

# MAINE STATE LEGISLATURE

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BMC  
ROFS

L.D. 1387

Date: 5/23/11

(Filing No. H-317)

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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1020, L.D. 1387, Bill, "An Act To Restore Exemptions in the Natural Resources Protection Act"

Amend the bill in section 1 in subsection 2 in the 2nd line (page 1, line 5 in L.D.) by striking out the following: "road"

Amend the bill in section 3 by striking out all of subsection 2-D (page 1, lines 28 to 37 and page 2, lines 1 to 10 in L.D.) and inserting the following:

**2-D. Existing crossings.** A permit is not required for the repair and maintenance of an existing crossing or for the replacement of an existing crossing, including ancillary crossing installation activities such as excavation and filling, in any protected natural resource area, as long as:

- A. Erosion control measures are taken to prevent sedimentation of the water;
- B. The crossing does not block passage for fish in the protected natural resource area; and
- C. For replacement crossings of a river, stream or brook:
  - (1) The replacement crossing is designed, installed and maintained to match the natural stream grade to avoid drops or perching; and
  - (2) As site conditions allow, crossing structures that are not open bottomed are embedded in the stream bottom a minimum of one foot or at least 25% of the culvert or other structure's diameter, whichever is greater, except that a crossing structure does not have to be embedded more than 2 feet.

For purposes of this subsection, "repair and maintenance" includes but is not limited to the riprapping of side slopes or culvert ends; removing debris and blockages within the crossing structure and at its inlet and outlet; and installing or replacing culvert ends if less than 50% of the crossing structure is being replaced.'

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to H.P. 1020, L.D. 1387

**SUMMARY**

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This amendment clarifies that the Natural Resources Protection Act exemption applies to all existing crossings, not just road crossings. It removes a provision in the bill that requires crossings to not block passage for aquatic organisms other than fish. It requires replacement crossings to match the natural stream grade and removes a provision in the bill that requires the stream grade to not exceed 2%. The amendment retains the provisions in the bill that require the development of a statewide aquatic conservation and restoration strategy plan. The amendment removes the provision in the bill that excludes slip-lining and invert lining from eligibility for the repair and maintenance exemption.

**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**



**R O F S**

# 125th MAINE LEGISLATURE

LD 1387

LR 2060(02)

**An Act To Restore Exemptions in the Natural Resources Protection Act**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**  
**Committee: Environment and Natural Resources**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor cost increase - Other Special Revenue Funds  
Minor revenue increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Exempting the repair and maintenance of existing crossings including culverts as well as ancillary crossing installation activities from permit application requirements will result in a minor revenue loss to the Department of Environmental Protection (DEP) in the form of lost permit fee application revenues. Developing a statewide aquatic conservation and restoration strategy plan will require the DEP, the State Planning Office and the Departments of Inland Fisheries and Wildlife, Marine Resources and Transportation to incur costs which can be absorbed within existing budgeted resources.