

# Maine



## Rivers

*OUR MISSION IS TO  
PROTECT, RESTORE AND  
ENHANCE THE ECOLOGICAL  
HEALTH OF MAINE'S  
RIVER SYSTEMS*

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April 7, 2025

**RE: LD 1210 An Act to Regarding Renewable Electricity  
Generation by Hydropower Projects**

Dear Senator Tepler, Representative Doudera, and distinguished members of the Environment and Natural Resources Committee,

My name is Landis Hudson, I am the executive director of the nonprofit Maine Rivers. Thank you for the opportunity to speak to you regarding LD 1210. We do not support this bill.

LD 1210 would amend the Department of Environmental Protection's review and potential approval for hydropower projects and issuance of water quality certifications. As written, the bill does not appear to add significant value to the existing review process. The current language:

1. **Sec. 2. 38 MRSA §635, sub-§1**, as affected by PL 1989, c. 890, Pt. A, §40 and
2. 16 amended by Pt. B, §184, is further amended to read:
3. 17 **1. Approval.** Approve the proposed project upon such terms and conditions as are
4. 18 appropriate and reasonable to protect and preserve the environment and the public's health,
5. 19 safety and general welfare, including the public interest in replacing oil with hydroelectric
6. 20 energy.

This language requires the Department of Environmental Protection to assess "appropriate and reasonable" terms and conditions. We believe that this consideration is adequate, and while the text of the proposed bill is longer, we do not see that it brings in aspects that are not currently under consideration.

As currently written, the approval criteria includes:

**§636. Approval criteria**

The department shall approve a project when it finds that the applicant has demonstrated that the following criteria have been met.

1. **Financial capability.** The applicant has the financial capability and technical ability to undertake the project. In the event that the applicant is unable to demonstrate financial capability, the department may grant the permit contingent upon the applicant's demonstration of financial capability prior to commencement of the activities permitted.
2. **Safety.** The applicant has made adequate provisions for protection of public safety.

**3. Public benefits.** The project will result in significant economic benefits to the public, including, but not limited to, creation of employment opportunities for workers of the State.

**4. Traffic movement.** The applicant has made adequate provisions for traffic movement of all types out of or into the development area.

**5. Maine Land Use Planning Commission.** Within the jurisdiction of the Maine Land Use Planning Commission, the project is consistent with zoning adopted by the commission. This criterion does not apply to any project that uses tidal or wave action as a source of electrical or mechanical power.

**6. Environmental mitigation.** The applicant has made reasonable provisions to realize the environmental benefits of the project, if any, and to mitigate its adverse environmental impacts.

**7. Environmental and energy considerations.** The advantages of the project are greater than the direct and cumulative adverse impacts over the life of the project based upon the following considerations:

A. Whether the project will result in significant benefit or harm to soil stability, coastal and inland wetlands or the natural environment of any surface waters and their shorelands;

B. Whether the project will result in significant benefit or harm to fish and wildlife resources. In making its determination, the department shall consider other existing uses of the watershed and fisheries management plans adopted by the Department of Inland Fisheries and Wildlife and the Department of Marine Resources;

C. Whether the project will result in significant benefit or harm to historic and archeological resources;

D. Whether the project will result in significant benefit or harm to the public rights of access to and use of the surface waters of the State for navigation, fishing, fowling, recreation and other lawful public uses;

E. Whether the project will result in significant flood control benefits or flood hazards; and F. Whether the project will result in significant hydroelectric energy benefits, including the increase in generating capacity and annual energy output resulting from the project, and the amount of nonrenewable fuels it would replace

The department shall make a written finding of fact with respect to the nature and magnitude of the impact of the project on each of the considerations under this subsection, and a written explanation of their use of these findings in reaching their decision.

**8. Water quality.** There is reasonable assurance that the project will not violate applicable state water quality standards, including the provisions of section 464, subsection 4, paragraph F, as required for water quality certification under the United States Water Pollution Control Act, Section 401. This finding is required for both the proposed impoundment and any affected classified water bodies downstream of the proposed impoundment.

The Department is currently required to weigh environmental and energy consideration. We believe this is adequate. We do not support this bill, and encourage you to vote "ought not to pass."

Sincerely,



Landis Hudson  
Executive Director