

FOAA response from John Noll , director of Maine Submerged Lands , via Shannon Ayotte

from: Ayotte, Shannon <Shannon.Ayotte@maine.gov>
to: "coastwatch@gmail.com" <coastwatch@gmail.com>
date: Mon, Dec 4, 2017 at 3:32 PM
subject: Final Response Re: FOAA Maine AquaVentus April 1 to Nov 30 2017

Sent on behalf of Mari Wells-Eagar, Esq.,

Mr. Huber,

Attached please find all files relating to your request. As the first hour of staff spent on FOAA research is free, there is no charge for this request.

Sincerely,

Shannon Ayotte
Office of the Commissioner
Dept. of Agriculture, Conservation and Forestry
State House Station #22
Augusta, ME 04333-0022
(207) 287-5976
shannon.ayotte@maine.gov

From: Noll, John
Sent: Monday, December 04, 2017 10:10 AM
To: Ayotte, Shannon <Shannon.Ayotte@maine.gov>
Subject: FW: FOAA Re: Maine AquaVentus April 1 to Nov 30 2017

FYI

John E. Noll
Submerged Lands Program, Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333
Tel: [207.287.4919](tel:207.287.4919) Fax: [207.287.6170](tel:207.287.6170)
John.Noll@maine.gov

From: Ron Huber [<mailto:coastwatch@gmail.com>]
Sent: Thursday, November 30, 2017 9:44 PM
To: Noll, John <John.Noll@maine.gov>
Subject: FOAA request re Maine AquaVentus

John Noll, Submerged Lands Director
Bureau of Parks and Lands
22 State House Station, Augusta, ME 04333

Dear Mr Noll,

Attached as a pdf is a request under the Maine Freedom of Access Act for public records in your custody related to the Maine AquaVentus project off Monhegan Island, dating from April 1, 2017 to November 30, 2017.

Please let me know if you need any additional information.

Best wishes

Ron Huber, executive director,
Friends of Penobscot Bay

--

Friends of Penobscot Bay
POB 1871, Rockland Maine 04841
FB: [facebook.com/penobscotbay](https://www.facebook.com/penobscotbay)
Web: www.penbay.net e coastwatch@gmail.com
tel: 207-691-7485 * cell 207-6914634



----- Forwarded message -----

From: "Noll, John" <John.Noll@maine.gov>
To: "Ayotte, Shannon" <Shannon.Ayotte@maine.gov>
Cc:
Bcc:
Date: Mon, 4 Dec 2017 15:15:30 +0000
Subject: FW: Maine Aqua Ventus Meeting (May 4, 2017)

John E. Noll
Submerged Lands Program, Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333
Tel: [207.287.4919](tel:207.287.4919) Fax: [207.287.6170](tel:207.287.6170)
John.Noll@maine.gov

