

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

December 26, 1973

Maynard F. Marsh, Commissioner

Inland Fisheries and Game

Edward Lee Rogers, Assistant

Attorney General

Pulpwood and salvage operation at Woodland conducted by Georgia Pacific Corporation

Your inquiry of July 23, 1973, is whether the salvage operation described in your memorandum in which a dredge is utilized by the Georgia Pacific Corporation on the St. Croix River to salvage pulpwood logs is dredging within the meaning of Title 12 M.R.S.A. § 2205.

You point out in your memorandum that "everything that comes up with the dredge from the bottom of the river is loaded into the barge"

There is nothing in your description of the operation which would suggest that this is not a dredging operation, albeit the purpose is to recover pulpwood rather than for other purposes, such as sand and gravel. It is also to be noted that § 2205 is obviously a fish habitat conservation measure. It is in the Conservation Title of the Code and is also part of the Chapter on Fishways and Dams (Chapter 313) administered by your office. Since it is implicit from your memorandum that this type of dredging could have impact on fish or fish habitat, it is clearly within the ambit of § 2205.

In light of the foregoing considerations, it would be illegal for this operation to take place without a permit granted under § 2205 by your office.

At the end of your memorandum you appear to ask "whether or not a permit should be granted" by you. That question is to be answered by your own determination, in your discretion, as to whether or not under the particular facts and circumstances the granting of the permit would be in accordance with the purpose of the statute with regard to the preservation of fish habitat.

EDWARD LEE ROGERS
Assistant Attorney General

ELR/ec