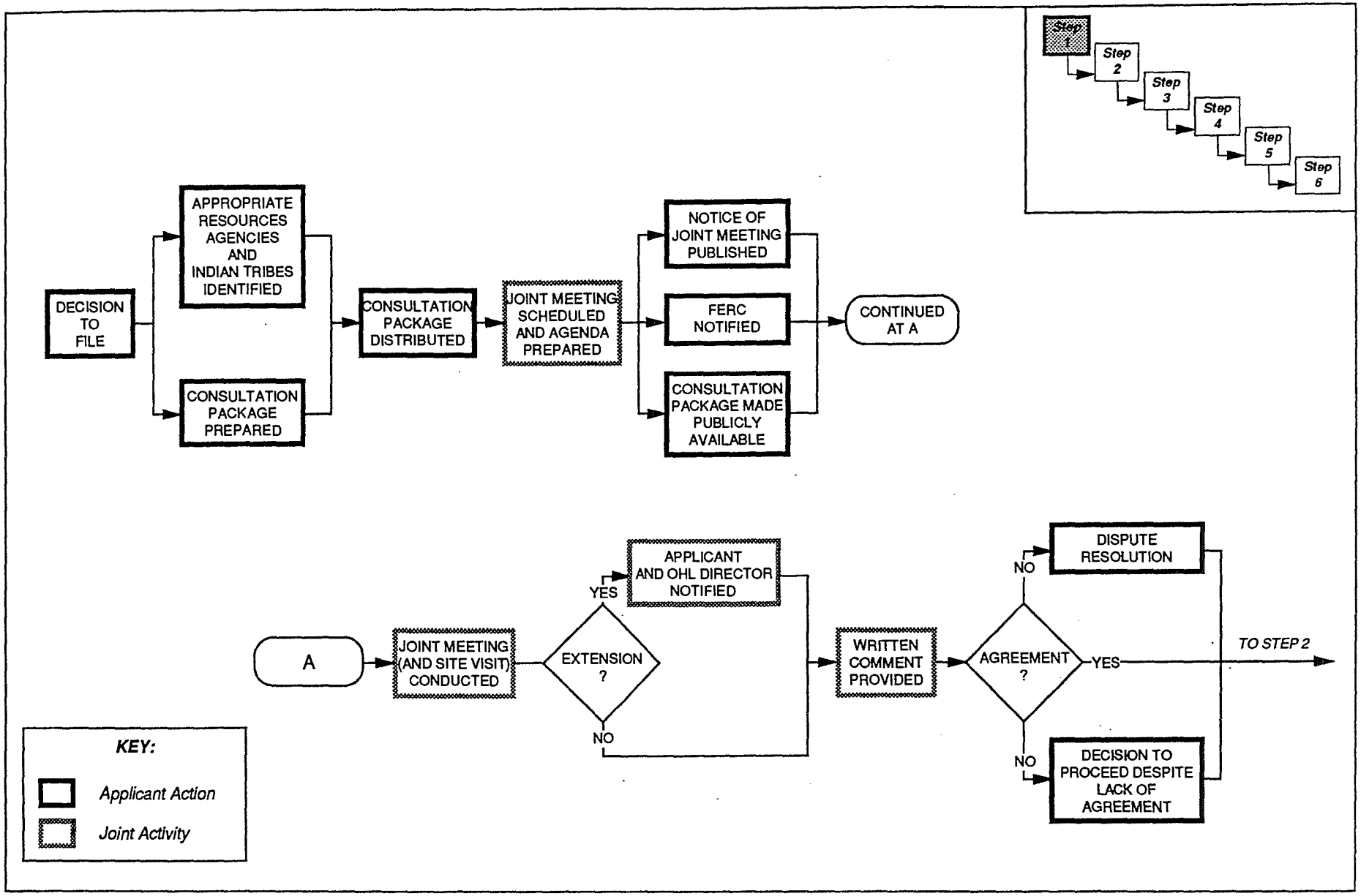


FIGURE 6

3.3.2 Step 2, Study Execution and Draft Application Preparation (Continued)

