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Maine Land Use Regulation Commission

Public Hearing Concerning

Development Permit DP 4889

Champlain Wind, LLC

Bowers Mountain Wind Project

Carroll Plantation, Penobscot County

Kossuth Township, Washington County

Tuesday, June 28, 2011

Volume II of III

Held at Ella P. Burr Elementary School

Lincoln, Maine

Don Thompson & Associates

Court Reporting

1 --.

2 MS. BROWNE: Good morning, members of the commission.
3 Juliet Browne on behalf of the applicant. In the interest
4 of time, we're not going to have all of our witnesses
5 summarize their testimony. And I apologize if you don't
6 get some of the traditional background on the project. I'm
7 hopeful that with last night's overview and then pre-filed
8 testimony you have that. All the members of our team who
9 have pre-filed testimony will be available to answer
10 questions.

11 So that being said, we're going to move right into it.
12 We have Neil Kiely, the project manager, Roger Milliken,
13 David Raphael and Jeff Selser who are going to provide
14 overviews of their testimony.

15 MR. KIELY: Are we ready to begin?

16 MS. HILTON: Yes.

17 MR. KIELY: Thank you. Neil Kiely on behalf of
18 Champlain Wind and First Wind. First of all, I'd like to
19 thank the Commission for your time yesterday and today and
20 throughout the application process. Also, I'll assume that
21 the Commission is up to speed on First Wind's track record
22 here in Maine in developing, constructing and operating
23 wind farms. In the interest of time, I'm not going to
24 touch on that today.

25 Instead I would like to focus my comments today on the

1 buy food on a monthly basis. They're in a very difficult
2 position.

3 I understand that you have to weigh a lot of factors on
4 this project. My hope is that you'll keep the interest of
5 Carroll and Kossuth at the forefront. Thank you very much.

6 MR. MILLIKEN: Good morning, commissioners, Chairman
7 Hilton. My name is Roger Milliken, I'm the president of
8 the Baskahegan Company which owns and manages 100,000 acres
9 in -- in the neighborhood of the proposed farm. In fact,
10 some of our land is currently leased to First Wind as part
11 of the proposed development.

12 I want to begin by saying how much I appreciate what it
13 is to be sitting on the side of the table on which you sit.
14 When I was on the Lands for Maine's Future board I often
15 found myself on that side of the table. I appreciate the
16 attention, the dedication and the patience it takes to sit
17 there through testimony like mine and others.

18 There's been a lot of conversation recently in the
19 state about the value of LURC, should LURC be abolished.
20 It's just this kind of proposal in front of us that to me
21 speaks to the value of having informed and concerned
22 citizens brought to bring their judgment to a task of
23 balancing the values of a key area of Maine like this part
24 of Washington and Penobscot County or, for that matter, the
25 whole unorganized territories. So I appreciate your

1 service and thank you for your attention.

2 As is spelled out in my written testimony, which you
3 had in advance of this hearing, I've been actively involved
4 as a forest landowner with forestry organizations in Maine
5 dating back to the '80s and also in conservation
6 organizations both in Maine, nationally and globally. And
7 that's the background and perspective I bring to this
8 question.

9 I first started thinking about the impact of wind in
10 this area, I'm guessing it was, four or five years ago when
11 the Stetson project was first proposed. Baskahegan Company
12 owns 100 percent of the shorefront on Baskahegan Lake, a
13 7,000 acre lake in northern Washington County. I think
14 some of you have been down to the landing at Baskahegan
15 Lake. When I was down there a few weeks ago, I could count
16 38 turbines across the lake.

17 When I first met the representatives from First Wind
18 who came to talk to me as a neighbor and abutter of the
19 proposed project, I too was very concerned about what the
20 impacts might be, not only on land values, but primarily on
21 my -- on my own experience as a -- somebody who has enjoyed
22 spending time alone, spending time in solitude on the lake
23 and on the shores of the lake. The prospect of, you know,
24 400-foot metal structures being built on top of the low
25 hills, particularly the prospect of blinking lights, was of

1 great concern to me.

