



**PARTNERSHIP FOR THE PRESERVATION
OF THE DOWNEAST LAKES WATERSHED
(PPDLW)**

Comments delivered by Gary Campbell
to LUPC Commissioners 9/28/16
re: the petition to remove Carroll Plt.
from the Expedited Wind Permitting Area

Good evening. My name is Gary Campbell. I'm President of Partnership for the Preservation of the Downeast Lakes Watershed, PPDLW, a self-funded nonprofit. We have nearly 200 members all of whom are regular users of the Downeast Lakes that lie immediately south of Carroll Plt. Some of our members come from out of state but most live in Maine. And yes, some of our members are residents of Carroll Plt. PPDLW is not anti-wind power. We opposed the Bowers Wind Projects because they were poorly-sited and would have done more harm than good. LURC agreed with us, DEP agreed with us, BEP agreed with us and the State Supreme Court agreed with us. Our members share a deep love and respect for the wilderness values of the Downeast Lakes and want to see that future generations enjoy the same privilege.

Let me give a little bit of context before I address the two removal criteria...

If you look at a map of Maine's expedited wind permitting area you'll see that everything east of Bangor, from Fort Kent to Deer Isle, has been designated for expedited permitting of wind projects EXCEPT a large area immediately abutting Carroll Plt's southern border. That area is the Downeast Lakes Region.¹ This 'donut hole' contains numerous lakes that the State has classified as SRSNS. In fact, within 8 miles of Carroll Plt there are 18 SRSNS lakes. The two Bowers Wind projects, which were sited in *expedited*-Carroll, were denied because their impact on the scenic value of nine *unexpedited* lakes was deemed unreasonable.

The Governor's Task Force on Wind Power Development, in its final report, explained that the areas left unexpedited are "broad areas that encompass concentrations of ecological, recreational and/or scenic values that are among the most significant in the jurisdiction."²

It was no accident that the Wind Law carved out the Downeast Lakes region leaving it unexpedited. In the Bowers record there is a joint letter from David Publicover of the Appalachian Mountain Club, Dylan Voorhees of NRCM and Jennifer Burns Gray of Maine Audubon. In it they write that "...we were intimately involved with the drafting of the proposed expedited permitting boundaries. The proposed area (Bowers) lies at the very northern edge of a large area around the Downeast Lakes that was intentionally excluded from the expedited area because it represents a broadly treasured landscape with significant conservation values. At the time these boundaries were delineated, Bowers Mountain was not identified as a potential wind development site."³ This

¹ See Exhibit 1, Expedited Wind Power Permitting Area.

² Report of the Governor's Task Force on Wind Power Development, Feb 2008, p.18

³ Letter was provided to LURC in connection with First Wind's petition to add Kossuth Twp to the Expedited Wind Permitting Area, October 4, 2010. Letter is available at: www.ppdlw.org/letters/NRCM%20AMC%20MA%20letter.pdf

suggests to me that had the Task Force thought that a developer might propose a wind project on Bowers, Carroll Plt would also have been left unexpedited in order to leave a wind development buffer protecting the Downeast Lakes.

In his agency comments, Rex Turner of Maine's Bureau of Parks and Lands notes that "Carroll Plt is situated in a generally low region of the State of Maine though modest hills and mountains do rise in the Plantation's southern half south of State Rte 6."

Because the Downeast Lakes are so valuable that they were singled out for protection from wind development, and because Carroll's topography makes its southern border the only conceivable place for a wind project, and because the two Bowers projects were to be located there but were not permitted, there is a vast body of data and analysis from the two Bowers projects that is very relevant to this removal decision without being dependent on a specific project or turbine layout.

CRITERION A

The proposed removal will not have an unreasonable adverse effect on the State's ability to meet the State goals for Wind Energy Development in Section 3404, Subsection 2, Paragraph C

It seems there's been some confusion over what goals the legislature was referring to. I have to admit I was confused when I wrote PPDLW's pre-hearing testimony. Maine Renewable Energy Association, Stantec, Conservation Law Foundation and General Contractors of Maine were also confused about the goal in their testimony against the Milton removal.

The legislature was very specific in referring to the wind energy goal in "Section 3404, Subsection 2, Paragraph C". Paragraph C describes the goal as:

"At least 8,000 megawatts of installed capacity by 2030, including 5,000 megawatts from generation facilities located in coastal waters..."

