

MAINE STATE LEGISLATURE

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Designation of Offshore Wind Energy Test Areas

Maine Department of Conservation, Bureau of Parks and Lands in conjunction with the Maine State Planning Office

Summary:

In accordance with the provisions of Title 12 M.R.S.A. Section 1868 as adopted by Public Law, Chapter 270, Part C, the Department of Conservation has designated the following three areas of submerged lands within state waters as suitable for offshore wind energy demonstration projects that are constructed and operated in accordance with General Permit provisions for such projects as approved by the Department of Environmental Protection and leased by the Bureau of Parks and Lands.

The Wind Energy Test Areas range from 0.5 to 2 square miles in size and are located approximately 2 miles south and seaward of Boon Island in York County (Map A); 3.8 miles southwest and seaward of Damariscove Island in Lincoln County (Map B); and 2 miles south and seaward of Monhegan Island in Lincoln County (Map C). In addition, the Monhegan Island test area is designated as the Maine Offshore Wind Energy Research Center for use by or in cooperation with the University of Maine System in support of their ongoing research and development efforts in this field.

Mission:

In order to facilitate the development of alternative energy in Maine, Public Law, Chapter 270, in part, directed the Department of Conservation (DOC), in consultation with the Maine State Planning Office (SPO) to select up to five locations within Maine state waters (within 3 nautical miles of the mainland and island shorelines) for potential ocean energy testing sites. The law also established a number of factors to be considered utilizing existing information in the site selection process and specific permitting and leasing provisions.

The law allows leasing of submerged lands within a designated test area for up to five years to allow for installation, testing, and removal of alternative energy devices, support platforms, anchoring systems, and related testing equipment.

Initial Selection Process:

The primary focus of the initial site selection was to identify areas within state waters that met four key criteria including: 1) excellent wind conditions with estimated average annual wind speed of 17 miles per hour or greater; 2) water depths primarily greater than 200 feet to enable testing of wind energy technology utilizing floating platforms, support structures, and anchoring systems that has the potential for future development in deep waters farther offshore in the Gulf of Maine; 3) areas that minimize conflicts with existing marine obstructions, ocean disposal

sites, unexploded ordnance, and commercial shipping channels; and 4) to a lesser extent, proximity to existing undersea cableways to facilitate transmitting power to shore, if necessary, as part of the demonstration project. This initial screening process identified eight (8) areas, announced on September 1, 2009, ranging from approximately 10 to 30 square miles in area for closer consideration. The sites were all located adjacent to the state's 3-mile territorial boundary and two or more miles from the shoreline of the mainland and coastal islands (Map D).

Public Outreach and Participation:

The Department of Conservation and Maine State Planning Office staff in cooperation with representatives from the Department of Environmental Protection, Department of Marine Resources, and the University of Maine held over 25 meetings with local officials, commercial fishermen, and other interested parties in coastal communities to discuss the siting process, the potential economic benefits of alternative energy testing and development, and to solicit information and comments on commercial fishing activity and other existing marine uses or conditions that would assist in locating potential test sites and avoid or minimize potential impacts to existing uses. In addition, five well attended public meetings were held in Machias, Ellsworth, Rockport, Wiscasset, and Wells. The public was encouraged to seek additional information and provide comments by contacting agency staff or through the Department of Conservation website.

Meetings were also held with other state and federal agencies, and non-governmental organizations with an interest in coastal issues to further identify areas that would avoid or minimize potential conflicts with natural resources including seabird nesting and foraging areas, probable migration routes between islands and coastal headlands, known marine mammal concentration areas, important view sheds, and potential archaeological and historic resources.

Draft Ocean Energy Test Site Selection:

Based on the available natural resource and existing marine use information gathered from existing sources and the public outreach effort, DOC and SPO developed a methodology to rank the eight (8) initial study areas based on both ecological and human use concerns. The four (4) areas with the lowest level of concern were selected as draft ocean energy test sites, and were announced on October 26, 2009. A 30-day public notice and comment period for these draft sites was provided through news outlets, direct notice, and the Department of Conservation website. The comment period ended on November 30, 2009. During this period, state agency staff continued to meet with local officials, area fishermen, and others in the communities near the proposed sites to seek additional information about the specific sites being considered. Additional comments were also provided by federal agencies including the Army Corp of Engineers, the U.S. Fish and Wildlife Service, Coast Guard, and Department of the Defense.