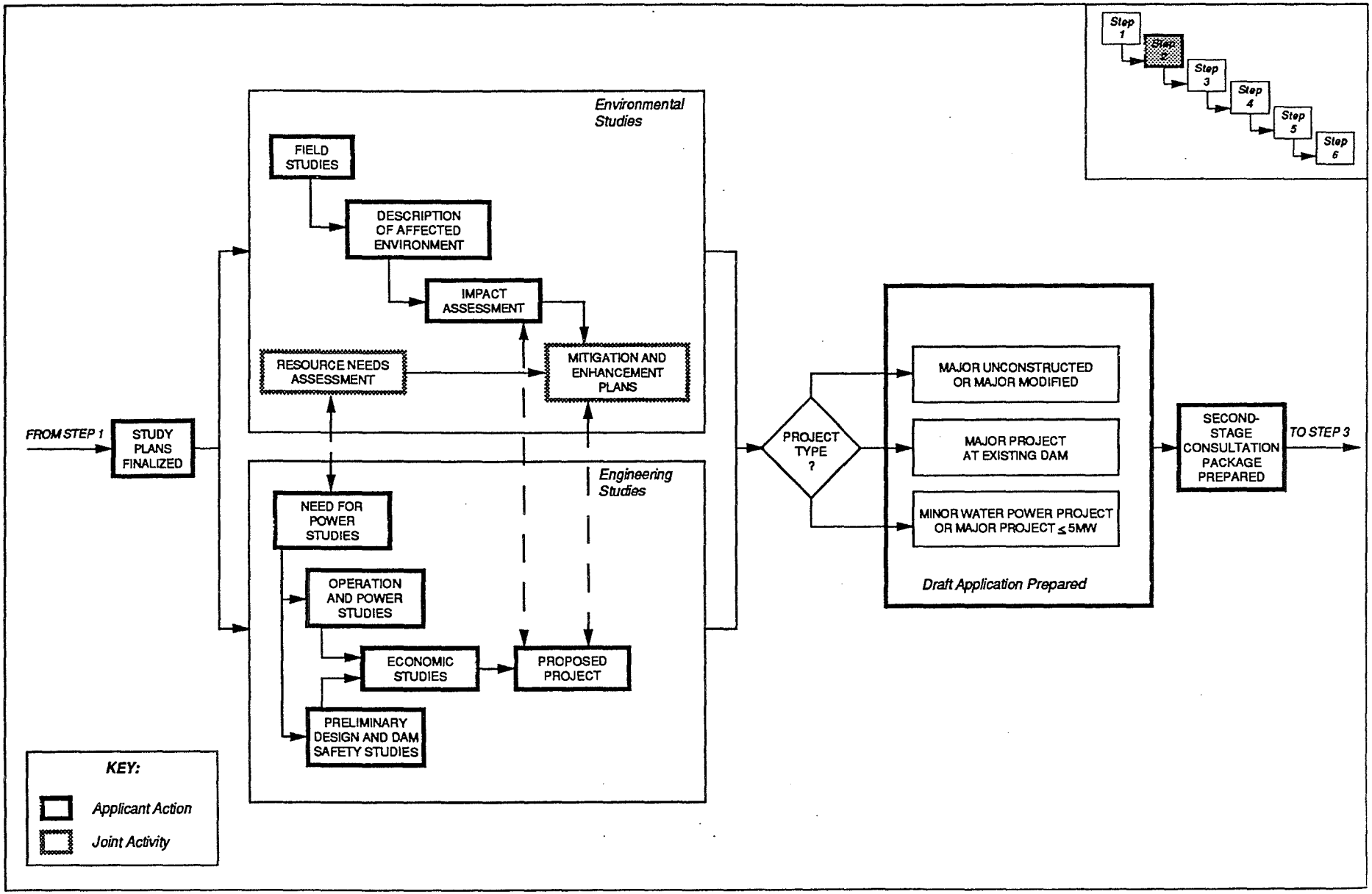
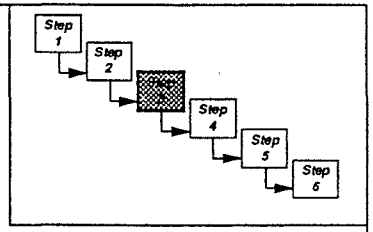
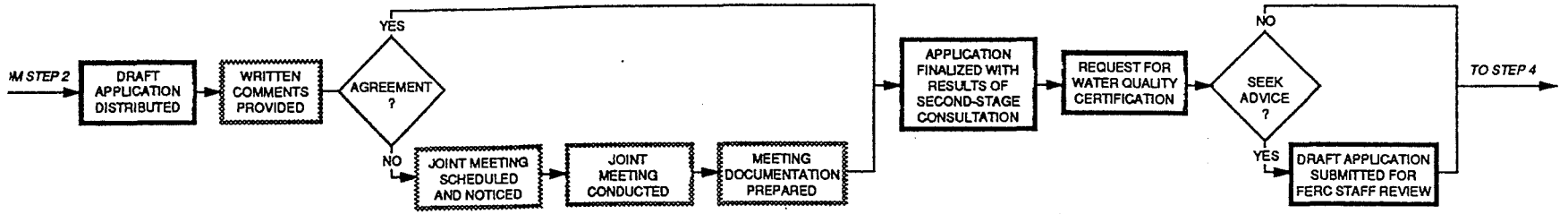


