



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
Silver Spring, Maryland 20910

Ms. Kathleen Leyden  
Coastal Program Manager  
State Planning Office  
State House Station #38  
19 Union Street  
Augusta, ME 04333

OCT 25 2012

Dear Ms. Leyden:

Thank you for the Maine Department of Conservation's July 26, 2012, request that statutory changes enacted during the 125<sup>th</sup> Maine Legislature's Second Regular Session and other statutory provisions that supplement existing core laws be incorporated into the Maine Coastal Management Program (CMP). You requested that the changes described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on July 31, 2012, and OCRM's decision deadline was extended until October 26, 2012.

Based on our review of your submission, we concur, with the qualifications described below, that the changes are RPCs and we approve the incorporation of the changes as enforceable and non-enforceable policies of the Maine CMP. Federal Consistency will apply to the approved changes to enforceable policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of changes provided in this letter, and please send a copy of the notice to OCRM.

### CHANGES APPROVED

See enclosed list of the changes incorporated into the Maine CMP.

### QUALIFICATIONS

States may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another regulation, policy, standard, guidance, or other such requirement or document (hereinafter "referenced policy"), the referenced policy itself must be submitted to and approved by OCRM as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no requirement or document referenced in these approved enforceable policies may be applied for CZMA Federal Consistency review purposes unless that requirement or document has separately been approved by OCRM. Among the incorporation by reference issues in this submission, two merit specific identification: 1) The reference in 12 MRSA §8867-C and 38 MRSA §480-Q, sub-§32 to rules adopted under 12 MRSA §8867-C. The rules are not enforceable policies until they have been submitted to and approved by OCRM. 2) The reference to "any land use standard" in 38 MRSA §490-NN, sub-§2. Only those standards that have been submitted to and approved by OCRM are enforceable policies.



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Several changes, as identified in the enclosed list, are not effective in the State until June 1, 2014. Therefore, although OCRM is approving these changes as enforceable policies, the State cannot use them for Federal Consistency until June 1, 2014.

**PUBLIC AND FEDERAL AGENCY COMMENTS**

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Becca Newhall at (978) 281-9237 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joelle Gore', with a long horizontal flourish extending to the right.

Joelle Gore, Acting Chief  
Coastal Programs Division

Enclosure: Policies Approved and Incorporated into the Maine CMP

Enclosure to OCRM's October 25, 2012 Approval of the Incorporation of Changes to  
the MAINE COASTAL MANAGEMENT PROGRAM

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted & Effective in State
<b>ADDED:</b>		
Enacts a definition of "planned subdistrict" to reflect amendment of the land use management laws that allows the LUPC to approve a land use plan and controls specific to and agreed to by the landowner, such as a lake concept plan previously approved by LURC which authorizes and contemplates phased development over a period of time subject to further project-specific review	12 MRSA §682, sub-§20	8/30/2012
Provides that after 11.1.12 the Bureau of Forestry in DOC shall administer and enforce the regulation of construction, maintenance and repair of land management roads, water crossings and gravel pits of less than 5 acres in protection districts and management districts in unorganized and deorganized areas of the State in accordance with rules adopted under 12 MRSA section 8867-E	12 MRSA §685-A, sub-§14*	8/30/2012
Enacts provisions to authorize use of freshwater organisms as lobster or crab bait and to authorize DMR to specify freshwater and marine organisms to be allowed and prohibited for such use	12 MRSA §6432-A, sub-§§3, 4* and 5*	2/22/2012
Creates the Maine Land Use Planning Commission to replace LURC; provides for membership of the LUPC, which is comprised of nine legislatively confirmed members, one from each of the eight counties which has land in the unorganized area (each county is authorized to nominate a member) and one nominated by the Governor; and sets a four-year term for LUPC members	12 MRSA §683-A*	8/30/2012
Adds a provision that clarifies the nature of the LUPC's regulatory authority pending adoption of an independent land use plan and land use controls by a plantation or municipality pursuant to 30-A MRSA sec. 7059 as well as the LUPC's oversight role regarding such plans and controls	12 MRSA §685-A, sub-§4-A*	8/30/2012
Repeals and replaces existing provision to clarify that the LUPC's land use standards are minimum requirements and if other applicable laws provide more stringent standards, those more stringent standards apply	12 MRSA §685-A, sub-§4	8/30/2012
Clarifies that a LUPC permit is not required for a project subject to DEP permitting under the Site Law; provides that such projects are subject to DEP under 38 MRSA sec. 489-A-1 (see below); requires LUPC certification that such projects are an allowed use in the pertinent LUPC zoning district; and requires and authorizes LUPC enforcement of applicable land use standards not addressed by DEP's review	12 MRSA §685-B, sub-§1-A, ¶B-1	8/30/2012
Clarifies that a LURC permit is not required for a project for mining of metallic minerals that is reviewed by DEP under the Maine Metallic Mineral Mining Act (see below) if LURC certifies that the project is an allowed use under applicable LUPC's zoning	12 MRSA §685-B, sub-§1-A, ¶B-1	8/30/2012
Authorizes the LUPC to establish standards for delegating land use permitting and enforcement authority to a county as requested by the county commissioners; provides that a delegated county's land use permitting decisions may be appealed to the LUPC	12 MRSA §685-B, sub-§1-C*	8/30/2012

