

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

'An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River'

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

'Sec. 1. Stabilization measures for coastline and coastal sand dune system adjacent to Saco River. Prior to completion of a River and Harbor Act of 1968, Section 111 project for prevention or mitigation of shore damages for the Saco River and Camp Ellis Beach by the United States Army Corps of Engineers and the City of Saco, the following provisions apply to protection, rehabilitation, maintenance and nourishment activities along the coastline and within the coastal sand dune system and waterways of the Saco River Harbor area, the Saco River Federal Navigation Project area, the Camp Ellis Beach area and the Ferry Beach area.

1. Notwithstanding the Maine Revised Statutes, Title 38, section 480-C, a permit is not required of the City of Saco for the following activities:

A. Maintenance of the portions of Camp Ellis Beach having armor stone, but only to the geographic extent they existed on January 1, 2014, to an elevation 3 feet above the adjacent roadways or surrounding upland topography. Armor stone may be replaced and rocks may be restacked as necessary to maintain that elevation. Extension to the north of the portions of Camp Ellis Beach having armor stone existing on January 1, 2014 is not authorized under this paragraph; and

B. Maintenance, replacement and installation of sand-filled geosynthetic or similar structures north of the portions of Camp Ellis Beach having armor stone, so long as the structures are within the footprint of existing roadways or infrastructure areas and not in natural frontal dune areas. If the Department of Environmental Protection grants prior written approval, the City of Saco may install the structures in areas adjacent to municipal infrastructure where the natural frontal dune area is completely eroded by one or more storm events and the structures are intended to protect and preserve that infrastructure.

Any measures taken pursuant to this subsection must to the maximum extent practicable avoid disturbance of and retain dune grass and other native vegetation. Any areas where disturbance of dune grass and other native vegetation cannot be avoided must, to the maximum extent practicable, be replaced or revegetated following completion of the measures.

Prior to the commencement of any activity exempted from the permitting requirements of the Maine Revised Statutes, Title 38, section 480-C by this subsection, the City of Saco shall provide the Department of Environmental Protection with written notice of the proposed activity.

2. The City of Saco may file an application with the Department of Environmental Protection for an individual 7-year permit to undertake annual maintenance dredging and use of materials from the Saco River channel and harbor as part of Camp Ellis Beach and Ferry Beach nourishment measures. The Department of Environmental Protection shall issue a 7-year dredging permit authorizing annual maintenance dredging if it determines that the City of Saco's application is complete and meets all otherwise applicable criteria and standards. The City of Saco may seek renewal of the dredging permit for an additional 7-year period through a permit by rule as authorized in the Maine Revised Statutes, Title 38, section 480-E, subsection 8.'

SUMMARY

This amendment, which is the majority report of the Joint Standing Committee on Environment and Natural Resources, changes the title and replaces the bill. It allows the City of Saco to undertake certain limited property and municipal infrastructure protection measures without a Natural Resources Protection Act permit along the coastline and within the coastal sand dune system and waterways of the Saco River Harbor area, the Saco River Federal Navigation Project area, the Camp Ellis Beach area and the Ferry Beach area prior to completion of a River and Harbor Act of 1968, Section 111 project for prevention or mitigation of shore damages for the Saco River and Camp Ellis Beach. The amendment also authorizes the Department of Environmental Protection to approve an individual permit for the City of Saco to undertake, over a 7-year period, annual maintenance dredging of the Saco River channel and harbor and to use the dredged materials as beach nourishment on Camp Ellis Beach and Ferry Beach in Saco. The City of Saco is authorized to continue annual dredging and beach nourishment measures for an additional 7-year period so long as it pursues and obtains a permit by rule.