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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF
LAURA PAYE, HYDROPOWER COORDINATOR
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D. 371
AN ACT TO EXPAND HYDROELECTRIC DEVELOPMENT BY REMOVING THE 100-
MEGAWATT CAP

PRESENTED BY SEN. MARTIN

BEFORE THE JOINT STANDING COMMITTEE
ON
ENERGY, UTILITIES AND TECHNOLOGY

DATE OF HEARING:

MARCH 20, 2025

Senator Lawrence, Representative Sachs, and members of the Committee, I am Laura Paye, the Hydropower Coordinator for the Bureau of Land Resources in the Maine Department of Environmental Protection, speaking in opposition to L.D. 371.

This bill contains language concerning the timeline for processing a permit application under the Maine Waterway Development and Conservation Act (MWDCA). The MWDCA requires that a permit be issued for the construction, increased capacity, or maintenance and repair of a new or existing hydropower project. The Department's

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current processing timeline for a new or increased capacity hydropower dam is one year, consistent with Section 401 of the federal Clean Water Act (33 U.S.C 1341).

The processing timeline reflects the extensive considerations the Department must undertake when evaluating the construction of a new or increased capacity hydropower dam; decisions that have long-lasting impacts on Maine's natural resources.

Development of a new or increased capacity hydropower dam would also require a license from the Federal Energy Regulatory Commission (FERC). Section 401 of the federal Clean Water Act (33 U.S.C. 1341) requires certification from the State that a hydropower project will meet state water quality standards in order for FERC to issue a license. The MWDCA permit granted by the Department serves as the Section 401 Water Quality Certification. In granting such certifications, the Department must consult with several State of Maine agencies to evaluate impacts to resources they oversee. Additionally, many of these projects garner extensive public interest. The current processing timeline gives the Department the necessary time to put application materials and draft licenses out for public comment.

The Department opposes Section 3 of L.D. 371 because it proposes to reduce the processing timeline for a new or increased capacity hydropower dam by half, reducing the Department's ability to consider relevant federal documents developed for the FERC licensing process, input from other state agencies, and the public.

In Section 8, L.D. 371 proposes a general statement that an approved hydropower project may operate at its full nameplate capacity. This section is vague and could be construed to imply that a hydropower project may never be required to curtail its operations. Hydropower projects are sometimes required to curtail operations at certain times of year to allow for migratory fish passage. A project could also be required to cease operations for failure to meet state water quality standards. The Department therefore opposes Section 8.

Thank you for the opportunity to provide testimony on this bill. I would be happy to provide information in response to questions you've already raised today, or to answer any other questions you may have for the Department.