From: Andy Qua [mailto:Andy.Qua@KleinschmidtGroup.com]
Sent: Tuesday, May 16, 2017 11:05 AM
To: wende_mahaney@fws.gov; Jay.L.Clement@usace.army.mil; diana.heyder@ee.doe.gov; Wilson, Carl <Carl.Wilson@maine.gov>; Marc.Nault@maine.gov; Tierney, Katherine <Katherine.Tierney@maine.gov>; Susan.Tuxbury@noaa.gov; lori.gray@ee.doe.gov; Kemper, Keel <Keel.Kemper@maine.gov>; Chamberlain, Kristen <Kristen.Chamberlain@maine.gov>; Benoit, Nathaniel <Nathaniel.Benoit@maine.gov>; Stratton, Robert D <Robert.D.Stratton@maine.gov>; mark_mccollough@fws.gov; Beyer, Jim R <Jim.R.Beyer@maine.gov>; Callahan, Beth <Beth.Callahan@maine.gov>; DiBello, Carol <Carol.DiBello@maine.gov>; Noll, John <John.Noll@maine.gov>; Beyer, Stacie R <Stacie.R.Beyer@maine.gov>; Hallowell, Dawn <Dawn.Hallowell@maine.gov>; Michele.E.DesAutels@uscg.mil; David.T.Bourbeau@uscg.mil; patrick.keliher@maine.gov; Cotnoir, Sarah <Sarah.Cotnoir@maine.gov>; Todd, Charlie <Charlie.Todd@maine.gov>; Nixon, Matthew E <Matthew.E.Nixon@maine.gov>; Sullivan, Kelsey M <Kelsey.M.Sullivan@maine.gov>; Bergeron, Mark <Mark.Bergeron@maine.gov>; Cloutier, Rene <Rene.Cloutier@maine.gov>; Taylor, Joyce <Joyce.Taylor@maine.gov>; mike.r.johnson@noaa.gov; David.Bean@noaa.gov; jordan.carduner@noaa.gov; jeff.murphy@noaa.gov; LeeAnn.Neal@usace.army.mil; Perry, John <John.Perry@maine.gov>; Spiess, Arthur <Arthur.Spiess@maine.gov>; Mohny, Kirk <Kirk.Mohny@maine.gov>; Hopkin, Megan M <Megan.M.Hopkin@maine.gov>; Marden, Kendall R. <Kendall.R.Marden@maine.gov>; Bensinger, Peggy <Peggy.Bensinger@maine.gov>

Cc: Peter Browne

<Peter.Browne@hdrinc.com>; jeffrey_thaler@maine.edu; njohnson@orpc.co; jsward@maine.edu; damian.brady@maine.edu; anthony.viselli@maine.edu; Kayla Easler

<Kayla.Easler@KleinschmidtGroup.com>

Subject: Maine Aqua Ventus Meeting (May 4, 2017)

Good morning –

Attached for your information is a meeting summary, with sign-in sheets, and a copy of the two slideshows that were presented at the May 4th meeting in Augusta.

For those of you in attendance, please provide any comments or corrections you may have. If I have mischaracterized any comments, questions or incorrectly identified those who made them, please let me know and I will make those corrections.

Thank you very much,
Andy

Andrew D. Qua
Senior Regulatory Coordinator
Kleinschmidt
Office: [207.416.1246](tel:207.416.1246)
www.KleinschmidtGroup.com

*Providing **practical** solutions for **complex** problems
affecting energy, water, and the environment.*

----- Forwarded message -----

From: "Noll, John" <John.Noll@maine.gov>
To: "Ayotte, Shannon" <Shannon.Ayotte@maine.gov>
Cc:
Bcc:
Date: Mon, 4 Dec 2017 15:16:43 +0000
Subject: FW: wind

John E. Noll
Submerged Lands Program, Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333
Tel: [207.287.4919](tel:207.287.4919) Fax: [207.287.6170](tel:207.287.6170)
John.Noll@maine.gov

From: Noll, John
Sent: Thursday, May 11, 2017 9:10 AM
To: Anne Bowden <anne.bowden@maine.edu>
Subject: wind

<http://bangordailynews.com/2017/05/10/energy/bill-to-move-umaine-offshore-wind-projects-dies-in-committee/?ref=regionstate>

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John.Noll@maine.gov

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From: "Noll, John" <John.Noll@maine.gov>
To: "Ayotte, Shannon" <Shannon.Ayotte@maine.gov>
Cc:
Bcc:
Date: Mon, 4 Dec 2017 15:18:08 +0000
Subject: FW: LD 1262

John E. Noll
Submerged Lands Program, Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333
Tel: [207.287.4919](tel:207.287.4919) Fax: [207.287.6170](tel:207.287.6170)
John.Noll@maine.gov

From: Marvinney, Robert G.
Sent: Monday, May 01, 2017 3:58 PM
To: Noll, John <John.Noll@maine.gov>
Subject: FW: LD 1262

From: Libby, Lance
Sent: Monday, May 01, 2017 1:29 PM
To: Desjardin, Tom
Cc: Loyzim, Melanie; Wells, Mari; Marvinney, Robert G.; Monroe, Angela; Newman, Kathleen; Mercer, Paul
Subject: RE: LD 1262

Angela Monroe is going to testify on behalf of the administration in support of this bill. Please contact her if you have any concerns.