The goals for 2015 and 2020 are described in paragraphs A and B and therefore are not relevant to these removal decisions. Only paragraph C, the 2030 goal, can be considered in the removal process. In fact, all that matters is the land-based portion of the goal which is 3,000 MW of capacity by 2030.

There is ample evidence that removing Carroll Plt from the expedited permitting area satisfies Criterion A.

1. Maine has 927 MW of land based wind capacity that is currently operating or under construction. That leaves an additional 2,073 MW to be installed over the next 14 years in order to meet the State's 2030 goal of 3,000 MW.

The response to the recent New England Clean Energy Request for Proposals⁴ is a solid indication of Maine wind projects that developers are planning to build in the next four years. The proposals represent real projects that are in the advanced development stage and are projected to be online no later than 2020. The proposals received offer up approximately 2,100 MW of new Maine-sited wind energy.

The 927 MW of existing and under construction capacity combined with the 2,100 MW in advanced planning stages already exceeds the 2030 goal of 3,000 MW. Add to that the

⁴ A complete bidder list can be found at <https://cleanenergyrfp.com/bids/>

projects that are being planned but did not respond to the RFP and we can be sure that the goal will be met with capacity to spare. A wind project in Carroll Plt therefore will not be critical to meeting the 2030 goal.

2. Carroll's wind resource is not attractive. According to the two failed applications for a wind project in Carroll, the wind resource on Bowers is 6.5 m/s. According to testimony filed by EverPower Wind Holdings in the Milton removal hearing a minimum of 6.5 - 7.0 m/s is required for an economically viable wind project. Carroll's wind resource is just barely viable and it is further depreciated by site-related factors:
 - In order to reduce bat mortality, IF&W required First Wind to increase the turbine cut in speed from 3 m/s to 5 m/s from one hour before sunset to one hour after sunrise six months out of the year.⁵ More recently, in response to impacts from disease and manmade threats to the bat population, IF&W revised its curtailment policy. They now call for wind turbines to operate at cut-in speeds exceeding 6.0 m/s. Remember that the wind resource at Bowers averages only 6.5 m/s.⁶
 - At the Milton removal hearing EverPower testified that one of the key factors in siting a project is that the rows of turbines must be perpendicular to the prevailing wind in order to minimize turbulence and optimize production.⁷ The three existing projects near Carroll: Stetson I, Stetson II on one side and Rollins on the other, are all arranged generally north-south, perpendicular to the area's prevailing wind which comes out of the WNW.⁸ However, the Bowers ridgeline in Carroll Plt runs generally east-west, almost parallel to the prevailing wind.

These conditions combine to make Carroll's wind resource, and therefore its potential, marginal at best.

3. The trend now is toward much larger projects of several hundred MW using ever-larger turbines. Greater turbine heights, improved turbine efficiency and advances in energy storage will mean that future wind development will shift more toward lower elevations, closer to end-users and away from sites like Carroll Plt that prove difficult to permit due to the impacts on valuable resources.

PPDLW believes there is more than enough evidence to show that Carroll Plt is "a place that has limited potential for energy generation and that would be subject to disproportionate impacts on public resources from wind power development."⁹ Carroll Plt therefore provides little value toward achieving the State's goal of 3,000 MW by 2030 and satisfies Criterion A. It can be removed from the expedited area without having an unreasonable adverse effect on the State's ability to meet its goal for wind energy development.

⁵ DEP's Final Department Order (Champlain Wind LLC, Aug 5, 2013), p27.

⁶ See the March 2015 Amendment to the permit for Hancock Wind LLC, p9, at <http://www.maine.gov/dep/land/sitelaw/selected-developments/hancock/Hancock%20Wind%20LLC%20L25875ea%20Order.pdf>

⁷ Pre-Filed Testimony of EverPower Wind Holdings, Inc. p7.

⁸ LUPC, Additional Materials for the Public Hearing, 9/21/16, Attachment 2, Table 1- Key Siting Considerations, Bowers Wind Project.

⁹ Overview of the Process for the LUPC's Review of Petitions for the Removal of Places from the Expedited Permitting Area for Wind Energy Development, page 5.

CRITERION B

The proposed removal is consistent with the principal values and the goals in the comprehensive land use plan adopted by the Maine Land Use Planning Commission pursuant to Title 12, section 685-C.

