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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

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January 14, 2021

Senator Stacy Brenner
Representative Ralph Tucker
Committee on Environment and Natural Resources
c/o Legislative Information Office
100 State House Station
Augusta, Maine 04333

**Re: Pending applications for water quality certification of FERC projects
2020 annual report**

Dear Senator Brenner and Representative Tucker:

Pursuant to 38 M.R.S. § 638, the Land Use Planning Commission (“Commission”) is providing this report to the Committee on Environment and Natural Resources describing all pending applications before the Commission for water quality certification under Section 401 of the federal Clean Water Act for dams located in the State that are subject to the jurisdiction of the Federal Energy Regulatory Commission (“FERC”).

The Commission administers the permit process under the Maine Waterway Development and Conservation Act (“MWDC”), 38 M.R.S. §§ 630–638, for a hydropower project that is located wholly within the State's unorganized and deorganized areas and that does not use tidal or wave action as a source of electrical or mechanical power. 38 M.R.S. § 634-A(2). Water quality certification is a component of the Commission’s permitting process under the MWDC. 38 M.R.S. § 635-B and 01-672 C.M.R. 11(6)(B). Water quality certifications associated with FERC licensing and relicensing of existing hydropower projects that are located wholly within the State's unorganized and deorganized areas, and for which no MWDC permit is required because no reconstruction or structural alteration is proposed, are administered by the Maine Department of Environmental Protection¹.

In 2020 the LUPC issued one MWDC permit and its associated water quality certification for maintenance and repair of Middle Dam in Township C. The application was filed in April of 2020 and the permit and certification were issued on October 1, 2020. Currently, no applications are pending before the Commission for a MWDC permit and water quality certification for a FERC licensed dam. The Commission is not aware of any FERC licensed

¹ Per Executive Order FY 1996-1997 number 3.



dams within its service area that will need to submit a MWDCA permit application and request for water quality certification within the next five years.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Judith C. East".

Judith C. East, Director
Maine Land Use Planning Commission

cc via e-mail only:

Everett Worcester, Chair, LUPC
Emily Horton, DACF
Amanda Beal, Commissioner, DACF
Mike Karagiannes, DEP
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