FIGURE 7

3.3.3 Step 3, Completion of Second-Stage Consultation (Continued)





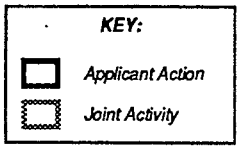


FIGURE 8

3.3.4 Step 4, Application Filing (Third-Stage Consultation) and Acceptance by the FERC (Continued)

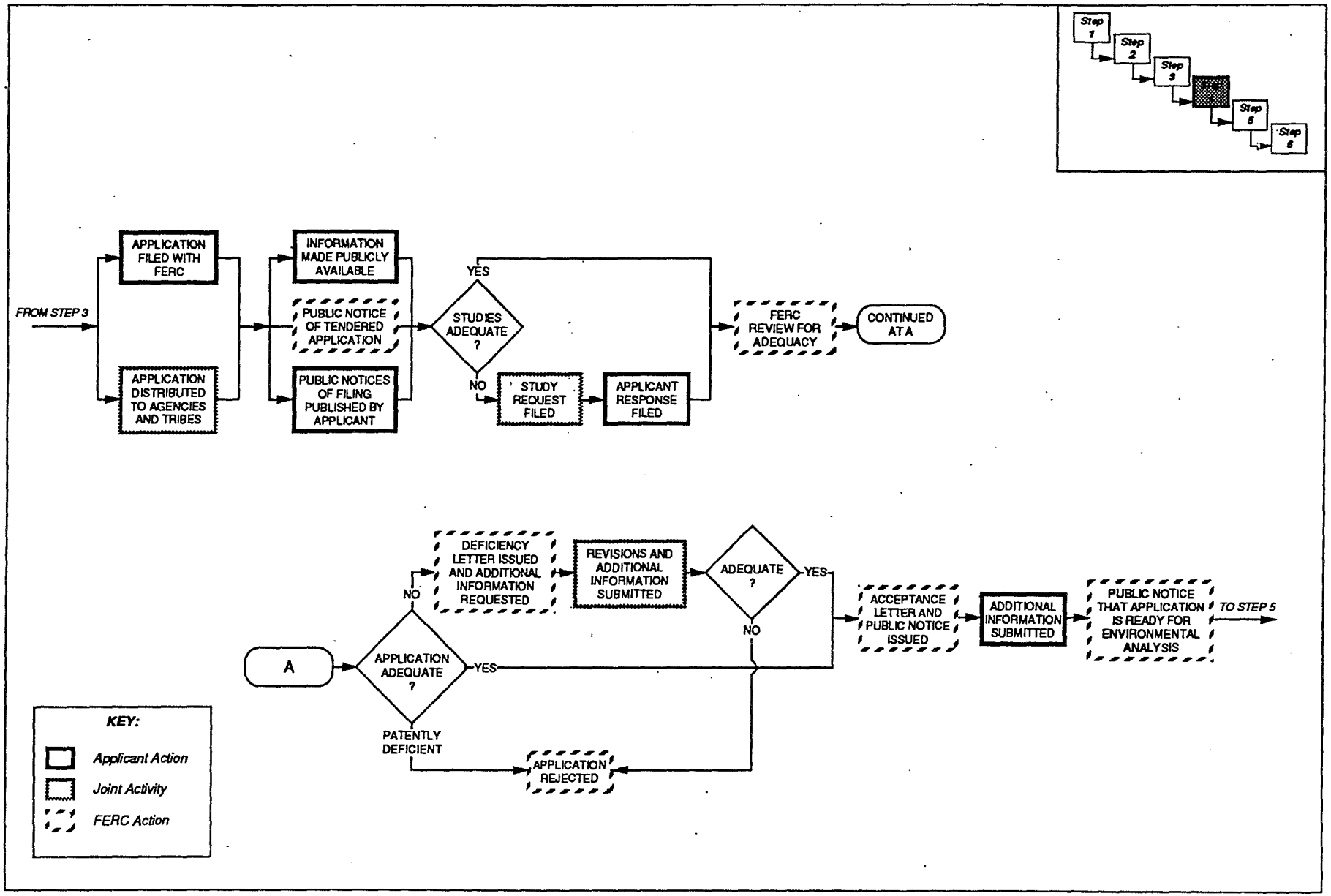


FIGURE 10

3.3.5 Step 5, Filing of Comments, Terms