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Potential Topics for Further Investigation and Related Option(s) for Discussion (If Any) Identified to Date

The topics and related options outlined below, gleaned from the Task Force's process to date, are straw proposals to facilitate discussion, and do not necessarily reflect or represent agency or administration policy.

I. Need for prompt action to avoid inordinate delay in addressing impending energy-related problems and economic development opportunities

- Option for discussion - Legislation that enables siting a temporary (2-3 years?) test facility for a small, fixed number (2-3?) of wind development platforms and turbines in state waters by:

- * clarifying DEP (see item B., below) may authorize such a test facility under existing NRPA authority;

- * requiring issuance of a request for proposals for such a facility that meets stated criteria designed, e.g., to minimize potential adverse effects on natural resources and related human uses, to ensure appropriate monitoring of effects, and to assure key test and research results become public; and

- * providing for issuance of a state submerged lands lease.
(Note - Alternatively, consider whether BPL could issue an RFP, as submerged lands manager, and contract for demonstration project(s) on a state-designated test facility on state-owned submerged lands, obviating need for a lease.)

II. Ocean area subject to LURC or DEP jurisdiction: Potential ambiguity re: seaward extent and/or location of municipal boundary in some locations

- Option for discussion - Legislation to clarify that:
 - * DEP (as opposed to LURC) has permitting jurisdiction over any proposed wind energy development in tidal waters (below high water mark;
 - * LURC zoning does not apply to such projects; and
 - * DEP shall consider and address LURC's comments and recommendations re: potential effects on natural resources, related uses and communities in the unorganized area

III. Applicability of DEP laws (Site Law and Stormwater): Interpretation of Site Law's 20 acre jurisdictional provision and stormwater law terms

- Option for discussion - Legislation to clarify method by which DEP will calculate the water area of an ocean wind development for purposes of the Site Law's 20-

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acre criterion. (Note - Shore-based elements of an ocean wind energy development may themselves trigger Site Law review.)

IV. Description of "expedited area"

- Options for discussion - Expansion of expedited area to provide the related procedural streamlining and appropriately tailored review standards to cover wind energy development in Maine's coastal waters (Note - Additional consideration is needed of the efficacy of recently enacted standards tailored to address land-based wind facilities as applied to ocean energy development; new or different review standards may be needed to facilitate appropriately-sited development in Maine's coastal waters.)

V. Use of existing, generally applicable submerged lands leasing authorities to address ocean wind energy development

- Option for discussion - Use of BPL's current authority, as clarified by legislation proposed for consideration this session

VI. Scope and nature of municipal review authority - see above re: boundary issue; perceptions re: home rule authority

- Option for discussion - Legislation to clarify nature and scope of municipal authority over wind energy development in Maine's coastal waters in relation to state laws and policies aimed at facilitating appropriately sited wind energy development

VII. Multiple state review procedures, agencies, and approval requirements

- Options for discussion:
 - A) Continued use of existing state regulatory framework, amended to include coastal waters in the "expedited area" as discussed above; or
 - B) Consolidation of state permitting authority in a single, new energy facility siting board

VIII. Lack of efficient access to pertinent natural resources and related use information

- Options for discussion
 - A) Development of a state GIS-based tool to guide and inform investment and permitting decisions re: wind energy development siting (Note - Such a tool, comprised initially of existing information, would allow creation of maps that identify areas which may be present regulatory issues, due to

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concentrations of wildlife species or natural resources-related human uses, such as commercial fishing); and

B) Development of state agency protocols that require submission of data and information, to the extent practicable, in an electronic form and that make this information available for public use, e.g., accessible via Google Earth

IX. Other issues and related options for discussion?