



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

JAN 23 2004

Ms. Kathleen Leyden  
Director  
Maine Coastal Program  
State Planning Office  
State House Station 38  
184 State Street  
Augusta, ME 04333-0038

RE: Clarification of approved program changes to the Maine Coastal Management Program in NOAA December 22, 2003 letter.

Dear Ms. Leyden:

This letter serves as a supplement to our December 22, 2003, letter in which our office approved numerous changes to the Maine Coastal Program (MCP) made between September 1998 and June 2003. In that letter we intended to approve as routine program changes all changes to the MCP included in your September 8, 2003, submission. However, it has come to our attention that changes to Chapter 305, Department of Environmental Protection Rules for Natural Resource Protection Act (Permit by Rule), which became effective as of February 14, 2000 and which were in the State's September 8, 2003, submission was inadvertently left out of our approval letter. We had reviewed those changes and concurred with your determination that these changes are routine program changes. As such, they were in fact were approved by our letter of December 22, 2003.

In addition, we also need to clarify the references to the rule changes which were approved. You office has correctly pointed out that in our December 22, 2003 letter we referenced the "adoption date" of the rule changes, when in fact they should have been references to the date the rules "became effective." While this did not affect what we approved, in the interest of accuracy and clarity we should note the following are the appropriate references:

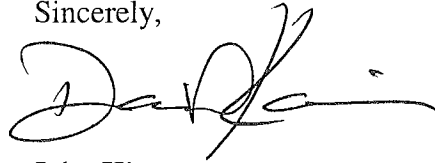
- Department of Environmental Protection (DEP) Rules Chapter 305 - were effective as state law June 1, 1999; February 14, 2000; and September 1, 2002.
- DEP Rules Chapter 310 - changes effective as state law September 1, 2002
- DEP Rules Chapter 315 - changes effective as state law June 29, 2003
- DEP Rules Chapter 335 - changes effective as state law September 15, 1998
- DEP Rules Chapter 375 - changes effective as state law September 22, 2001
- DEP Rules Chapter 1000 - changes effective as state law February 14, 2000
- Land Use Regulatory Commission Rules Ch. 10 - changes effective as state law October 17, 2000; March 2, 2001; July 1, 2002; August 29, 2002



I am enclosing "Attachment A" which clarifies the list of the changes to the Sections of various Maine regulations which were approved as enforceable policies of the Maine Coastal Program on December 22, 2003. Please include this letter in your official file for this routine program change approval.

Thank you for your cooperation and understanding in this review. If you have any questions please contact Bill O'Beirne at (301)713-3155 extension 160.

Sincerely,

A handwritten signature in black ink, appearing to read "John King", written in a cursive style.

*for* John King  
Acting Chief

## ATTACHMENT A

### Chapter 305: DEP Rules for Natural Resource Protection Act (Permit by Rule)

**Effective as of June 1 1999:** §1(C)(1)(c); §1(D); §2; §3(B)(1); §2(C)(16); §4(A)(2); §4(A)(4); §4(B)(1),(C)(8); §4(C)(1); §4(C)(15); §6(C)(1); §(7)(B)(1), (C)(16); §(7)(B)(1),(C)(2); §(7)(B)(1),(C)(8); §8(A)(1); §8(C)(1);§8(C)(2); §8(C)(12); §9(A); §9(C)(4); §9(C)(6); §9(C)(14); §10(A); §10(A)(4); §10(B)(1); §10(C)(5); §11(B)(7); §11(A)(2); §11(B)(1); §11(B)(3);§11(B)(8); §11(B)(17); §12(A)(2); §12(A)(3); §12(B)(3);(C)(12); §13(A)(1); §13(A)(2); §13(B)(1); §14(A)(1)(C)(10 and 11); ;§14(A)(1),(C)(13); §14(A)(5); §14(B)(1); §14(C)(7); §14(D)(2 and 5); §15(B)(3); §15(B)(5 and 6); §16(A); §16(C)(16); §16(C)(1); §16(C)(11); §16(C)(15); §17(A)(1); §17(B)(4); §17(B)(3); §18(A)(2); §18(A)(1)(d); §18(B)(2); and §18C)(4).