Sent from my iPhone using ZixOne

On May 1, 2017 at 9:57 AM "Desjardin, Tom" <Tom.Desjardin@maine.gov> wrote:

Hi Lance –

Hope all is well in Washington, DC—not likely on any given day—or at least with you.

Our thoughts are that we will testify against the bill to prevent permitting of the Monhegan Wind Test Project not on the merits of the project (which hasn't even submitted an application) but on the fact that the legislature should not interfere or cherry-pick cases from the

application/permitting process. They should let the appropriate, statutory process play out. Among other things, picking one out of that process to prohibit or require isn't fair to all of the others who went through the process properly.

This is kind of a separation of powers issue. Again, the project hasn't even submitted an application yet, so it is way too premature to be requiring the Executive Branch to reject it.

The Public Hearing is Thursday, so if you could get a sense as to whether the governor is ok with this approach generally, we would go ahead.

Thanks!

Have fun!

Tom

From: Loyzim, Melanie
Sent: Monday, May 1, 2017 9:46 AM
To: Desjardin, Tom
Subject: FW: LD 1262

From: Monroe, Angela
Sent: Friday, April 28, 2017 7:16 AM
To: Libby, Lance
Cc: Madore, David; Karagiannes, Mike; Loyzim, Melanie
Subject: RE: LD 1262

Yes.

Sent from my iPhone using ZixOne

On Apr 27, 2017 at 7:06 PM "Libby, Lance" <Lance.Libby@maine.gov> wrote:

Angela – Can you draft the position memo?

Lance Libby
Senior Policy Advisor
Office of the Governor
[207-287-3416](tel:207-287-3416), Office
[207-592-0041](tel:207-592-0041), Mobile

From: Madore, David
Sent: Thursday, April 27, 2017 4:19 PM
To: Monroe, Angela; Libby, Lance
Cc: Karagiannes, Mike; Loyzim, Melanie
Subject: RE: LD 1262

Just discussing LD 1262 with staff and the siting position is in ACF's jurisdiction not DEP. Do you still want us involved or would you rather send the request over to ACF?

Thanks

From: Madore, David
Sent: Thursday, April 27, 2017 2:43 PM
To: Monroe, Angela; Libby, Lance
Cc: Karagiannes, Mike; Loyzim, Melanie
Subject: RE: LD 1262

We will send a position over with other legislation tomorrow.
Thanks,
Dave

From: Monroe, Angela
Sent: Thursday, April 27, 2017 1:57 PM
To: Libby, Lance
Cc: Madore, David; Karagiannes, Mike; Loyzim, Melanie
Subject: Re: LD 1262

It probably should be a combination because he wanted to see the economics of the project. I assume he would also be interested in the DEP's siting position.

Sent from my iPhone using ZixOne

On Apr 27, 2017 at 1:48 PM "Libby, Lance" <Lance.Libby@maine.gov> wrote:

All,

The Governor will not be able to meet with Habib before the hearing on this bill. Should DEP prepare the position memo for the bill?

Thanks,

Lance Libby
Senior Policy Advisor
Office of the Governor
[207-287-3416](tel:207-287-3416), Office
[207-592-0041](tel:207-592-0041), Mobile

----- Forwarded message -----

From: "Foust, Karen L" <Karen.L.Foust@maine.gov>
To: "Ayotte, Shannon" <Shannon.Ayotte@maine.gov>
Cc:
Bcc:
Date: Mon, 4 Dec 2017 15:18:37 +0000
Subject: FW: PORT SAFETY FORUM - 27 SEP 2017

From: DiBello, Carol
Sent: Monday, September 18, 2017 10:24 AM
To: Foust, Karen L <Karen.L.Foust@maine.gov>
Subject: FW: PORT SAFETY FORUM - 27 SEP 2017

From: King, Kim
Sent: Wednesday, September 13, 2017 8:50 AM
To: Brian Downey (brian.downey@marinecs.com) <brian.downey@marinecs.com>
Subject: PORT SAFETY FORUM - 27 SEP 2017

Please find details of the next Port Safety Forum attached and below.

