



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  
Maine State Planning Office  
State House Station 38  
184 State Street  
Augusta, ME 04333-0038

MAY 24 2012

Dear Ms. Leyden:

Thank you for the Maine State Planning Office's April 30, 2012, request for approval of organizational changes to 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 May 3, 2012, and OCRM's decision deadline is May 31, 2012.

Based on our review of your submission, we concur that the organizational changes are RPCs and we approve the incorporation of the changes into the Maine CMP. OCRM's approval is effective on July 1, 2012, the date on which the changes become effective in the state. These organizational changes do not affect the substance of any enforceable policies previously approved by OCRM. Therefore, the state may continue to use any of the sections OCRM previously approved as enforceable policies for federal consistency. Please publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4) and send a copy of the notice to OCRM.

### CHANGES APPROVED

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

### 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,

Joelle Gore, Acting Chief  
Coastal Programs Division

Enclosure: Organizational Changes Approved and Incorporated into the Maine CMP



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Enclosure to OCRM's May 24, 2012, Approval of the Incorporation of Organizational Changes to the MAINE COASTAL MANAGEMENT PROGRAM

OCRMs approval is effective on July 1, 2012, the date on which the changes become effective in the State.

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
<b>ADDED:</b>			
Establishes Maine Coastal Program (MCP) in the Department of Conservation's (DOC) Bureau of Geology, Natural Areas and Coastal Resources, which is designated the lead agency for the MCP	Sec. KK-5. 12 MRSA §544-D	4/24/2012	7/1/2012
Directs the governor to designate DOC as the lead agency for the MCP	Sec. KK-32(1)	4/24/2012	7/1/2012
Transfers the six MCP positions and incumbent personnel at SPO to DOC's Bureau of Geology, Natural Areas, and Coastal Resources	Sec. KK-32(2)	4/24/2012	7/1/2012
Provides for transfer from SPO to DOC of all CZMA funds-related accrued expenditures, assets, and liabilities and clarifies that nothing in this section changes or is intended to change or otherwise affect the purposes or uses for which any funds transferred pursuant to this section may be expended	Sec. KK-32(3)	4/24/2012	7/1/2012
This general savings provision serves in part to ensure that any rules or procedures adopted by SPO related to implementation of the MCP remain effective until changed by DOC	Sec. NN-1(2)	4/24/2012	7/1/2012
<b>MODIFIED:</b>			
Agency name change	Sec. KK-24. 38 MRSA §361-A, sub-§1-D; Sec. KK-25. 38 MRSA §401, 7th ¶; Sec. KK-26. 38 MRSA §402 Sec. KK-29. 38 MRSA §549; Sec. KK-31. 38 MRSA §1905, sub-§1	4/24/2012	7/1/2012
Transfers a former SPO responsibility (not a direct MCP responsibility) regarding review of a wind power proposal's economic effects to the Governor's Office of Policy and Management	Sec. DD-14. 35-A MRSA §3454, 1 <sup>st</sup> ¶	4/24/2012	7/1/2012
Transfers a former SPO responsibilities (not a direct MCP responsibility) regarding assistance to communities that may host wind energy development to the Governor's Office of Policy and Management and DECO	Sec. DD-15. 35-A MRSA §3454, sub-§5	4/24/2012	7/1/2012
Transfers a former SPO responsibility (not a direct MCP responsibility) regarding Site Law review of a wind power proposal's economic effects to the Governor's Office of Policy and Management	Sec. DD-18. 38 MRSA §484, sub-§10	4/24/2012	7/1/2012
Removes reference to SPO and adds the Governor's	Sec. EE-17. 12 MRSA	4/24/2012	7/1/2012

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
Office of Energy to the state agencies involved in development of comprehensive river management plans	§407		
Technical change in the Natural Resources Protection Act (NRPA) regarding delegation of permitting authority to local government to reflect the abolishment of SPO and transfer of its duties under the Growth Management Act to DOC	Sec. FF-11; 38 MRSA §480-F(1)(B)	4/24/2012	7/1/2012
Technical change in the Natural Resources Protection Act (NRPA) regarding delegation of permitting authority to local government to reflect the abolishment of SPO and transfer of its duties under the Growth Management Act to DOC	Sec. FF-12; 38 MRSA §480-F(1)(F)	4/24/2012	7/1/2012
Technical change in the Site Location of Development Act (Site Law) regarding limited permit exemption for certain development and subdivisions located in a locally designated growth area to reflect the abolishment of SPO and transfer of its duties under the Growth Management Act to DOC	Sec. FF-13; 38 MRSA §488(19)	4/24/2012	7/1/2012
Amends definition of "commercial solid waste disposal facility" (list of exceptions) under the State's solid waste law to reflect transfer of ownership and related management duties regarding state-owned landfills from SPO to the Bureau of General Services (BGS)	Sec. GG-7. 38 MRSA §1303- C, sub-§6, ¶D	4/24/2012	7/1/2012
Amends definition of "state waste management and recycling plan" to reflect abolishment of SPO and transfer of authority to DEP	Sec. GG-9. 38 MRSA §1303-C, sub-§35	4/24/2012	7/1/2012
Amends DEP's duties under the State's solid waste law to reflect abolishment of SPO and transfer of authority to DEP	Sec. GG-10. 38 MRSA §1304, sub-§4	4/24/2012	7/1/2012
Amends DEP's duties under the State's solid waste law to reflect abolishment of SPO and transfer of authority to DEP	Sec. GG-11. 38 MRSA §1304, sub-§13	4/24/2012	7/1/2012
Amends provision in the State's solid waste law regarding provision of assistance to a municipality seeking solid waste to meet contractual obligations to reflect abolishment of SPO and transfer of solid waste-related duties to DEP	Sec. GG-12. 38 MRSA §1304- B, sub-§4-A, ¶D	4/24/2012	7/1/2012
Technical changes to solid waste law provisions to reflect abolishment of SPO and transfer of authority to DEP	Sec. GG-13. 38 MRSA §1309	4/24/2012	7/1/2012
Technical changes to solid waste law provisions to	Sec. GG-14. 38 MRSA	4/24/2012	7/1/2012