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Authorizes counties, separately or jointly, to request the LUPC to develop a regional comprehensive land use plan for lands within their jurisdiction and authorizes the LUPC to provide such assistance, with input from the public, economic development and regional planning organizations and municipalities	12 MRSA §685-C, sub-§1-A*	8/30/2012
Creates state permit exemption for activities to enhance cold water fishery habitat done in accordance with DOC rules that establish standards for the placement of wood in stream channels and that specify that only a licensed forester trained by DOC's Bureau of Forestry in cooperation with the Department of Inland Fisheries and Wildlife in techniques to enhance fisheries habitat may implement these techniques; directs DOC to adopt these rules	12 MRSA §8867-C	8/30/2012
Establishes fees for DEP metallic mineral mine permit; repeals and replaces prior provision	38 MRSA §352, sub-§4-A	6/1/2014
Gives DEP permitting jurisdiction under the Natural Resources Protection Act (NRPA) statewide for projects that also require approval under the Site Location of Development Act (Site Law)	38 MRSA §480-E-1, sub-§4	9/1/2012
Amends NRPA to give the Bureau of Forestry permitting authority over "timber harvesting activities" in LURC territory (the unorganized or deorganized areas of the State)	38 MRSA §480-E-3*	8/30/2012
Enacts a Site Law provision that specifies that with several exceptions DEP has Site Law jurisdiction over projects located in the unorganized area; must review such projects under 38 MRSA sec. 489-A-1 (see below); and must record approved subdivision plans and order it issues regarding such projects in the appropriate county registry of deeds within 90 days	38 MRSA §488, sub-§9-A	9/1/2012
Specifies that, subject to the exceptions listed in 38 MRSA sec. 488(9-A) (see above) DEP has permitting and related enforcement jurisdiction over development in the unorganized and deorganized areas of the State and that DEP shall approve such development if: it's an allowed use under applicable LUPC zoning; criteria under 38 MRSA sec. 484 (Site Law approval standards) are met; implementing rules adopted pursuant to 38 MRSA sec. 489-E are met, as applicable; and the LUPC certifies that any applicable LUPC land use standard not addressed by DEP's Site Law review is met. This provision authorizes DEP to request and the LUPC to provide assistance for review of those parts of a development located in whole or in part in an unorganized or deorganized area of the State	38 MRSA §489-A-1	9/1/2012
Creates an NRPA permitting exemption regarding placement of wood in streams to enhance cold water fish habitat	38 MRSA §480-Q, sub-§32	8/30/2012
Creates Site Law exemptions for certain development on existing ski area facilities (subsection 26) and new construction at or a modification of a campus of an educational institution that have been permitted under the Site Law (subsection 27). (Note: Under the Site Law, subsequent changes to a permitted development typically require DEP approval.) Subsection	38 MRSA §488, sub-§§26, 27 and 28	8/30/2012

