

§405-A. St. Croix River

1. Special consideration. In consideration of the special status of the St. Croix River as an international boundary governed in part by the International Joint Commission and the Province of New Brunswick, the Legislature establishes the following provisions.
[PL 1987, c. 635 (NEW).]

2. Commercial, industrial or residential development. Except as provided in this subsection, no person may undertake any further commercial, industrial or residential development in the area within 250 feet of the St. Croix River from the Grand Falls flowage to the north end of Wingdam Island. The following activities shall be exempt from these provisions:

- A. Development of hydroelectric or other dams, plants and related facilities or improvements subject to the conditions described in subsection 3; [PL 1987, c. 635 (NEW).]
- B. A bridge at Vanceboro; [PL 1987, c. 635 (NEW).]
- C. A haul road from Grand Falls; [PL 1987, c. 635 (NEW).]
- D. Activities and developments related to timber harvesting, mining or extraction of sand and gravel; and [PL 1987, c. 635 (NEW).]
- E. Any recreational management activity conducted or approved by the State. [PL 1987, c. 635 (NEW).]

[PL 1987, c. 635 (NEW).]

3. New hydroelectric dams. No person may develop new hydroelectric dams on the St. Croix River from Grand Falls to the north end of Wingdam Island without first:

- A. Having performed a feasibility study, by a qualified consultant, approved by the Governor to examine the alternative potentials for hydropower development downstream from Grand Falls and having made the findings available to the State for review; [PL 1987, c. 635 (NEW).]
- B. Having consulted with the office of the Governor or other agency of the State, designated by the Governor, regarding the feasibility of this downstream development; [PL 1987, c. 635 (NEW).]
- C. Having determined that there exists no economically feasible site downstream from Grand Falls; and [PL 1987, c. 635 (NEW).]
- D. Having consulted with the St. Croix International Waterway Commission. [PL 1987, c. 635 (NEW).]

If the State disagrees with any of the assumptions, findings or conclusions of the economic feasibility study, the comments of the State shall be considered and responded to by the consultant. These comments and the responses of the consultant shall be noted in the final report of the economic feasibility study.

[PL 1987, c. 635 (NEW).]

4. Review. The Governor's Energy Office shall review the status of hydropower development on the St. Croix River and shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources by January 1, 2013 and every 5 years thereafter. The report must include any recommendations for changes in the provisions of this section together with the justification for the changes. If the St. Croix River is included in any legislative Act or regulation that directly or indirectly has as its effect the essential prohibition of construction of new dams or development or redevelopment of existing dams on the St. Croix River, this section is repealed on the effective date of that Act or regulation.

[PL 2011, c. 655, Pt. MM, §11 (AMD); PL 2011, c. 655, Pt. MM, §26 (AFF).]

SECTION HISTORY

PL 1987, c. 635 (NEW). PL 2011, c. 655, Pt. MM, §11 (AMD). PL 2011, c. 655, Pt. MM, §26 (AFF).

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