Date: September 27, 2017
Time: 10:00 AM
Location: NH Department of Environmental Services (Conference Room)
Pease International Tradeport
222 International Drive, Suite 175
Portsmouth, NH 03801

----- Forwarded message -----

From: "Foust, Karen L" <Karen.L.Foust@maine.gov>
To: "Ayotte, Shannon" <Shannon.Ayotte@maine.gov>
Cc:
Bcc:
Date: Mon, 4 Dec 2017 15:18:39 +0000
Subject: FW: Aqua Ventus Article

From: DiBello, Carol
Sent: Wednesday, November 29, 2017 4:51 PM
To: Noll, John <John.Noll@maine.gov>; Foust, Karen L <Karen.L.Foust@maine.gov>
Subject: Aqua Ventus Article

<http://bangordailynews.com/2017/11/28/business/what-happens-when-a-small-maine-town-and-an-energy-project-with-global-impacts-collide/>

*Carol DiBello, Submerged Lands Coordinator
Submerged Lands Program, Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333
Tel: [207.287.4922](tel:207.287.4922) Fax: [207.287.6170](tel:207.287.6170)
carol.dibello@maine.gov*

www.maine.gov/dacf/parks/about/submerged_lands

----- Forwarded message -----

From: "Noll, John" <John.Noll@maine.gov>
To: "Ayotte, Shannon" <Shannon.Ayotte@maine.gov>
Cc:
Bcc:
Date: Mon, 4 Dec 2017 15:19:06 +0000
Subject: FW: LD 1262

John E. Noll
Submerged Lands Program, Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333
Tel: [207.287.4919](tel:207.287.4919) Fax: [207.287.6170](tel:207.287.6170)
John.Noll@maine.gov

From: Marvinney, Robert G.
Sent: Monday, May 01, 2017 8:51 AM
To: Noll, John <John.Noll@maine.gov>
Subject: FW: LD 1262

Below is Nicks' summary of a discussion with Tom wherein he states that for an for demonstration projects, there is no review associated with obtaining a submerged lands lease. Relevant statute:

Sec. B-1. 12 MRSA §1862, sub-§2, ¶F is enacted to read:

F. Within 15 days of receipt of a copy of an application submitted to the Department of Environmental Protection for a general permit under Title 38, section 480-HH or Title 38, section 636-A, the director shall, if requested by the applicant, provide the applicant a lease option, to be effective on the date of receipt of the application, for use of state-owned submerged lands that are necessary to fulfill the project purposes as identified in the application. Within 30 days of receiving notice and a copy of a general permit granted pursuant to Title 38, section 480-HH or Title 38, section 636-A, the director shall waive the review procedures and standards under this section and issue a submerged lands lease for the permitted activity. The term of the lease must be consistent with that of the permit, including any extension of the permit, and the period of time needed to fully implement the project removal plan approved pursuant to Title 38, section 480-HH or Title 38, section 636-A, as applicable. The director may include lease conditions that the director determines reasonable, except that the conditions may not impose any requirement more stringent than those in a permit granted under Title 38, section 480-HH or Title 38, section 636-A, as applicable, and may not frustrate achievement of the purpose of the project.

I attach Tom's draft testimony which seems to suggest that Submerged Lands would go through the normal full review process.

Link to the bill schedule: http://www.mainelegislature.org/legis/bills/display_ps.asp?id=1262&PID=1456&snum=128&sec3

Thanks for your review.