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28 clarifies that development is subject to the Site Law's requirements absent a specific exemption.		
Enacts the Maine Metallic Mineral Mining Act which establishes a comprehensive, statewide regulatory framework for metallic mineral mining	38 MRSA §§ 490-LL to 490-TT	6/1/2014
Establishes prohibition regarding use of unregistered underground oil storage tanks and piping; creates related registration requirements and process	38 MRSA §563	8/30/2012
Establishes design and installation standards and related testing requirements for underground oil storage facilities used for consumption on the premises or by the owner or operator of those facilities	38 MRSA §565	8/30/2012
Requires state certification of underground tank installers and limits the potential liability of such installers	38 MRSA §§567	8/30/2012
Establishes criteria for certification of a cathodic protection tester and corrosion expert under the Oil Storage Facilities and Ground Water Protection Law	38 MRSA §567-A	8/30/2012
Establishes requirements for notice to the pertinent citizen advisory committee that must be met in order for DEP to issue a license or an amendment to a license to a solid waste disposal facility owned by the State	38 MRSA §1310-N, sub-§12*	8/30/2012
Clarifies that in making a public benefit determination regarding a solid waste disposal facility under 38 MRSA sec. 1310-AA DEP may issue a full, partial or conditional approval and, in the case of State-owned facility, must conduct a review independent of any agreement between the State and the facility operator or other entity	38 MRSA §1310-AA, sub-§7	8/30/2012
Legislative policy findings section of the Uncontrolled Sites Law	38 MRSA §1361*	8/30/2012
Prohibition on handling hazardous substances at an uncontrolled hazardous substance site in violation of any DEP order issued under the Uncontrolled Sites Law	38 MRSA §1363	8/30/2012
Establishes DEP's powers and duties under the Uncontrolled Sites Law	38 MRSA §1364*	8/30/2012
Specifies and details DEP's authority to designate an uncontrolled hazardous substance site and the designation and related enforcement processes	38 MRSA §1365*	8/30/2012
Authorizes DEP's use of state and Superfund and other federal funds to evaluate and investigate uncontrolled sites and to abate, clean up or mitigate threats or hazards posed or potentially posed by uncontrolled hazardous substance sites	38 MRSA §1366*	8/30/2012
Establishes limited exemption from liability for state or local governmental entities as concerns an uncontrolled hazardous substance site	38 MRSA §1367-B*	8/30/2012
Clarifies that replacement or treatment of a water supply well is not required under the Uncontrolled Sites Law if the well was placed in an	38 MRSA §1367-C*	8/30/2012

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area DEP had designated as contaminated and outlines well replacement-related obligations under that law		
Authorizes the Governor, on notice from DEP that an emergency exists as the result of a threat or hazard posed by an uncontrolled site, to declare an emergency and authorize DEP and the Department of Public Safety to take certain actions to protect the public health and safety	38 MRSA §1368*	8/30/2012
Establishes immunity of State, any state agency or employee engaged in any abatement, clean up or mitigation activity, while complying with or attempting to comply with the Uncontrolled Sites Law	38 MRSA §1369*	8/30/2012
Makes certain real property and financial assets directly related to violation of the Uncontrolled Sites Law subject to forfeiture to the State	38 MRSA §1370*	8/30/2012
Provides for a state lien against the real estate of the responsible party under the Uncontrolled Sites Law	38 MRSA §1371*	8/30/2012
<b>MODIFIED:</b>		
Amends the legislative findings of the Land Use Regulation Commission (LURC) to rearticulate the balance between the agency's mission to balance conservation and development of the natural resources in the unorganized area of the State and thus to reflect the refocused mission of the Maine Land Use Planning Commission (LUPC), which replaces LURC.	12 MRSA §681*	8/30/2012
Repeals, replaces and clarifies the definition of the "unorganized and deorganized areas" of the State to reflect amended provision that allows the LUPC to authorize plantations and municipalities organized since 1971 to adopt their own land use controls.	12 MRSA §682, sub-§ 1	8/30/2012
Clarifies that LUPC meeting must be held in the unorganized area unless the chair directs otherwise and requires annual training of LUPC members	12 MRSA §684, first ¶*	8/30/2012
Makes technical corrections; requires annual training for LUPC staff in customer service; requires that LUPC field offices be located in or near the State's unorganized area	12 MRSA §685*	8/30/2012
Amends the definition of "development district" to allow the LUPC to zone areas that are appropriate for development, not just areas showing patterns of intensive development, to be zoned as such; authorizes the LUPC to create "planned development districts" (see definition of above); and makes technical changes	12 MRSA §685-A, sub-§ 1*	8/30/2012
Removes the requirement that a land use district in the unorganized area must satisfy a need in the community or area in which it is located	12 MRSA §685-A, sub-§8-A, ¶B	8/30/2012
Provides that after 11.1.12 the Bureau of Forestry within the Department of Conservation (DOC) shall administer and enforce the regulation of timber harvesting and timber harvesting activities in protection districts and management districts in unorganized and deorganized areas of the State in accordance with rules adopted under 12 MRSA section 8867-D	12 MRSA §685-A, sub-§12*	8/30/2012
Creates an exception to the provision exempting a project permitted by	12 MRSA §685-B,	8/30/2012

