

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
S.P. 710 - L.D. 1979

**An Act Regarding the Development of Comprehensive River Resource
Management Plans**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §407, as amended by PL 2011, c. 655, Pt. EE, §17 and affected by §30 and amended by c. 657, Pt. W, §5, is further amended to read:

§407. Comprehensive river resource management plans

The Department of Agriculture, Conservation and Forestry, with assistance from the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Environmental Protection, the Governor's Energy Office and other state agencies as needed, shall develop, subject to the Maine Administrative Procedure Act, Title 5, chapter 375, a comprehensive river resource management plan for each watershed with a hydropower project licensed under the Federal Power Act or to be licensed under the Federal Power Act. These plans must provide a basis for state agency comments, recommendations and permitting decisions and at a minimum include, as applicable, minimum flows, impoundment level regimes, upstream and downstream fish passage, maintenance of aquatic habitat and habitat productivity, public access and recreational opportunities. These plans must update, complement and, after public notice, comment and hearings in the watershed, be adopted as components of the State's comprehensive rivers management plan. A comprehensive river resource management plan adopted under this section is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Department of Environmental Protection; evaluation of comprehensive river resource management plan development process. The Department of Environmental Protection, in consultation with the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the Department of Economic and Community Development, the Department of Marine Resources, the Governor's Energy Office and other state agencies as needed, shall evaluate the current process for the development of comprehensive river resource management plans established under the Maine Revised Statutes, Title 12, section 407 to develop findings and recommendations that, at a minimum:

1. Identify the agency or agencies that are best positioned to provide appropriate oversight of the plan development and update process;
2. Identify the staffing and resources necessary to allow for the timely development and update of the plans required by Title 12, section 407;
3. Determine the methods by which the plan development and update process can best provide and account for public participation and input; and
4. Provide any other recommendations for the improvement or clarification of the existing process in Title 12, section 407, which may include, but are not limited to, a proposed schedule for the development or update of plans for each watershed for which a plan is required under Title 12, section 407 and an evaluation of options for legislative involvement in the development or update of the plans or legislative review of proposed plans prior to adoption.

On or before January 15, 2023, the Department of Environmental Protection shall submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report outlining its findings and recommendations developed pursuant to this section, including any proposed legislation. After reviewing the report, the joint standing committee may report out legislation relating to the report to the 131st Legislature in 2023.