Final Site Recommendations:

After the close of the public comment period, agency staff from the Department of Conservation, Maine State Planning Office, Department of Environmental Protection, and Department of Marine Resources reviewed the comments provided by the public and state and federal agencies. Based on that review, the proposed testing site near Cutler was withdrawn based on potential interference with the Navy communications facility, the site's proximity to high value seabird

nesting islands, and community concerns regarding navigation and fishing access in the vicinity of Cutler Harbor. The three (3) remaining sites located near Boon Island, Damariscove Island, and Monhegan Island were recommended for final selection as ocean energy test areas. After further consultation with the University of Maine staff, the site located in the vicinity of Monhegan Island was recommended for designation as the Maine Offshore Wind Energy Research Center.

Findings:

Based upon its review of all of the information in the administrative record, the Bureau of Parks and Lands, Department of Conservation, makes the following findings in accordance with Title 12, M.R.S.A., Section 1868 and pertinent regulations.

Development Related Factors:

The recommended ocean energy test sites are intended to provide areas within state waters with sufficient water depths and wind speeds suitable to support research of new technologies that may advance ocean energy development in the offshore waters of the Gulf of Maine. The Bureau finds that based on the existing available information, the sites are suitable for relatively short-term ocean energy technology testing, and are proximate to port facilities and necessary support services. No finding is made concerning the suitability of the sites for future commercial development either within the designated test area or the adjacent state waters. The test areas may be modified or removed in the future based on new information including, but not limited to, the results from site monitoring conducted under the terms of a general permit approved by the Department of Environmental Protection.

Public Trust Rights:

The Bureau finds that based on the information provided through the public outreach effort, nearly all areas of Maine's waters are used for commercial fishing and other uses at various times throughout the year that may be temporarily displaced as a result of the proposed testing facilities. The outreach effort was also successful in involving local fishermen and others to help identify specific areas where potential impacts to commercial fishing and other uses can be minimized. The Bureau recognizes that development within the test areas may require establishing safety or exclusion zones adjacent to the testing facilities to meet operational and safety needs. Industry representatives have indicated that testing facilities and potential exclusion zones may require one or two relatively small areas of approximately 18 acres (1000-foot diameter circle) within the one to two square mile designated test areas. The Bureau finds that the placement of ocean energy testing and monitoring facilities will not unreasonably interfere with existing marine uses and public trust rights within the designated test areas provided that public access and use is restricted only as necessary in the area immediately adjacent to installed testing facilities, and that the public otherwise retains full access and use of the waters within the test areas.

Natural and Scenic Resources:

The Bureau finds that the three proposed test areas have been located using the best available information to avoid or minimize potential interference to avian nesting, feeding, and migration routes and areas with identified concentrations of marine mammals. The Bureau also finds that

the proposed test areas have minimized potential scenic impacts by locating at the seaward edge of state waters. As proposed, all of the three sites are located at least two miles from the nearest coastal island and from 4.5 to 10 miles from the mainland at the closest point. While prototype and full scale test facilities will likely be visible under clear conditions even at these distances, the scenic impact is greatly reduced.

Historical and Archeological Resources and Geology:

The Bureau finds that the three proposed test areas have been located using the best available information to avoid important historical and archaeological resources. The Bureau further finds, based on best available information and siting criteria provided by industry representatives, that the proposed test areas have sea bottom types (geology) suitable for mooring test devices.

Public Support:

Based on the comments provided during the public outreach process, there was wide spread support for encouraging offshore wind technology research and development, and the potential economic benefits for local marine construction and service providers. There was also concern that testing may lead to future commercial scale development in state waters that may have more significant impacts on commercial fishing, tourism, and "quality of place" issues. The general consensus seemed to support directing future commercial development farther offshore in order to take advantage of improved wind resources and minimize impacts to existing marine and coastal uses on and near state waters. The Bureau reaffirms its earlier finding that the intended use of the proposed designated areas are for testing purposes only and makes no finding as to the suitability of the sites for commercial scale development.