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DEP from permitting by LUPC for projects that are located in a planned subdistrict that was approved or accepted by the LUPC for processing prior to September 1, 2012	sub-§1-A, ¶B	
Replaces existing provision regarding LURC permitting jurisdiction over "community-based offshore wind energy projects"; clarifies that DEP has permitting jurisdiction over all "grid-scale wind energy development" in the unorganized and de-organized areas of the State; specifies that all wind energy development with a generating capacity of 100 kw or greater in the expedited permitting area is an allowable use requiring a permit; gives LUPC authority to determine if an offshore wind energy project within one mile of an island in LUPC territory is a "community-based wind energy development" that requires an LUPC permit; and establishes pre-filing public meeting requirements for certain projects and permitting processing deadlines for projects in the expedited area	12 MRSA §685-B, sub-§2-C	8/30/2012
Requires that, to the extent practicable, LUPC hearings be held at a location in close proximity to the project or projects under review	12 MRSA §685-B, sub-§3-A*	8/30/2012
Corrects a cross reference to the Site Location of Development Act to reflect changes made by the Maine Metallic Mineral Mining Act	12 MRSA §685-B, sub-§4, ¶A*	6/1/2014
Amends the criteria for approval of wind energy development projects in LUPC territory to clarify that DEP has statewide jurisdiction over "gridscale wind energy development"; require DEP certification under 35-A MRSA sec. 3456 for projects over 100kw in capacity that are subject to LUPC permitting; and allow the LUPC to consider evidence of a project's energy and economic benefits regardless of the presumption established by 35-A MRSA sec. 3454	12 MRSA §685-B, sub-§4 and ¶s C and C-1	8/30/2012
Amends provision establishing special provisions applicable to wind energy to in keeping with provision granting DEP statewide jurisdiction over "grid-scale wind energy development"	12 MRSA §685-B, sub-§4-B	8/30/2012
Amends the existing provision that requires development of a state comprehensive land use plan for the unorganized and deorganized areas to require Legislative review and approval of the plan, following review and comment by the Office of Policy and Management (SPO's successor), the Governor and regional planning commissions	12 MRSA §685-C, sub-§1*	8/30/2012
Clarifies provision regarding LUPC's designation of extraordinary projects (for which additional permitting fees may be required) in keeping with changes limiting the commission's jurisdiction over wind energy development	12 MRSA §685-F, sub-§1	8/30/2012
Amends provision regarding appeal of LUPC decisions to reflect provision limiting the LUPC's wind power permitting jurisdiction to reflect provision vesting DEP with statewide jurisdiction over "grid-scale wind energy development"	12 MRSA §689*	8/30/2012
Deletes sunset provision in law authorizing the Commissioner of Marine Resources to adopt certain rules as routine, technical rules when deemed biologically necessary	12 MRSA §6171, sub-§5, ¶B*	8/30/2012