Two significantly different Bowers Wind Projects were proposed for Carroll Plt. After a comprehensive review including public hearings, both were determined to have an unreasonable adverse effect on the scenic character and the uses related to scenic character of nine SRSNS lakes. Both were denied permits. Because of this unprecedented history of failed wind development in Carroll Plt. we have an extensive record of testimony from developers, expert witnesses, contractors, professional wind lobbyists, landowners, state agencies, conservation groups and the public. We have multiple Visual Impact Assessments, multiple user surveys, site visit reports, maps, site photos and simulations. I urge you to read both the LURC and DEP Bowers decision documents because they contain a wealth of data and analysis that will be helpful in evaluating Carroll against Criterion B¹⁰.

The CLUP itself has this to say about the Downeast Lakes region:

“...A unique combination of geology, natural forces and climate have combined to produce an area of unparalleled natural resources and values. Lakes abound with names like Pocumcus, Wabassus and Sysladobsis, reminiscent of the area's Indian heritage. Stands of white birch, eastern hemlock and white pine attest to the economic importance of the natural resources that first drew settlers hundreds of years ago. Today, the forest and fisheries continue to sustain the unique community in and around Grand Lake Stream Plantation. This community has more Registered Maine Guides than any place in Maine. These professionals provide a vital link between visitors and the complex ecosystem of lakes, marshes, woodlands, bogs and their wildlife in an area scientists recognize as one of unmatched biodiversity.”¹¹

CLUP values diverse and abundant natural resource-dependent recreational activities. The Bowers user surveys show that popular activities include paddling, camping, bird watching, fishing, hunting, photography, stargazing, wildlife viewing, boating, cycling, hiking, ATVing, Cross-country skiing, snowshoeing, snowmobiling and ice fishing. These same surveys show that a wind project in Carroll would degrade the users' experience and that many of the users would decide to recreate elsewhere if there were turbines in Carroll.

CLUP values high value natural resources, natural features and natural character. There are 18 SRSNS lakes within 8 miles of Carroll Plt.¹² Four of them are rated Outstanding for their scenic value. Many of them are connected.¹³ Many of the lakes provide primitive island campsites available to the public at no charge. These are excellent warm- and cold-water fisheries. Huge tracts of undeveloped land are under conservation, managed for wildlife habitat, public recreation, traditional uses and sustainable forestry.¹⁴

¹⁰ LURC's denial of the Bowers Wind Project (DP 4889) is available at: http://www.maine.gov/dacf/lupc/projects/windpower/firstwind/champlain_bowers/Development/Decision/CW_4889_Denial_April_2012_FINAL.pdf

DEP's Final Department Order (Champlain Wind LLC, Aug 5, 2013) is available at: <http://www.maine.gov/dep/land/sitelaw/selected-developments/bowers/ChamplainWindL25800ANBN.pdf>

¹¹ Comprehensive Land Use Plan, Land Use Regulation Commission, 2010, p.54.

¹² See Exhibits 2 and 3: Table and Map of 18 SRSNS Lakes within 8 miles of Carroll Plt.

¹³ See Exhibit 4, Schematic Depiction of the Downeast Lakes Network.

¹⁴ See Exhibit 5, Map of Conservation Land Surrounding Downeast Lakes.

One of CLUP's goals is to guide development to protect and conserve forest, recreational, plant or animal habitat and other natural resources to ensure the *compatibility* of land uses. The user surveys conducted for the Bowers applications clearly show that if a wind project were built in Carroll the public's enjoyment and use of the SRSNS lakes would suffer. A wind project in Carroll would be incompatible with the local economy which for over a century has been built on outdoors tourism. In denying the first Bowers application LURC noted that "the effect of the (Bowers Wind Project) is... particularly adverse as the record shows that the nine lakes collectively represent water trails that receive significant use as recreational resources by the public, including the clients of guides and sporting camp owners..."¹⁵ Many professional guides and traditional Maine sporting camps would go out of business. It's important to note that CLUP specifically recognizes that sporting camps are recreational and cultural resources, worthy of protection from incompatible development.¹⁶

IN CONCLUSION

The legislature has provided two criteria both of which must be met when deciding to remove a town from expedited permitting. Carroll's wind energy potential is very limited and its value is far outweighed by the disproportionate negative impacts a wind project would have on the region's public resources and local economy.

Carroll Plt therefore satisfies the two criteria and PPDLW respectfully asks the Commission to remove Carroll Plt from the expedited wind permitting area.

Thank you for giving me the opportunity to speak.

¹⁵ LURC Denial of Development Permit DP 4889, p24.

