



HYDROPOWER PROJECT MAINTENANCE AND REPAIR

WHO MAY USE THIS FORM?

This form shall be used to request a state permit and Water Quality Certification for the proposed maintenance and repair of an existing and operating hydropower project where no expansion of generating capacity is proposed for a hydropower project in the plantations, unorganized townships and certain towns which remain under the Maine Land Use Regulation Commission ("LURC" or "Commission") jurisdiction.

WHERE CAN I GET HELP TO COMPLETE THIS FORM?

Call the LURC office that serves your area and ask to speak to one of our regional representatives (see below for office locations and contact information). Also, go to web site at <http://www.maine.gov/doc/lurc> to browse through our rules and regulations, other applications, recent publications and newsletters, Commission meeting agendas, and other valuable information.

 *Your application may be returned if it is incomplete! Contact the LURC office that serves your area if you need any help with this form.*

MAILING YOUR APPLICATION

Fill out the application form. Mail the entire application form and the required attachments (including the appropriate application fee and exhibits – see instructions of page ii) to the LURC office that serves your areas.

AUGUSTA OFFICE <i>Main LURC Office</i>	ASHLAND OFFICE <i>Serving most of Aroostook County and northern Penobscot County</i>
18 Elkins Lane - Harlow Bldg. Tel. (207) 287-2631 22 State House Station TTY (888) 577-6690 Augusta, ME 04333-0022 FAX (207) 287-7439	45 Radar Road Tel. (207) 435-7963 Ashland, ME 04732-3600 FAX (207) 435-7184
DOWNEAST OFFICE <i>Serving Hancock, Knox, Lincoln, Sagadahoc, Washington, Counties, portions of Penobscot and Piscataquis Counties and the coastal islands in LURC Jurisdiction</i>	EAST MILLINOCKET OFFICE <i>Serving southern Penobscot, southern Aroostook Counties and portions of Piscataquis County</i>
106 Hogan Rd, Suite 7 Tel. (207) 941-4052 Bangor, ME 04401 FAX (207) 941-4222	191 Main Street Tel. (207) 746-2244 East Millinocket, ME 04430 FAX (207) 746-2243
GREENVILLE OFFICE <i>Serving Piscataquis and Somerset Counties</i>	RANGELEY OFFICE <i>Serving Franklin and Oxford Counties</i>
43 Lakeview Street Tel. (207) 695-2466 P.O. Box 1107 FAX (207) 695-2380 Greenville, ME 04441	133 Fyfe Rd Tel. (207) 670-7492 OX P.O. Box 307 Tel. (207) 670-7493 FR W Farmington, ME 04992

**THIS FORM IS NOT A VALID PERMIT.
NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO YOUR RECEIPT OF A PERMIT SIGNED BY LURC.
LURC MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.**

GENERAL INFORMATION

1. By submitting this application, an applicant requests approval under the Maine Waterway Development and Conservation Act and the Federal Clean Water Act to undertake maintenance and repair of a hydropower project.

Normal maintenance and repair of an existing and operating hydropower project is exempt from State regulation provided that:

- The activity does not involve any dredging or filling below the normal high-water line of any great pond, coastal wetland, river, stream, or brook; and
 - The activity does not involve any dredging or filling on the land adjacent to any great pond, coastal wetland, river, stream or brook such that any dredged spoil, fill or structure may fall or be washed into these waters.
2. The following types of normal maintenance and repair activities at existing and operating hydropower projects, by way of example, are specifically exempt from State regulation, provided that the activity does not diminish water quality below applicable standards:
 - The resurfacing or repair of dams, canals, powerhouses, retaining walls, or other structures where no cofferdam, dredging, filling, or permanent water level alteration is involved;
 - The repair, removal or replacement of flashboards, stop logs, gates, or intake racks where no cofferdam, dredging, filling, or permanent water level alteration is involved;
 - Removal of materials collected on trash racks;
 - Removal of dri-ki and other accumulated materials where no significant disturbance of soils or lake bottom materials is involved;
 - Installing or removing booms;
 - Placement and removal of non-earthen cofferdams temporarily installed immediately adjacent to an existing structure for the purpose of inspecting or repairing the structure;
 - Removal of sediment and debris from gated canals, tunnels and penstocks from which the water has been removed; and
 - Sealing of leaks in gates, stop logs and flashboards.
 3. Any maintenance and repair activity that involves dredging or excavating in or near the water or placing temporary or permanent fill in or near the water (including earth-fill cofferdams and rip-rap) **MUST BE APPROVED** by the Commission.

FILING INSTRUCTIONS AND PROCEDURES

1. When filing, send an original plus seven (7) copies of a completed application to the Commission. All maps and plans must be folded to 8 1/2" X 11" or equivalent size.
2. The Commission is required by law to assess fees for processing applications and for monitoring permit compliance. Application processing will not begin until all required fees have been paid. When filing, submit full fee payment (checks payable to: Treasurer of State).
3. Additional information may be required during the review process on any aspect of the project relating to compliance with applicable statutory criteria.

For office use:

Tracking No.

HP/WQC

Permit No.