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Clarifies that the Commissioner of Marine Resources may "classify" coastal waters and areas open or closed for harvesting due to pollution without formal rulemaking; clarifies process for notification and enforcement of area closure decisions	12 MRSA §6172* (except sub-§1-A, which the state withdrew)	3/18/2012
Makes technical change to reference to state Administrative Procedure Act requirements applicable to DMR rulemaking to reflect change above regarding classification of open and closed harvesting areas	12 MRSA §6191, sub-§1*	3/18/2012
Makes cross reference change to reflect change above regarding classification of open and closed harvesting areas	12 MRSA §6192, sub-§1, ¶A* and 12 MRSA §6191, sub-§2, ¶C*	3/18/2012
Makes change in provision regarding DMR's emergency rulemaking authority to reflect change above regarding classification of open and closed harvesting areas	12 MRSA §6192, sub-§3* and 12 MRSA §6192, sub-§4*	3/18/2012
Amends current restriction regarding use of offal as lobster or crab bait to include specified marine organisms	12 MRSA §6432-A, sub-§2	2/22/2012
Amends the definition of "primary siting authority" in the Wind Energy Act to reflect provision vesting DEP with statewide permitting jurisdiction over "grid-scale wind energy development"	35-A MRSA §3451, sub-§8	8/30/2012
Amends presumption regarding energy and emissions-related benefits attributable to wind energy projects in the Wind Energy Act to reflect provision vesting DEP with statewide permitting jurisdiction over grid-scale wind energy development	35-A MRSA §3454, first ¶	8/30/2012
Amends provision in the Wind Energy Act requiring the applicant for an expedited wind energy development to provide a community benefits package to reflect provision vesting DEP with statewide permitting jurisdiction over gridscale wind energy development	35-A MRSA §3454, sub-§2	8/30/2012
Amends the Wind Energy Act to require DEP certification regarding noise, safety setback, and shadow flicker effects for wind energy development projects over 100 kw in capacity in the unorganized as well as organized areas of the State. See related provision above.	35-A MRSA §3456, sub-§1	8/30/2012
Clarifies the nature of license and permit-related matters that require an application to and decision by DEP	38 MRSA §344, sub-§9*	8/30/2012
Clarifies DEP's authority to enforce administrative consent agreements	38 MRSA §347-A, sub-§5*	8/30/2012
Makes changes to notice-related provisions regarding DEP's enforcement of administrative consent agreements	38 MRSA §347-A, sub-§6, ¶A*	8/30/2012
Makes change to reference DEP's authority to enforce administrative consent agreements	38 MRSA §348, sub-§1*	8/30/2012
Amends provision regarding DEP permit fees to reference provision establishing fees for a DEP metallic mineral mine permit	38 MRSA §352, sub-§3	6/1/2014



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Clarifies provision regarding partial refund of fee when a DEP permit application is withdrawn	38 MRSA §353, sub-§2	6/1/2014
Revises provisions regarding fees assessed under DEP's current annual waste discharge licensing fee system and clarifies provisions regarding partial refunds under certain circumstances	38 MRSA §353-B, sub-§1	3/29/2012
Repeals and replaces provision regarding fee amounts under DEP's current annual waste discharge licensing fee system	38 MRSA §353-B, sub-§2	3/29/2012
Amends provisions regarding schedule for payment of annual fees due under DEP's current annual waste discharge licensing fee system and for adjustment of fees to reflect changes in discharge flows	38 MRSA §353-B, sub-§§3 and 4	3/29/2012
Clarifies that a DEP stormwater permit is not required (but pertinent stormwater standards may have to be met) for a project subject to DEP review under subsection 9 of the Metallic Mineral Mining Act	38 MRSA §420-D, sub-§5	6/1/2014
Provision in the errors and omissions legislation correcting a statutory cross reference	38 MRSA §435, 3rd ¶*	5/22/2012
Makes the following adjustments to the Shoreland Zoning Act's provision regarding municipal adoption of statewide timber harvesting standards: Gives a municipality that chooses to adopt statewide timber harvesting standards by repeal of timber harvesting standards in its shoreland zoning ordinance flexibility in setting the date on which the statewide standards become applicable; gives a municipality that adopts statewide timber harvesting standards by enactment of an ordinance identical to the statewide standards flexibility in requesting the Bureau of Forestry to assume full or partial responsibility for its enforcement; allows the Bureau of Forestry, on request from a municipality, to assume full or partial responsibility for a timber harvesting ordinance that differs from the statewide standards provided it is not more stringent than or substantially different than the statewide standards; and makes the statewide standards applicable beginning January 1, 2013 in all municipalities that have either accepted the statewide standards or have adopted an ordinance identical to the statewide standards as provided in this section.	38 MRSA §438-B, sub-§§2, 3, 4 and 6*	8/30/2012
Amends the Natural Resources Protection Act (NRPA) definition of "forest management activities" to include mining for gravel to build roads primarily used in connection with timber harvesting	38 MRSA §480-B, sub-§2-B	8/30/2012
Amends NRPA regarding authority delegated to LURC to include reference to NRPA authority regarding timber harvesting activities vested in the Bureau of Forestry's by 38 MRSA sec. 480-E-3 (see below)	38 MRSA §480-E-1, first ¶*	8/30/2012
Clarifies NRPA definition of the "footprint" of a building or other structure subject to regulation	38 MRSA §480-B, sub-§2-E	8/30/2012
Amends the NRPA to specify that there is no practicable alternative to metallic mineral mining and in conducting an alternatives analysis regarding potential effect on habitat and fisheries DEP may consider alternative design and operational measures to avoid or minimize such	38 MRSA §480-D, sub-§3	6/1/2014

