

DRAFT

**Summary of January 23, 2009 Meeting  
Ocean Energy Task Force, Regulatory subcommittee**

**Attendees:**

Subcommittee Members: Kathleen Leyden (SPO), Angus King, Rep. Stacey Fitts, Commr. Pat McGowan (DOC); and Beth Nagusky (DEP)(as OETF co-chair)

State staff: Todd Burrowes (SPO), Jim Cassida (DEP), Catherine Carroll (LURC), Marcia Spencer-Famous (LURC), Dan Prichard (BPL)

Interested parties: Marcia Bowen, Normandeau in person; and by phone, Jeff Thaler, Bernstein Shur; Sarah Verville, Pierce Atwood; Vivian Newman, Sierra Club; Richard Rozene, TRC; and Richard Podolsky

**I. Introductions.** Kathleen Leyden welcomed attendees and opened the meeting.

**II. Issues and options; discussion.** Kathleen Leyden distributed to subcommittee members a list of potential discussion topics identified in Task Force-related discussions to date. She clarified that the items listed are provided to stimulate discussion on apparent core issues and are not necessarily reflective of agency or administration policy. Ms. Leyden noted that this subcommittee's focus is on ocean wind energy development siting and permitting issues since other subcommittees are considering other energy resources (tidal power, oil and gas), as well as related transmission and other issues.

The subcommittee identified brief overviews of pertinent DEP, LURC, and BPL approval authorities as information that would be helpful to facilitate discussion. During the meeting, state staff provided this information.

Subcommittee members discussed the following as key regulatory issues on which to focus:

- Nature and geographic extent of current and potential municipal siting-related jurisdiction over ocean-based wind energy development;
- Clarification of DEP and LURC jurisdiction over ocean areas; and
- Consolidation or coordination of state-decision making authority.

In addition, there was discussion of and general agreement on the need to explore options, including legislative action in the current session if needed, for facilitating siting of an area in Maine's coastal waters where deep-water wind power technologies (platforms and other support structures and turbines) may be tested. The group acknowledged the current lack of proposals for development of a grid-scale wind energy generating facility in Maine's coastal waters or adjacent federal waters and noted that such a proposal is not foreseeable within the next three-five years given technological limitations and related cost issues. Notwithstanding these circumstances, there was general agreement that such a Maine-based test facility could help advance development of the ocean wind industry in the Gulf of Maine region and provide the state with an

DRAFT

advantage in attracting deep water wind development in the future, as well as related business opportunities in the short term.

### III. Outcomes; Next steps

The subcommittee identified the following as topics for further exploration at its next and/or subsequent meeting:

- Regulatory framework to expedite siting of a test facility in state waters: nature and scope of such a facility readily permissible under current authorities; options for developing a certification-type approval (comparable to that under 35-A MRSA sec. 3456 for small wind projects) based on performance standards; development of criteria, based on effects on natural resources and related human uses, to guide advance identification of a testing area; FERC pilot project license suggested as potential model for ideas
- State-federal coordination: As an initial step, a state-federal meeting to discuss federal role regarding wind projects in state as well as federal waters and opportunities for coordination and collaboration
- Close coordination of state review and approval processes: Exploration of options for coordinating related state review and decision-making, e.g., LURC review of a generating facility and DEP review of development of project-related transmission, pursuant to a single overarching process with timelines established for each integrated agency decision; NH's energy facility siting process suggested as a possible model for ideas
- Local role: Exploration of options for ensuring that local siting-related authority over ocean-based wind development, if any, is exercised in a manner consistent with state policy objectives; state establishment of uniform municipal review standards suggested
- "Expedited area" concept: Consideration of extension of the "expedited area" established for land-based grid-scale wind energy development (*see* PL 2007 c. 661) to include certain areas in Maine's coastal waters; need for consideration of ocean-specific review criteria noted

With the goal of identifying by March 15, 2009, recommendations, if any, that may require legislative action this session, the subcommittee discussed scheduling meetings on each Friday in February. Kathleen Leyden indicated she would follow up to confirm the group's meeting schedule.