

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 723

S.P. 272

In Senate, February 24, 2009

**Resolve, To Require the Department of Environmental Protection
To Amend Its Rules for Hydropower Projects To Require a Detailed
Cost-benefit Analysis**

Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in black ink, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SIMPSON of Androscoggin.

1 **Sec. 1. Amend rules. Resolved:** That the Department of Environmental
2 Protection shall amend Chapter 11: Administrative Regulations for Hydropower Projects,
3 section 5, paragraph A by adding language that will clarify that:

4 1. The Board of Environmental Protection and the Maine Land Use Regulation
5 Commission must quantify any significant economic benefits to the public that
6 hydropower projects will result in;

7 2. In cases involving new dams a cost-benefit analysis must also include a
8 description of any increases in the income or purchasing power of citizens of the State,
9 any changes in energy security from reducing dependence upon greenhouse gas
10 emissions, economic impacts to the subject community, recreation opportunities, erosion
11 and water quality impacts in the short and long term and preservation and creation of
12 employment opportunities for workers of the State;

13 3. In environmental mitigation an applicant for a permit to construct or reconstruct a
14 hydropower project is required to comply with the existing environmental standards of
15 the State;

16 4. When considering the environmental and energy effects of a project, a
17 determination that the advantages of the project are greater than the direct and cumulative
18 adverse impacts over the life of the project has been made, with that determination clearly
19 defined with supporting data and analysis; and

20 5. The board or commission shall make a detailed and specific written finding of
21 fact with supporting analysis and documentation that is specific to the nature and
22 magnitude of the impact of the project on each of the considerations in this resolve. The
23 board or commission shall also make a written detailed quantified explanation of the
24 board's or commission's use of these findings in reaching the board's or commission's
25 decision that clearly delineates the costs and benefits of the project. The attached value
26 or weight parameters must be identified by the board or commission prior to the finding
27 of fact process; and be it further

28 **Sec. 2. Rules. Resolved:** That rules adopted pursuant to this resolve are routine
29 technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter
30 2-A.

31 **SUMMARY**

32 This resolve requires the Department of Environmental Protection to amend its rules
33 for hydropower projects to require a detailed cost-benefit analysis.