¹⁶ Comprehensive Land Use Plan, Land Use Regulation Commission, 2010. Pp.13, 18, 17, 265 – 267.

Exhibit 1

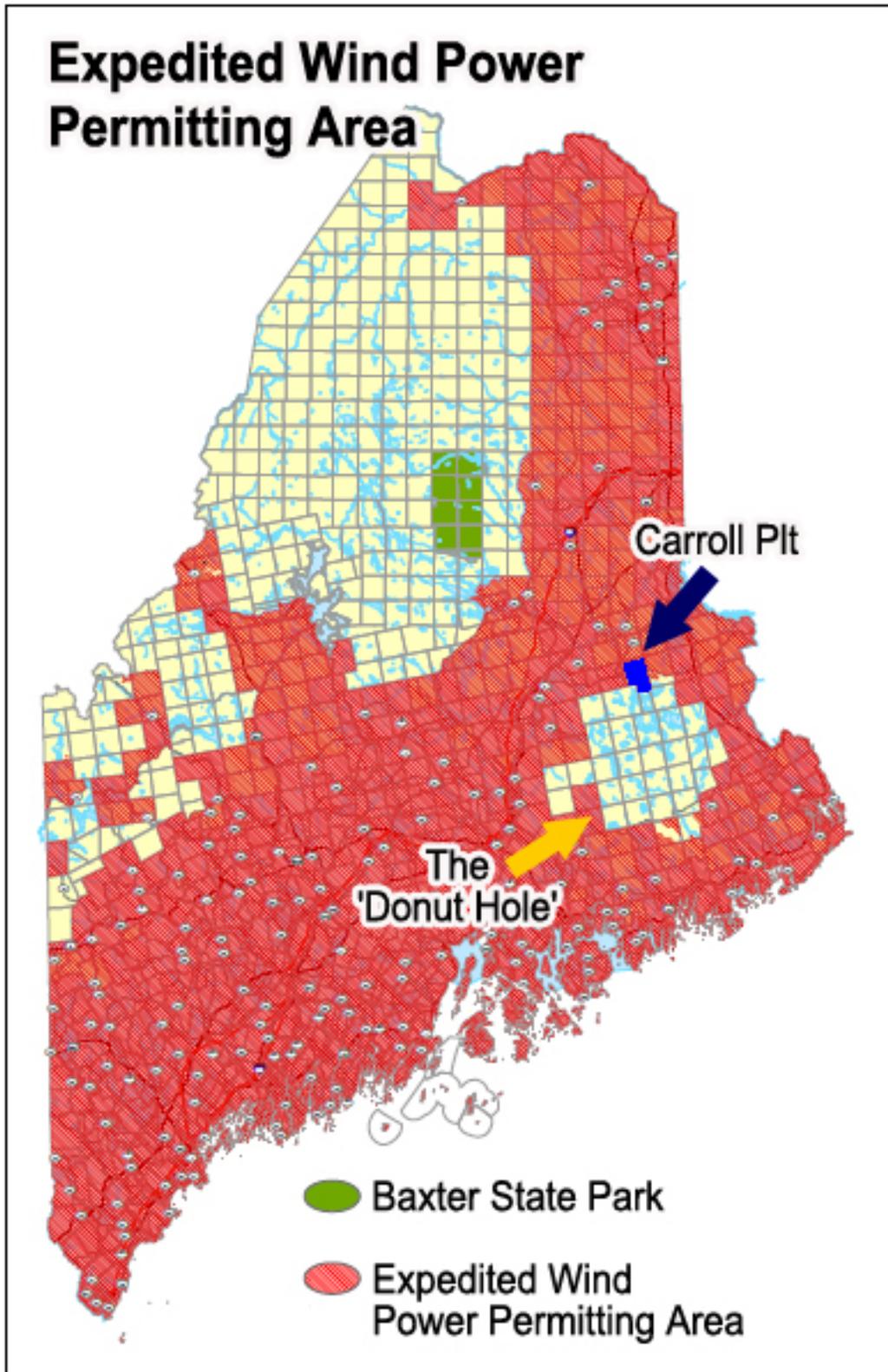


Exhibit 2 **SRSNS Lakes within 8 miles of Carroll Pit.**
 (underlined lakes are rated Outstanding for scenic value)

Bottle Lake	<u>Pleasant Lake</u>	<u>West Grand Lake</u>
Duck Lake	Pug Lake	<u>West Musquash Lake</u>
Horseshoe Lake	Norway Lake	Scraggly Lake
Junior Lake	Number Three Pond	Shaw Lake
Keg Lake	Oxbrook Lake, Lower	Sysladobsis Lake, Lower
<u>Lombard Lake</u>	Oxbrook Lake, Upper	Sysladobsis Lake, Upper

Exhibit 3 Map of SRSNS Lakes within 8 miles of Carroll Plt.