**Effective as of February 14, 2000:** §10(A)(5); and §10(a)(13)

**Effective as of September 1, 2002:** §2(A)(1); §2(A)(4); §2(B)(3,4); §2(C)(1)(a-e); §2(C)(2); §2(C)(3);§2(C)(4); §2(D)(2-A); §3(D)(1); §4(A)(1); §4(D)(4); §7(D)(4); §9(D)(1); §9(D)(3); §10(A)(5); §10(A)(13); §16(C)(6); and §16(d)(12).

### Chapter 310, DEP Wetland and Water body Protection Rules

**Effective as of September 1, 2002:** §1; §2; §3(A); §3 (V); §5(A); §5(C)(2); and §5(C)(6(d)).

### DEP Rules Chapter 315: Scenic and Aesthetic Resources

**Effective as of June 29, 2003:** §1 through §10 and Appendix A

### DEP Rules Chapter 335: Significant Wildlife Habitat

**Effective as of September 15, 1998:** §1through §8 and 52 maps of seabird nesting islands

### DEP Rules Chapter 375: Site Location Law

**Effective as of September 22, 2001:** §9(B)(1); §9(B)(3); and §9(C)

### DEP Rules Chapter 1000: Mandatory Shoreland Zoning

**Effective as of February 14, 2000:** Table 1, §15.O.(1)(a); §15.O.(1)(b); §16.I; and Appendix A §12.C(1-A)(b).

### Maine Land Use Regulatory Commission Rules Chapter 10: Land Use Regulations in

Unincorporated Areas

**Effective as of October 17, 2000:** §10.01; 10.02; 10.3; 10.5; 10.06-B; 10.06-E; 10.06-F; 10.06-G; 10.06-H; 10.06-I; 10.07-A; 10.07-B; 10.07-D; 10.07-E; 10.8; 10.9; 10.10; 10.11(E); 10.13; 10.13-B(1); 10.13-B(1)(A); 10.13-B(1)(D); 10.13-B(2); 10.14(A)(2)(B); 10.14(A)(3)(a) (17 and 18); 10.14(A)(3)(b)(9,10,11,12,13, 14, 15,16, 17, 18); 10.14(A)(3)(b)(10,18,19,20 ); 10.14-B(2)(b); 10.14(B)(3)(a)(17,18, 19); 10.14(B)(3)(b) (5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18); 10.14(B)(3)(b)(11,18,19 and 20); 10.14(B)(3)(c)(4); 10.14(D)(1); 10.14(D)(2)(b); 10.14(D)(3)(a) (17, 18, and 19); 10.14(D)(3)(b) (5, 6, 9, 11, 12, 13, 14, 15, 16, 20, 21); 10.14(D)(2)(b)(10,17, 18, and 19); 10.14(D)(3)(c) (1,2);10.14-E(2)(a) and (b); 10.14-E(3)(a)(10); 10.14-E(3)(b)(4)(11); 10.14-E(3)(b)(9, and 10); 10.14-E(3)(c)(3)(e); 10.15-A(3)(a)(2, 3, 8 and 17); 10.15-A(3)(a)(19,20,21 and 22); 10.15-A(3)(b) (3,5,6,7,8,9,10,11,12,13,14, 15, 16, 25 and 26) 10.15-A(3)(b)(4,17,18,19, 20,21,22,23,24); 10.15-B(3)(a)(1,14, 17); 10.15-B(3)(b) (9,10,11,12); 10.15-B(3)(c)(5); 10.15-C(3)(a) (2) and (19); 