

MAINE STATE LEGISLATURE

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Date: 3/29/24 Majority

L.D. 2266
(Filing No. H- 887)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1456, L.D. 2266, "An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems"

Amend the bill by striking out the title and substituting the following:
'An Act Regarding Restoration and Protection of Coastal Sand Dune Systems and Permitting of an Offshore Wind Terminal on Sears Island'

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

**'Sec. 1. 38 MRSA §480-KK is enacted to read:
§480-KK. Coastal Sand Dune Restoration and Protection Fund**

1. Fund established; purposes and administration. The Coastal Sand Dune Restoration and Protection Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the department from which the department may pay up to 50% of the eligible costs incurred in a project to restore, protect, conserve, nourish or revegetate a coastal sand dune system, except that eligible costs for projects relating to coastal sand dune systems and addressing technical assistance and public education may be paid up to 100%. The department may prioritize funding of projects that use nature-based or ecologically enhanced techniques for restoring, protecting, conserving, nourishing or revegetating a coastal sand dune system. Any balance remaining in the fund must continue without lapse from year to year and remain available only for the purposes for which the fund is established.

2. Prohibited expenditures. The department may not use money in the fund to fund projects in a coastal sand dune system where public access is not provided to the beach or waterfront area adjacent to the coastal sand dune system.

3. Staffing support. The department may use money in the fund for staffing to support administration and implementation of activities authorized under this section.

4. Public education program. The department may use money in the fund to develop a coordinated public education program related to coastal sand dune systems.

COMMITTEE AMENDMENT

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5. Funding sources. The fund may receive money from any source, public or private.

Sec. 2. Permitting of offshore wind terminal on Sears Island.

Notwithstanding any provision of law or Department of Environmental Protection rule prohibiting the construction of new structures in a coastal sand dune system, the Department of Environmental Protection is authorized to grant a permit under the Maine Revised Statutes, Title 38, section 480-D for construction of an offshore wind terminal on Sears Island in the Town of Searsport to be located on or that will otherwise impact the Sears Island jetty dune, as long as the project satisfies all other applicable permitting and licensing criteria under Title 35-A, chapter 34 and Title 38, chapter 3. The department is not authorized to grant more than one permit under Title 38, section 480-D for construction of an offshore wind terminal on Sears Island in accordance with this section.

For the purposes of this section, the following terms have the following meanings.

- 1. "Coastal sand dune system" has the same meaning as in Title 38, section 480-B, subsection 1.
- 2. "Offshore wind terminal" has the same meaning as in Title 35-A, section 3410, subsection 1, paragraph D.
- 3. "Sears Island jetty dune" means a coastal sand dune system on Sears Island in the Town of Searsport that is approximately 4/10 of an acre in size and located south of and abutting the jetty on the western side of the island on the parcel of land reserved for port development, also known as "the Transportation Parcel," with the dune's southerly corner located at or near Longitude -68.8916 and Latitude 44.4438 and the dune's westerly corner located at or near Longitude -68.8923 and Latitude 44.4444.

Sec. 3. Sears Island dune conservation. The Department of Transportation, in collaboration with the Maine Coast Heritage Trust, shall take all reasonable steps to ensure the conservation and protection of a parcel of land in the northwest portion of Sears Island in the Town of Searsport that is approximately 10 acres in size and that includes the Sears Island northwest dune, consistent with the Buffer Conservation Easement, and to provide pedestrian access to that parcel and the Sears Island northwest dune from the causeway to Sears Island through the intertidal zone.

For the purposes of this section, the following terms have the following meanings.

- 1. "Buffer Conservation Easement" means the easement between the State of Maine and the Maine Coast Heritage Trust dated January 22, 2009 and recorded in the Waldo County Registry of Deeds, Book 3289, Page 300.
- 2. "Coastal sand dune system" has the same meaning as in the Maine Revised Statutes, Title 38, section 480-B, subsection 1.
- 3. "Sears Island northwest dune" means a coastal sand dune system on the northwestern side of Sears Island in the Town of Searsport that is approximately one and one-half acres in size, approximately 1,200 feet long and 30 to 65 feet wide and located north of the jetty and southwest of the causeway to Sears Island, on the parcel of land reserved for port development, also known as "the Transportation Parcel," with the dune's southerly end located at or near Longitude -68.8877 and Latitude 44.4517 and the dune's northerly end located at or near Longitude -68.885 and Latitude 44.4545.

