

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)




STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION AUGUSTA, MAINE 04333

JOHN ELIAS BALDACCI
GOVERNOR

DAVID H. KEELEY
ACTING DIRECTOR

January 8, 2003

To: Co-chairs -- Natural Resources Committee, Marine Resources Committee & Inland Fisheries and Wildlife Committee
From: David Keeley, Chair Land and Water Resources Council 

In response to legislative and public interest in dam removal issues the Land and Water Resources Council requested the State Planning Office ("SPO") to convene an advisory group comprised of legislators and stakeholders to analyze and evaluate the need for a dam removal policy in Maine. The report of the Maine Dam Removal Policy Advisory Group ("Advisory Group") convened by SPO is attached for your information.

The Advisory Group met three times during the fall 2002 and initiated a collaborative dialogue aimed at identifying the primary issues facing the State in its consideration of a dam removal policy. Although the Advisory Group did not complete its work in this short time, it agreed that any state dam removal policy should address both hydropower and non-hydropower dams. The Advisory Group also identified and generated a set of ten considerations for dam removal proceedings.

The Advisory Group offered two recommendations to the Land and Water Resources Council. First, the Advisory Group recommended that SPO continue to produce and publish a compendium of Maine state hydropower, dam, and dam removal laws, policies and procedures as a public education tool. Secondly, it recommended that the Dam Removal Advisory Group be reconvened after Governor Baldacci has taken office and made the necessary appointments to the Land and Water Resources Council. This re-formed Dam Removal Policy Advisory Group would then work to provide comprehensive recommendations to the Council.

At its December 12th meeting the Council accept the report. Council members have suggested that public water supply, transportation, and recreation are interests, in addition to those listed in the Advisory Group's report, that a state dam removal policy should address. Thanks for your attention to this matter. If you need additional information please don't hesitate to call Betsy Elder of my staff.

Cc: Betsy Elder
Maine Dam Removal Policy Advisory Group
Maine Dam Removal Policy Working Group

December 9, 2002

DAM REMOVAL IN MAINE
Maine Dam Removal Policy Advisory Group
and the Maine State Planning Office

On May 9, 2002, the Land and Water Resources Council, directed then by Evan Richert, requested the Maine State Planning Office to convene an advisory group, comprised of legislators and stakeholders, to analyze and evaluate the potential need for a dam removal policy in Maine. Concurrently at the request of the LWRC, the SPO initiated work with an expanded FERC Coordinating Committee, to include all State agency staff whose mandates involve dams, to update the state's hydropower policies and generate a written policy, which reflects existing law and its application to dam removal. At this point, SPO has published an incomplete draft of this Compendium of Maine State Agency Hydropower and Dam Removal Policies and SPO continues to pursue a final product. The Maine Dam Removal Policy Advisory Group has met three times during fall of 2002, has educated itself about dam removal issues in Maine and has generated a collaborative dialogue to tease out the primary issues facing Maine in its consideration of a dam removal policy. The work of this group is documented and displayed on the SPO website which can be accessed at

<http://www.maine.gov/spo/energy/damremoval/damremoval.htm>

On behalf of the Maine Dam Removal Policy Advisory Group, SPO offers the following considerations and recommendations to the LWRC for its review and endorsement.

Important Considerations for Dam Removal Proceedings

1. **Energy** – Hydropower resources should continue to be an important source of electric power in the State because of the benefits provided by hydroelectricity, including; clean air, reliance on indigenous energy resources rather than foreign energy resources and improved energy security and reliability through fuel diversity.
2. **Unobstructed access** – Free flowing rivers, unobstructed by man-made devices, are important cultural, economic and natural resources.
3. **Fish passage** – Promoting effective fish passage and fishery restoration are important considerations.
4. The process should include meaningful opportunities for **Public Participation** – Public education and statewide, regional and local participation throughout dam removal proceedings is essential to insure that broad and specific concerns are considered.
5. A comprehensive, accurate **method for evaluating the beneficial and adverse impacts** of a dam removal is important. Recreational, social, energy, environmental and economic values provided by the dam (e.g., value of hydropower, flood control, fire protection, safety, etc.) and the environmental values of dam removal (e.g., fish restoration, water quality; etc.) should be publicly identified and documented.

December 9, 2002

6. The process should include identification and analysis of **Ecological Impacts**. The potential for adverse and beneficial ecological impacts, such as those listed below, should be publicly identified and recognized.

- Physical and Chemical Components
- Biological Components
- Wetlands creation and diminishment
- Habitat creation and diminishment
- Water Quality enhancements and impacts
- Air Quality enhancements and impacts
- Endangered Species
- Climate Change

7. **Safety and Liability Issues** should be publicly identified and recognized.

8. The process should include identification and recognition of **Historical Issues**.

9. The process should include identification and recognition of total Engineering, De-Construction and Construction **Costs, both direct and indirect**.

10. **Floodplain Issues** and Impacts should be publicly identified and recognized.

Dam Removal Policy Recommendations to the LWRC

There is a lack of understanding about Maine law and state agency policy governing dam removal as well as the interaction between federal and state processes. The Maine Dam Removal Policy Advisory Group recommends the following actions to remedy this problem.

- Produce a Compendium of Maine State hydropower, dam and dam removal laws, policies, and procedures; disseminate the Compendium and inform people.
- Reconvene the Dam Removal Policy Advisory Group, after Governor Baldacci takes office and makes the necessary appointments to the LWRC and after adequate time has elapsed in which to review the complete Compendium. With the endorsement and support of the new LWRC, continue the important work of this group, or one very similar to this one, to determine whether Maine's current laws and state agency policies regarding dam removal address the full range of important issues enumerated above. The re-formed Dam Removal Policy Advisory Group shall then work to provide comprehensive recommendations to the LWRC, which remedy any identified deficits in current Maine State policy and law.

December 9, 2002

Maine Dam Removal Policy Advisory Group

Organization	Representation
Large Hydropower Owners	Dan Riley – Bernstein Shur
Small Hydropower Owners	Beth Nagusky – Independent Energy Prod.
Pulp and Paper Association	John Williams – Maine Pulp & Paper Assoc.
Rural Caucus	Rep. Carol Weston (Montville)
Rural Caucus	Rep. Zachary Matthews ((Winslow)
Rural Caucus	Rep. Russell Treadwell – (Carmel)
Committees of Jurisdiction	Rep. Ted Koffman- Natural Resources
	Sen. Ken Lemont – DMR Committee
	Matt Dunlap – IFW Committee
Federal	Gordon Russell– U.S.Fish & Wildlife Serv.
NGO's/non-profits	Nick Bennett – Natural Resources Council
	Andy Goode – Atlantic Salmon Federation
	Jeff Reardon – Trout Unlimited
	Steve Koenig- Project Share
	Barry Woods – Coastal Conservation Assoc
Tribal Government	John Banks – Penobscot Indian Nation
Citizen Group	Ken Fletcher – Save Our Seabasticook
Maine State Planning Office Chairman	David Keeley – Acting Director

Maine Dam Policy Development Staff Working Group

Betsy Elder – chairperson- SPO	Art Speiss - SHPO
Liz Hertz – SPO	Kirk Mahoney - SHPO
Lou Sidell – SPO	Deane Van Dusen – MDOT
Dana Murch – DEP	David Rocque - Agriculture
Steve Timpano – IFW	Norm Dube – ASRSC
Tom Squiers – DMR	Gail Wipplehauser – DMR
Bud Newell – DOC	Ralph Knoll – DOC
Todd Burrowes – SPO	Tony Fletcher – MEMA

