



STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
MAINE LAND USE REGULATION COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

PAUL RICHARD LEPAGE  
GOVERNOR

WILLIAM H. BEARDSLEY  
COMMISSIONER

**TO:** Commission Members  
**FROM:** Frederick W. Todd, Project Planner  
**DATE:** March 30, 2011  
**SUBJECT:** Request for Public Hearing and Requests for Intervenor Status  
Champlain Wind, LLC 'Bowers Wind Project'  
Development Permit DP 4889; Carroll Plt (Penobscot) and Kossuth Twp (Washington)

---

## **Project Proposal**

On March 14, 2011 staff accepted as complete for processing an application for Development Permit DP 4889, submitted by Champlain Wind, LLC (a subsidiary of First Wind Energy, LLC) for a 69.1 megawatt (MW) wind energy facility to be located on Bowers Mountain, an unnamed ridge to the south (referred to as "South Peak" throughout the application) in Carroll Plantation and Dill Hill in Kossuth Township. The entire proposed project is located within the area designated for expedited permitting.

The proposed \$136 million development project consists of up to 10 Siemens 3.0 MW turbines and up to 17 Siemens 2.3 MW turbines. The project would also include: access to the turbines utilizing new and existing roads; 34.5 kilovolt (kV) collector lines connecting the turbines; an "express collector" line for 5.2 miles to connect to a new substation adjacent to Line 56 -- an existing 115kV transmission line; an operations and maintenance building; and up to four permanent meteorological towers.

## **Background**

Upon acceptance of the development application on March 14, 2011, notice was provided to all parties having expressed an interest in the project and notice was provided to abutters and published by the applicant in the Lincoln Times and Bangor Daily News. The notice stated that requests for a public hearing and for intervenor status for this proposal must be submitted to LURC by 5:00 P.M. on March 28, 2011.

## **Requests for Public Hearing**

Staff received 73 requests for a public hearing. The following is a summary listing of these requests. Attachment A to this memo contains a list of those individuals or entities requesting a public hearing.

CATHERINE M. CARROLL, DIRECTOR

[www.maine.gov/doc/lurc](http://www.maine.gov/doc/lurc)  
PHONE: (207) 287-2631  
FAX: (207) 287-7439  
TTY: (888) 577-6690

## Summary of Requests for Public Hearing

The requests for public hearing included concerns regarding tourism impacts, visual impact, noise, public safety setback and the potential for adverse effects on property values. Permitting criteria generally require LURC to consider, among other things, whether a project will have an undue or unreasonable adverse effect on scenic character, existing uses, and natural resources, and therefore the record will likely contain substantial information on the concerns raised in the public hearing requests. As described above, the individuals and groups identified herein are seeking a public forum in which to be heard on these matters.

## **Review Criteria for a Public Hearing**

### Chapter 4 of the Commission's rules, Section 4.04(5) (a) and (b)

“(5) When to Hold a Public Hearing:

- (a) As provided by these rules, interested persons may prepare and submit evidence and argument to the agency and request a hearing on an application.
- (b) The Commission shall consider all requests for a hearing submitted in a timely manner. Hearings on an application are at the discretion of the Commission unless otherwise required by the Constitution of Maine or statute. In determining whether a hearing is advisable, the Commission shall consider the degree of public interest and the likelihood that information presented at the hearing will be of assistance to the Commission in reaching its decision.” (emphasis added)

## **Staff Recommendation on a Public Hearing**

The LURC staff recommends a public hearing be held based on the level of the public response and the scope of the proposed wind energy development described in the Bowers Wind Project application. Seventy-three individuals and groups, representing a variety of interests, have requested a public hearing on this application. A public hearing will assure that all concerns that have been raised will be heard. We are considering the week of June 20, 2011, as possible date(s) for a public hearing. We are also planning on a pre-hearing conference for Thursday, May 5, 2011, at our office in Augusta.

## **Request for Intervenor Status**

Staff received 2 requests for Intervenor Status. The following is a listing of the requests. Attachment B to this memo contains the individual supporting correspondence of e-mails and letters.

### Requests for Intervenor Status

1. Sean Mahoney, Vice President and Director, Conservation Law Foundation
2. Dylan Voorhees, Clean Energy Director, Natural Resources Council of Maine

## **Review Criteria for Granting Intervenor Status**

Chapter 5 of the Commission's rules Section 5.13(1) states “Petition for Intervention: ... A petition to intervene shall be granted if it demonstrates that the petitioner is or may be substantially and directly affected by the proceeding.”

### **Staff Recommendation for Intervenor Status**

For the reasons stated by NRCM and CLF regarding this project’s potential to substantially and directly affect them (see Attachment B), the staff recommends granting Intervenor Status to both the Conservation Law Foundation and the Natural Resources Council of Maine.

### **Request for Interested Person Status**

Chapter 5 of the Commission’s rules also states “the Commission may further allow any other interested person to intervene as a party or to participate in more limited manner as the Commission or its Presiding Officer may designate. ...’

