

L.D. 824

(Filing No. H- 272)

STATE OF MAINE HOUSE OF REPRESENTATIVES 116TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 609, L.D. 824, "Resolve, to 14 Direct the Department of Environmental Protection to Develop a Report Regarding the Feasibility of the State Applying to Assume 16 Permitting Jurisdiction over Federal Wetlands"

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18 Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the 20 following:

'Sec. 1. Department of Environmental Protection duties. Resolved: 22 later than February 1, 1995, the Department of That no Environmental Protection, in cooperation with the State Planning 24 Office, shall prepare and submit a report to the Joint Standing Committee on Energy and Natural Resources examining 2.6 the feasibility of an application to the Environmental Protection 28 Agency to assume state authority over the permitting of wetlands under the United States Clean Water Act, Section 404. The report 30 must examine the increased efficiencies and enhanced protection that could result from consolidating federal and state regulation 32 of wetlands; any statutory or regulatory changes that would have to be made to the State's wetlands protection program; the staff and technical and financial resources that assumption of the 34 federal program would require; and any other methods or options 36 possible for reducing duplication and inefficiencies in the wetland permitting process. The report must be accompanied by 38 any proposed legislation that may be necessary to implement the report's recommendations; and be it further

Sec. 2. Work group. Resolved: That the Director of the 42 Bureau of Land Quality Control, in cooperation with the State Planning Office, shall convene a working group consisting of a 44 balanced representation of conservation and development interests, as well as federal and state agencies involved in the 46 protection and regulation of wetlands. The working group must be consulted in all phases of the report's development and conclusions; and be it further 48

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Sec. 3. Staffing; contingency. **Resolved:** 2 That the responsibilities of the Department of Environmental Protection and the State Planning Office set forth in this resolve are 4 contingent upon the State Planning Office receiving a federal grant to prepare a state wetland conservation plan and the 6 establishment by this Legislature of a federally funded one-year 8 project position at the State Planning Office. If that grant is received and that position is created, the State Planning Office shall provide staffing support to the Department of Environmental 10 Protection to fulfill the requirements of this resolve; and be it 12 further Sec. 4. Allocation. Resolved: That the following funds are 14 allocated from the Federal Expenditure Fund to carry out the purposes of this resolve. 16 18 1993-94 1994-95 20 **EXECUTIVE DEPARTMENT** 22 **State Planning Office** (1.0)24 Positions- Other Count (1.0)Personal Services 29,420 9,807 26 All Other 26,830 8,943 Provides authorization and 28 allocations for one Senior 30 Planner position necessary to conduct required federal 32 wetlands study. **EXECUTIVE DEPARTMENT** 34 TOTAL \$56,250 \$18,750 36 FISCAL NOTE 38 1993-94 1994-95 40 42 APPROPRIATIONS/ALLOCATIONS 44 Other Funds \$56,250 \$18,750 46 **REVENUES** Other Funds \$75,000 48 50 The State Planning Office will require Federal Expenditure Fund allocations of \$56,250 and \$18,750 in fiscal year 1993-94

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and fiscal year 1994-95, respectively, for an additional Senior Planner position and related general operating costs necessary to provide adequate staff support for the required report. The responsibilities required by this resolve are contingent on the receipt of a federal grant, currently estimated at \$75,000.'

STATEMENT OF FACT

10 This amendment replaces the resolve. The amendment requires the Department of Environmental Protection to work in cooperation 12 with the State Planning Office in the preparation of a report on the feasibility of the State assuming permitting authority over 14 federal wetlands and methods for the State to reduce duplication in wetland permitting.

The amendment also requires the State Planning Office to 18 provide staff support for the project using federal grant money and a one-year project position at the State Planning Office. 20 The requirements of this resolve are in effect only if that grant is received and the project position is established.

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Reported by the Committee on Energy and Natural Resources Reproduced and distributed under the direction of the Clerk of the House

May 10, 1993

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