

LD 2266 – Proposed Amendment

An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems

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

Sec. 1. 35-A MRSA §3411 is enacted to read:

§3411. Offshore wind terminal located in coastal sand dune system

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Coastal sand dune system" has the same meaning as in Title 38, section 480-B, subsection 1.

B. "Department" means the Department of Environmental Protection.

C. "Offshore wind terminal" has the same meaning as in section 3410, subsection 1, paragraph D.

2. Natural Resources Protection Act permitting authorized. Notwithstanding any provision of law or department rule that prohibits new structures in coastal sand dune systems, the department may consider and potentially grant a permit under Title 38, section 480-D for an offshore wind terminal located on Sears Island in Searsport, Maine that impacts a coastal sand dune system approximately four-tenths of an acre in size located south of and abutting the jetty on the parcel reserved for port development, also known as the "Transportation Parcel", the southerly corner of said dune being at or near Longitude: -68.8916, Latitude: 44.4438, and the westerly corner being at or near Longitude: -68.8923, Latitude: 44.4444, as long as all other applicable permitting and licensing criteria under this chapter and Title 38, chapter 3 are met.

Sec. 2. (Unallocated Language). The Maine Department of Transportation will collaborate with the Maine Coast Heritage Trust to protect a parcel of land 10 acres in size, more or less, located under and adjacent to an existing separate and distinct 1 ½ acre sand dune, with pedestrian access thereto from the causeway through the intertidal zone, consistent with the terms of the Buffer Conservation Easement between the State of Maine and the Maine Coast Heritage Trust dated January 22, 2009 and recorded in the Waldo County Registry of Deeds in Book 3289, Page 300, said existing sand dune to be protected being more particularly described as follows: Being located on the Transportation Parcel well north of the jetty and southwest of the causeway, being approximately 1,200 feet long and 30 to 65 feet wide, the southerly end of this dune being at or near Longitude: -68.8877, Latitude: 44.4517, and the northerly end of this dune being at or near Longitude: -68.885, Latitude: 44.4545.

Sec. 3. 38 MRSA §480-? is enacted to read:

§480-? Coastal Sand Dune Restoration and Protection Fund

1. Fund purposes and administration. There is established a nonlapsing Coastal Sand Dune Restoration and Protection Fund, referred to in this section as "the fund," from which the department

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may pay up to 50% of the eligible costs incurred for projects to restore, protect, conserve, nourish, or revegetate coastal sand dune systems, except that eligible costs for projects addressing technical assistance and public education may be paid up to 100%. The department may prioritize projects that utilize established nature-based or ecologically enhanced techniques. Any balance remaining in the fund must continue without lapse from year to year and remain available only for the purposes for which the fund is established.

2. Prohibited Expenditures. The department may not use money in the fund to pay costs for projects for coastal sand dune systems for which public access is not provided.

3. Staffing support. The department may use money in the fund for staffing to support administration and implementation of activities authorized under this section.

4. Public education program. The department may use money in the fund to develop a coordinated public education program.

5. Funding sources. The fund may receive money from any source, public or private.

Sec. 4. Transfer from General Fund unappropriated surplus. On or before September 1, 2024, the State Controller shall transfer \$1,000,000 from the unappropriated surplus of the General Fund to the Department of Environmental Protection, Coastal Sand Dune Restoration and Protection Fund, Other Special Revenue Funds account to provide payments to help fund costs related to eligible projects in the State that restore, protect and enhance coastal sand dunes in the State.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Coastal Sand Dune Restoration and Protection Fund 0555

Initiative: Provides an allocation to allow for expenditures regarding projects that meet specific criteria and restore, protect and enhance sand dune systems in the State.

	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS		
All Other	\$0	\$1,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$1,000,000</u>