



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

FEB - 1 1999

Kathleen Leyden
Acting Director
Maine Coastal Program
State Planning Office
38 State House Station
Augusta, Maine 04333-0038

RE: Routine Program Change

Dear Ms. Leyden:

Thank you for your request for Office of Ocean and Coastal Resource Management (OCRM) approval to incorporate revisions and additions to the laws used to implement Maine's coastal management program. OCRM has reviewed all of the corresponding information and concurs that incorporation of these revisions into the State's program constitutes a routine program change and not an amendment.

However, our approval of 38 MRSA Sec. 352 (Fees) is conditioned on the fact that federal agencies are not required to pay fees, unless required by federal law. The Coastal Zone Management Act (CZMA) does not require federal agencies to pay processing fees. A fee that is part of a state's coastal management program policies, while applicable to non-federal applicants, is not applicable to federal agencies unless required by federal law other than the CZMA. Thus, Maine cannot stay its consistency review time-clock or object to a federal agency's consistency determination based on the failure of a federal agency to pay a fee.

Specifically, these new and revised Maine coastal program statutes and rules improve erosion and sediment control and nutrient management, better manage storm water runoff, and assess permit fees. These new and revised enforceable policies are listed below:

Natural Resource Protection Act, 38 MRSA §§480A-S, 480U, and Chapter 310 Wetland Rules;

Site Location and Development Act, 38 MRSA §§482, 484, 488, 490A-M;

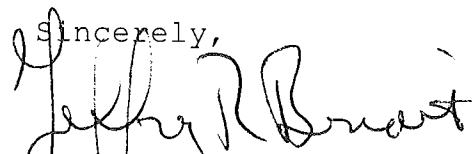
Land Use Regulation Law, 12 MRSA §§681-689;



Maine Endangered Species Act, 12 MRSA §§7751-7758;
Marine Resources Laws, 12 MRSA §§ 6001, 6171, 6172;
Mandatory Shoreland Zoning & Subdivision Law, 38 MRSA §§435-449
Maine Hazardous Waste, Septage & Solid Waste Management Act, 38 MRSA §§1301-1319W;
Oil Discharge Prevention & Pollution Control Law, 38 MRSA §§344-349, 541-560;
Protection and Improvement of Waters Act, 38 MRSA §§361-367, 371A-372, 411-424, 451-455, 464-470;
Protection and Improvement of Air Act, 38 MRSA §§581-610A;
Stormwater Management Law, 38 MRSA §420-D, Chapter 500 Storm Water Management Rules, and Chapter 502 Priority Watershed Rules;
Erosion and Sedimentation Control Law, 38 MRSA §420-C;
Nutrient Manage Planning Law, PL 1997 c.642; and
Permit Fees, 38 MRSA §352, and Fee Schedule.

Enclosed for your reference is OCRM's response to comments from the U.S. Army Corps of Engineers (Corps) regarding this program change. OCRM encourages the State and the Corps to resolve any issues regarding their policies.

In accordance with NOAA regulations at 15 C.F.R. § 923.84 (b)(4)(C), Federal consistency will apply to these authorities after Maine publishes notice of our approval. If you have any questions, please contact the coastal management specialist, Joelle Gore, at (301) 713-3117, extension 177, or our Federal Consistency Coordinator, David Kaiser, at (301) 713-3098, extension 144.

Sincerely,

Jeffrey R. Benoit
Director

• Enclosure

cc: Mark L. Habel, Corps
Stephanie Campbell, NOAA GCOS