2 And -- and I found myself, as I thought about it,
3 experiencing a conflict between my head and my heart. My
4 head was saying, we need renewable energy. As a forest
5 landowner, I'm very concerned about the effects of climate
6 change, I believe that the emissions of carbon are changing
7 our climate. For Maine to have a policy to promote
8 renewable energy to me seems very prudent. Whether I look
9 at it from an environmental point of view or from a
10 national defense point of view or from a use of resources
11 point of view, I am a supporter of renewable energy.

12 The proposed Stetson project brought my intellectual
13 support of renewable energy into direct conflict with my
14 emotional connection of the landscape. When you paddle out
15 on Baskahegan Lake it looks -- the lake does not look that
16 big from the landing, but as soon as you turn your canoe
17 and head south on the other side of Abraquidassat Point,
18 thousands of acres of open water open up, you're surrounded
19 by solitude, the loons are there with you. And with the
20 exception of the sound of a chain saw in the distant woods
21 or the sound of Jake brakes on Route 6 or Route 1, you feel
22 like you're in the middle of nowhere in a good way. And
23 that experience seemed to me to be up for grabs with the
24 proposed construction of the wind site.

25 I can tell you that the reality of those towers being

1 built is not what I feared it would be. I ended up
2 supporting the Stetson development, I guess you could say
3 my -- my head won out over my heart, my sense of what was
4 important for the forests of Maine, for the people of Maine
5 and for the state of Maine, I concluded, was more important
6 than my own personal concerns about what I feared I would
7 lose. And my experience since then has proven to me that
8 my fears were overstated.

9 Yes, the night sky looks different now with red lights
10 blinking on those towers; yes, if I choose to focus I can
11 count the 38 turbines from the landing or from the canoe.
12 But in terms of my impact -- the impact that it's had on my
13 experience of being out on that vast lake, it's barely
14 changed it at all.

15 So I know this is just one data point, this is just one
16 person's story, but I wanted to share that story because as
17 I read the testimony and I heard people speak at the
18 earlier hearing, I could sympathize with the fears and
19 concerns that I heard being expressed, I was there myself
20 four or five years ago.

21 I want to highlight a few areas of the written
22 testimony -- my written testimony that I think is pertinent
23 to the decision you face. First of all, I hear a lot of
24 talk about the mountains of Maine being destroyed by wind
25 projects. And having visited West Virginia last summer, I

1 have to take exception to the exaggeration in that
2 statement. In central Appalachia I have seen mountains
3 literally being destroyed to provide energy. West Virginia
4 is a rural state like Maine, its hills and hallows give
5 rise to an amazingly vibrant forest. I walked through it
6 with staff of the Nature Conservancy. There's springs,
7 there's seeps, there's an amazing diversity of tree
8 species. It's really tree heaven compared -- and I speak
9 as a forester when I say that.

10 And I was appalled to witness having walked through
11 hills and hallows like that to visit with the mining
12 companies the sites where mountaintop removal is being
13 practiced. Mountaintop removal is really a euphemism for
14 what's happening there. It's really a biblical
15 rearrangement of the landscapes when the prophet talked
16 about the -- the high places being made low and the -- and
17 the valleys exalted. That's what's happening. Those
18 mountains are literally being dynamited, flattened and
19 these verdant hallows with their amazingly diverse forests
20 are just being filled with rubble, bulldozed flat and
21 planted with grass. That is the destruction of mountains.

22 What's proposed here is what ultimately in geologic
23 time, even in a human lifetime, is going to be a temporary
24 change. No mountain is being flattened, no forest is being
25 destroyed with the construction of wind turbines.

1 As you know, there's no perfect source of energy, every
2 energy source has problems. For Maine to step up as it is
3 and embrace alternative energy in the form of wind I think
4 is not only responsible, it's very important.

5 I want to speak a little about my -- from my -- wearing
6 my hat and from my position as a 30-year manager of these
7 family lands in Washington County. I don't need to tell
8 you that the -- the future of the forest products industry
9 looks a little dicey at this point. The recent closing and
10 failure to sell the mills in Millinocket and East
11 Millinocket are only the latest example of this.