Bob

From: Livesay, Nicholas
Sent: Friday, April 28, 2017 12:44 PM
To: Marvinney, Robert G.; Wells, Mari; Desjardin, Tom
Subject: RE: LD 1262

All:

At this point, I will do my best to stay out of the way. The LUPC's involvement with offshore wind is very limited.

Existing law make clear the LUPC has no role in permitting or otherwise authorizing offshore wind energy demonstration projects. 12 MRS 685-B(1-A)(D), 38 MRS 480-HH(14). Additionally, under Site Law DEP permits offshore wind power projects with an aggregate generating capacity of 3 megawatts or more.

The LUPC's only role as the permitting authority is with regard to community-based offshore wind energy projects. These are defined in 12 MRS 682(19).

Finally, Tom stopped by and asked about submerged lands leases. It appears these are covered in 12 MRS 1862. Renewable energy projects (which include community-based projects) and demonstration projects are both addressed in this section. The demonstration projects (they are permitted by DEP under 38 MRS 480-HH) are covered in Section 1862(2)(F), with renewable energy projects covered in Section 1862(13). For demonstration projects there is no review associated with obtaining a submerged lands lease.

I hope this is helpful. If anyone has any questions, please let me know.

Nick

From: Marvinney, Robert G.
Sent: Friday, April 28, 2017 9:54 AM
To: Wells, Mari; Livesay, Nicholas; Desjardin, Tom
Subject: FW: LD 1262

Latest from DEP regarding lead on this bill, below.

It would be better for DACF to be lead, since DEP had no role in selecting the offshore test sites. I co-chaired that effort in 2009 with Kathleen Leyden that resulted in selecting the Monhegan test site for the University. We went through an extensive public process that is currently being misrepresented by proponents of this bill. I would be happy to present an opposition testimony that summarizes our public process for site selection.

Bob

Robert G. Marvinney, Ph.D.
State Geologist, Maine Geological Survey
Director, Bureau of Resource Information and Land Use Planning
Maine Department of Agriculture, Conservation, and Forestry
93 State House Station
Augusta, ME 04333

Direct line: [207-287-2804](tel:207-287-2804)
Main line: [207-287-2801](tel:207-287-2801)
Fax: [207-287-2353](tel:207-287-2353)
robert.g.marvinney@maine.gov
<http://www.maine.gov/dacf/mgs/index.shtml>

From: Loyzim, Melanie
Sent: Thursday, April 27, 2017 4:31 PM
To: Marvinney, Robert G.
Subject: FW: LD 1262

FYI

From: Madore, David
Sent: Thursday, April 27, 2017 4:19 PM
To: Monroe, Angela; Libby, Lance
Cc: Karagiannes, Mike; Loyzim, Melanie
Subject: RE: LD 1262

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Thanks

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To: Monroe, Angela; Libby, Lance
Cc: Karagiannes, Mike; Loyzim, Melanie
Subject: RE: LD 1262

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Dave

From: Monroe, Angela
Sent: Thursday, April 27, 2017 1:57 PM
To: Libby, Lance
Cc: Madore, David; Karagiannes, Mike; Loyzim, Melanie
Subject: Re: LD 1262

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Sent from my iPhone using ZixOne

On Apr 27, 2017 at 1:48 PM "Libby, Lance" <Lance.Libby@maine.gov> wrote:

All,

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Thanks,

Lance Libby
Senior Policy Advisor
Office of the Governor
[207-287-3416](tel:207-287-3416), Office
[207-592-0041](tel:207-592-0041), Mobile

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From: "Noll, John" <John.Noll@maine.gov>
To: "Ayotte, Shannon" <Shannon.Ayotte@maine.gov>
Cc:
Bcc:
Date: Mon, 4 Dec 2017 15:19:37 +0000
Subject: FW: Maine Aqua Ventus Update Meeting

John E. Noll
Submerged Lands Program, Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333
Tel: [207.287.4919](tel:207.287.4919) Fax: [207.287.6170](tel:207.287.6170)
John.Noll@maine.gov

