

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
ADDENDUM TO HYDROPOWER PROJECT APPLICATIONS
UNDER THE
MAINE WATERWAY DEVELOPMENT AND CONSERVATION ACT
PRE-APPLICATION AND PUBLIC MEETING REQUIREMENTS FOR
DAM REMOVAL APPLICATIONS

July 7, 2003

Effective September 13, 2003, the Maine Waterway Development and Conservation Act is amended to require that any person intending to file an application for a permit under the MWDCA to remove an existing dam must attend a pre-application meeting with the DEP and must hold a public informational meeting prior to filing the application. These meetings must be held in accordance with the DEP's rules on the processing of applications.

A permit is required under the MWDCA for the removal of any dam that is part of a hydropower project. A "hydropower project" is any development which utilizes the flow of water as a source of electrical or mechanical power or which regulates the flow of water for the purpose of generating electrical or mechanical power.

The DEP's Chapter 2 "Rules Concerning the Processing of Applications and Other Administrative Matters" include the following explanations of the requirements for pre-application and public informational meetings.

Pre-application Meetings

Pre-application meetings between the applicant and the DEP are an opportunity for the applicant to determine the statutory and regulatory requirements that apply to a specific project and to identify the DEP staff member who will serve as Project manager for the application. The purpose of these meetings is to identify issues, processing times, fees and the types of information and documentation necessary for the DEP to properly assess the project.

The applicant shall consult with the DEP to determine what information the applicant must provide before or during a pre-application meeting. The DEP shall make a date available for the meeting as expeditiously as possible, but no later than 30 days from receipt of a written request and receipt of all information required for the pre-application meeting. The DEP shall prepare a written summary of all pre-application meetings.

Public Informational Meetings

The purpose of a public informational meeting is for the applicant to inform the public of the project and its anticipated environmental impacts, and to educate the public about the opportunities for public comment to the DEP during the application process.

At least 10 days prior to the public informational meeting, notice of the informational meeting must be sent by certified mail or certificate of mailing to abutters and to the municipal office of the municipality(ies) where the project is located. At least 7 days prior to the informational meeting, notice must also be published once in a newspaper of general circulation in the area where the project is located.

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**PRE-APPLICATION AND PUBLIC MEETING REQUIREMENTS FOR
DAM REMOVAL APPLICATIONS**

July 7, 2003

Public Informational Meetings (Con't)

For the purpose of providing notice of a public informational meeting prior to the filing of a dam removal application, “abutter” means any person who owns property adjoining the dam property or along the impoundment created by the dam.

The notice of the public informational meeting must contain at least the following information:

- A. Name, address and telephone number of the applicant;
- B. Citation of the statutes or rules under which the application will be processed;
- C. Location and summary description of the activity;
- D. The date, time and place of the public informational meeting; and
- E. That a purpose of the meeting is for the applicant to seek public comment on the project.

At the meeting, the applicant or its designee shall present a summary of the project; provide clean and concise written information that details the expected environmental impacts of the project and lists the state, local and federal licenses necessary for the project; and provide adequate opportunity for public questions. In addition, a fact sheet obtained from the DEP explaining public participation in the licensing process should be made available at the meeting by the applicant.

The applicant must submit a signed certification attesting that a public informational meeting was noticed and held in accordance with this rule. The submission must include an estimate of the number of attendees and a narrative response to any significant issues relevant to the licensing criteria that are raised at the meeting. The certification must be submitted with the application. Certification of a public meeting before a local permitting authority (e.g., planning board or city council) that complied with the notice and substantive requirements of this rule is acceptable provided that neither the project nor its anticipated environmental impacts have changed substantially since the date of the public meeting.

Application Addendum—dam removal