12 Our family has owned these lands for three generations,
13 we're in the process now of involving the fourth generation
14 in their management. The stability of the landownership --
15 these are lands my grandfather bought in 1920 -- provide
16 great benefits to the local businesses, the logging
17 contractors, the truckers who work on the landscape. Of
18 course, all these lands are open for recreation at no
19 charge, people fish in our brooks, they use our roads for
20 snowmobiling, they come and hunt on our land, they pick fir
21 tips for the wreath industry. There's a real symbiosis
22 between us -- our operation as a forest landowner and the
23 local communities.

24 The reason this can work in such a win-win fashion is
25 that we are able to make money through the other

1 operations, in our case, primarily in cutting trees. The
2 timber economy is quite volatile these days. Things were
3 looking good, then they were looking better when the
4 housing markets were exploding. The bubble burst, the
5 housing markets are in the tank, revenues are significantly
6 decreased for our business. Two-thirds of our value comes
7 from selling lumber into the spruce dimension market that
8 ends up in -- in housing.

9 And the addition of a steady stream of income from
10 another resource, in this case, leases to the wind power
11 industry, will help stabilize the future for our company
12 and our family and make it more likely that we will be able
13 to pass this -- this asset, this beautiful forest on to the
14 next generation and that those benefits -- that mutuality
15 between Baskahegan Company and the communities of northern
16 Washington County will continue.

17 There's been a lot of discussion about the impact on
18 recreationists, I talked about my own experience. When I
19 began -- as I was writing this testimony -- and I
20 appreciated the opportunity to pull this testimony together
21 because I had, as I told you, actively wrestled with the
22 questions about was this a good idea, what were the impacts
23 of the wind energy going to be. And writing the testimony
24 gave me a chance to think through and pull my thoughts
25 together and really make clear to myself, as well as

1 hopefully to you, where I ended up on these questions.

2 And I thought about the difference between my
3 experience in the -- the woods and mountains of Maine as a
4 boy and what they are today. And I would say the most
5 significant change I've seen in my lifetime has been the
6 change to the air that we breath, to the amount of haze in
7 the -- in the atmosphere. The views are significantly
8 shortened. It feels outside that today might end up being
9 one of those kind of hazy days where it gets hard to
10 breath, it gets hard to see as far as we used to see. This
11 is the effect of living at the end of the tailpipe where
12 the effects of gasoline engines all up and down the eastern
13 seaboard get funneled north to Maine, when the effects of
14 combustion and coal-fired plants in the Ohio Valley come
15 our direction.

16 Yes, there's a trade-off between having the view of the
17 mountaintops in our area be -- be affected by the
18 construction of wind turbines. Is it an appropriate
19 balance and appropriate exchange for me to trade a view
20 that I cherish so that I and my fellow Mainers can have
21 clearer air to breath? I think no question that that's
22 worth the trade-off. And I would say, yes, it's an
23 important -- it's a worthwhile trade-off to make.

24 And I want to touch on the survey that was done by the
25 Forest Society of Maine with this Stetson Mountain fund.

1 You heard Neil Kiely speak a few moments ago about a
2 similar fund being set up related to Bowers Mountain. I
3 advocated the creation of this fund because there was
4 significant concern in our part of Washington County about
5 the changes -- potential changes to the traditional
6 recreational use in the area driven largely by the change
7 of landownership pattern around us; and with the -- with
8 shorter-term owners coming in, long-term traditional access
9 to the woods and waters appear to be at risk.

10 The first job of that fund once it got started was to
11 understand exactly what the recreational use of the region
12 was in order that they could make wise decisions about how
13 best to protect it. As you've heard, there were 47
14 interviews that took place on the shores of Baskahegan Lake
15 and on Baskahegan Stream. And then they searched for
16 long-term -- long-time users -- these are local folks who
17 have used Baskahegan Lake and Baskahegan Stream
18 recreationally -- to understand better what they valued
19 about the lake, what their concerns were, if there were
20 ways to improve or enhance the recreational experience,
21 what would those -- what would they recommend.

