



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

FEB 7 - 2008

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

Dear Ms. Leyden:

Thank you for the State Planning Office's November 28, 2007 request that changes to the statutes described below be incorporated into the Maine Coastal Management Program (CMP) 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):

- Natural Resources Protection Act;
- Site Location of Development Act;
- Maine Rivers Act;
- Mandatory Shoreland Zoning Act;
- Stormwater Management Law;
- Subdivision Law;
- Maine Waterway Conservation & Development Act;
- Coastal Management Policies Act;
- Nutrient Management Act;
- Land Use Regulatory Law;
- Maine Hazardous Waste, Septage, and Solid Waste Management Act;
- Oil Discharge Prevention and Pollution Control Law;
- Marine Resources Law;
- Maine Endangered Species Act;
- Protection and Improvement of Air Law; and
- Maine's Protection and Improvement of Waters Act.

OCRM received the request on November 29, 2007, and OCRM's decision deadline was extended until February 8, 2008.

Based on our review of your submission, we concur, with the exceptions described below, that the changes to the statutes listed above and identified in the enclosed table below are RPCs and we approve the incorporation of the changes as enforceable policies of the Maine CMP. Federal Consistency will apply to the approved changes 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 to enforceable policies 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.

CHANGES WITHDRAWN AND NOT APPROVED

The State Planning Office submitted changes to the Protection and Improvement of Air Law enacted in PL 2007 c.317. These changes authorize the State to participate in and coordinate with others in the northeast greenhouse gas initiative and establish a statewide carbon dioxide cap-and-trade program framework for fossil fuel fired electrical generating units in Maine that have a nameplate capacity equal to or greater than 25 megawatts of electrical capacity. However, the cap-and-trade program is contingent on initiation of comparable programs in other states that are participating in the northeast regional greenhouse gas initiative. Moreover, the law is not self-executing but calls for Maine Department of Environmental Protection rulemaking to establish the program, and absent the rules, is not an enforceable policy. In consideration of the enforceability issue, the State Planning Office withdrew these proposed program changes on February 5, 2008 and intends to resubmit them after program rulemaking.

Sections withdrawn and not approved:

38 MRSA section 579, and
38 MRSA Chapter 3-B.

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. If you have any questions, please contact R. Randall Schneider at (301) 713-3155, extension 110.

Sincerely,



John King, Chief
Coastal Programs Division

Enclosure: Enclosure to OCRM's February 7, 2008, Approval of the Incorporation of Changes to the Maine Coastal Management Program

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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 by State	Date Effective in State
ADDED			
Natural Resources Protection Act	38 MRSA §480-CC	2006-2007 Legislative Session	6/14/2007 *6/8/2006
Natural Resources Protection Act	38 MRSA §480-DD	2006-2007	6/14/2007 *6/8/2006
Natural Resources Protection Act	38 MRSA §480-EE	2006-2007	6/14/2007 *6/8/2006
Natural Resources Protection Act	38 MRSA §480-FF	2006-2007	6/14/2007
Natural Resources Protection Act	38 MRSA chapter 3 sub chapter 1 art 5-A headnote	2006-2007	6/14/2007
Natural Resources Protection Act	38 MRSA §480-CC, DD, EE and Resolve 2005 c.183, §1, sub-§16, ¶A.	2006-2007	6/14/2007
Natural Resources Protection Act	38 MRSA §480-B sub§1-A	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-B sub§1-B	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-E sub§2	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-Q sub§2-C	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-Q sub§9-A	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-B sub§9-A	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-C sub§4	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-D sub§10	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-C	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §484, sub §9	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-D sub §16	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-Z sub §14, ¶N	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-Z sub §14, ¶O	2006-2007	9/20/2007
Stormwater Management Act	38 MRSA §420-D(14)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1661-C(10)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §610(2)(B-1)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1303-C(1-C)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1303-C(15-B)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1303-C (1-C)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1310-N(11)	2006-2007	9/20/2007