and Conditions, and Prescriptions, and NEPA Compliance Activities (Continued)

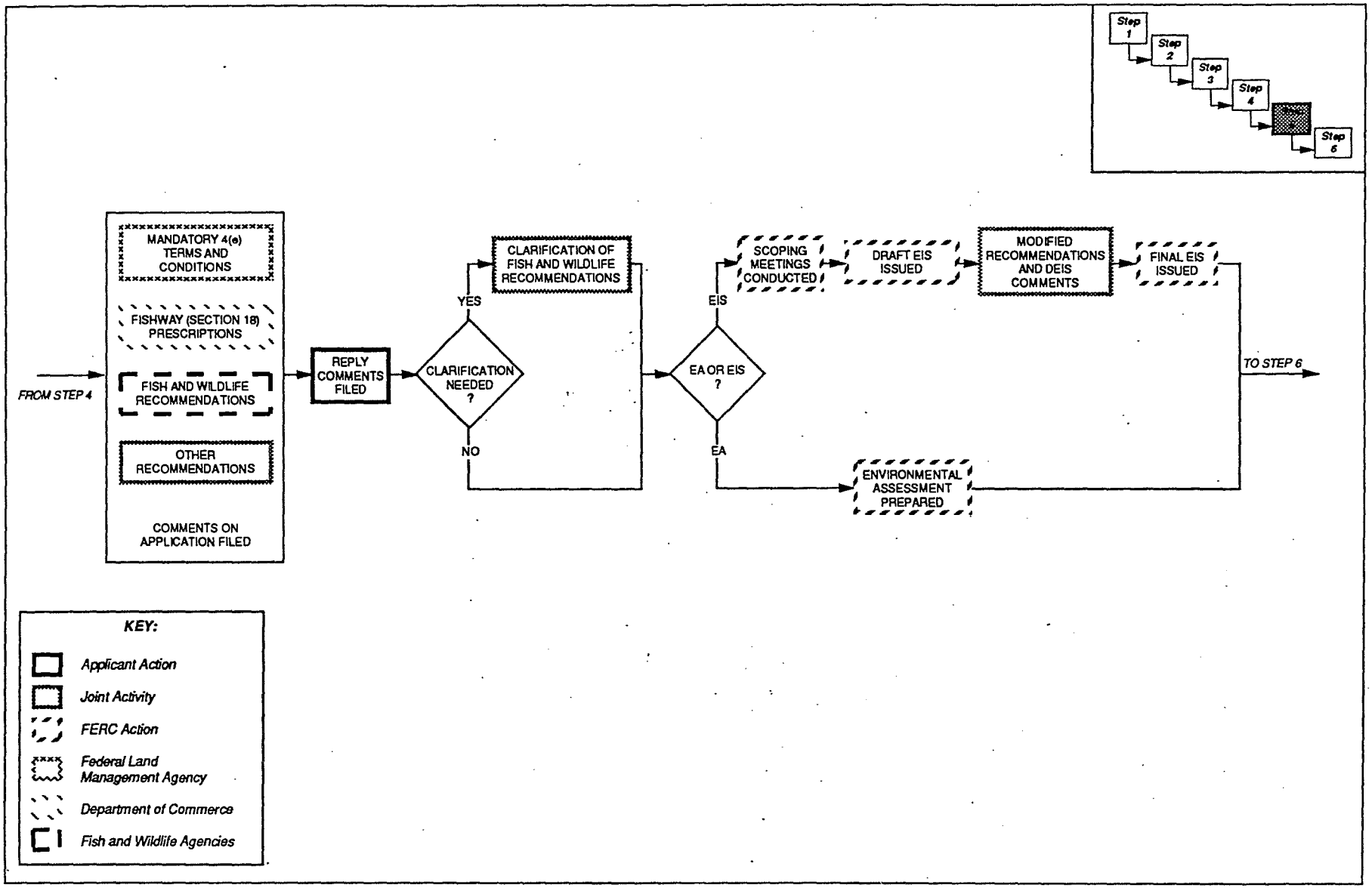
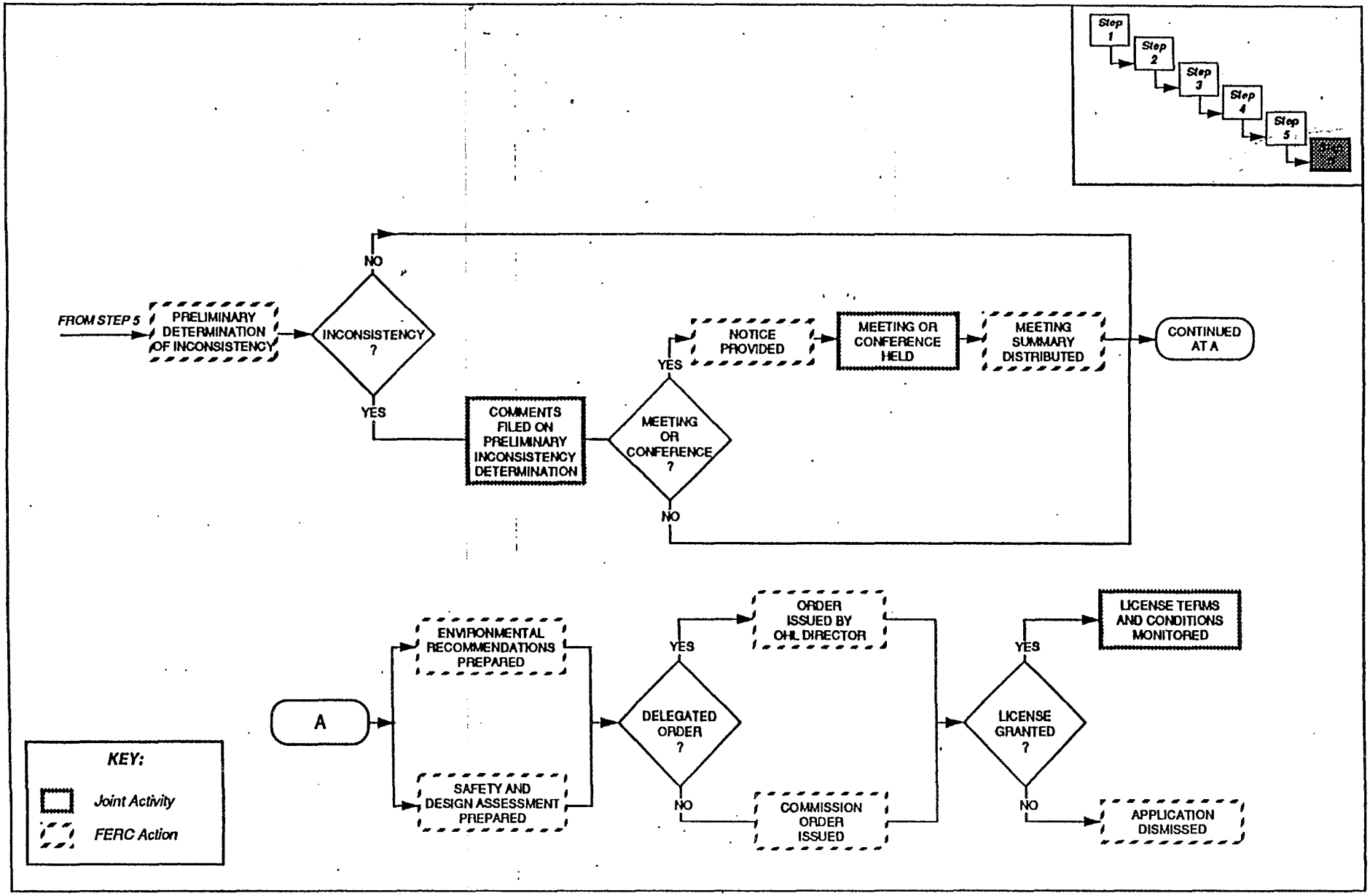


