

**BASIS STATEMENT**  
Amendments to Chapter 305, Permit by Rule Standards  
Section 16 Activities in coastal sand dunes

**History**

- The proposed amendments to Chapter 305, Permit by Rule Standards, Section 16 Activities in coastal sand dunes were intended to (1) to update text to be consistent with regulatory changes to Chapter 355 Coastal Sand Dune Rules, effective June 8, 2006, (2) allow more activities as eligible for the permit by rule process, and (3) to make other corrections, clarifications and minor changes. This rulemaking is not intended to set significant new policy, but is a major substantive rulemaking as required by 38 M.R.S.A. §480-AA of the Natural Resources Protection Act.
- A draft of the amendments, together with a side-by-side providing brief reasons for the amendments, was made available for informal comment on the web.
- The proposed rules were posted to public comment and a public hearing was held on May 21, 2009. The comment period ended June 1, 2009 at 5:00 pm.
- Comments were received from one person.

**Comment and Response**

The following person submitted written comments.

- (1) Mark Bergeron, Sevee & Mahar Engineers, Inc.

Comments reflected below are grouped according to topic, and may be abbreviated and/or consolidated. In some cases, typographical or other minor errors in comments have been corrected. Additional amendments proposed in response to comments are shown in double underline and double strike.

**Section 16. Activities in coastal sand dunes**

**Comment.** Given the amendment in Section 16(C)(20), can you suggest what type of existing structure a propane tank may be placed under?

**Response.** By definition, permanent structures include buildings, concrete slabs, roads, driveways and parking areas, among other things. The Department's experience in licensing propane tanks in the dune system typically involves placement under driveways and parking areas.