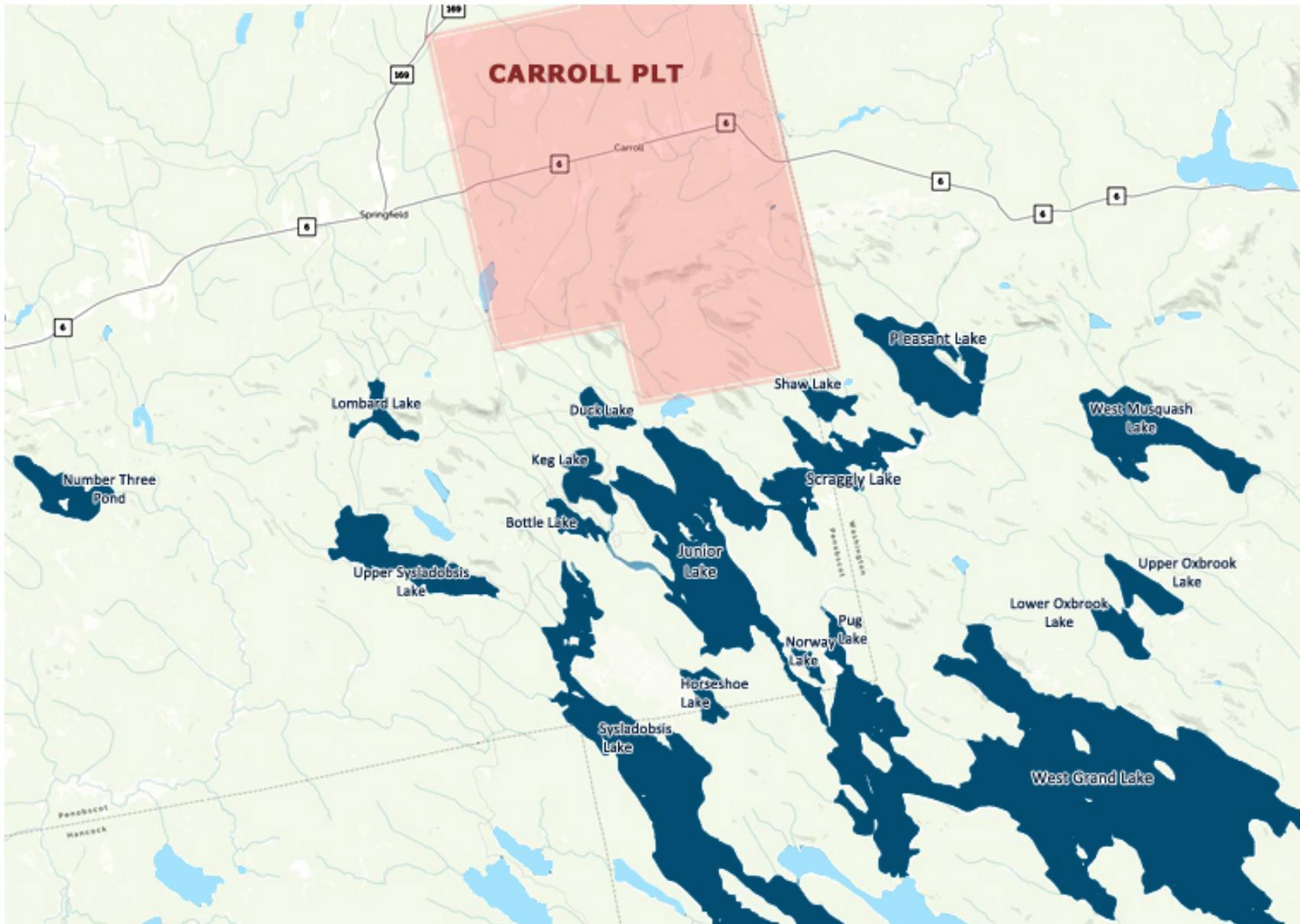
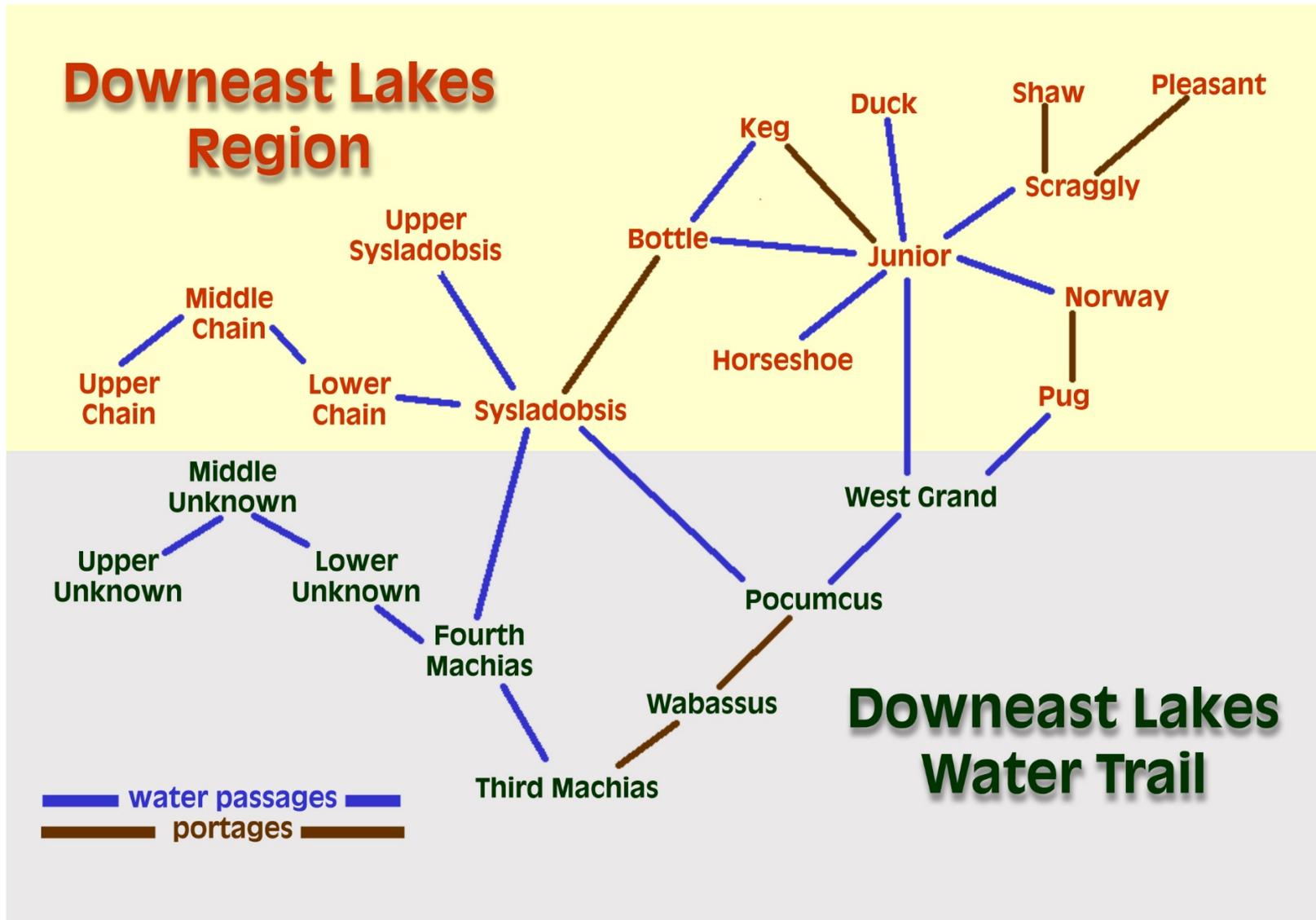
