

BASIS STATEMENT
Chapter 310, Wetlands and Waterbodies Protection Rules

History

This rulemaking is not intended as a general revision to Chapter 310. Proposed changes are intended to accomplish:

- Changes needed to conform to requirements of PL 2005, ch. 592(5).
- Minor updating.

A combined hearing on proposed amendments to Chapter 305, Permit by Rule, and Chapter 310, Wetlands and Waterbodies Protection Rules was held on October 5, 2006. The public comment period closed on October 16, 2006 at 5:00 p.m..

Non-substantive minor correction: The title in the footer of the rule was updated to reflect the correct title of the current version of the rule.

Comment and Response

Comment. The proposed changes to Chapter 310 reflect the Legislature's intent. LD 2071 directs that the wetlands rules be changed (a) to reduce the exception for the requirement of a functional assessment and compensation from freshwater wetlands alterations of less than 20,000 square feet to 15,000 square feet and (b) to consider biophysical regions when considering location of compensation. The consideration of biophysical regions allows a new approach to mitigation that would ensure that if mitigation must occur, it will be done in a way that is ecologically valuable, i.e., by identifying wetlands within the watershed or biophysical region that could benefit from either restoration or protection and that would be targeted for mitigation dollars through an in-lieu fee compensation program. Maine Audubon supports these proposed changes to the wetland permit review process as an acknowledgment that cumulative loss of small wetlands or small portions of large wetlands is a serious ecological problem that can and should be better addressed in our permit review process. (Jennifer Burns, Maine Audubon)

Response. No change necessary.