

## §1868. Identification of offshore wind energy test areas

**1. Site identification process.** No later than December 15, 2009, following consultation with the Department of Environmental Protection, the Public Utilities Commission, the Department of Inland Fisheries and Wildlife, the Maine Land Use Planning Commission, the Department of Marine Resources, the Maine Historic Preservation Commission and the University of Maine System and opportunity for public comment, the department shall identify and map up to 5 specific offshore wind energy test areas. An offshore wind energy test area identified under this subsection must be a geographic area on state-owned submerged lands suitable for offshore wind energy demonstration projects constructed and operated in accordance with Title 38, section 480-HH. In identifying each such area, the department must consider existing information regarding pertinent ecological, environmental, social and development-related factors, including but not limited to:

A. Potential adverse effects on a protected natural resource, as defined by Title 38, section 480-B, subsection 8, or a scenic resource of state or national significance, as defined by Title 35-A, section 3451, subsection 9; [PL 2009, c. 270, Pt. C, §1 (NEW).]

B. Potential adverse effects on species listed as threatened or endangered under section 6975 or section 12803, subsection 3; avian species, including seabirds, passerines, raptors, shorebirds, water birds and waterfowl; bats; and marine mammals; [PL 2009, c. 270, Pt. C, §1 (NEW).]

C. Potential adverse effects on commercial fishing, recreation, navigation, existing public access ways to intertidal and subtidal areas and other existing uses; [PL 2009, c. 270, Pt. C, §1 (NEW).]

D. Proximity to deep water port facilities, rail transportation, transmission infrastructure facilities and existing ocean-based environmental monitoring devices; [PL 2009, c. 270, Pt. C, §1 (NEW).]

E. Data regarding wind speed, ocean wave height and period, ocean currents and water depth; [PL 2009, c. 270, Pt. C, §1 (NEW).]

F. Geology, including substrate type and other seafloor characteristics; [PL 2009, c. 270, Pt. C, §1 (NEW).]

G. Public support in pertinent coastal communities; and [PL 2009, c. 270, Pt. C, §1 (NEW).]

H. Historic sites and archaeological resources of state or national significance. [PL 2009, c. 270, Pt. C, §1 (NEW).]

[PL 2011, c. 655, Pt. KK, §13 (AMD); PL 2011, c. 655, Pt. KK, §34 (AFF); PL 2011, c. 682, §38 (REV).]

**2. Maine Offshore Wind Energy Research Center.** The department shall designate one of the areas identified under subsection 1 as the Maine Offshore Wind Energy Research Center for use by offshore wind energy demonstration projects conducted by or in cooperation with the University of Maine System and on terms and in a manner that the University of Maine System considers consistent with and in furtherance of its offshore wind energy research and development-related objectives, including but not limited to any such objectives to be supported with state bond revenues. [PL 2009, c. 270, Pt. C, §1 (NEW).]

**3. Modification of identified offshore wind energy test areas.** Following the identification of offshore wind energy test areas under subsection 1, the department may, following notice and opportunity for public comment, add to, remove or otherwise modify the list of offshore wind energy test areas identified under subsection 1. In making modifications under this subsection, the department is subject to the site identification criteria under subsection 1, except that modifications under this subsection may result in more than 5 identified areas.

[PL 2009, c. 270, Pt. C, §1 (NEW).]

**4. Judicial review.** The identification of an offshore wind energy test area or areas under subsection 1 or subsection 3 constitutes final agency action.

[PL 2009, c. 270, Pt. C, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 270, Pt. C, §1 (NEW). PL 2011, c. 655, Pt. KK, §13 (AMD). PL 2011, c. 655, Pt. KK, §34 (AMD). PL 2011, c. 682, §38 (REV).

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