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Date: 4-26-19

L.D. 983 (Filing No. H-/74)

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3	ENVIRONMENT AND NATURAL RESOURCES
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	129TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT "A" to H.P. 738, L.D. 983, Bill, "An Act To Exempt from Permit Requirements the Repair of Low-head Dams"
11	Amend the bill by striking out the title and substituting the following:
12 13	'An Act To Exempt from Natural Resources Protection Act Permit Requirements Certain Maintenance and Repairs of Nonhydropower Dams'
14	Amend the bill by striking out all of section 3 and inserting the following:
15	'Sec. 3. 38 MRSA §480-Q, sub-§2-E is enacted to read:
16 17	<b><u>2-E. Nonhydropower dams.</u></b> Maintenance and repair of an existing nonhydropower dam, as long as:
18 19	A. A long-term maintenance and repair plan for the dam has been submitted to the department prior to the commencement of any maintenance or repair activities;
20 21	B. The maintenance and repair activities do not involve more than 50% of the surface area or volume of the dam;
22 23	C. Erosion control measures are taken to prevent sedimentation of the water on either side of the dam as a result of the maintenance or repair activities;
24 25	D. Resurfacing of the upstream or downstream vertical faces of the dam, retaining walls or associated structures does not exceed 4 inches in thickness;
26 27 28 29 30	E. Precast concrete used for the repair or resurfacing of the dam is cured in air for a minimum of 3 weeks and fresh concrete poured in forms on site used for the repair or resurfacing of the dam is cured in air for a minimum of one week prior to use to prevent impacts to fish and other aquatic organisms from high pH levels associated with concrete;
31 32	F. The maintenance and repair activities do not result in permanent changes to impounded water levels or to downstream flows;

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## **COMMITTEE AMENDMENT**

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COMMITTEE	AMENDMENT "#	" to H.P.	738, L.D.	983

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1G. All necessary approvals from state and federal fisheries agencies for any2temporary drawdown of the impounded waters needed to accomplish the3maintenance and repair activities have been obtained prior to the commencement of4those activities; and5H. Removal of accumulated materials from the upstream side of the dam, including

H. Removal of accumulated materials from the upstream side of the dam, including natural sediment buildup, vegetative materials and woody debris, is limited to an area within 6 feet of the dam, measured perpendicularly from its upstream face, and is performed by hand only.

For the purposes of this subsection, "nonhydropower dam" means a water-impounding
structure not used for the generation of hydroelectric power and includes any associated
wing walls, abutments, spillways, gates and earthen embankments.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or 13 section number to read consecutively.

## **SUMMARY**

This amendment clarifies that certain maintenance and repairs of nonhydropower
dams are exempt from permitting requirements under the Natural Resources Protection
Act if certain specified requirements are met.

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## **COMMITTEE AMENDMENT**