From: Andy Qua [mailto:Andy.Qua@KleinschmidtGroup.com]
Sent: Friday, April 21, 2017 2:28 PM
To: Stratton, Robert D <Robert.D.Stratton@maine.gov>; Keliher, Patrick <Patrick.Keliher@maine.gov>; Cotnoir, Sarah <Sarah.Cotnoir@maine.gov>; Todd, Charlie <Charlie.Todd@maine.gov>; Callahan, Beth <Beth.Callahan@maine.gov>; Nixon, Matthew E <Matthew.E.Nixon@maine.gov>; Hallowell, Dawn <Dawn.Hallowell@maine.gov>; Sullivan, Kelsey M <Kelsey.M.Sullivan@maine.gov>; Bergeron, Mark <Mark.Bergeron@maine.gov>; DiBello, Carol <Carol.DiBello@maine.gov>; Cloutier, Rene <Rene.Cloutier@maine.gov>; Benoit, Nathaniel <Nathaniel.Benoit@maine.gov>; Taylor, Joyce <Joyce.Taylor@maine.gov>; mike.r.johnson@noaa.gov; David.Bean@noaa.gov; wende_mahaney@fws.gov; jordan.carduner@noaa.gov; jeff.murphy@noaa.gov; Jay.L.Clement@usace.army.mil; LeeAnn.Neal@usace.army.mil; Michele.E.DesAutels@uscg.mil; David.T.Bourbeau@uscg.mil; Spiess, Arthur <Arthur.Spiess@maine.gov>; Mohny, Kirk <Kirk.Mohny@maine.gov>; Chamberlain, Kristen <Kristen.Chamberlain@maine.gov>; Susan.Tuxbury@noaa.gov; Noll, John <John.Noll@maine.gov>; kelsey.sullivan@maine.gov; Bensinger, Peggy <Peggy.Bensinger@maine.gov>; Beyer, Stacie R <Stacie.R.Beyer@maine.gov>; Peter Browne <Peter.Browne@hdrinc.com>; Jeffrey Thaler <jeffrey.thaler@maine.edu>; James Ward IV <jsward@maine.edu>; Damian Brady <damian.brady@maine.edu>; njohnson@orpc.co; Lori.Gray@ee.Doe.Gov; diana.heyder@ee.doe.gov; mark_mccollough@fws.gov
Subject: RE: Maine Aqua Ventus Update Meeting

Good afternoon everyone –

Please find attached an agenda for the May 4th meeting as well as the Department of Energy's scoping version of the project description. Thanks to Lori for allowing us to distribute it.

For those that would like to take part but are unable to make it in person, please use this call-in information - Conference Call # [603-610-7052](tel:603-610-7052) Call ID # 213339. For those attending in person

directions can be obtained here - <https://binged.it/2oCKOEL>

Thank you and have a nice weekend.

Andy

Andrew D. Qua
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www.KleinschmidtGroup.com

*Providing **practical** solutions for **complex** problems
affecting energy, water, and the environment.*

-----Original Appointment-----

From: Andy Qua

Sent: Wednesday, April 12, 2017 4:04 PM

To: Andy

Qua; Robert.D.Stratton@maine.gov; patrick.keliher@maine.gov; sarah.cotnoir@maine.gov; Charlie.todd@maine.gov; beth.callahan@maine.gov; Matthew.E.Nixon@maine.gov; dawn.hallowell@maine.gov; kelsey.m.sullivan@maine.gov; Mark.Bergeron@maine.gov; carol.dibello@maine.gov; rene.cloutier@maine.gov; nathaniel.benoit@maine.gov; joyce.taylor@maine.gov; mike.r.johnson@noaa.gov; David.Bean@noaa.gov; wende_mahaney@fws.gov; jordan.carduner@noaa.gov; jeff.murphy@noaa.gov; Jay.L.Clement@usace.army.mil; LeeAnn.Neal@usace.army.mil; Michele.E.DesAutels@uscg.mil; David.T.Bourbeau@uscg.mil; Arthur.Spiess@maine.gov; Kirk.Mohney@maine.gov; kristen.chamberlain@maine.gov; Susan.Tuxbury@noaa.gov; john.noll@maine.gov; kelsey.sullivan@maine.gov; Peggy.Bensinger@maine.gov; Stacie.R.Beyer@maine.gov; Peter Browne; Jeffrey Thaler; James Ward IV; Damian Brady; njohnson@orpc.co; Lori.Gray@ee.Doe.Gov; diana.heyder@ee.doe.gov; mark_mccollough@fws.gov

