

**Department of Environmental Protection**

Bureau of Land Resources  
17 State House Station Augusta, Maine 04333  
Telephone: (207) 287-7688

**For DEP Use Only**

DEP L- \_\_\_\_\_

ATS # \_\_\_\_\_

Fees Paid \_\_\_\_\_

Date Received \_\_\_\_\_

**Petition to Set Water Levels/Minimum Flows  
Non-Hydropower Dams**

**Dam Information**

Name of Dam: \_\_\_\_\_

Address (use "911" address if available): \_\_\_\_\_  
\_\_\_\_\_

GPS Coordinates (if known): \_\_\_\_\_

Name of Impounded Water Body: \_\_\_\_\_

Municipality or Township: \_\_\_\_\_ County: \_\_\_\_\_

**Dam Owner Information**

Name of Dam Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Spokesperson Information**

Name of Spokesperson: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

The undersigned petitioners hereby petition the Department of Environmental Protection to hold a public hearing and establish a water level regime and/or minimum flows for the water body described below.

The undersigned petitioners hereby represent that, to the best of their knowledge, the waterbody name above is impounded by or receives flows from the man-made dam described below.

The undersigned petitioners hereby agree to have all official correspondence and notices regarding this petition served on their behalf on the spokesperson identified below.

### **Certification of Filing**

By signing below, the spokesperson agrees to: (1) serve as intermediary between other petitioners and DEP; (2) share information, correspondence, notices, draft orders, and other official documents with other petitioners; and (3) send comments on behalf of other petitioners to the DEP.

**Signature of Spokesperson:**

**Date:**

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# Petition to Set Water Levels/Minimum Flows

## Required Information

The following information must be provided for this petition to be complete. Please be as accurate as possible and attach as many additional pages as necessary to describe the situation that has led to the petition.

1. Describe the nature of the problems you wish to have resolved through the setting of water levels and/or minimum flows by the DEP. Try to quantify the extent of these problems.

Some examples of questions to help explain the nature of the problems:

- Is the problem related to high water, low water, or both at different times of the year?
  - Is there a concern about insufficient flow from the dam?
  - What impacts are occurring (erosion, flooding, reduced water quality)?
  - What is the cause of the problem?
  - How does the dam affect the problem?
  - Has the operation or maintenance of the dam changed recently?
  - Do all petitioners have the same problem?
2. Provide a map of the water body in question with locations of impacts marked and types of impacts (erosion, flooding, exposed docks, etc.) labeled.
  3. Describe any attempts that have been made by you or others to resolve your problems with the dam owner or operator.
  4. Provide any historical information (for example: records of water levels) you believe will be useful in the DEP's evaluation of the cause, duration, and extent of the problem.
  5. Describe your proposal for a water regime and/or minimum flows that will resolve the problems you have identified.
  6. Provide the signatures, printed names, location of shoreland property, and mailing addresses of at least 25%, or 50, whichever is less, of the landowners around the pond or lake impounded by the dam in question or along the river or stream receiving flows from the dam in question. Blank petition signature sheets are attached and may be reproduced as necessary.
  7. Provide a certification from the appropriate town/city clerk(s) of the number of valid petition signatures from each affected municipality; a fill-in-the-blank page for certification of petitioners is attached.

## **Filing Instructions and Procedures**

1. The petition form must be filled out completely and submitted along with all the required information.
2. A filing fee must accompany the completed form. Please contact the DEP for current fee schedule information. Fees are payable to: Treasurer, State of Maine.
3. Any incomplete petition or a petition without the filing fee will be returned by the DEP.
4. You are encouraged to make a copy of the completed petition for your records.
5. You will be contacted once a project manager has been assigned to review your petition.
6. After gathering available information and comments from the dam owner, the affected towns, and other state agencies, the DEP will schedule a public hearing on your petition.
7. Hearings are usually held in the general area of the water body that is named in the petition or may be held in Augusta.
8. Following the hearing, the DEP will issue an order establishing a water level regime and, if applicable, minimum flow requirements for the water body named in the petition.
9. Any DEP order can be appealed to the Board of Environmental Protection or subsequently to Superior Court.

## Certification of Petitioners

The undersigned town/city clerk(s) hereby certify the number of valid petitioners from each affected municipality who have signed the attached petition to set water levels/minimum flows.

To be a valid petitioner, a person (including individuals, partnerships, corporations, government entities, associations, and public or private organizations of any character) must own or lease property on the shore of the pond or lake impounded by a dam or on the banks of the river or stream receiving flows from a dam.

If the number of valid petitioners from a given municipality is less than 50, the appropriate town/city clerk(s) also hereby certify that the total number of petitioners is more than 25% of the total number of landowners on the shore of the pond or lake impounded by the dam or on the banks of the river or stream receiving flows from the dam.

Name of Town/City: \_\_\_\_\_ Number of Valid Petitioners: \_\_\_\_\_

Total Number of Riparian or Littoral Landowners: \_\_\_\_\_

Signature of Town/City Clerk: \_\_\_\_\_

Name of Town/City: \_\_\_\_\_ Number of Valid Petitioners: \_\_\_\_\_

Total Number of Riparian or Littoral Landowners: \_\_\_\_\_

Signature of Town/City Clerk: \_\_\_\_\_

Name of Town/City: \_\_\_\_\_ Number of Valid Petitioners: \_\_\_\_\_

Total Number of Riparian or Littoral Landowners: \_\_\_\_\_

Signature of Town/City Clerk: \_\_\_\_\_

**Petition for Establishment of Water Levels/Minimum Flows**

Name of Waterbody \_\_\_\_\_ located in Name of Town(s) \_\_\_\_\_

<b>Printed Name</b>	<b>Signature</b>	<b>Shorefront Address*</b>	<b>Own or Lease</b>	<b>Mailing Address</b>
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
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17.				
18.				
19.				
20.				

\*Shorefront address can either be the address or the tax map and lot number of the parcel adjacent to the named waterbody for this petition.

*This form may be reproduced as necessary.*