FIGURE 11

3.3.6 Step 6, Completion of the Section 10j Process and License Issuance (Continued)



Appendix B-III

Unlicensed Storage-Only Hydro Dams in Maine

UNLICENSED STORAGE-ONLY HYDRO DAMS IN MAINE
AS OF JULY 1995

	NAME	RIVER BASIN	OWNER	STATUS
1.	Wilson Pond Dam	Penobscot	CHI	Found non-jurisdictional by FERC
2.	Rangeley Lake Dam	Androscoggin	UWP	Found non-jurisdictional by FERC; appeal pending
3.	First Roach Pond Dam	Kennebec	KWP	Found non-jurisdictional by FERC; appeal pending
4.	Upper Dam❶	Androscoggin	UWP	Found jurisdictional by FERC; licensing consultation underway
5.	Middle Dam❷	Androscoggin	UWP	Found jurisdictional by FERC; licensing consultation underway
6.	Telos Lake Dam❸	Penobscot	EBI	Jurisdictional determination pending
7.	Mattagamon Lake Dam❸	Penobscot	EBI	Jurisdictional determination pending
8.	Schoodic Lake Dam❸	Penobscot	BHE	Jurisdictional determination pending
9.	Sebois Lake Dam❸	Penobscot	BHE	Jurisdictional determination pending
10.	Branch Lake Dam❸	Union	BHE	Jurisdictional determination pending
11.	Dole Pond Dam	Penobscot	GNP	Jurisdictional determination pending
12.	Harrington Lake Dam	Penobscot	GNP	Jurisdictional determination pending
13.	Long Pond Dam	Penobscot	GNP	Jurisdictional determination pending
14.	Loon Lake Dam	Penobscot	GNP	Jurisdictional determination pending
15.	Penobscot Lake Dam	Penobscot	GNP	Jurisdictional determination pending
16.	Rainbow Lake Dam	Penobscot	GNP	Jurisdictional determination pending
17.	Sourdnahunk Lake Dam	Penobscot	GNP	Jurisdictional determination pending
18.	Umbazookus Lake Dam	Penobscot	GNP	Jurisdictional determination pending

OWNER CODES

BHE = Bangor Hydro-Electric Company
CHI = Consolidated Hydro Company Inc.
EBI = East Branch Improvement Company (BHE & GNP)
GNP = Great Northern Paper Company
KWP = Kennebec Water Power Company
UWP = Union Water Power Company

NOTES

❶ Impounds Mooselookmeguntic Lake.
❷ Impounds Upper and Lower Richardson Lakes.
❸ BHE is currently trying to find new owners for these dams, in part to avoid the expense and liability associated with licensing.

Prepared by: Maine DEP