

MAINE STATE LEGISLATURE

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Date: 3/3/14

Majority

L.D. 1644

(Filing No. S-405)

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ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 635, L.D. 1644, Bill, "An Act To Allow Municipalities To Stabilize Sand Dunes Affected by Actions of the Federal Government"

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Amend the bill by striking out the title and substituting the following:

'An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River'

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Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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'Sec. 1. Stabilization measures for coastline and coastal sand dune system adjacent to Saco River. Prior to completion of a River and Harbor Act of 1968, Section 111 project for prevention or mitigation of shore damages for the Saco River and Camp Ellis Beach by the United States Army Corps of Engineers and the City of Saco, the following provisions apply to protection, rehabilitation, maintenance and nourishment activities along the coastline and within the coastal sand dune system and waterways of the Saco River Harbor area, the Saco River Federal Navigation Project area, the Camp Ellis Beach area and the Ferry Beach area.

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1. Notwithstanding the Maine Revised Statutes, Title 38, section 480-C, a permit is not required of the City of Saco for the following activities:

A. Maintenance of the portions of Camp Ellis Beach having armor stone, but only to the geographic extent they existed on January 1, 2014, to an elevation 3 feet above the adjacent roadways or surrounding upland topography. Armor stone may be replaced and rocks may be restacked as necessary to maintain that elevation. Extension to the north of the portions of Camp Ellis Beach having armor stone existing on January 1, 2014 is not authorized under this paragraph; and

B. Maintenance, replacement and installation of sand-filled geosynthetic or similar structures north of the portions of Camp Ellis Beach having armor stone, so long as the structures are within the footprint of existing roadways or infrastructure areas and not in natural frontal dune areas. If the Department of Environmental Protection

COMMITTEE AMENDMENT

1 grants prior written approval, the City of Saco may install the structures in areas
2 adjacent to municipal infrastructure where the natural frontal dune area is completely
3 eroded by one or more storm events and the structures are intended to protect and
4 preserve that infrastructure.

5 Any measures taken pursuant to this subsection must to the maximum extent practicable
6 avoid disturbance of and retain dune grass and other native vegetation. Any areas where
7 disturbance of dune grass and other native vegetation cannot be avoided must, to the
8 maximum extent practicable, be replaced or revegetated following completion of the
9 measures.

10 Prior to the commencement of any activity exempted from the permitting requirements of
11 the Maine Revised Statutes, Title 38, section 480-C by this subsection, the City of Saco
12 shall provide the Department of Environmental Protection with written notice of the
13 proposed activity.

14 2. The City of Saco may file an application with the Department of Environmental
15 Protection for an individual 7-year permit to undertake annual maintenance dredging and
16 use of materials from the Saco River channel and harbor as part of Camp Ellis Beach and
17 Ferry Beach nourishment measures. The Department of Environmental Protection shall
18 issue a 7-year dredging permit authorizing annual maintenance dredging if it determines
19 that the City of Saco's application is complete and meets all otherwise applicable criteria
20 and standards. The City of Saco may seek renewal of the dredging permit for an
21 additional 7-year period through a permit by rule as authorized in the Maine Revised
22 Statutes, Title 38, section 480-E, subsection 8.'

23 **SUMMARY**

24 This amendment, which is the majority report of the Joint Standing Committee on
25 Environment and Natural Resources, changes the title and replaces the bill. It allows the
26 City of Saco to undertake certain limited property and municipal infrastructure protection
27 measures without a Natural Resources Protection Act permit along the coastline and
28 within the coastal sand dune system and waterways of the Saco River Harbor area, the
29 Saco River Federal Navigation Project area, the Camp Ellis Beach area and the Ferry
30 Beach area prior to completion of a River and Harbor Act of 1968, Section 111 project
31 for prevention or mitigation of shore damages for the Saco River and Camp Ellis Beach.
32 The amendment also authorizes the Department of Environmental Protection to approve
33 an individual permit for the City of Saco to undertake, over a 7-year period, annual
34 maintenance dredging of the Saco River channel and harbor and to use the dredged
35 materials as beach nourishment on Camp Ellis Beach and Ferry Beach in Saco. The City
36 of Saco is authorized to continue annual dredging and beach nourishment measures for an
37 additional 7-year period so long as it pursues and obtains a permit by rule.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 1644

LR 2686(02)

An Act To Allow Municipalities To Stabilize Sand Dunes Affected by Actions of the Federal Government

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-405)

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

The bill allows the City of Saco to do certain maintenance, protection and installation measures to various municipal structures within the coastline, coastal sand dune system and water ways without a permit from the Department of Environmental Protection (DEP). This bill requires the DEP to issue a 7 year dredging permit authorizing maintenance if the City of Saco's application meets all permitting requirements. Any additional costs to the DEP for issuing and renewing a dredging permit, as well as receiving written notices from the City of Saco, are expected to be minor and can be absorbed within existing budgeted resources.