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Sec. 4. Transfer from General Fund unappropriated surplus. On or before September 1, 2024, the State Controller shall transfer \$1,000,000 from the unappropriated surplus of the General Fund to the Department of Environmental Protection, Coastal Sand Dune Restoration and Protection Fund, Other Special Revenue Funds account to provide payments to help fund costs related to eligible projects in the State to restore, protect, conserve, nourish or revegetate coastal sand dune systems in the State and for other authorized purposes in accordance with the provisions of the Maine Revised Statutes, Title 38, section 480-KK.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Coastal Sand Dune Restoration and Protection Fund N964**

Initiative: Provides an allocation to allow for expenditures regarding projects that meet specific criteria and restore, protect, conserve, nourish or revegetate coastal sand dune systems in the State.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,000,000

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

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill and changes the title. It establishes within the Department of Environmental Protection the Coastal Sand Dune Restoration and Protection Fund, from which the department may pay up to 50% of the eligible costs incurred in a project to restore, protect, conserve, nourish or revegetate a coastal sand dune system and up to 100% of eligible costs for projects relating to coastal sand dune systems and addressing technical assistance and public education. The amendment directs the State Controller, on or before September 1, 2024, to transfer \$1,000,000 from the unappropriated surplus of the General Fund to the Coastal Sand Dune Restoration and Protection Fund to fund eligible sand dune projects and provides a corresponding allocation for that amount.

The amendment also authorizes the Department of Environmental Protection, notwithstanding any provision of law or department rule prohibiting the construction of new structures in a coastal sand dune system, to consider and potentially grant a permit under the Maine Revised Statutes, Title 38, section 480-D for construction of an offshore wind terminal on Sears Island in the Town of Searsport to be located on or that will otherwise impact a coastal sand dune system on the island, as long as the project satisfies all other applicable permitting and licensing criteria under Title 35-A, chapter 34 and Title 38, chapter 3. The coastal sand dune system on Sears Island that would potentially be impacted through the construction of an offshore wind terminal is approximately 4/10 of an acre in size and located south of and abutting the jetty on the western side of the island

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COMMITTEE AMENDMENT "A" to H.P. 1456, L.D. 2266

1 on the parcel of land reserved for port development, also known as "the Transportation
2 Parcel."

3 The amendment also directs the Department of Transportation, in collaboration with
4 the Maine Coast Heritage Trust, to take all reasonable steps to ensure the conservation and
5 protection of a parcel of land in the northwest portion of Sears Island that is approximately
6 10 acres in size and that includes a different coastal sand dune system on the island and to
7 provide pedestrian access to that parcel and dune from the causeway to Sears Island through
8 the intertidal zone. The coastal sand dune system on Sears Island to be conserved and
9 protected is approximately one and one-half acres in size, approximately 1,200 feet long
10 and 30 to 65 feet wide and located on the northwestern side of the island, north of the jetty
11 and southwest of the causeway to Sears Island, on the parcel of land reserved for port
12 development, also known as "the Transportation Parcel."

13 **FISCAL NOTE REQUIRED**

14 (See attached)



131st MAINE LEGISLATURE

LD 2266

LR 3157(02)

An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems

Fiscal Note for Bill as Amended by Committee Amendment "A (H-887)"

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$0	\$1,000,000	\$0	\$0
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$1,000,000	\$500	\$500
Transfers				
General Fund	\$0	(\$1,000,000)	\$0	\$0
Other Special Revenue Funds	\$0	\$1,000,000	\$0	\$0

Fiscal Detail and Notes

This bill establishes the Coastal Sand Dune Restoration and Protection Fund within the Department of Environmental Protection and provides for a one-time transfer of \$1,000,000 from the unappropriated surplus of the General Fund to the fund on or before September 1, 2024. The bill includes an allocation of the same amount to authorize expenditures of the transferred funds for projects that meet specific criteria and restore, protect, conserve, nourish or revegetate coastal sand dune systems in the State.