Fee Received

Application for Project Approval

*Under the Maine Waterway Development and Conservation Act
(12 M.R.S.A. Sections 401-407) and
Water Quality Certification (U.S. P.L. 92-500 Section 401)
For Hydropower Maintenance and Repair Only*

(Please Type or Print)

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

Name of Contact or Agent: _____

Telephone: _____

PROJECT INFORMATION

Name of Project: _____ FERC No. _____

Address (use "911 address, if available): _____

Name of Waterbody Affected: _____

Township or Plantation: _____ County: _____

GPS Coordinates, if known: _____

REQUIRED INFORMATION

1. Provide all the information requested by this application form.
2. If applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.
3. A completed Public Notice Form and list of abutters.

"I hereby declare that I have examined this application, including the accompanying exhibits, and to the best of my knowledge and belief, it is true accurate and complete. I understand and acknowledge that I am responsible for compliance with all the conditions and limitations of any permits issued to me by the Maine Land Use Regulation Commission."

SIGNATURE OF APPLICANT _____ DATE _____

PRINTED NAME & TITLE _____

(If signature is other than applicant, attach Agent Authorization Form signed by the applicant.)

For federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act.

1. **PROJECT DESCRIPTION.** Attach as EXHIBIT #1 a detailed description of the proposed maintenance and repair activity, including the following information:
 - A. General description of proposed activity, including in particular all proposed work below normal high-water line.
 - B. Purpose of/reasons for the proposed activity.
 - C. Physical dimensions of any structure(s) to be replaced or area to be dredged, excavated or filled.
 - D. Composition and quantity of any material to be dredged, excavated or placed as permanent or temporary fill (including cofferdams and access roads) in or adjacent to the waterway.
 - E. Plans for the disposal of any dredged, excavated or cofferdam spoils.
 - F. Equipment to be used.
 - G. Estimated date for start of activity and length of time to completion

NOTE: Photographs of the proposed work area, while not required, may be very useful in describing the maintenance and repair activity and in determining its potential environmental impact). Any photographs included in EXHIBIT #1 must be labeled as to date, location of photographer, and direction of shot.
2. **MAPS AND PLANS.** Attach as EXHIBIT #2 maps and plans locating the project site and the proposed maintenance and repair activity, including:
 - A. A copy of the appropriate LURC land use guidance map or other map of similar detail (such as U.S.G.S. topographic map or Maine Atlas and Gazetteer) marked to show the project location and the location of any proposed spoils disposal sites.
 - B. Scale drawings (plan and profile views) of the project site showing principal project structures, property lines, and the location of all areas proposed to be dredged, excavated or filled, including the location of any proposed cofferdams.
3. **TITLE, RIGHT OR INTEREST.** Attach as EXHIBIT #3 the appropriate document(s) establishing the applicant's title, right or interest in the project site, as described below:
 - Deed or lease (attach copy);
 - Purchase Agreement or Option to Buy (Attach copy); or
 - Valid FERC License No. _____ (Copy not required).
4. **FINANCIAL INFORMATION.** Attach as EXHIBIT #4 the following information:
 - A. A statement of the estimated total cost of the maintenance and repair activity, including the cost of measures proposed to minimize or prevent adverse effects on the environment.
 - B. A statement of the applicant's plans for the financing of the proposed activity.
5. **ENVIRONMENTAL IMPACT.** Attach as EXHIBIT #5 a statement of any anticipated adverse environmental impacts of the proposed maintenance and repair activity, including potential impacts on:
 - Public Safety;
 - Traffic movement;
 - Water Quality, Soil Stability and the natural environment;
 - Fish and Wildlife resources;
 - Historic and archaeological resources;
 - Public access and use; and
 - Flood control.
6. **ENVIRONMENTAL MITIGATION.** Attach as EXHIBIT #6 a description of any measures proposed to mitigate adverse environmental impacts of the proposed maintenance and repair activity, including as applicable provisions for:
 - In-stream erosion and sedimentation control;
 - Temporary operational changes;
 - Stabilization of disturbed soils/spoils disposal areas;
 - Maintaining water levels and minimum flow releases;
 - Minimizing the magnitude and duration of in-stream activity;
 - Avoiding environmentally sensitive areas or time periods; and
 - Avoiding more environmentally intrusive alternatives.
7. **PUBLIC NOTICE.** The Commission requires that an applicant provide public notice describing the location and nature of the activity proposed for approval. The public notice requirements that apply to this application are described below. The following information must be submitted:
 - A copy of a completed Notice of Filing Form (attached); and
 - A list of abutters and assessors to who notice was provided. [An abutter is any person or entity who owns or leases property that is within 1,000 feet of the project area. For the purposes of this application, abutters also include the owners of all property adjacent to the location of the maintenance and repair activity described in this application (including properties adjacent to any proposed dredging, excavating, filling, or access roads).]

NOTE: Use this form or one containing identical information.

**At the time of filing this application with LURC, applicants must send this notice to:
owners of all abutting property
And to plantation assessors or the town selectboard**

(Name of Applicant)

(Address of Applicant)

has filed an application for a Hydropower Permit and Water Quality Certification with the Maine Land Use Regulation Commission pursuant to the Maine Waterway Development and Conservation Act and the Federal Clean Water Act, Section 401 to:

(Describe specifically, explaining what is to be done and how much land is involved)

in: _____
(Name of Town, Township or Plantation)

this application will be filed for public inspection at the Maine Land Use Regulation Commission office in Augusta on: _____
(Date)

Written comments or requests for public hearings should be sent to the Maine Land Use Regulation Commission, Department of Conservation, State House Station 22, Augusta, ME, 024333, within two weeks of filing of the application to receive consideration. For additional information, please contact the Land Use Regulation Commission staff by calling (207) 287-2631.