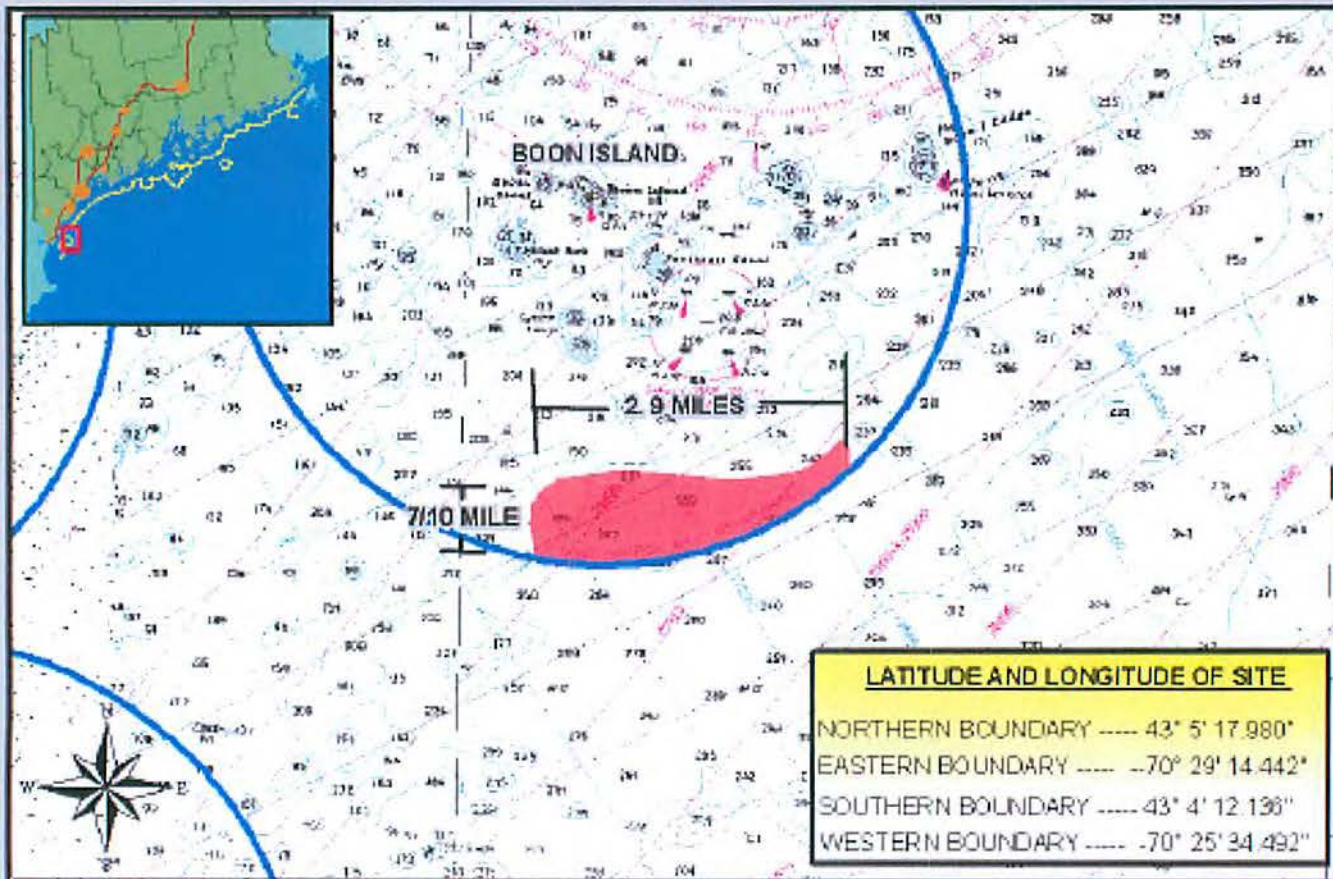
Decision:

In accordance with Title 12 M.R.S.A., Section 1868, the Director of the Bureau of Parks and Lands, Department of Conservation approves the designation of the three Offshore Wind Energy Test Areas as shown on the attached maps and designates the Monhegan Island site as the Maine Offshore Wind Research Center for use by and in conjunction with the University of Maine.

