

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

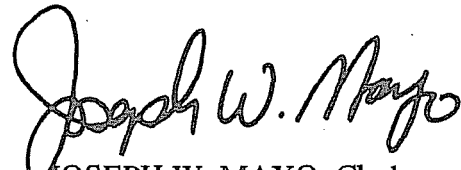
No. 824

H.P. 609

House of Representatives, March 9, 1993

**Resolve, to Direct the Department of Environmental Protection to
Develop a Report Regarding the Feasibility of the State Applying to
Assume Permitting Jurisdiction over Federal Wetlands.**

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MICHAUD of East Millinocket.
Cosponsored by Representatives: COLES of Harpswell, JACQUES of Waterville, LORD of
Waterboro, Senator: LAWRENCE of York.

Sec. 1. Department of Environmental Protection duties. Resolved:

2 That no later than February 1, 1994, the Department of
3 Environmental Protection shall submit a report to the Joint
4 Standing Committee on Energy and Natural Resources examining the
5 feasibility of an application to the Environmental Protection
6 Agency to assume state authority over the permitting of wetlands
7 under the United States Clean Water Act, Section 404. The report
8 must examine the increased efficiencies and enhanced protection
9 that could result from consolidating federal and state regulation
10 of wetlands; any statutory or regulatory changes that would have
11 to be made to the State's wetlands protection program; and the
12 staff and technical and financial resources that assumption of
13 the federal program would require. The report must be
14 accompanied by any proposed legislation that may be necessary to
15 implement the report's recommendations; and be it further

Sec. 2. Work group. Resolved: That the Director of the

16 Bureau of Land Quality Control shall convene a working group
17 consisting of a balanced representation of conservation and
18 development interests, as well as federal and state agencies
19 involved in the protection and regulation of wetlands. The
20 working group must be consulted in all phases of the report's
21 development and conclusions.
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25 **STATEMENT OF FACT**

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27 This resolve requires the Department of Environmental
28 Protection to prepare a report on the feasibility of the State
29 assuming permitting authority over federal wetlands. This option
30 is permissible under the United States Clean Water Act. The
31 purpose of this resolve is to examine whether the assumption by
32 the State of permitting authority over federal wetlands will
33 reduce duplication and delays that are currently experienced and
34 enhance protection of wetlands by creating a focused and
35 comprehensive state wetlands protection program.
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