While it is not necessary for the Commission to rule on this status, 8 individuals or entities are requesting to be considered as “interested persons” in this proceeding. According to the Commission’s rules (5.14) “any person may, in the discretion of the Presiding Officer, be permitted to make oral or written statements on the issues, introduce documentary, photographic and real evidence, attend and participate in conferences and submit written or oral questions of other participants, within such limits and on such terms and conditions as may be fixed by the Commission or the Presiding Officer.” As there is no deadline in requesting such status, there may be additional such requests as we progress in this proceeding.

To-date, the individuals or entities requesting such status are:

1. David Corrigan, Fletcher Mountain Outfitters, Concord Twp, ME
2. Steve Norris, The Pines Lodge, Grand Lake Stream
3. Kevin Gurall, Partnership for the Preservation of the Downeast Lakes Watershed (PPDLW), Durham, ME
4. David Darrow, Chandler, AZ
5. Pete Borden, Grand Lake Stream, ME
6. Leonard Murphy, Woodville, ME
7. Barbara Moore, Chandler, AZ
8. Gary and Kay Campbell, Hingham, MA

FWT

Attachment A: List of individuals requesting public hearing

Attachment B: Copies of intervenor requests

Attachment A  
Individuals or Entities Requesting a Public Hearing  
Concerning DP 4889  
Bowers Wind Project  
March 28, 2011

Dale Wheaton, Wheaton's Lodge, Forest City, ME  
Donna Crosby, Springfield, ME  
Vincent Crosby, Springfield, ME  
Selectmen of Grand Lake Stream Plantation, ME  
Penny Gray, Freeport, ME  
David Corrigan, Fletcher Mountain Outfitters, Concord Twp, ME  
Greg Perkins, Holden, ME  
Nancy O'Tool  
Freda Parker, Lakeville, ME  
John Gagnon, Lakeville, ME  
Robert Gibson, Lakeville, ME  
Deborah Buckingham, Skowhegan, ME  
Steven Norris, The Pines Lodge, Grand Lake Stream, ME  
David Parker, Lakeville, ME  
Jennifer Gordon, Prentiss, ME  
Walter and Lois Cook, Lakeville, ME  
Kay Campbell, Hingham, MA  
Robert Pelletier, Vernon, CT  
Marc and Cindy Williams, Whiting, NJ  
Sara Alexander, Etna, ME  
Margaret Carter, Lakeville, ME  
Robert and Peggy McDaniel, Hodgdon, ME  
Phillip Daw, Mineral Bluff, GA  
Tracy Allen, Mineral Bluff, GA  
David Darrow, Chandler, AZ  
Gary Campbell, Hingham, MA  
Layton Day, Corinth, ME  
Lorri Day, Corinth, ME  
Timothy Dalton, Manhattan, KS  
Richard and Donna Washburn, Fremont, NH  
Kirsten Burbank, Salem Twp, ME  
Lisa Smith  
Stephen Smith  
Richard and Judith Mathiau, Vassalboro, ME  
Daniel Remian, Cushing, ME  
Lisa Wilson, Middletown, CT  
Gary Stevens, Sanbornville, NH  
Alfred Goodwin Jr., Medway, MA  
George Stevens, Milton, NH  
Martha Marchut, Cushing, ME

Barbara Moore, Chandler, AZ  
Jeff Stevens, Brookfield, NH  
David Wilson, Middletown, CT  
Roberta Stevens, Sanbornville, NH  
Marvin Allen, Hallowell, ME  
Peggy Bishop, Carrabassett Valley, ME  
Paul Liebow, Bucksport, ME  
Norman Kalloch, Carrying Place Town Twp, ME  
Tom Olds, Brooks, ME  
Steve and Diane Neil  
Sally McGuire, Carthage, ME  
Rose and Jarrett Staton  
Margaret Murillo  
Kay Michka, Lexington Twp, ME  
Karen Pease, Lexington Twp, ME  
John Rohrer, York and Carrabassett Valley, ME  
Elise Glinsky  
Gabrielle Wellman, Blue Hill, ME  
Ed Buzzell, Detroit, ME  
Bjarni Brown, Exeter, NH  
Alan Michka, Lexington, ME  
Al Wegener, New Paltz, NY  
Gregory and Patrice Drummond, Claybrook Mtn Lodge, Highland Plt, ME  
Christopher Short, Lexington Twp, ME  
Grace Keown, Dixmont, ME  
Leonard Murphy  
Eric Lane, Durham, ME  
Mary Jane Fisher, Naples, FL  
Janet Randall, Cambridge, MA  
Peter Fisher, Naples, FL  
Gary Rouleau, Lakeville, ME  
Pat Rouleau, Lakeville, ME  
Gary and Tici Conant, Raymond, ME

Attachment B  
Individuals or Entities Requesting Intervenor Status  
Concerning DP 4889  
Bowers Wind Project  
March 29, 2011

Sean Mahoney, Conservation Law Foundation  
Dylan Voorhees, Natural Resources Council of Maine