10.15-C(3)(b) (9,10,11,12); 10.16-A(3)(a) (15 and 16); 10.16-A(3)(b)(6,7,9,10,11, 12,16, 17); 10.16-A(3)(b) (8,13,14,15); 10.16-A(3)(c)(3); 10.16-B(1); 10.16-B(2); 10.16-B(3)(a)(14, 18,19,20); 10.16-B(3)(b)(4,6,8,9,10,11, 15,16); 10.16-B(3)(b) (7,12,13,14); 10.16-B(3)(c)(1); 10.16-C(2)(a); 10.16-C(2)(b)(1,2 and 3); 10.16-C(3)(b)(7,11, 12,13,14,15); 10.16-C(3)(c)(3,6 and 7); 10.16-D(1); 10.16-D(3)(a)(16,17,18); 10.16-D(3)(b)(4,7,8, 10,11,12,13, 14,15,16,17, 20,21) 10.16-D(3)(b)(9,18 and 19); 10.16-D(3)(c)(4 and 5); 10.16-F(1); 10.16-F(2); 10.16-F(6); 10.16-F(7); 10.16-G(3)(a)(9); 10.16-G(3)(b)(8,9,11,12 and 13); 10.16-G(3)(c)(6); 10.16-H(3)(b)(10,13,14,15); 10.16-H(3)(c)(1); 10.16-H(3)(d); 10.16-I(2); 10.16-I(3)(a)(16,17,18,19); 10.16-I(3)(b)(5,6,10,12-16, 20,21);10.16-I(3)(b)(5,6,10,12-16,20,21); 10.16-I(3)(c)(3); 10.16-J(3)(a)(15); 10.16-J(3)(b)(6,8,9,10,13-22); 10.16-J(3)(b)(7,11 and 12); 10.16-J(3)(c)(2,4 and 5); 10.16-K(2)(a); 10.16-K(3)(a)(18 to 24); 10.16-K(3)(c)(3,5,7,8,14 and 15); 10.16-K(3)(c)(6,9 to 13); 10.16-K(3)(c)(6,9 to 13); 10.16-L(3)(a)(15); 10.16-L(3)(b)(4,11, 12, 18 and 19); 10.16-L(3)(c)(4); 10.16-M(3)(a)(16 and 17); 10.16-M(3)(b)(5,9,14,19 and 20); 10.16-M(3)(b)(17 and 18); 10.16-M(3)(c)(4); 10.17-A (7 and 8); 10.17-A(1); 10.17-A(2); 10.17-A(2)(b-d); 10.17-A(3) (b)(1); 10.17-A(7); 10.17-A(8); 10.17-B; 10.17-B(1)(a)(1); 10.17-B(1)(a)(2); 10.17-B(1)(b)(3); 10.17-B(1)(c)(5); 10.17-B(1)(d)(1); 10.17-B(1)(d)(2)(a)(d); 10.17-B(1)(d)(3) and (4); 10.17-B(1)(e)(2); 10.17-B(1)(g)(3); 10.17-B(1)(g)(4-9); 10.17-B(1)(g)(10); 10.17-B(4)(a); 10.17-B(4)(b); 10.17-B(5); 10.17-B(6)(a); 10.17-B(6)(b); 10.17-B(8); 10.17-B(9)(a-e); 10.18; 10.19; 10.20; 10.21; and Appendix B

**Effective as of March 2, 2001:** 10.02 (52, 154)

**Effective as of July 1, 2002:** 10.02 (13, 44, 147,155); 10.10-A; 10.10-B; 10.11-C(1)(c); 10.11-C(6); 10.15-A(3)(a)(4); 10.17-A(2)(b)(2); 10.17-A(2)(b)(3); 10.17-A(2)(c); 10.17-A(3)(a)(2); 10.17-A(3)(b)(1); 10.17-A(6)(e); 10.17-A(6)(f); 10.17-B(1)(d)(1)(c-f); 10.17-B(9)(a)(6) 10.17-B(9)(a)(6)(b); 10.17-B(9)(a)(6)(c); 10.17-B(9)(a)(6)(d); 10.17-B(9)(a)(6)(e)and (f); 10.17-B(9)(a)(6)(h); 10.17-B(9)(d)(1); 10.17-B(9)(e)(1-3); and Appendix D

**Effective as of August 29, 2002:** 10.14-C(2)(b)