Subject: Maine Aqua Ventus Update Meeting

When: Thursday, May 04, 2017 1:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Holocaust and Human Rights Center of Maine at the UMaine Augusta Campus

Good afternoon everyone –

Thank you all for participating in the Doodle Poll to arrange this meeting. This date/time was not good for everyone, but the majority indicated availability on May 4th at 1:00 p.m. For those that are unable to attend, we will make meeting materials available and can arrange for follow-up discussions. We are also checking into arrangements for conference call capability to allow folks to join by phone.

An agenda and directions to the meeting room will follow but wanted to get this reserved in calendars.

Thank you,
Andy

Andrew D. Qua
Senior Regulatory Coordinator
Kleinschmidt
Office: [207.416.1246](tel:207.416.1246)
www.KleinschmidtGroup.com

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From: "Noll, John" <John.Noll@maine.gov>
To: "Ayotte, Shannon" <Shannon.Ayotte@maine.gov>
Cc:
Bcc:
Date: Mon, 4 Dec 2017 15:24:24 +0000
Subject: FW: LD 1262

John E. Noll
Submerged Lands Program, Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
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John.Noll@maine.gov

From: Noll, John
Sent: Monday, May 01, 2017 3:42 PM
To: Marvinney, Robert G. <Robert.G.Marvinney@maine.gov>
Subject: RE: LD 1262

Bob, I left a message on your cell. I went back and read the statute a little closer and I generally agree with your conclusions. Sub lands will still need to do a review for public trust impacts resulting from the project but that review will be based on the findings of the general permit.
John

John E. Noll
Submerged Lands Program, Bureau of Parks and Lands
Maine Department of Agriculture, Conservation & Forestry
22 State House Station, Augusta, Maine 04333
Tel: [207.287.4919](tel:207.287.4919) Fax: [207.287.6170](tel:207.287.6170)
John.Noll@maine.gov

From: Marvinney, Robert G.
Sent: Monday, May 01, 2017 8:51 AM
To: Noll, John
Subject: FW: LD 1262

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Sec. B-1. 12 MRSA §1862, sub-§2, ¶F is enacted to read:

F. Within 15 days of receipt of a copy of an application submitted to the Department of Environmental Protection for a general permit under Title 38, section 480-HH or Title 38, section 636-A, the director shall, if requested by the applicant, provide the applicant a lease option, to be

effective on the date of receipt of the application, for use of state-owned submerged lands that are necessary to fulfill the project purposes as identified in the application. Within 30 days of receiving notice and a copy of a general permit granted pursuant to Title 38, section 480-HH or Title 38, section 636-A, the director shall waive the review procedures and standards under this section and issue a submerged lands lease for the permitted activity. The term of the lease must be consistent with that of the permit, including any extension of the permit, and the period of time needed to fully implement the project removal plan approved pursuant to Title 38, section 480-HH or Title 38, section 636-A, as applicable. The director may include lease conditions that the director determines reasonable, except that the conditions may not impose any requirement more stringent than those in a permit granted under Title 38, section 480-HH or Title 38, section 636-A, as applicable, and may not frustrate achievement of the purpose of the project.

I attach Tom's draft testimony which seems to suggest that Submerged Lands would go through the normal full review process.

Link to the bill schedule: http://www.mainelegislature.org/legis/bills/display_ps.asp?ld=1262&PID=1456&snum=128&sec3

Thanks for your review.