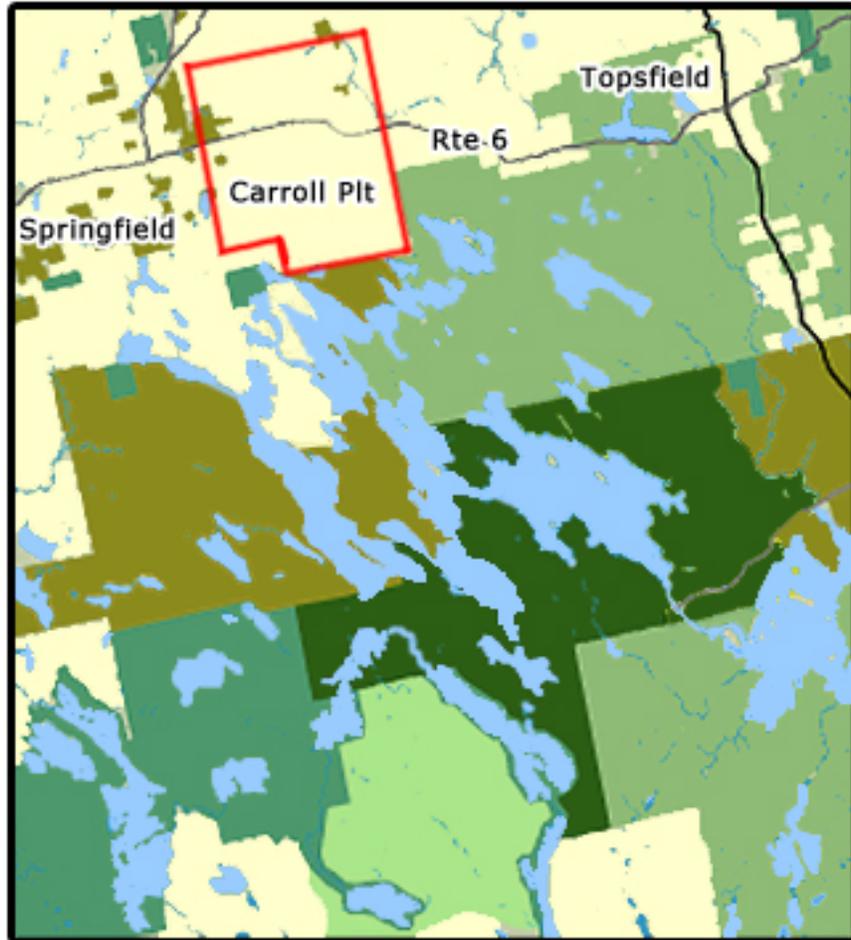
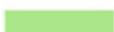


