

Tidal Energy Development Regulatory Matrix Maine's Coastal Waters ¹			
	Review Authority/Agency/Approval	Organized Areas	Unorganized Areas
State	Maine Waterway Development and Conservation Act - DEP or LURC - Permit ²	X	X
	Clean Water Act, Sec. 401 - DEP or LURC - Water Quality Certification ²	X	X
	Zoning - LURC - Rezoning Approval		X ³
	Submerged Lands Lease - Bureau of Public Lands - Lease	X	X
	Maine Endangered Species Act - DIFW and/or DMR - Review; Requirement ⁴	X	X
	Maine Historic Preservation - Maine Historic Preservation Commission - Review ⁵	X	X
	Coastal Zone Management Act - State Planning Office - Federal Consistency Review ⁶	X	X
Municipal	Mandatory Shoreland Zoning Act - Municipality - Permit ⁷	X	
Federal	Federal Power Act - FERC - Hydropower License	X	X
	National Environmental Policy Act (NEPA) - FERC (lead agency)- Review ⁸	X	X
	Executive Order 10485; Federal Power Act - Department of Energy/Federal Energy Regulatory Commission - Permit/Interconnection Approval ⁹	X	X
	Rivers and Harbors Act, Sec. 10; CWA, Sec. 404 - ACOE - Permit	X	X
	Federal Navigation Laws - U.S. Coast Guard - Permit	X	X
	Additional Federal Reviews: Endangered Species Act - U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) ¹⁰ ; Marine Mammal Protection Act - NMFS and USFWS ¹¹ ; Migratory Bird Treaty Act - USFWS; Magnuson-Stevens Fisheries Conservation and Management Act - NMFS ¹² ; Naval operations laws- Navy	X ¹²	X ¹²

¹Studies indicate development potential is inshore, within state waters

²Organized areas/DEP or unorganized areas/LURC

³MWDCA requires consistency with LURC zoning; submerged lands zoned as wetlands

⁴Provision for "incidental take" under certain conditions for DIFW-managed species. No "take" provision applies to DMR-managed species

⁵Applicable under MWDCA and NEPA

⁶Implemented through MWDCA process.

⁷Local land use permit and building permit may also be required for land-based elements

⁸Preparation of Environmental Impact Statement or Environmental Assessment; "hard look" at wide range of issues

⁹DOE approval is required under Executive Order for international export of power. Must meet FERC's minimum interconnection standards.

¹⁰Incidental take provision review if applicable

¹¹Incidental take provision review if applicable

¹²"Essential fish habitat" review

¹³Review agencies' comments considered in NEPA process and various permit reviews