Signed: Willard R. Harris, Jr.
Willard R. Harris, Jr., Director
Bureau of Parks and Lands
Maine Department of Conservation

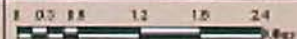
Date: 12/14/09

MAP A



— State Marine Boundary
■ Test Site

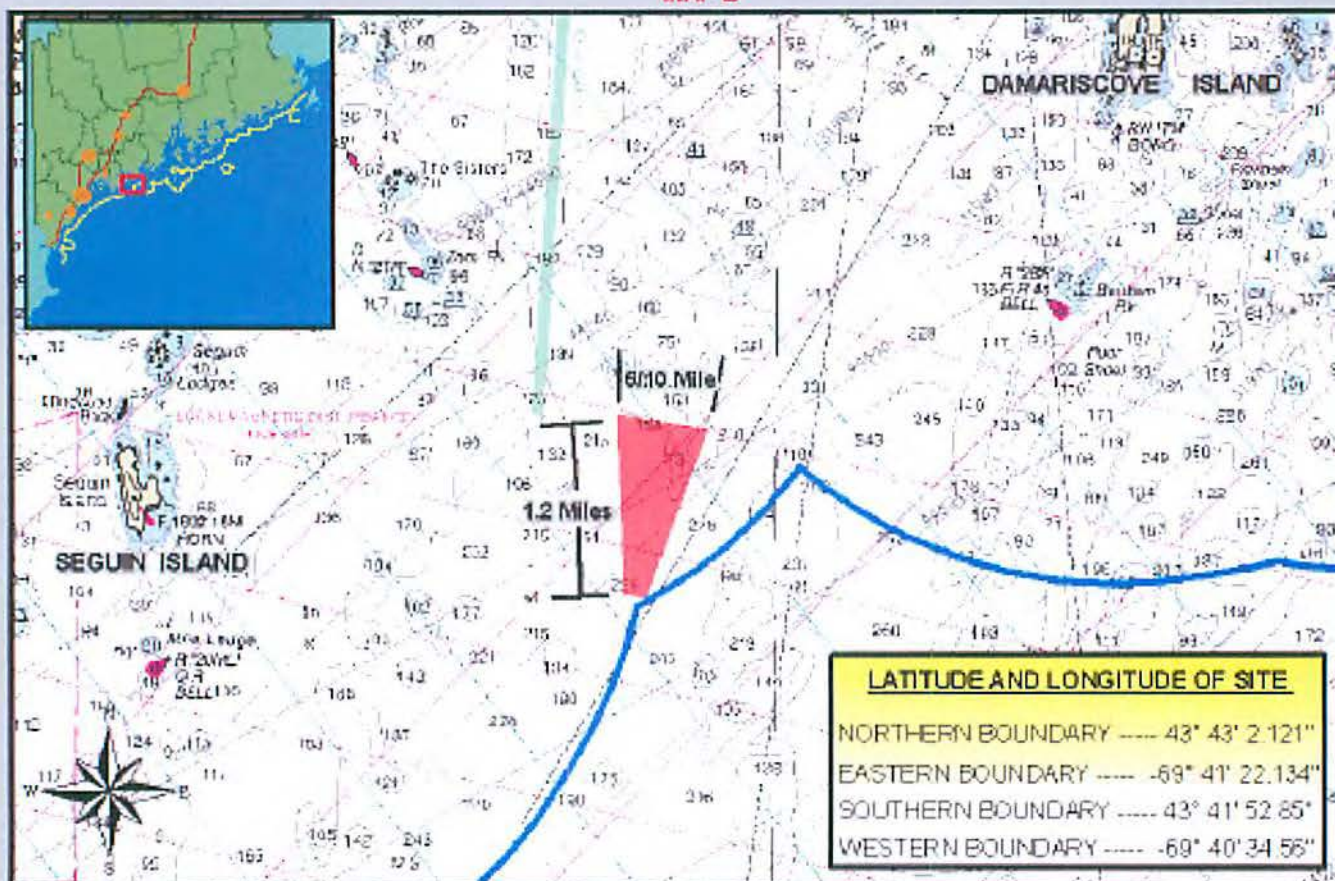
**BOON ISLAND OCEAN
ENERGY TEST SITE**



Regency Lakeside Hotel
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San Jose, CA 95120, U.S.A.
Tel: (415) 961-1000, (415) 961-1001,
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(415) 961-1004, (415) 961-1005



