

Notice of Agency Rule-making Proposal

AGENCY: Department of Environmental Protection

RULE TITLE OR SUBJECT: Chapter 355 Sand Dune Rules

PROPOSED RULE NUMBER: 2005-P147

CONCISE SUMMARY

In June, 2003, the Board of Environmental Protection provisionally adopted amendments to Chapter 355, Coastal Sand Dune Rules. The provisionally adopted rules were considered by the Legislature in 2004. The Legislature approved the provisionally adopted rules and further enacted a resolve that established a stakeholder group to address certain sections of the rules. The stakeholder group considered a range of issues dealing with the reconstruction of storm damaged structure, seawalls, the definition of high velocity flooding areas, mitigation requirements, standards for beach nourishment and a number of changes to definitions contained in the rules. The proposed amendments provide for increased flexibility for landowners and for improvements to the environment of Maine's coastal sand dune systems.

The proposed amendments: 1) establish stricter standards for reconstruction of buildings severely damaged from wave action from ocean storms in frontal dune areas outside of V Zones; 2) require that all reconstructed buildings in frontal dunes to be moved back to the extent practicable; 3) require a permit to be applied for within a specified time period after emergency measures are taken to protect a threatened or damaged seawall; 4) require the use of the most current mapped V Zone in determining compliance with applicable standards; 5) amend the definitions of coastal wetland and significant wildlife habitat to reflect recent statutory changes; 6) establish mitigation and enhancement measures for all projects; 7) establish new standards for large beach nourishment projects; 8) allow construction of elevators and ramps for handicap access without a requirement to meet the requirements of the American Disabilities Act (ADA); and 9) allow modifications to existing seawalls.

The draft rule may be viewed at www.maine.gov/dep/blwq/topic/dunes/index.htm or a copy may be obtained by contacting Barbara Rancourt at 207 287-8765.

THIS RULE WILL__ WILL NOT_X_ HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 38 M. R. S. A. Section 341- D(1)

PUBLIC HEARING : 1:00 P. M. Thursday, August 11, 2005
Holiday Inn
Portland, Maine

DEADLINE FOR COMMENTS: 5:00 P. M. on August 25, 2005. Comments may be submitted by mail at the address below, by fax at (207) 287 7191 or by e-mail to Jeff.G.Madore @maine.gov

AGENCY CONTACT PERSON: Jeff Madore

AGENCY NAME: Department of Environmental Protection
ADDRESS: Bureau of Land and Water Quality
17 State House Station
Augusta, Maine 04333

TELEPHONE: (207) 287-7848

Please approve bottom portion of this form and
assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____ DATE: _____
Authorized signature

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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