



Offshore Wind Permitting in Maine

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MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

Protecting Maine's Air, Land and Water

Overview

- Permitting in Maine waters – in general
- Demonstration project general permit
- Consistency review in federal waters



Key Permitting Laws

- Site Location of Development Law (Site Law)
 - 38 M.R.S. §§ 481 to 489-E
- Natural Resources Protection Act (NRPA)
 - 38 M.R.S. §§ 480-A to 480-JJ



Site Law Jurisdiction

- Development occupies an area of land or water >20 acres, or
- Offshore wind power project with an aggregate generating capacity of 3 MW or more
- Exempt from Site Law if receives demonstration project general permit under NRPA



Site Law Standards

- No adverse effect: Applicant must show project will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources (38 M.R.S. § 484(3))
- Exemption: Impacts to existing uses exempt if DEP determines evaluation would duplicate review conducted as part of submerged lands lease process (38 M.R.S. § 488(25))



Natural Resources Protection Act (NRPA)

- Permit required for activities impacting different natural resources, including coastal wetlands
- Coastal wetlands include all tidal & subtidal areas



NRPA Standards

- Applicant must show activity will not unreasonably:
 - Interfere with recreational or navigational uses
 - Harm estuarine or marine fisheries or other aquatic life
 - (Additional standards in 38 M.R.S. § 480-D)
- Exemption: Impacts DEP determines are considered as part of submerged lands lease process (38 M.R.S. § 480-D(11))



Submerged Lands Lease

- Must obtain or apply for a lease in order to pursue DEP permits
- Lease program administered by Bureau of Parks and Lands (12 M.R.S. § 1862)
- Lease must not unreasonably:
 - Interfere with navigation
 - Interfere with fishing or other existing marine uses
 - Diminish the availability of services and facilities necessary for commercial marine activities
 - Interfere with ingress and egress of riparian owners



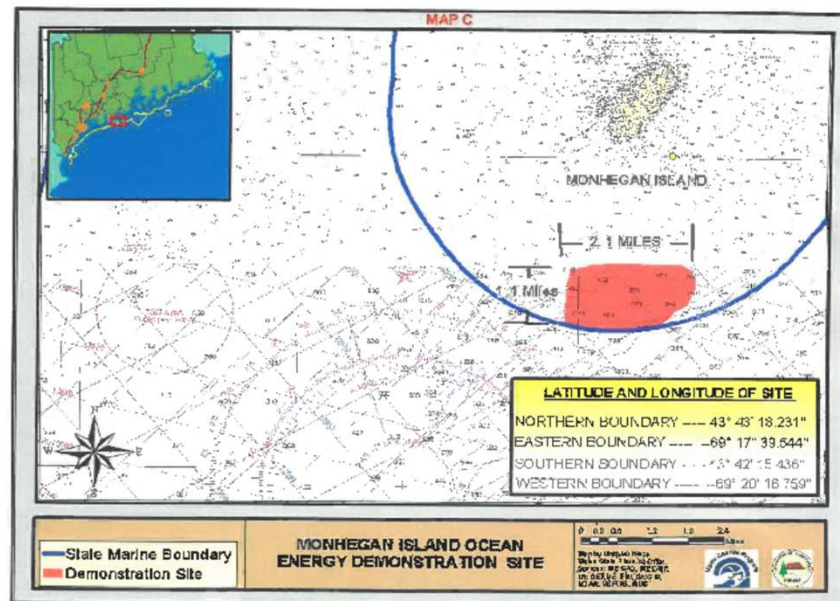
Demonstration Project NRPA General Permit

- Demonstration project (38 M.R.S. § 480-HH)
 - 2 turbine maximum
 - Primary purpose testing technology
 - Includes up to 3 met towers & 1 submerged utility line
 - May include wave energy test project
- Exempt from Site Law and individual NRPA permit
- Streamlined submerged lands lease process



Maine Offshore Wind Energy Research Center

- Specific wind energy test area located on State-owned submerged lands



- Designated in 2009 pursuant to 12 MRS § 1868(2)
- Approximately 2 nautical miles south of Monhegan



Required Submissions

- Project Removal Plan
- Fish and Wildlife Monitoring Plan
- Navigation Plan
- Documentation of Agency Correspondence and Community Outreach



DEP Offshore Wind Permits

Jan 2013: DEP approved a NRPA Permit-by-Rule for seasonal deployment of UMaine's Voltorn, a 1/8th scale turbine and platform prototype, off Castine - completed

March 2013: DEP approved a NRPA GP for deployment of UMaine's DeepCWind, a non-operational 20 kW turbine and 1/8th scale platform, off Monhegan Island - not constructed

May 2013 – December 2017: State and federal agency consultation with UMaine for New England Aqua Ventus I, which consisted of two 6 MW turbines and a subsea cable off Monhegan Island



Federal Waters

- No State permitting beyond State boundary
- Coastal Zone Management Act – consistency review
 - Under CZMA federal agency activities that have coastal effects must be consistent to the maximum extent practicable with federally approved enforceable policies of a state
 - Effects test applies to activities and uses or resources that occur outside a state’s coastal zone, so long as the uses or resources impacted are uses or resources of a state’s coastal zone
 - Potential for consideration of coastal effects, such as impacts to Maine’s commercial fishing fleet, a coastal use in Maine
- Consistency review coordinated by program within DMR



Questions?

