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Date: (Filing No. H- )

**ENVIRONMENT AND NATURAL RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 295, L.D. 478, “An Act to Improve Coastal Sand Dune Restoration Projects”

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 38 MRSA §480-E, sub-§15** is enacted to read:

**15. Coastal sand dune system restoration projects; stabilization materials.** The department may authorize through a permit or a permit by rule under this article a coastal sand dune system restoration project that uses allowable stabilization materials for the planting of native dune vegetation as long as the project meets the requirements of this subsection and satisfies all other applicable requirements for the permit or permit by rule.

A. Allowable stabilization materials may be used or placed only above the highest annual tide as measured at the time the project construction begins. Allowable stabilization materials may be used or placed in high-velocity zones, or V-Zones, as identified by the United States Department of Homeland Security, Federal Emergency Management Agency in effective flood insurance rate maps under the National Flood Insurance Program.

B. The slope of the constructed dune may not be steeper than the slope of the existing dune in which the allowable stabilization materials are used or placed.

C. Allowable stabilization materials must be used or placed in a manner designed to encourage the revegetation of the dune with native dune vegetation and must remain covered with sand and native dune vegetation throughout and upon completion of the project.

D. Allowable stabilization materials containing or using gravel or cobble may be used or placed only in a dune primarily composed of gravel or cobble or directly adjacent to a beach that is primarily gravel or cobble. Placement of allowable stabilization materials containing or using gravel or cobble must involve the use of gravel or cobble from the dune system or beach or gravel or cobble of a similar texture and color of the gravel or cobble of the dune system or beach.

**COMMITTEE AMENDMENT**

1 E. A project that will use or place stakes, anchors or cables made from metal or other  
2 nonbiodegradable materials or fabrics, blankets or other stabilization materials made  
3 from polylactic acid polymers is not eligible for a permit by rule but may be issued a  
4 permit under this article.

5 The use or placement of allowable stabilization materials within a coastal sand dune system  
6 in accordance with a permit or a permit by rule authorized by the department pursuant to  
7 this subsection is not considered a permanent structure under this article.

8 For the purposes of this subsection, "allowable stabilization materials" means natural,  
9 plant-based biodegradable or compostable fabrics, erosion control blankets, logs or rolls  
10 made from coir, jute, straw, polylactic acid polymers or other similar materials, including  
11 materials that contain or use gravel or cobble, discarded holiday trees, other trees fallen or  
12 washed up in proximity to the site and stakes, anchors or cables used to secure those  
13 materials. For the purposes of this subsection, "native dune vegetation" means dune plant  
14 species typically adapted to coastal sand dune systems in the State, including, but not  
15 limited to, American beach grass, Rosa virginiana, bayberry, beach pea, beach heather and  
16 pitch pine.

17 **Sec. 2. Department of Environmental Protection; rulemaking.** The  
18 Department of Environmental Protection shall initiate rulemaking, as necessary, to amend  
19 its rule Chapter 305: Natural Resources Protection Act – Permit by Rule Standards and its  
20 rule Chapter 355: Coastal Sand Dune Rules to ensure the consistency of those rules with  
21 the Maine Revised Statutes, Title 38, section 480-E, subsection 15. Notwithstanding Title  
22 38, section 480-AA or any other provision of law to the contrary, the amendment of rule  
23 Chapters 305 and 355 by the department in accordance with this section is routine technical  
24 rulemaking as defined in Title 5, chapter 375, subchapter 2-A.'

25 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
26 number to read consecutively.

27 **SUMMARY**

28 This amendment replaces the bill. It amends the Natural Resources Protection Act to  
29 provide that the Department of Environmental Protection is allowed to authorize through a  
30 permit or a permit by rule a coastal sand dune system restoration project that uses allowable  
31 stabilization materials for the planting of native dune vegetation as long as the project meets  
32 certain statutory requirements and satisfies all other applicable requirements for the permit  
33 or permit by rule. "Allowable stabilization materials" is defined to mean natural, plant-  
34 based biodegradable or compostable fabrics, erosion control blankets, logs or rolls made  
35 from coir, jute, straw, polylactic acid polymers or other similar materials, including such  
36 materials that contain or use gravel or cobble, discarded holiday trees, other trees fallen or  
37 washed up in proximity to the site and stakes or anchors used to secure any of these  
38 materials. The use or placement of such materials within a coastal sand dune system in  
39 accordance with an authorized permit or permit by rule is not considered a permanent  
40 structure under the Natural Resources Protection Act.

41 **FISCAL NOTE REQUIRED**

42 (See attached)