MAP B



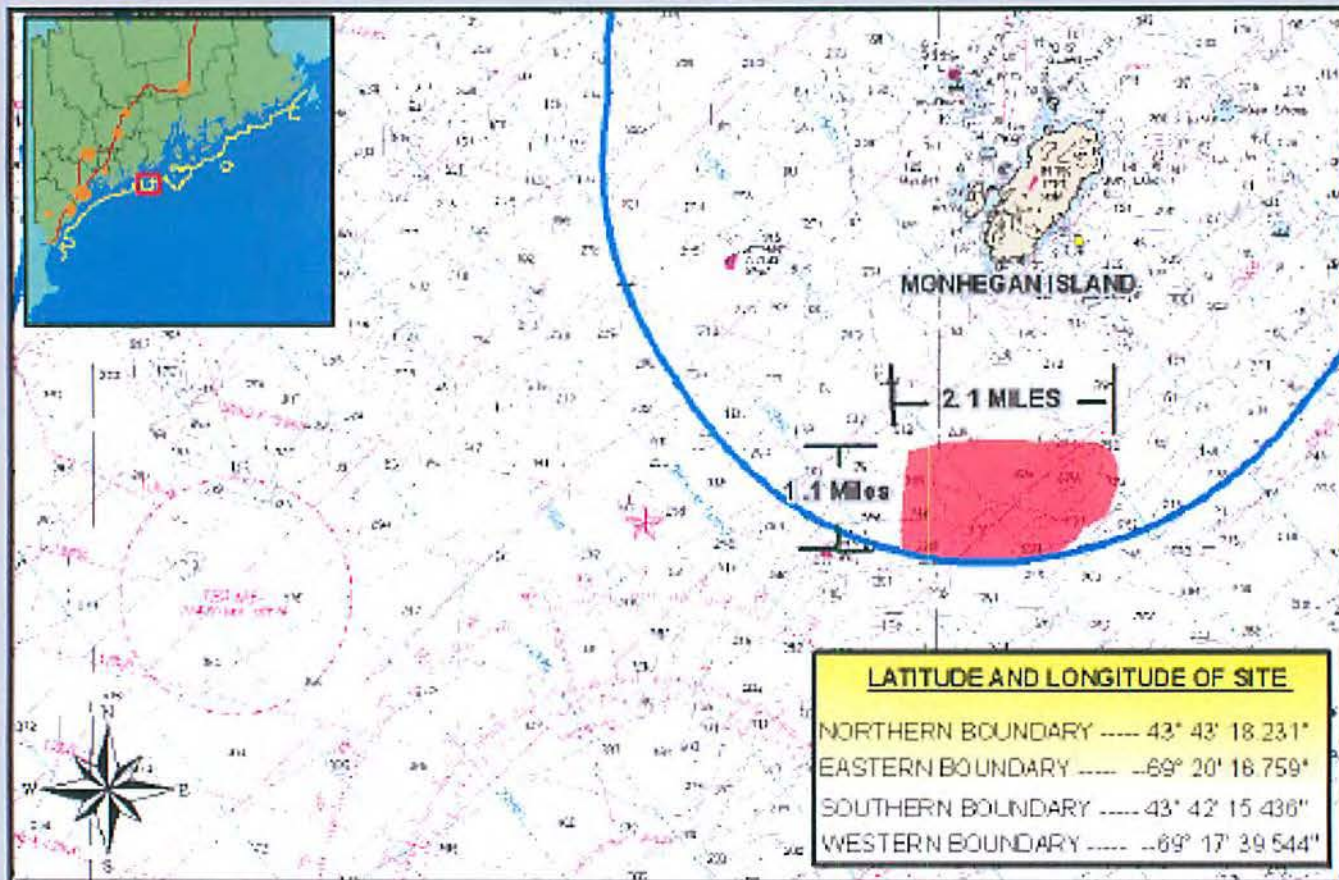
**DAMARISCOVE OCEAN
ENERGY TEST SITE**

0 0.2 0.4 0.6 0.8 1.0 1.2 1.4 1.6 Miles

Map by: US Coast Guard
Map No.: 11000-1
Scale: 1:50,000
Date: 11/01/00
NOAA, USCG, 11000-1, 11000-1



MAP C



— State Marine Boundary
 ■ Test Site

**MONHEGAN ISLAND OCEAN
 ENERGY TEST SITE**

0 0.5 1.0 1.5 2.0 Miles

Map by: NOAA
 Data: NOAA
 Date: 10/10/10
 Scale: 1:50,000
 Projection: NAD 83, UTM
 Zone: 18N