22 The purpose of this survey was not to ask any questions
23 about wind development, it was really to get to know these
24 people, to get their perspective on a lake that they used
25 for, you know, dozens of days every year. What was

1 striking to me when the report was produced and I heard a
2 presentation on it a couple of months ago was that off
3 those long-term users of the lake, when they were asked
4 about changes, when they were asked about problems, when
5 they were asked about concerns, not one person mentioned
6 anything about the 38 wind turbines that are now visible
7 from the lake, the turbines during the day or the flashing
8 red lights at night.

9 And that seems to square with my experience, that, yes,
10 the landscape has changed, but the important experience
11 endures.

12 So let me respond to my handler's here. And thank you
13 for your -- your attention and your deliberation, I think
14 you know where I'm coming from.

15 MR. RAPHAEL: Good morning, commissioners. My name is
16 David Raphael, I am a landscape architect and planner with
17 the firm of LandWorks in Middlebury, Vermont. I reside in
18 Panton, Vermont, and our firm was retained to conduct a
19 visual impact assessment for the Bowers wind project. So I
20 am representing the applicant.

21 We conducted this visual impact assessment in
22 accordance with the provisions of the Wind Energy Act for
23 assessing visual impact and scenic impact. We conducted
24 extensive field visits inhouse, GIS analyses, visual
25 simulations, which you've seen and saw yesterday, and also

1 MR. MILLIKEN: Well, it's a -- a really interesting
2 question. I had not been exposed to the visual analysis
3 before this morning. I think this issue of how much of the
4 view it takes up, you know, are we looking at an angle
5 that's, you know, 15 or 20 degrees, are we looking at 180
6 degrees in the sense of are they looming over you and are
7 they surrounding you is a -- probably has a lot to do with
8 the tipping point.

9 But this -- I had to smile when I heard, you know, this
10 discussion about the visual impact and the cumulative
11 visual impact. At the Nature Conservancy meeting I was
12 just at, the lead scientist of the organization -- and, of
13 course, it's a kind of quasi science that we're talking
14 about with visual because we're trying to take a subjective
15 experience and quantify it. But the lead scientist said,
16 conservation is an art and science can inform that art.
17 And I think that's the situation you face. It's really an
18 art to feel how much is too much.

19 And my sense of looking at those, particularly the
20 analysis of how wide the view is on the lakes, would be a
21 key element. And the fact that they are in the distance
22 and it's a portion of the view -- and I think part of what
23 I do when I go to Baskahegan Lake these days is I'll stand
24 on the -- at the landing, I'll count the turbines to see if
25 I can get all 38 and usually I have to count, you know,

1 once or twice to find the ones that I've missed and then my
2 attention goes to the wave patterns and the, you know,
3 birch trees on the shore and the loons. And so it's a long
4 way from being overwhelming.

5 And I guess I can't quantify this, but, you know, when
6 it begins to feel overwhelming and to overwhelming define
7 my experience instead of being a feature on the landscape,
8 I would say a tipping point has been reached.

9 MS. HILTON: So, like, 50 turbines or --?

10 MR. MILLIKEN: Well, I think it's more about do I feel
11 dominated by them or not, rather than the number. Because
12 if there were 50 and they were all kind of lined up like
13 that, it would be more like one.

14 MS. HILTON: Okay. I gotcha. And I guess more
15 specifically to the project at hand, David, what would you
16 say would be a tipping point for you in this particular
17 project?

18 MR. RAPHAEL: Well, first of all, I think Mr. Milliken
19 was very eloquent in sort of describing that situation and
20 the fact that it is indeed an art and a science. And I
21 think that's really the challenge of undertaking this kind
22 of work. And it's never easy to -- to assess the visual
23 impact let alone, you know, what the threshold would be for
24 cumulative.

25 However, I think, you know, it's kind of like you would

1 know it when you see it type of thing. But I think I would
2 -- I would defer to some of the comments that Mr. Palmer
3 has made in terms of that notion of, you know, surrounding
4 you. If we were on these lakes and there was no escape
5 from the view, if everywhere you looked there were
6 turbines, that would be too many, that would be too much.
7 I think if you were on a small lake and, you know, you had
8 turbines really close to that lake, you know, less than a
9 mile or a mile and -- and they were surrounding you on two
10 sides rather than all four sides or 360, that might, you
11 know, seem -- depending on the view.

