

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Environmental Protection and
Department of Agriculture, Conservation, and Forestry

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CHAPTER NUMBER AND RULE TITLE:

DEP 06-096 Chapter 450 & LUPC 01-672 Chapter 11:
Administrative Regulations for Hydropower Projects

STATUTORY AUTHORITY:

5 M.R.S.A. §§ 8001-10008, Maine Administrative Procedures Act
12 M.R.S.A. §§ 401-409, Maine's Rivers
12 M.R.S.A. §§ 681-689, Use Regulations
38 M.R.S.A. §§ 630-637, Maine Waterway Development and Conservation Act ("Act")
38 M.R.S.A. § 341-H, Organization and Powers

DATE, TIME AND PLACE OF PUBLIC HEARING: N/A

COMMENT DEADLINE: September 30, 2016

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

The purpose of the rule amendment is to revise Chapter 450 and Chapter 11 so they are:

1. consistent with the authorizing statutes and the Department's Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR 2 ("Chapter 2");
2. re-organized to reference the jurisdiction of the Department, including removing any reference to the Board of Environmental Protection;
3. updated to replace references to the Land Use Regulation Commission with the Land Use Planning Commission of the Maine Department of Agriculture, Conservation, and Forestry,
4. updated to include language associated with tidal or wave action; and
5. clarify the jurisdiction between the Department and Commission.

The rule amendment is also intended to correct outdated and obsolete references, remove ambiguities and redundancies, and generally make the rule more understandable for the lay reader.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___YES XNO [§8056(1)(B)]

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

The repeal and replacement of Chapter 450 and Chapter 11 is not intended or anticipated to change the way the Department and the Commission execute their responsibilities under the Maine Waterway Development and Conservation Act and the Maine Rivers Policy.

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]

The authorizing statutes were consulted to provide the basis for updating references and correcting inconsistencies.

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

None.

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.