

Date:

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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 499, L.D. 1210, “An Act to Regarding Renewable Electricity Generation by Hydropower Projects”

Amend the bill by striking out the title and substituting the following:

'An Act to Provide for Evaluation of the Environmental, Energy and Public Benefits of Hydropower Projects upon Relicensing or License Surrender'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 38 MRSA §635-C is enacted to read:

§635-C. Procedures regarding licensed hydropower projects; environmental, energy and public benefits considerations

For a licensed hydropower project seeking relicensing or license surrender with the Federal Energy Regulatory Commission, the department, based on information provided by the owner or operator of the project and any other available information, shall review the project to determine the environmental, energy and public benefits of the relicensing or continued operation of the project based on the following considerations:

1. Environmental and energy benefits. Whether the relicensing or continued operation of the hydropower project will result in significant environmental and energy benefits to the public, including, but not limited to, public rights of access to and use of the surface waters of the State for navigation, fishing, fowling, recreation and other lawful public uses; flood control benefits or flood hazards; and hydroelectric energy benefits, including the maintenance of or increase in generating capacity and annual energy output resulting from the project; and

2. Public benefits. Whether the relicensing or continued operation of the hydropower project will result in significant economic benefits to the public, including, but not limited to, maintenance or creation of employment opportunities for residents of the State.

The department shall issue a written finding of fact with respect to the nature and magnitude of the benefits of the relicensing or continued operation of a hydropower project

1 that addresses the considerations described in subsections 1 and 2 and shall provide a copy
2 of the written finding of fact to the owner or operator of the project and to the Federal
3 Energy Regulatory Commission.'

4 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
5 number to read consecutively.

6 **SUMMARY**

7 This amendment, which is the minority report of the committee, replaces the bill and
8 changes the title. It requires the Department of Environmental Protection, for a licensed
9 hydropower project seeking relicensing or license surrender with the Federal Energy
10 Regulatory Commission, to review the project to determine the environmental, energy and
11 public benefits of the relicensing or continued operation of the project based on certain
12 considerations. After conducting the review, the department must issue a written finding
13 of fact with respect to the nature and magnitude of the benefits of the relicensing or
14 continued operation of the hydropower project addressing those environmental, energy and
15 public benefits considerations and provide a copy of the written finding of fact to the owner
16 or operator of the project and to the Federal Energy Regulatory Commission.

17 **FISCAL NOTE REQUIRED**

18 **(See attached)**