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reflect abolishment of SPO	§1310-S, sub-§1		
Change to reflect transfer of ownership of state-owned landfills from SPO to another state agency	Sec. GG-15. 38 MRSA §1310- U, first ¶	4/24/2012	7/1/2012
Technical changes to solid waste law provisions to reflect abolishment of SPO and transfer of G authority to DEP	Sec. GG-16. 38 MRSA §1316-G	4/24/2012	7/1/2012
Amends solid waste law provision regarding marketing assistance to municipalities to reflect abolishment of SPO and transfer of authority to DEP	Sec. GG-17. 38 MRSA §1316-G, sub-§§2-3	4/24/2012	7/1/2012
Amends solid waste law provision regarding state recycling related assistance to municipalities to reflect abolishment of SPO and transfer of authority to DEP	Sec. GG-33. 38 MRSA §2133, sub-§2A	4/24/2012	7/1/2012
Amends stormwater management law provision regarding DEP coordination to identify urbanizing areas to reflect abolishment of SPO and transfer of authority to DOC	Sec. JJ-29. 38 MRSA §420-D, sub-§6	4/24/2012	7/1/2012
Amends stormwater management law provision regarding DEP coordination to identify urbanizing areas to reflect abolishment of SPO and transfer of authority to DOC	Sec. JJ-30. 38 MRSA §420-D, sub-§11, ¶A, sub-, ¶4	4/24/2012	7/1/2012
Amends the Natural Resources Protection Act (NRPA) provision regarding development of an in lieu fee program to reflect transfer of SPO's land use-related staff and authorities to DOC	Sec. JJ-31. 38 MRSA §480-Z, sub-§3, 1st ¶	4/24/2012	7/1/2012
Amends the Site Law provision regarding limited exemption for development in locally-designated growth areas to reflect transfer of SPO's authority under the Growth Management Act to DOC	Sec. JJ-32. 38 MRSA §488, sub-§14, ¶A	4/24/2012	7/1/2012
Amends the Site Law provision regarding provision of technical assistance to municipalities to reflect transfer of SPO's authority under the Growth Management Act to DOC	Sec. JJ-33. 38 MRSA §489-D, sub-§2, ¶B	4/24/2012	7/1/2012
Amends the Wind Energy Act's definition of "scenic viewpoint" to reflect transfer of SPO's authority for development of scenic assessment plans to DOC	Sec. KK-22. 35-A MRSA §3451, sub-§9, ¶H	4/24/2012	7/1/2012
Amends the Wind Energy Act's provision regarding scenic resource inventory to reflect transfer of SPO's authority for development of scenic assessment plans to DOC	Sec. KK-23. 35-A MRSA §3457, sub-§2	4/24/2012	7/1/2012
Deletes reference to SPO as agency cooperating with DEP on non-point source pollution issues	Sec. KK-27. 38 MRSA §410-1, sub-§1	4/24/2012	7/1/2012

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Deletes reference to SPO as agency cooperating with DEP and other agency charged with identifying habitat areas particularly sensitive to oil spills	Sec. KK-28. 38 MRSA §546-B(1)	4/24/2012	7/1/2012
Replaces SPO with DOC as state agency involved with coastal water access planning and policy	Sec. KK-30. 38 MRSA §1804	4/24/2012	7/1/2012
Amends NRPA provision regarding requirements for general permit approval of an offshore wind energy demonstration project to replace reference to SPO as a consulting agency with a reference to the Governor's Energy Office	Sec. MM-20. 38 MRSA §480-HH, sub-§3, ¶H	4/24/2012	7/1/2012
Amends Maine Waterway Development and Conservation Act (MWUCA) provision regarding DEP consultation with state agencies on hydropower permit applications to replace reference to SPO as a consulting agency with a reference to the Governor's Energy Office	Sec. MM-21. 38 MRSA §634, sub-§3	4/24/2012	7/1/2012
Amends Maine Waterway Development and Conservation Act (MWDCA) provision regarding provision for public comment regarding hydropower permit terms to replace reference to SPO as a consulting agency with a reference to the Governor's Energy Office	Sec. MM-22. 38 MRSA §640, first ¶	4/24/2012	7/1/2012
<b>DELETED:</b>			
Repeals outdated reporting provision in the Maine Rivers law	Sec. EE-16. 12 MRSA §406	4/24/2012	7/1/2012
Repeals outdated reporting provision in the Coastal Management Policies Act	Sec. EE-24. 38 MRSA §1803	4/24/2012	7/1/2012
Deletes definition of SPO in the solid waste laws	Sec. GG-8. 38 MRSA §1303-C, sub-§19-C	4/24/2012	7/1/2012
Deletes provision requiring submission of LURC's draft comprehensive land use plan to SPO for review	Sec. JJ-6. 12 MRSA §685-C, sub-§1, ¶B	4/24/2012	7/1/2012