



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

Kathleen Leyden
Maine Coastal Program
17 Elkins Lane – Williams Pavilion
Augusta, ME, 04333

JUL 9 2014

Dear Ms. Leyden:

Thank you for the Maine Department of Agriculture, Conservation and Forestry's June 5, 2014, request that changes to the Natural Resources Protection Act, Shoreland Zoning Act, and water quality, solid waste and oil spill clean-up-related laws to be incorporated into the Maine Coastal Program. 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 June 10, 2014, and OCRM's decision deadline is July 9, 2014.

Based on our review of your submission, we concur that the changes are RPCs and we approve the incorporation of the changes as enforceable and non-enforceable policies of the Maine Coastal Program. Federal Consistency will apply to the approved changes to enforceable policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4) and OCRM's *Addendum to the July 1996 Program Change Guidance (November 2013)*. Please include in the public notice the list of changes provided in this letter, and please send a copy of the notice to OCRM.

CHANGES APPROVED

See enclosed list of the changes incorporated into the Maine Coastal Program.

QUALIFICATIONS

States may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document (hereinafter "referenced policy"), the referenced policy itself must be submitted to and approved by OCRM as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no referenced policy in these approved enforceable policies may be applied for federal consistency unless that referenced policy been separately approved by OCRM.



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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: Policies Approved and Incorporated into the Maine Coastal Program.

Enclosure to OCRM's July 9, 2014, Approval of the Incorporation of Changes to
the Maine Coastal Program

Changes marked with an asterisk (*) are incorporated into the Maine Coastal Program, but do not contain
enforceable policies that can be used for Federal Consistency.

| Name/Description of State or Local Law/Regulation/Policy/Program Authority | State/Local Legal Citation | Date Effective in State |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------|
| ADDED: | | |
| | | mm/dd/yyyy |
| Amends the Natural Resources Protection Act (NRPA) to add a definition of "motorized recreational gold prospecting" | 38 MRS §480-B(5-C) | 04/08/2014 |
| Amends NRPA prohibition on "motorized recreational gold prospecting" to cover Class AA waters and other specified waters with critical or high-value brook trout or Atlantic salmon habitat | 38 MRS §480-Q(5-A)(G) | 04/08/2014 |
| Makes consistency with the solid waste hierarchy in 38 MRS §2101 an approval criterion for a DEP solid waste facility license | 38 MRS §1310-N (1)(D) | 08/01/2014 |
| This provision, which is incorporated by reference by 38 MRS 1310-N(1)(D), establishes state policy setting a hierarchy of preferred options for solid waste management | 38 MRS §2101 | 07/18/2008 |
| MODIFIED: | | |
| Amend the Shoreland Zoning Act's definition of "structure" to clarify that it includes both temporary and permanent structures and to specify that it does not include geothermal heat systems, subsurface waste disposal systems, or wells | 38 MRS §436-A(12) | 08/01/2014 |
| Clarifies the scheduled steps that an owner or operator of a salt or sand-salt storage area must take to avoid liability with respect to discharges to the groundwater from those facilities | 38 MRS§451-A(1-A) | 08/01/2014 |
| Clarifies the Bureau of Forestry's statewide authority for issuing NRPA permits for "timber harvesting activities"; and requires the Bureau to consult with DEP prior to issuing an NRPA permit authorizing gravel mining for construction of certain forest management roads | *38 MRS §480-E-3 | 08/01/2014 |
| Corrects a cross reference | 38 MRS §439-A(4-B) | 04/30/2014 |
| Amends provision in state oil spill clean-up laws outlining the governor's emergency declaration authority to correct a cross reference | *38 MRS §547(3) | 08/01/2014 |
| Changes date after which only reformulated gasoline may be sold in coastal counties in southern Maine from May 1, 2014 to June 1, 2015 | 38 MRSA §585-N | 08/01/2014 |