

Minutes
Ocean Energy Task Force – Regulatory Subcommittee Meeting
February 27, 2009

I. Attendees

Subcommittee Members: Kathleen Leyden (SPO), Angus King, Rep. Stacey Fitts, Commr. Pat McGowan (DOC), Beth Nagusky (as OETF co-chair), Commr. George Lapointe (DMR), Sean Mahoney, Habib Dagher, and Don Perkins

State Staff: Todd Burrowes (SPO), Matthew Nixon (SPO), Linda Mercer (DMR)

Interested Public: Ernie Hilton, Mary McCann, Marcia Bowen, Vivian Newman, Mark Dittrick, George Kendrick, Richard Rozene, Wing Goodale, Norman Famous, and by phone: Jeff Thaler, Dennis Heineman, and Tom Shyka

II. Minutes of Previous Meeting

- The subcommittee approved the minutes of its February 20, 2009, meeting for posting on the Ocean Energy Task Force's website.

III. Update on Subcommittee One Activities

- An update was given as to the actions of the Ocean Energy Task Force's Subcommittee on Human Uses and Environmental Impacts. Dr. Susan Elston (University of Maine) and Matthew Nixon (State Planning Office) will be providing a bibliography of existing data layers and sources for review by the Subcommittee in an attempt to determine data gaps and needs for a comprehensive planning database pertaining to offshore wind development.

IV. Discussion of Legislative Straw Proposal, Todd Burrowes, State Planning Office

This proposed Legislation is a DRAFT, and not all agencies have necessarily been involved in this process.

Discussion then centered on the Draft Legislative proposal created by Todd Burrowes. The permit design within the legislation was based off of Maine's Cranberry General Permit. Conceptually, if all requirements within the general permit are satisfied, there would not be a need for an individual permit. The Department of Environmental Protection would act as the issuing and enforcement body.

Definitions Discussion

- Associated Facilities (substations, shore-based structures) may need to be considered in future permits. As of the current draft, only the tower and turbine are addressed.

- Meteorological (Met) Towers may be a needed addition to the proposal. Some types of Met towers may need testing in the ocean environment and their installation may involve the application for another general permit.
- The number of turbines installed at each site was discussed with regards to cumulative impacts (should more than two structures be installed) or the ability to test new construction materials (using more than two turbines to do so). The Subcommittee decided to include two turbines in the draft legislation's text.

Application Requirements Discussion

- A suggestion was made to adjust the survey component requirements to reflect only the area under the project *within* the site, replacing the previous requirements using the scope of the entire site.
- A recommendation was made to assign Section I, which involves documentation of agency communication, comments, and correspondence with the applicant to the Department of Environmental Protection as opposed to the applicant. Additionally there should be an interagency consultation with all relevant agencies and the applicant so all parties involved are up to speed. Agencies would send their comments to the DEP after the application is filed.

Review Period Discussion

- There was a suggestion that Paragraph I, Section 9 be amended to read from when the project gets put in the water as opposed to when the DEP issues a letter of acceptance for installation.
- Duration of the test installation was discussed with conversation centering the need for either the test period starting when the project goes in the water (anchoring event) or within two years from issuance of the General Permit.

V. Next Steps

- The University of Maine and pertinent Federal Agencies will be given a draft of the proposal for review.
- There being no additional business, Chair Kathleen Leyden adjourned the meeting.