

Straw Proposal 4: DEP Assigned Lead Role in Areas Where Wind Power is Allowed

General Description: This proposal is a modification of “Straw Proposal 1.” It would provide greater “lead agency” status to DEP, by making DEP the sole permitting authority over wind power projects statewide in zones where wind power is an allowable use. LURC would be directed to revise its zoning to establish areas where wind power would be an allowed use, and where rezoning would be required. Such rezoning could entail designation of PM-A1 and PM-A2 zones, and M-GN1 and M-GN2 zones. The “1” designations would require rezoning; the “2” designations would be areas where wind power is an allowed use. LURC would retain rezoning and permitting authority for all projects proposed in zones in LURC jurisdiction where wind power has not been declared as an allowed use.

Decision-makers:

DEP as Decision-maker: Current law would be amended to give DEP sole permitting authority over all projects located in zones where wind power is an allowable use.

LURC as Decision-maker. Current law would be amended to give LURC sole permitting authority for considering rezoning petitions and development applications for projects within LURC jurisdiction located in zones where wind power is not an allowable use.

Process overview

- Applicant holds public meeting in vicinity of project area no more than 30 days before application is submitted
- DEP holds pre-application meeting with agencies and stakeholders.
- DEP staff conducts review, with input from review agencies (DMR, DIFW, DoC, and LURC) and considering preliminary comments from identified interested parties.
- Evaluation standards would be amended to provide that DEP shall take into account environmental and energy benefits of a proposed wind power project, and shall take into account those benefits when evaluating site-specific impacts.
- LURC would process and make decisions on any rezoning and development permits within PM-A1 zones (and any other zones where wind power not declared an allowable use), and would be a review agency providing input to DEP on development permits within LURC jurisdiction.
- PUC would determine whether a proposed wind power project is or is not consistent with the energy needs of Maine and provide that determination to the DEP (or LURC in the case of projects requiring rezoning.)

- Draft Permit would be issued, or permit application rejected, at staff level within DEP. Public Meeting would be held to receive public comment on any Draft Permit that is issued.
- Board of Environmental Protection may assume jurisdiction over the permit in similar fashion as current law. Any petition by members of the public for BEP to assume jurisdiction would need to show that the project is of significant public interest, based on significant issues or impacts that are distinct and/or unique to the proposed project, when compared with other projects evaluated for permit approvals.
- Absent a contested hearing, final development permit issued and signed by DEP Commissioner.