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effects		
Clarifies existing NRPA permitting exemption for fishways required under 12 MRSA sec. 12760 to specify that DMR as well as DIFW must require such a fishway	38 MRSA §480-Q, sub-§27	8/30/2012
Clarifies existing NRPA permitting exemption for construction in sand dune areas to include not just minor expansion of "buildings" but minor expansion of other structures, not including seawalls and comparable structures that may inhibit movement of sand or water	38 MRSA §480-Q, sub-§31	8/30/2012
Clarifies performance standards under the NRPA's general permit for construction of agricultural irrigation ponds	38 MRSA §480-Y, sub-§3, ¶¶A and C	8/30/2012
Clarifies submission requirements under the NRPA's general permit for construction of agricultural irrigation ponds	38 MRSA §480-Y, sub-§4, ¶A	8/30/2012
Amends Site Law definition of "development of state or regional significance that may substantially affect the environment" to clarify that metallic mineral mining is regulated under the newly enacted Maine Metallic Mineral Mining Act (see below) and not the Site Law, as amended.	38 MRSA §482, sub-§2, ¶B	6/1/2014
Removes reference to metallic mineral mining activities in the Site Law's stormwater standard since such mining activities are regulated under the Maine Metallic Mineral Mining Act and not the Site Law, as amended	38 MRSA §484, sub-§4-A	6/1/2014
Removes reference to metallic mineral mining activities in the Site Law provision regarding longterm construction projects since such mining activities are regulated under the Maine Metallic Mineral Mining Act and not the Site Law, as amended	38 MRSA §485-A, sub-§1-C	6/1/2014
Clarifies that the Site Location of Development Act (Site Law) does not apply to development that reuses a building and associated facilities in existence on January 1, 1970	38 MRSA §488, first ¶	8/30/2012
Removes reference to metallic mineral mining activities in the Site Law exemption for farm and fire ponds since such mining activities are regulated under the Maine Metallic Mineral Mining Act and not the Site Law, as amended	38 MRSA §488, sub-§11	6/1/2014
Clarifies the scope of the Site Law exemption regarding development on a former military base that has been transferred to the State or a local development authority, including exemption regarding reuse of buildings in existence on September 29, 1995	38 MRSA §488, sub-§15	8/30/2012
Establishes a general 10-year term for air emissions licenses issued by DEP, while setting a 5-year term for licenses for air contaminant sources subject to the state permitting provisions of 40 CFR Part 70, and an unlimited term for licenses issued under rules adopted under 38 MRSA sec. 580-B(4)(D) (the state carbon dioxide cap-and-trade program).	38 MRSA §590-A, first ¶*	8/30/2012
Corrects cross reference to the Site Law, as amended	38 MRSA §633, sub-§2	6/1/2014

