

# MAINE STATE LEGISLATURE

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

JANET T. MILLS  
GOVERNOR

AMANDA E. BEAL  
COMMISSIONER

January 22, 2026

Senator Denise Tepler  
Representative Victoria Doudera  
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  
2025 Annual Report**

Dear Senator Tepler and Representative Doudera:

Pursuant to 38 M.R.S. §638, the Land Use Planning Commission (Commission or LUPC) 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 located wholly within the State's unorganized and deorganized areas, and that does not utilize 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 Protection<sup>1</sup>.

In 2025, 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 FERC-licensed dams within its service area that will need to submit an MWDC permit application and request for LUPC water quality certification within the next five years.

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Respectfully submitted,



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<sup>i</sup> Per Executive Order FY 1996-1997 number 3.