12 So, I mean, there are a lot of factors that would come
13 into play. Mr. Milliken's point, for example, about the
14 long array of turbines is really well taken because I was
15 at Baskahegan Lake and indeed you look at it as a unit. So
16 it also might depend on the placement of the turbines, the
17 array, is it a jumble, you know, do you see some near, some
18 far so, therefore, there's actually discordance between the
19 placement of the turbines.

20 And Wind Power in View, which is a book I've often
21 referred to, probably the most comprehensive book, you
22 know, about wind energy and aesthetics that's been, you
23 know, published thus far talks about the notion of the
24 layout having a relationship to, you know, whether you see
25 these as a unit or in harmony or disharmonious. So that

1 ourselves as Americans for having accomplished that, it
2 indicated we were forward thinking, the application of our
3 technology. You know, so I'm not suggesting that in and of
4 itself that's necessarily bad, but in terms of this sense
5 -- rather than it be an individual project, but the
6 cumulative -- I suppose it's a cumulative impact of
7 projects in a particular location that begins to define
8 that location, you know, as a wind power area, that seems
9 to have -- to some people has this sense of beginning to
10 say we're hemmed in, we're overwhelmed with the project.

11 MR. MILLIKEN: Yeah, I think that's a really
12 interesting perspective, Commissioner Lavery. And I, you
13 know, travel back and forth regularly. What strikes me, if
14 I were sitting on your side of the table looking at the
15 whole unorganized territory in your care, to me it's like
16 cluster development and, you know, there's sprawl -- a
17 choice between sprawl and cluster development.

18 And so as it turns out, First Wind has focused on areas
19 of low elevation to avoid endangered species, to avoid
20 people, to avoid dramatic scenic impact. And so from a
21 statewide perspective, even though I'm a landowner here, it
22 makes sense to me that this would be the place that wind
23 energy infrastructure would be concentrated instead of
24 along the high peaks or in view of the Appalachian Trail or
25 other places.

1 it's quite some distance away. And it also talks about,
2 you know, the importance of these federal dollars. You
3 know, right now we have -- there's a lot of competition for
4 federal dollars and conservation easements are the way to
5 go, it's a way to leverage conservation funds so you can
6 conserve more land for less money.

7 The problem is you have to have a willing landowner.
8 All the regulations require a willing landowner. And as
9 Roger Milliken said, conservation is an art and
10 conservation easement negotiation is a particularly tricky
11 art. These are very difficult to come by. And there are
12 some very significant issues that need to be addressed at
13 the negotiation stage of easements.

14 I've negotiated some easements for six or seven years,
15 including what was then the number one conservation
16 easement priority in the country under the Federal Forest
17 Legacy Program using 2010 dollars, and that easement
18 specifically carved out a corridor for wind power. It was
19 not an in-fill project so it had more sort of pure
20 conservation value than this project does.

21 And so landowners and conservation groups and
22 regulators are doing this delicate dance. In order to
23 leverage conservation funds it's more beneficial to buy an
24 easement. It costs a lot less money, but if the landowner
25 is retaining the land, they need to retain the value and

COMMUNITY BENEFIT AGREEMENT

This COMMUNITY BENEFIT AGREEMENT (the "Agreement") is made this 6th day of June, 2011 by and between Carroll Plantation ("Carroll"), a political subdivision in the State Maine with a mailing address of ~~644~~ Brown Road, Carroll Plantation, Maine 04487, and Champlain Wind, LLC (the "Company"), a Delaware limited liability company qualified to do business in Maine, and a wholly owned subsidiary of First Wind Maine Holdings, LLC, which is in turn a wholly owned subsidiary of First Wind Holdings, LLC, with an address of 179 Lincoln Street, Suite 500, Boston, MA 02111. Carroll and the Company are referred to herein each as "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the Company is seeking the requisite state permits, licenses and approvals (collectively, the "Permits") to construct a commercial grid-scale wind energy project (the "Project"), to be located in Carroll as well as surrounding areas;

