

Regulatory Update

Land Use Planning Commission

USACE Outreach Event, September 2024

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Stacie R. Beyer
Executive Director

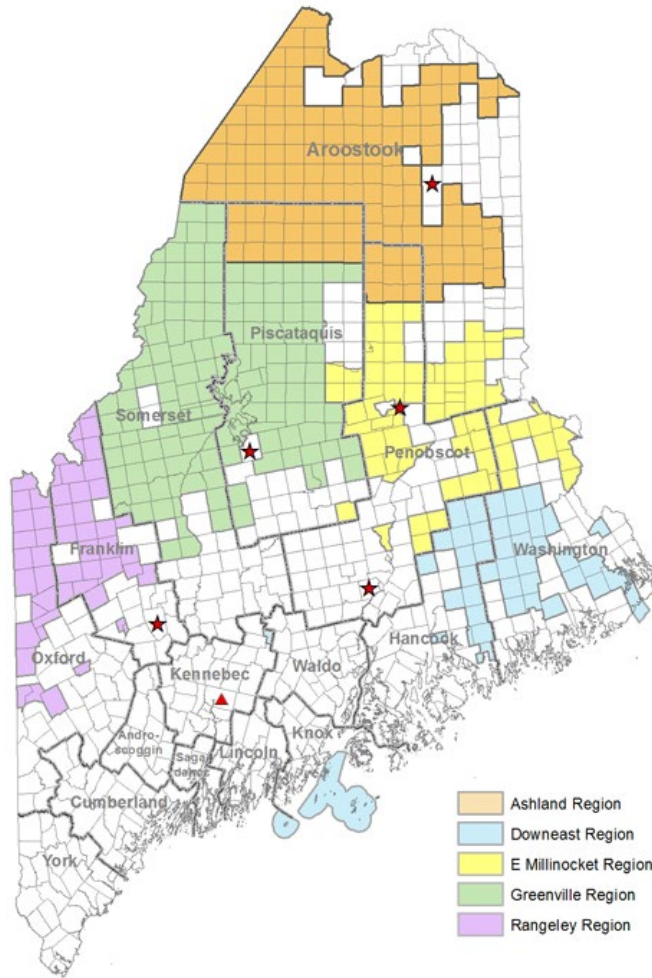
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LUPC Roles and Responsibilities

- Charged with planning, zoning, and permitting within:
 - Unorganized and deorganized townships
 - Most plantations
 - Certain small towns
- Service area of 10.4 million acres
- Diverse landscapes and communities

LUPC Regional Offices



LUPC Offices: Maine DACF

NRPA Permitting

Permit-granting authority delegated to the Maine Land Use Planning Commission

- The Maine Land Use Planning Commission *“shall issue all permits under this article for activities located wholly within its jurisdiction...”* 38 M.R.S.A. § 480-E-1
- The Maine Land Use Planning Commission *“in consultation with the Department, shall ...review land use standards...to ensure that the standards afford the same level of protection consistent with the goals of this article...”*

LUPC Rulemaking under NRPA

- LUPC's Chapter 10 serves many purposes
- LUPC format/approach does not exactly match MDEP's:
 - Primarily zoning-based, use and allowed activities
 - Adjustments made for established regulatory framework/format & predominantly rural area

Wetland Standards

Section 10.25(P)(2)
Protected Natural Resources
Water Bodies and Wetlands

Shoreland Zone

Section 10.27(B)
Vegetative Clearing

2023-2024 Regulatory Updates

Public Law

Chapter 505 Public Law: An Act to Address Identified Gaps in the Laws Governing Erosion Control and the Natural Resources Protection Act

-38 MRSA §420-C Erosion and sedimentation control
applies to the entire state

-Clarified that LUPC and Maine Forest Service have enforcement authority under **§480-R. Violations; enforcement**

Public Law cont.

Chapter 602 Public Law: An Act to Strengthen Shoreland Zoning Enforcement

-LUPC may deny the issuance of a permit to or suspend or revoke a permit of the owner or occupant for further development in the shoreland zone of the land on which the violation occurred...

- File a civil action against the owner or occupant to recover unpaid penalties... if prevailing party in a civil action filed pursuant to this subsection... may claim a lien against the land on which the violation occurred...

Public Law cont.

Chapter 623 Public Law: An Act to Authorize a Stop-work Order Regarding an Activity That Is Creating an Immediate and Substantial Adverse Impact to a Protected Natural Resource

-LUPC's Executive Director has the authority to issue stop-work orders in specific instances of immediate and substantial adverse impacts to a protected natural resource

Public Law cont.

Chapter 660 Public Law: An Act Regarding the Future of Renewable Energy Transmission in Northern Maine

-Transmission lines under the Northern Maine Renewable Energy Development Program will be reviewed as Site Law by MaineDEP with site law certification by LUPC

Policy/Rule Review and Potential Rulemaking

- Floodplain Development
 - Federal consistency
 - Climate resilience
- Solar
 - Decommissioning
 - Design
 - Battery Storage

Permitting and Compliance Division Updates

- *Revised Building Permit Application (Take two)*
- *Newly created **Enforcement Unit** fully staffed*
- *Update to Compliance and Enforcement Policy*

Compliance and Enforcement Policy Update

Notable changes to the penalty matrix

- 1) Increased penalty matrix range.
- 2) Penalty multiplier for willfulness and/or culpability.
- 3) Penalty increases for less than full compliance.
- 4) Clarification on assessing multiple violation penalties.
- 5) Clearer distinctions among multi-level violations.
- 6) Optional multi-day penalty matrix.

Thank You

Questions?

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