

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: **01-672 MAINE LAND USE PLANNING COMMISSION,**
Department of Agriculture, Conservation & Forestry

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON: Shannon Ayotte, 22 SHS,
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CHAPTER NUMBER AND RULE TITLE: **Chapter 10, Land Use Districts and Standards**

STATUTORY AUTHORITY: 12 M.R.S. § 685-A(3), (7-A)

DATE, TIME AND PLACE OF PUBLIC HEARING: N/A; a public hearing has not been scheduled.

COMMENT DEADLINE:

Written comments must be submitted on or prior to 1:00 PM on 4/05/19;

Written rebuttal comments must be submitted on or prior to 4/12/19.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

The Land Use Planning Commission is seeking public comment on proposed amendments to its Chapter 10, *Land Use Districts and Standards*. The primary objectives of this rulemaking are to update the standards regarding roads and water crossings to be more consistent with the Maine Department of Environmental Protection's standards in 06-096 CMR 305, Permit By Rule; to enhance public safety; and to provide for aquatic habitat connectivity in flowing waters. The proposed amendments also reorganize Section 10.27,D, Roads and Water Crossings, to improve readability.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES ___ NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

The proposed rule revisions will improve consistency of LUPC road and water crossings standards with DEP rules, as well as improve consistency with certain provisions of the existing Army Corps, General Permit for the State of Maine. References are included to clarify that the LUPC crossing standards do not apply to land management roads that are regulated by the Maine Forest Service, nor the replacement of existing culverts that are covered by a statutory exemption. The revisions also reorganize the standards to improve readability.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE
(including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

Primary sources relied upon for the development of the proposed rule include: Department of Environmental Rule, 06-096 CMR 305, Permit By Rule; Maine Forest Service Rule, 04-058 CMR 27, Standards for Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State; and the Army Corps of Engineers General Permit for the State of Maine.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)]

Not applicable. 12 M.R.S. § 685-A(7-A)(B).

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.