WHEREAS, pursuant to 35-A M.R.S.A. § 3451 *et seq.* (the "Maine Statute"), approval of the expedited wind energy development permit for the Project by the Maine Land Use Regulatory Commission ("LURC") requires, among other approval standards, that the Project provide "tangible benefits" associated with or resulting from the Project;

WHEREAS, the Company has determined it to be appropriate, and has voluntarily agreed, to provide an Annual Contribution (as hereinafter defined) to Carroll for a term of years described herein, in partial satisfaction of the Project's "tangible benefits" requirement under the Maine Statute; and

WHEREAS, Carroll has agreed to accept said Annual Contribution;

WHEREAS, the Parties agree and acknowledge that the Annual Contribution shall not influence Carroll's review of any application of the Company for any Permit or any other decision Carroll may have occasion to make relative to the Project.

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Community Benefit Annual Contribution; Timing of Payments; Obligation

(a) Annual Contribution Payments: The Company shall make Twenty (20) "Annual Contribution" payments to Carroll in an amount equal to ninety-two thousand dollars (\$92,000.00). Payment 1 will be made on the date the Project reaches Commercial Operation (as defined below). Payments 2-20 will be made annually thereafter, on the anniversary of the Commercial Operation date.

(b) Commercial Operation: For the purposes of this Agreement, "Commercial Operation" shall mean the date certain set forth in a notice to the transmission owner and the system operator in accordance with and pursuant to the interconnection agreement. The Company shall provide to Carroll a copy of such written notice, upon issuance by the Company.

(c) Obligation: Upon notice to Carroll of the date of Commercial Operation, the Company becomes automatically obligated to Carroll for the Annual Contribution payments described herein subject to Section 3 hereof.

(d) In the event that any amount due hereunder is not paid when due and such default is not cured within thirty (30) days after written notice thereof is provided by Carroll to the Company, the Company shall be liable for all collection costs of such overdue amount, including all reasonable attorney's fees and costs.

2. Use of Annual Contribution

(a) The Annual Contribution shall be used for public purposes, including but not limited to, tax reductions, economic development projects, land and natural resource conservation, tourism promotion or reduction of energy costs (the "Approved Uses").

(b) In the event that any use of the Annual Contribution by Carroll, as described in subsection (a) above or otherwise, is declared by a court of competent jurisdiction to constitute an improper or unauthorized expenditure of Carroll funds under the Maine Statute or otherwise, the full amount of the Annual Contribution shall be used by Carroll in accordance with such governmental order or applicable regulations in place.

3. Term; Assignments and Transfers

(a) This Agreement shall terminate on the earliest to occur of (i) the date Carroll has received each of the twenty (20) Annual Contribution payments or (ii) the date that the Company gives notice to the Carroll of the Company's intent to decommission the Project. Notwithstanding the foregoing, if the Company has not completed the decommissioning of the Project within 12 months of delivery of the Decommissioning Notice, then the Company shall pay to the Carroll fifty percent (50%) of the last applicable contribution on the January 31 immediately following the end of such 12-month period, and on each succeeding January 31 until the date that the Company has given notice to Carroll that it has complied with the requirements of the Natural Resource Protection Act and Site Location of Development permit issued by LURC with respect to decommissioning.

(b) Prior to any sale or transfer of the Project or of a controlling interest in the Project, the Company shall take all necessary steps to assure that its obligations under this Agreement are assumed by, binding upon and enforceable against any successors, assigns, transferees or purchasers of the Company or of the Project.

4. Company Representations and Warranties.

The Company makes the following representations and warranties as the basis for the undertakings on its part herein contained:

a. The Company is a limited liability company organized under the laws of the State of Delaware and is qualified to do business in the State of Maine.

b. The Company has full power and authority to enter into this Agreement and to fully perform all of its duties and obligations hereunder. The Company is duly authorized to execute and deliver this Agreement and perform all of its duties and obligations contained herein, and, to the extent permitted by applicable law, this Agreement constitutes a valid and legally binding obligation of the Company, enforceable in accordance with its terms.