Exhibit 4 Schematic Depiction of the Downeast Lakes Network



CONSERVATION LAND SURROUNDING THE DOWNEAST LAKES



-  Downeast Lakes Community Forest (DLLT)
-  Tribal Land
-  Washington Bald Cons. Easement
-  Maine Public Reserved Lands
-  Sunrise Cons. Easement (DLLT)

LUPC Commissioners

My name is Elgin H. Turner, I am currently a Lincoln resident, but I grew up in the neighboring small town of Burlington, Maine.

I am here today to oppose the withdrawal of Carroll Plantation from the Expedited Permitting Area for Wind Energy Development.

In the interest of full disclosure, I am also associated with Herbert C. Haynes, Inc. and Lakeville Shores, Inc. In the past, I have worked extensively on the development of several wind leases in this part of Maine.

My first remark may be considered a "soap box" comment, not directly related to today's public hearing, but please remember, as you are sitting there, considering your decision, a few people are imposing their will on many.

I will highlight just two projects to illustrate the economic development impact to the greater Lincoln area and to my home town of Burlington.

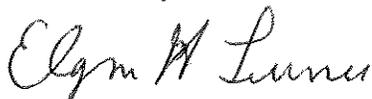
The first was very apparent if you drove in on West Broadway today. The Town of Lincoln was able to add a center turning lane to West Broadway. This should eliminate DOT impact fees and make it easier for businesses to locate in Lincoln. I know that we have lost a couple of potential developments due to the high cost of highway reconstruction.

The most visual beneficial impact on my home town is the removal of the "sawdust piles" on the shores of Saponac Lake. I remember when the sawdust piles were being made. Henry Olsen's portable saw mill was running, and the lake adjacent to the mill was filled with logs. In my lifetime, various town officials or persons have tried to clean up the lake by removing the sawdust piles. While the project is yet to be completed, at least it has begun. I am sure the good citizens of Carroll could find a similar beneficial project for their town.

Finally, through my association with Haynes and Lakeville Shores, I can see the tremendous impact that the losses of fiber markets have had on this part of Maine. The income derived from wind leases provides economic relief to all landowners, and allows landowners to maintain their land base, while looking for other opportunities.

Thank You.

Submitted by:



Elgin H. Turner