

Wind Energy Development Regulatory Matrix				
	Review Authority/Agency/Approval	Maine's Coastal Waters		Federal Waters ¹
		Organized Areas	Unorganized Areas	
State	Site Location of Development Act - DEP - Permit ²	X		
	Natural Resources Protection Act - DEP - Permit	X		
	Stormwater/Erosion and Sedimentation Control Laws - DEP - Permit/Requirement ³	X	X	
	Maine Endangered Species Act - DIFW and/or DMR - Review, Requirement ⁴	X	X	
	Submerged Lands Lease - Bureau of Public Lands - Lease	X	X	
	Maine Historic Preservation - Maine Historic Preservation Commission - Review ⁵	X	X	
	Coastal Zone Management Act - SPO - Federal Consistency Review ⁶	X	X	X
	Wind Energy Act - DEP - Certification ⁷	X		
	Rezoning - LURC - Rezoning Approval ⁸		X	
Land Use Standards - LURC - Permit		X		
Clean Water Act, Sec. 401 - DEP or LURC - Water Quality Certification ⁹	X	X		
Municipal	Mandatory Shoreland Zoning Act - Municipality - Permit ¹⁰	X		
Federal	Rivers and Harbors Act; Sec. 10, CWA, Sec. 404 - Army Corps of Engineers - Permit	X	X	X
	Outer Continental Shelf Lands Act - Minerals Management Service (MMS) - Lease or ROW			X
	Executive Order 10485; Federal Power Act - Department of Energy/Federal Energy Regulatory Commission - Permit/Interconnection Approval ¹¹	X	X	X
	FAA Circular I-864 - Federal Aviation Administration - Guidance Conformity	X	X	X
	Federal Navigation Laws - U.S. Coast Guard - Permit	X	X	X
	National Environmental Policy Act - ACOE or MMS - Review ¹²	X	X	X
	Additional Federal Reviews: Endangered Species Act - U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) ¹³ , Marine Mammal Protection Act - NMFS and USFWS ¹⁴ , Migratory Bird Treaty Act - USFWS, Magnuson-Stevens Fisheries Conservation and Management Act - NMFS ¹⁵ , Naval operations laws - U.S. Navy	X ¹⁶	X ¹⁶	X ¹⁶

¹Federal requirements apply in both Maine's coastal waters and federal waters. State permitting and leasing requirements apply to project elements, e.g., transmission line, located on state-owned submerged lands.

²DEP evaluating approach to measuring project area.

³DEP evaluating applicability. In practice, administered by LURC in unorganized areas.

⁴Provision for "incidental take" under certain conditions for DIFW - managed species. No "take" provision applies to DMR - managed marine listed species.

⁵Applicable under Site Law and NEPA

⁶Activities in state waters are reviewed through pertinent permit processe(s). Activities in federal waters may be subject to review for consistency with applicable state enforceable policies, including, e.g., Site Law and NRPA, as applicable

⁷Applies only to small scale wind energy development (<100KW).

⁸Except as provided by PL 2007 c. 661, wind energy development is not an allowed use in LURC subdistricts.

⁹As Applicable

¹⁰Local land use permit and building permit may also be required for land-based elements

¹¹DOE approval is required under Executive Order for international export of power. Must meet FERC's minimum interconnection standards.

¹²Preparation of Environmental Impact Statement or Environmental Assessment; "hard look" at wide range of issues. Lead agency is ACOE when within state waters and MMS when within federal waters

¹³Incidental take provision review if applicable

¹⁴Incidental take provision review if applicable

¹⁵"Essential fish habitat" review

¹⁶Review agencies comments considered in NEPA process and various permit reviews