5. Carroll Representations and Warranties.

Carroll makes the following representations and warranties as the basis for the undertakings on its part herein contained:

a. Carroll validly exists as a political subdivision in good standing under the laws of the State of Maine.

b. Carroll has full power and authority to enter into this Agreement and to fully perform all of its duties and obligations hereunder. Carroll has duly authorized the execution and delivery of this Agreement and Carroll's performance of all of its duties and obligations contained herein, and, to the extent permitted by applicable law, this Agreement constitutes a valid and legally binding obligation of Carroll, enforceable in accordance with its terms.

6. Entire Agreement

The entire Agreement between the Parties with respect to the subject matter hereunder is contained in the Agreement. There are no other understandings, representations or agreements not incorporated herein.

7. Modification

No waiver, alteration or modification of any of the provisions of this Agreement shall be enforced unless in writing and signed by both parties to this Agreement.

8. Governing Law

This Agreement shall be governed by, and construed in accordance with, the laws of the State of Maine, without regard to the conflict of laws provisions in such state.

9. Notices

All notices, requests, demands and other communication hereunder shall be in writing and shall be deemed to have been duly given (i) when delivered by messenger or by reputable national overnight courier service, (ii) three (3) business days after mailing when mailed by certified or registered mail (return receipt requested), with postage prepaid and addressed to the parties at their respective addresses shown below or at such other address as any party may specify by written notice to the other party, or (iii) when delivered by facsimile transmission to the parties at the facsimile numbers listed below:

If to the Company:

Champlain Wind, LLC
 c/o First Wind
 179 Lincoln Street, Suite 500
 Boston, MA 02111
 Attention: Secretary
 Facsimile: (617) 964-3342

With a copy to:
 Shana Cook Mueller, Esq.
 Bernstein Shur
 100 Middle Street
 PO Box 9729
 Portland, Maine 04104-5029

If to Carroll:

Clerk
 Carroll Plantation
 614 Brown Road
 Carroll Plantation, Maine 04487
 Fax: (207) 738-4841

With a copy to:

Either party may change the name(s) and or address(es) to which notice is to be addressed by giving the other party notice in the manner herein set forth.

10. Miscellaneous

a. *Exercise of Rights and Waiver.* The failure of any Party to exercise any right under this Agreement shall not, unless otherwise provided or agreed to in writing,

be deemed a waiver thereof; nor shall a waiver by any Party of any provisions hereof be deemed a waiver of any future compliance therewith, and such provisions shall remain in full force and effect.

b. *Severability.* In the event that any clause, provisions or remedy in this Agreement shall, for any reason, be deemed invalid or unenforceable, the remaining clauses and provisions shall not be affected, impaired or invalidated and shall remain in full force and effect.

c. *Headings and Construction.* The section headings in this Agreement are inserted for convenience of reference only and shall in no way effect, modify, define, or be used in construing the text of the Agreement. Where the context requires, all singular words in the Agreement shall be construed to include their plural and all words of neuter gender shall be construed to include the masculine and feminine forms of such words. Notwithstanding the fact that this Agreement has been prepared by one of the Parties, all of the Parties confirm that they and their respective counsel have reviewed, negotiated and adopted this Agreement as the joint agreement and understanding of the Parties. This Agreement is to be construed as a whole and any presumption that ambiguities are to be resolved against the primary drafting party shall not apply.

d. *Counterparts.* This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed effective on the date indicated above.

[Signatures on following page.]

