

**§480-H. Rules; performance and use standards**

In fulfilling its responsibilities to adopt rules pursuant to section 341-D, the board, to the extent practicable, shall adopt performance and use standards for activities regulated by this article. These standards at a minimum must include: [PL 1995, c. 347, §3 (AMD).]

**1. Department of Transportation projects.** By February 15, 1991, requirements for projects that are under the direction and supervision of the Department of Transportation that do not affect coastal wetlands or coastal sand dune systems and that involve only maintenance or repair of public transportation facilities or structures or transportation reconstruction or replacement projects.

A. The Department of Transportation shall meet the following conditions for any project undertaken pursuant to this subsection after February 15, 1991.

- (1) All projects must be performed in a manner consistent with this article and in compliance with rules adopted by the board.
- (2) The project may not unreasonably harm the protected natural resources covered by this article.
- (3) The Department of Transportation and its contractors shall use erosion control measures to prevent sedimentation of any surface waters.
- (4) The project may not block any fish passage in any watercourse.
- (5) The project may not result in any excessive intrusion of the project into the protected natural resources. [PL 1991, c. 66, Pt. A, §16 (RPR).]

B. Those activities that are exempt from permitting requirements under section 480-Q are not subject to this subsection. [PL 1991, c. 66, Pt. A, §16 (RPR).]

C. The Department of Transportation must notify the commissioner before construction activities begin if the provisions of this subsection are utilized. [PL 1991, c. 66, Pt. A, §16 (RPR).]  
[PL 1991, c. 66, Pt. A, §16 (RPR).]

**SECTION HISTORY**

PL 1987, c. 809, §2 (NEW). PL 1989, c. 814, §2 (AMD). PL 1989, c. 890, §§A40,B75 (AMD). PL 1991, c. 66, §A16 (RPR). PL 1995, c. 347, §3 (AMD).

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