BASIS STATEMENT
Amendments to Chapter 305, Permit by Rule Standards
Section 16 Activities in coastal sand dunes

History

- The proposed amendments to Chapter 305, Permit by Rule Standards, Section 16 Activities in coastal sand dunes were intended to (1) to update text to be consistent with regulatory changes to Chapter 355 Coastal Sand Dune Rules, effective June 8, 2006, (2) allow more activities as eligible for the permit by rule process, and (3) to make other corrections, clarifications and minor changes. This rulemaking is not intended to set significant new policy, but is a major substantive rulemaking as required by 38 M.R.S.A. §480-AA of the Natural Resources Protection Act.
- These same proposed rule changes were provisionally adopted by the Board in June 2009. Only one comment was received at that time. Being major substantive rules, they required Legislative review and approval, which was granted in P.L. 2010, Resolve Chapter 167, effective March 23, 2010. However, the Department inadvertently failed to receive final Board approval within 60 days of that date as required by the Administrative Procedures Act. As a result, it was necessary to repeat the rule-making process.
- A draft of the amendments, together with a side-by-side providing brief reasons for the amendments, was made available for informal comment on the web.
- The proposed rules were posted to public comment on October 13, 2010. The comment period ended November 12, 2010 at 5:00 pm.
- No comments were received.