



JUN 30 2009

Ms. Kathleen Leyden
Program Manager
Maine State Planning Office
State House Station 38
184 State Street
Augusta, ME 04333-0038

Dear Ms. Leyden:

Thank you for the State Planning Office's April 29, 2009, request that changes to the statutes described below be incorporated into the Maine Coastal Management Program (CMP) 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):

- Department of Environmental Protection Rules, Chapter 310(5)(A);
- Department of Environmental Protection Rules, Chapter 335

OCRM received the request on April 30, 2009, and OCRM's decision deadline was extended until July 1, 2009.

Based on our review of your submission, we concur that the changes to the statutes listed above and identified in the enclosed table below are RPCs and we approve the incorporation of the changes as enforceable policies of the Maine CMP. Federal Consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of changes to enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

CHANGES APPROVED

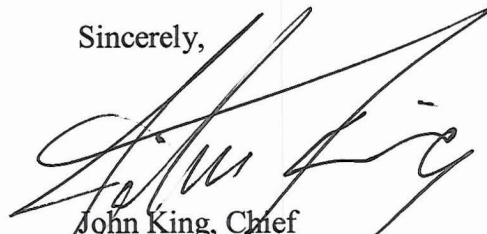
See enclosed list of the changes incorporated into the Maine CMP.

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. If you have any questions, please contact Liz Mountz at (301) 713-3155, extension 148.

Sincerely,



John King, Chief
Coastal Programs Division

Enclosure: Enclosure to OCRM's June 30, 2009, Approval of the Incorporation of Changes to the Maine Coastal Management Program

Enclosure to OCRM's June 30, 2009 Approval of the Incorporation of Changes to the Maine Coastal Management Program

Changes marked with an asterisk (*) are incorporated into the Maine Coastal Management 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	Enforcement Mechanism	Date Adopted by State	Date Effective in State
MODIFIED				
Addition to list of activities DEP may consider in permitting activities in coastal wetlands and other wetlands of special significance under DEP's wetland protection rules. Also, minor clarification of language within rule.	DEP Rules Ch. 310 (5)(A)	Permit under Natural Resources Protection Act (NRPA), 38 MRSA sec. 480-C (for all ch. 310 and 355 entries)	11/20/2008	1/26/2009
Clarifies definition for 'adjacent to a significant wildlife habitat contained within a freshwater wetland'; update citation; and replace reference to effective date with actual date.	DEP Rules Ch. 335 (1) and (2)		1/15/2009	3/9/2009
Clarify connection to Natural Resources Protection Act (NRPA) criteria.	DEP Rules, Chapter 335, (3) (A-B)		1/15/2009	3/9/2009
Add additional guidance regarding requirements for mitigation in order to lessen the severity of the habitat impact	DEP Rules CH. 335(3)(C)(1)			
Clarify compensation provisions; Add language previously listed in explanatory note regarding direction buffers and consideration of local, regional and state priorities to the compensation requirements in Section 3(D)(2)(b).	DEP Rules, Chapter 335, (3) (D)(1-2)		1/15/2009	3/9/2009
Add habitat type as a factor to be considered for compensation amounts; Add cross reference to Section 3(D)(2)(a); Clarify text concerning compensation rations.	DEP Rules, Chapter 335, (3) (D)(3)		1/15/2009	3/9/2009
Technical corrections.	DEP Rules, Chapter 335, (5,8)		1/15/2009	3/9/2009
Remove references for "adjacent to" vernal pool habitat; Move definition of "qualified individual" within this section; Correct text in several locations to refer to "significant vernal pool habitat" rather than "significant vernal pool."	DEP Rules, Chapter 335, (D)(9) (entire section)		1/15/2009	3/9/2009
Clarify vernal pool description and clarifying criteria determining whether a vernal pool is a significant vernal pool.	DEP Rules, Chapter 335, (D)(9) (introduction)		1/15/2009	3/9/2009
Add definitions of vernal pool and significant vernal pool habitat,	DEP Rules, Chapter 335, (9) (A)		1/15/2009	3/9/2009

Enclosure to OCRM's June 30, 2009 Approval of the Incorporation of Changes to the Maine Coastal Management Program

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Add list of vernal-dependent rare species and other minor edits relating to rare species; Provide text delineating the Central Maine region for purposes of counting egg masses; Add vernal pool "drying provisions;" Clarify that significant vernal pool habitat may not have permanent flowing inlet or outlet.	DEP Rules, Chapter 335, (9)(B)		1/15/2009	3/9/2009
Technical Corrections.	DEP Rules, Chapter 335, (9)(D)		1/15/2009	3/9/2009
Modify text to refer to activities "in, on, or over" significant vernal pool habitat; minor revisions to "location of pool" provision.	DEP Rules, Chapter 335, (9)(E)		1/15/2009	3/9/2009
minor text edits.	DEP Rules, Chapter 335, (9)(F)		1/15/2009	3/9/2009
minor text edits.	DEP Rules, Chapter 335,(10)		1/15/2009	3/9/2009
Add terms "shorebird feeding area," "the feeding buffer," "shorebird roosting area," and "the roosting buffer;" Clarify "high or moderate value" habitat terms; Clarify that activities "adjacent to" habitat are not regulated within this section.	DEP Rules, Chapter 335, (11)		1/15/2009	3/9/2009