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Protection & Improvement of Air Law	38 MRSA 582(5-C)	2006-2007	9/20/2007
Protection & Improvement of Air Law	38 MRSA 582(5-D)	2006-2007	9/20/2007
Protection & Improvement of Air Law	38 MRSA 582(5-E)	2006-2007	9/20/2007
Protection & Improvement of Air Law	38 MRSA §582(8-C)	2006-2007	6/27/2007
Protection & Improvement of Air Law	38 MRSA 603-A(8)	2006-2007	9/20/2007
Protection & Improvement of Air Law	38 MRSA §610(B)	2006-2007	6/27/2007
MODIFIED			
Natural Resources Protection Act	38 MRSA §480-A,	2006-2007 Legislative session	6/14/2007
Natural Resources Protection Act	38 MRSA §480-B(7)	2006-2007	6/14/2007
Natural Resources Protection Act	38 MRSA §480-I(1-2)	2006-2007	6/14/2007
Natural Resources Protection Act	38 MRSA §480-Q(14)	2006-2007	6/14/2007
Natural Resources Protection Act	Resolve 2005 c.183, §1, sub-§16, ¶A.	2006-2007	6/14/2007 *6/8/2006
Natural Resources Protection Act	38 MRSA §480-P sub §6	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-Psub§13	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-Q sub§10	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-Q sub§23	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-B sub§8	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-D sub§1¶	2006-2007	9/20/2007
Natural Resources Protection Act	38 MRSA §480-E-2	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-D, sub§1	2006-2007	6/14/2007
Site Location of Development Act	38 MRSA §488, sub§ 13	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-B 1st¶	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-C 1st¶	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-D sub §3, 1st¶	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-D sub §3, ¶G	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-X 1st¶	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-Y 1st¶	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-D(5-A)(A)	2006-2007	6/20/2007
Site Location of Development Act	38 MRSA §490-Z(5)(A)	2006-2007	6/20/2007
Maine Rivers Act	12 MRSA §403(7)	2006-2007	6/20/2007
Mandatory Shoreland Zoning Act	38 MRSA §437, sub§ 4	2006-2007	9/20/2007
Mandatory Shoreland Zoning Act	38 MRSA §439-A, sub§ 6 ¶CA	2006-2007	9/20/2007
Mandatory Shoreland Zoning Act	38 MRSA §439-A, sub§ 5 ¶A	2006-2007	9/20/2007
Subdivision Law	30-A MRSA §4401(6)	2006-2007	9/20/2007
Coastal Zone Policy Act	38 MRSA §1802(1)	2006-2007	9/20/2007
Maine Waterway Conservation & Development Act	38 MRSA §632(3)	2006-2007	9/20/2007

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Maine Waterway Conservation & Development Act	38 MRSA §633(1)	2006-2007	9/20/2007
Nutrient Management Act	7 MRSA §4204(2)(B)	2006-2007	9/20/2007
Land Use Regulatory Law	12 MRSA §685-B(2)(B)	2006-2007	5/14/2007
Land Use Regulatory Law	12 MRSA §685-C(1)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1319-Q	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1610(1)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1610(2)(B)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1610(2)(D)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1610(5)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1610(6)(A)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1609	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1303-C(6)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §310-AA	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §310-N(9)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1310-N(1-B)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1310-AA(4)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1310-AA(5)	2006-2007	9/20/2007
Maine Hazardous Waste, Septage, and Solid Waste Management Act	38 MRSA §1277 1st ¶	2006-2007	7/2/2007
Oil Discharge Prevention and Pollution Control Law	38 MRSA §348(1)	2006-2007	9/20/2007
Oil Discharge Prevention and Pollution Control Law	38 MRSA §348(3)	2006-2007	9/20/2007
Oil Discharge Prevention and Pollution Control Law	38 MRSA §352 (2-G)	2006-2007	9/20/2007
Oil Discharge Prevention and Pollution Control Law	38 MRSA §551, sub-§6	2006-2007	9/20/2007

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Oil Discharge Prevention and Pollution Control Law	38 MRSA §551-A, sub-§1	2006-2007	9/20/2007
Oil Discharge Prevention and Pollution Control Law	38 MRSA §551-A, sub-§2	2006-2007	9/20/2007
Oil Discharge Prevention and Pollution Control Law	38 MRSA §551-A, sub-§4	2006-2007	9/20/2007
Oil Discharge Prevention and Pollution Control Law	38 MRSA §556-A, sub-§5	2006-2007	9/20/2007
Oil Discharge Prevention and Pollution Control Law	38 MRSA §570, 1st ¶	2006-2007	9/20/2007
Oil Discharge Prevention and Pollution Control Law	38 MRSA §570, 1st ¶	2006-2007	9/20/2007
Marine Resources Law	12 MRSA §6431-A(1)	2006-2007	9/20/2007
Maine Endangered Species Act	12 MRSA §6975, sub-§9	2006-2007	9/20/2007
Maine Endangered Species Act	12 MRSA §12803(3)	2006-2007	9/20/2007
Protection & Improvement of Air Law	38 MRSA 603-A(1)	2006-2007	9/20/2007
Protection & Improvement of Air Law	38 MRSA 603-A(2)	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §419	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §464, sub-§4, ¶A	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §465, sub-§1, ¶C	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §465, sub-§2, ¶C	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §465, sub-§3, ¶C	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §465-A, sub-§1, ¶C	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §465-B, sub-§1, ¶C	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §465-B, sub-§2, ¶C	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §3474-A, sub-§5	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §361-A, sub-§1-K	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §413, sub-§3	2006-2007	9/20/2007
Protection & Improvement of Water Act	38 MRSA §361-A, sub-§1-J	2006-2007	9/20/2007
Site Location of Development Act	38 MRSA §490-Z, sub§ 1	2006-2007	6/14/2007
DELETED			
Natural Resources Protection Act	38 MRSA §480-V	2006-2007	6/14/2007
Oil Discharge Prevention and Pollution Control Law	38 MRSA §556-A, sub-§6	2006-2007	9/20/2007
DELETED AND ADDED			
Oil Discharge Prevention and Pollution Control Law	38 MRSA §570-H	2006-2007	9/20/2007