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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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January 17, 2024

Senator Stacy Brenner
Representative Lori Gramlich
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
2023 Annual Report**

Dear Senator Brenner and Representative Gramlich:

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. The report describes all pending applications before the Commission for water quality certification under Section 401 of the Federal Clean Water Act for dams subject to the Federal Energy Regulatory Commission (FERC).

The Commission administers the permit process under the Maine Waterway Development and Conservation Act (MWDC) 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 2023, the LUPC issued no MWDC permits or associated water quality certifications. Currently, no applications are pending before the Commission for an MWDC permit and water quality certification for a FERC-licensed dam. In addition, the Commission is not aware of any

¹ Per Executive Order FY 1996-1997 number 3.



FERC-licensed dams within its service area that will need to submit an MWDCa permit application and request for LUPC water quality certification within the next five years.

Respectfully submitted,



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Maine Land Use Planning Commission

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