**From:** [Sean Mahoney](#)  
**To:** [Todd, Fred](#)  
**Cc:** [Diana Upson](#)  
**Subject:** Bowers Wind Project , DP 4889  
**Date:** Friday, March 25, 2011 3:17:16 PM  
**Attachments:** [File0287.pdf](#)

---

Fred – Attached please find a petition to intervene in the above referenced project. Please let me know if you have any questions or problems with receipt. A hard copy of the original petition will be mailed to you. Many thanks Sean

**Sean Mahoney**

Vice President and Director  
CLF Maine

47 Portland Street, Suite 4  
Portland, ME 04101

P: 207-210-6439 x12

E: [smahoney@clf.org](mailto:smahoney@clf.org)

For a thriving New England



**From:** [Dylan Voorhees](#)  
**To:** [Todd, Fred](#)  
**Cc:** [dfowler@firstwind.com](mailto:dfowler@firstwind.com); [gwest@firstwind.com](mailto:gwest@firstwind.com); [Spencer-Famous, Marcia](#)  
**Subject:** Bowers wind project  
**Date:** Monday, March 28, 2011 3:39:01 PM  
**Attachments:** [NRCM Intervener petition - Bowers.doc](#)

---

Fred,

Attached is NRCM's petition to intervene in the Bowers mountain wind project. A signed, notarized copy has been sent by mail. Please let me know if you have any questions, and confirm your receipt if and when convenient.

Thank you,

Dylan Voorhees





Natural Resources  
Council of Maine

3 Wade St  
Augusta, ME 04330

March 25, 2011

By Mail and E-mail

Fred Todd  
Land Use Regulation Commission  
22 State House Station  
Augusta, ME 04333-0022

RECEIVED  
MAR 30 2011  
LURC-AUGUSTA

---

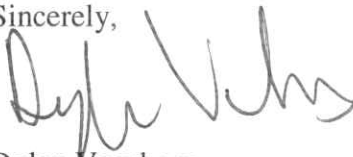
Re: Bowers Mountain Wind Project

Dear Mr. Todd,

Enclosed please find the Natural Resources Council of Maine's Petition to Intervene in the Bowers Mountain Wind Project.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Dylan Voorhees

Enclosures:

Cc: Dave Fowler & Geoff West, First Wind

STATE OF MAINE  
LAND USE REGULATION COMMISSION

RECEIVED

MAR 30 2011

LURC-AUGUSTA

Champlain Wind, LLC )  
Development Permit DP 4889 )  
Proposed Bowers Mtn Wind Power Project )  
 )  
 )

PETITION TO INTERVENE  
OF NATURAL RESOURCES  
COUNCIL OF MAINE

Pursuant to Chapter 5, § 5.13 of the Regulations of the Maine Land Use Regulation Commission (“LURC” or the “Commission”), Natural Resources Council of Maine (“NRCM”) hereby petitions to intervene on the above-captioned Development Permit, and all related proceedings, as a party.

The grounds for this request are as follows:

1. NRCM is a not-for-profit tax-exempt corporation dedicated to the protection of Maine’s environment and the wise use of the state’s natural resources through a program of advocacy, legal defense and education. NRCM has a membership and support base of more than 10,000 individuals and families. NRCM members reside throughout the state of Maine.
2. NRCM has members and supporters from Washington & Penobscot Counties and throughout Maine who have a strong interest in renewable energy development (including wind power), who are concerned about Maine energy policy, and who utilize and enjoy the Downeast region.
3. NRCM has a well-established record of involvement in wind power issues, including as Intervenors in LURC’s review of the nearby Stetson project. NRCM has monitored the progress of every wind power project in Maine, both in LURC jurisdiction and in organized towns. NRCM served on the Governor’s Wind Power Task Force and have been actively involved in the Legislature and working with agency staff on policies related to wind power development. Most recently we provided testimony to LURC on the petition by Champlain Wind to add area in Kossuth Township to the expedited wind review area—a matter which now continues under this current development permit preceding.
4. NRCM provided significant testimony on LURC’s draft Comprehensive Land Use Plan (CLUP), particularly those sections that will address issues such as energy development, remote resource protection, and balancing development and conservation within LURC jurisdiction, and has played an active role in shaping Maine’s policies related to the management of public lands.
5. NRCM believes the project may have important impacts on scenic resources of statewide significance, including on eight Great Ponds identified according

RECEIVED

MAR 30 2011

LURC-AUGUSTA


to statutory criteria, as well as potential benefit through the generation of renewable energy.

6. NRCM will be "substantially and directly affected by the proceeding," given NRCM's and its members' commitment to renewable energy development and the protection and wise use of Maine's North Woods and remote recreation resources.

For the foregoing reasons, NRCM respectfully requests that it be granted full intervenor status in the above-captioned proceeding.

Date: 3/29/11

Natural Resources Council of Maine



By: Dylan Voorhees

Its: Clean Energy Director

State of Maine  
County of Kennebec

March 29, 2011

Before me appeared personally the above named Dylan Voorhees, who swore to the truth of the foregoing statements.

  
Notary Public

LEISA DENNETT  
Notary Public, Maine  
My Commission Expires November 2, 2014