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GOVERNOR

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. 430

AN ACT TO IMPOSE MORATORIA ON HYDROPOWER DAM REMOVAL AND ON
WATER RELEASE FROM NONHYDROPOWER DAMS AND TO MAKE OTHER
CHANGES TO THE LAWS REGULATING SUCH DAMS

PRESENTED BY REP. CAMPBELL

BEFORE THE JOINT STANDING COMMITTEE

ON

ENVIRONMENT AND NATURAL RESOURCES

DATE OF HEARING:

APRIL 7, 2025

Senator Tepler, Representative Doudera, 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. 430.

The Department specifically opposes Section 10 of the bill. This section would require the Department to evaluate options for the implementation of processes, programs or initiatives to address negative outcomes that may be experienced upon the removal of

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or significant change in water flows from a hydropower or nonhydropower dam, which is outside of the Department's jurisdictional scope. The Department evaluates applications for dam removal under the Maine Waterway Development and Conservation Act (MWDCA) for a hydropower dam, and under the Natural Resources Protection Act (NRPA) for a non-hydropower dam. Removal of a hydropower dam also requires that the dam owner apply to surrender their FERC license, and this process affords the Department an additional opportunity to ensure the dam removal will not violate state water quality standards. Ultimately, a dam removal activity will be permitted by the Department if it meets the relevant MWDCA or NRPA standards and if it does not violate state water quality standards; it will not be permitted if it fails to meet these statutory requirements. The Department does not have the mandate or resources to go beyond the permitting process and develop programs or initiatives to address the effects of a permitted dam removal on municipalities, businesses or property owners. Therefore, if a report on this topic should be provided to the Legislature, the Department does not believe it is the appropriate agency to do so.

Beyond Section 10, the Department also has some concern about section 1 of the bill, which would place a temporary moratorium on hydropower dam removals. The Department is aware of multiple planned dam removals that are currently in process and supported and funded by other State agencies; these projects may be delayed or prevented by a moratorium. The Department also notes that there are four applications for hydropower license surrenders in Maine that are currently pending with FERC, which have been pending for over three years, and if any of these surrenders are approved while the moratorium is in effect, the dam owner would need to wait for the expiration of the moratorium before applying to the Department to remove the dam.

Lastly, the Department notes that it supports Sections 2 through 8 of the bill, which propose to extend timelines in the release from dam ownership and water level maintenance petition process, Title 38 Sections 902 and 903.

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.