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Makes technical corrections to the Maine Waterway Development and Conservation Act's provision regarding public access to information submitted to state agencies for a license under the Federal Power Act	38 MRSA §640, sub-§4*	8/30/2012
Amends provision regarding expansion of a solid waste facility to specify that the applicant must be in compliance with any applicable host community agreement pursuant to 38 MRSA sec. 1310-N (9); that the expansion may not receive a property tax exemption on real or personal property; and that DEP may approve expansion of a commercial solid waste disposal facility that is not under order or agreement to close and is located on property owned by the licensee	38 MRSA §1310-X, sub-§3	8/30/2012
Clarifies that the term "waste generated in the State", as used in the solid waste laws, covers waste whether generated within the State or outside of the State used for daily cover, frost protection or stability "in accordance with all applicable rules and licenses"	38 MRSA §1310-AA, sub-§1-A, ¶D	8/30/2012
Amends procedural requirements for a DEP substantial public benefit determination (required for a new or expanded solid waste disposal facility) to require the applicant (not DEP) to provide public notice, require a public hearing, and require DEP to consider public comments for the entire review period	38 MRSA §1310-AA, sub-§2	8/30/2012
Clarifies terminology used in the criterion that a proposed new or expanded solid waste facility must meet immediate, short-term or long-term capacity needs of the State in order for DEP to determine that it provides a substantial public benefit	38 MRSA §1310-AA, sub-§3, ¶A	8/30/2012
Clarifies that a proposed new or expanded solid waste facility must promote the solid waste management hierarchy as set out in 38 MRSA section 2101 in order for DEP to determine that it provides a substantial public benefit	38 MRSA §1310-AA, sub-§3, ¶B	8/30/2012
Provides that DEP may revise its public benefit determination under 38 MRSA sec. 1310-AA if there is a change of the owner or operator of the solid waste facility	38 MRSA §1310-AA, sub-§5	8/30/2012
Technical change	38 MRSA §1319-E, sub-§1, ¶E*	6/1/2014
<b>DELETED:</b>		
Repealed and replaced	12 MRSA §682, sub-§1; 12 MRSA §685-A, sub-§4; 12 MRSA §685-B, sub-§2-C	8/30/2012
Repealed and replaced	38 MRSA §352, sub-§4-A	6/1/2014
Repeals the legislation creating and authorizing LURC, which is replaced by the Maine Land Use Planning Commission. See 12 MRSA sec. 683-A,	12 MRSA §683	8/30/2012

Enclosure to OCRM's October 25, 2012 Approval of the Incorporation of Changes to  
the MAINE COASTAL MANAGEMENT PROGRAM

Changes marked with an asterisk (\*) are incorporated into the MAINE COASTAL MANAGEMENT PROGRAM,  
but do not contain enforceable policies that can be used for Federal Consistency.

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted & Effective in State
above.		
Repeals a provision in the Maine Endangered Species Act requiring DMR to make an annual report to the Legislature	12 MRSA §6977	8/30/2012
Repeals provision regarding DEP permit fees for metallic mineral mining	38 MRSA §353, sub-§1-A	6/1/2014
Repeals Site Law definition of " metallic mineral mining or advanced exploration activity" which is now regulated under the Maine Metallic Mineral Mining Act and not the Site Law	38 MRSA §482, sub-§2-B	6/1/2014
Repeals Site Law provision regarding review of projects located in the unorganized area of the State. See new 38 MRSA sec. 488(9-A), above.	38 MRSA §488, sub-§9	8/30/2012
Repeals Site Law provision regarding reclamation of mining areas since metallic mineral mining is regulated under the newly-enacted Maine Metallic Mineral Mining Act (see below) and not the Site Law, as amended.	38 MRSA §490	6/1/2014
Repeals provision in state laws regarding oil storage facilities that required legislative review of agency rules	38 MRSA §570-E	8/30/2012
Corrects error by repealing a provision amended and repealed by separate laws enacted in the same legislative session	38 MRSA §570-H	8/30/2012
Repeals provision in the Maine Hazardous Waste Fund law referencing a one-time allocation of funds to DEP and LURC for Site Law rulemaking regarding mining activity which is now regulated by the Maine Metallic Mineral Mining Act	38 MRSA §1319-E, sub-§1, ¶F	6/1/2014