Bob

From: Livesay, Nicholas
Sent: Friday, April 28, 2017 12:44 PM
To: Marvinney, Robert G.; Wells, Mari; Desjardin, Tom
Subject: RE: LD 1262

All:

At this point, I will do my best to stay out of the way. The LUPC's involvement with offshore wind is very limited.

Existing law make clear the LUPC has no role in permitting or otherwise authorizing offshore wind energy demonstration projects. 12 MRS 685-B(1-A)(D), 38 MRS 480-HH(14). Additionally, under Site Law DEP permits offshore wind power projects with an aggregate generating capacity of 3 megawatts or more.

The LUPC's only role as the permitting authority is with regard to community-based offshore wind energy projects. These are defined in 12 MRS 682(19).

Finally, Tom stopped by and asked about submerged lands leases. It appears these are covered in 12 MRS 1862. Renewable energy projects (which include community-based projects) and demonstration projects are both addressed in this section. The demonstration projects (they are permitted by DEP under 38 MRS 480-HH) are covered in Section 1862(2)(F), with renewable energy projects covered in Section 1862(13). For demonstration projects there is no review associated with obtaining a submerged lands lease.

I hope this is helpful. If anyone has any questions, please let me know.

Nick

From: Marvinney, Robert G.
Sent: Friday, April 28, 2017 9:54 AM
To: Wells, Mari; Livesay, Nicholas; Desjardin, Tom
Subject: FW: LD 1262

Latest from DEP regarding lead on this bill, below.

It would be better for DACF to be lead, since DEP had no role in selecting the offshore test sites. I co-chaired that effort in 2009 with Kathleen Leyden that resulted in selecting the Monhegan test site for the University. We went through an extensive public process that is currently being misrepresented by proponents of this bill. I would be happy to present an opposition testimony that summarizes our public process for site selection.

Bob

Robert G. Marvinney, Ph.D.
State Geologist, Maine Geological Survey
Director, Bureau of Resource Information and Land Use Planning
Maine Department of Agriculture, Conservation, and Forestry
93 State House Station
Augusta, ME 04333

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Fax: [207-287-2353](tel:207-287-2353)
robert.g.marvinney@maine.gov
<http://www.maine.gov/dacf/mgs/index.shtml>

From: Loyzim, Melanie
Sent: Thursday, April 27, 2017 4:31 PM
To: Marvinney, Robert G.
Subject: FW: LD 1262

FYI

From: Madore, David
Sent: Thursday, April 27, 2017 4:19 PM
To: Monroe, Angela; Libby, Lance
Cc: Karagiannes, Mike; Loyzim, Melanie
Subject: RE: LD 1262

Just discussing LD 1262 with staff and the siting position is in ACF's jurisdiction not DEP. Do you still want us involved or would you rather send the request over to ACF?
Thanks

From: Madore, David
Sent: Thursday, April 27, 2017 2:43 PM
To: Monroe, Angela; Libby, Lance
Cc: Karagiannes, Mike; Loyzim, Melanie
Subject: RE: LD 1262

We will send a position over with other legislation tomorrow.
Thanks,
Dave

From: Monroe, Angela
Sent: Thursday, April 27, 2017 1:57 PM
To: Libby, Lance
Cc: Madore, David; Karagiannes, Mike; Loyzim, Melanie
Subject: Re: LD 1262

It probably should be a combination because he wanted to see the economics of the project. I assume he would also be interested in the DEP's siting position.

Sent from my iPhone using ZixOne

On Apr 27, 2017 at 1:48 PM "Libby, Lance" <Lance.Libby@maine.gov> wrote:

All,

The Governor will not be able to meet with Habib before the hearing on this bill. Should DEP prepare the position memo for the bill?

Thanks,

Lance Libby
Senior Policy Advisor
Office of the Governor
[207-287-3416](tel:207-287-3416), Office
[207-592-0041](tel:207-592-0041), Mobile