[Signature Page to Community Benefit Agreement]

Carroll Plantation

Champlain Wind, LLC

By: Maine Wind Holdings, LLC, its member

By: Anita Duerr
Name: Anita Duerr
Assessor

By: EW
Name: Elizabeth Nair
Its: Assistant Secretary

By: Annie White
Name: ANNIE WHITE
Assessor

By: Linda Burri
Name: Linda Burri
Assessor

By: _____
Name: _____
Assessor

By: _____
Name: _____
Assessor

COUNTY OF WASHINGTON
P.O. Box 297, County Courthouse
Machias, Maine 04654
(207) 255-3127
Fax: (207) 255-3313
manager@washingtoncountymaine.com

Commissioners:

Christopher M. Gardner, Chairman
John B. Crowley, Sr., Commissioner
Kevin L. Shorey, Commissioner

County Manager:

Betsy Fitzgerald
Administrative Secretary:
Carla J. R. Manchester

October 17, 2012

Patricia W. Aho, Commissioner
Department of Environmental Protection
17 State House Station
Augusta, ME 04333

Dear Commissioner Aho:

I am writing on behalf of the Washington County Commissioners to express their support for the Champlain Wind, LLC project on Bowers Mountain straddling Penobscot County's Carroll Plantation and Washington County's Kossuth Township.

The developer of the project has made available to county residents \$15,000 in funding (\$800-\$1,000 per resident per year) to offset increased electricity costs, a \$10,000 annual payment to Washington County to be used in the Kossuth Township area, and a watershed fund of \$300,000 spread over (the first \$100,000 to increase tourism), \$50,000 seed money to fund an innovative program to increase the deer herd and a \$150,000 conservation and resource enhancement. The level of benefits is based on the original application for 27 turbines and not the 16 that were finally permitted.

Washington County residents benefit not only from the results of the project but through the employment and purchases made during the construction phases. The Commissioners certainly support the Bowers Mt. project.

Sincerely,


Betsy Fitzgerald
County Manager

"The Sunrise County – where the sun first shines!"

Guidance For Resource Enhancement and Conservation Fund

Amount: \$150,000*

Purpose: Fund initiatives that enhance recreational resources or further conservation aims within the Watershed Fund boundaries or contiguous to the Watershed Fund boundaries if it assists in delivering desired benefits within the Watershed Fund boundaries.

Governing

Principles: Funding decisions shall be guided by adherence to the following general principles which shall give preference to:

- Projects that promote long term improvements to recreational resources, including without limitation, access or conservation goals.
- Projects that are components of larger initiatives that promote recreational resources or conservation goals.
- Projects that are able to leverage other funding sources to increase their impact, such as funds from Land for Maine's Future.
- Preference shall be given for Projects located within 8 miles of the Bowers Mountain Wind Project, but said preference shall not control, if in the Advisory Board's discretion, a project lacks sufficient merit under the remaining guiding principles either in isolation or in comparison to other opportunities.

Resources: The Advisory Board is encouraged to consult with and if appropriate, engage experts in the relevant fields to advise the Board on identifying and comparing the relative merit of suitable projects.

Illustrative

Uses: The following is a non-exhaustive list of potential project that would be suitable for funding:

- Studies to inventory natural resources and recreational resources
- Studies or projects designed to enhance fisheries resources
- Purchases or easements to sustain natural vistas or unique natural areas
- Purchases or easements to sustain high value habitats
- Purchases of public access rights to private lands
- Establishment or maintenance of hiking trails, self-guided nature trails or primitive remote campsites
- Conservation of Old Growth timber

***Although the amount of funds specifically limited to deer related projects is \$50,000, deer related projects may also be funded out of the Resource Enhancement and Conservation Funds.**

Guidance For Recreational Tourism Fund

Amount: \$100,000

Purpose: Fund initiatives to promote recreational tourism businesses (i) physically located within the Watershed Fund boundaries or (ii) located outside the Watershed Fund boundaries but which provide the majority of their services to customers recreating within the Watershed Fund boundaries ("Qualifying Businesses").

Governing

Principles: Funding decisions shall be guided by adherence to the following general principles which shall give preference to:

- Projects that will serve to directly facilitate the attraction of new recreational customers to Qualifying Businesses.
- Projects that will serve to attract customers in the near term as opposed to the long term.
- Projects that are able to leverage other funding sources to increase their impact, such as any funds potentially available from County, State or Federal tourism or economic development programs.
- Projects that enjoy the substantial support of the Qualifying Businesses

Resources: The Advisory Board is encouraged to consult with and if appropriate, engage experts in relevant fields to advise the Board on identifying and comparing the relative merit of suitable projects.

Illustrative

Uses: The following is a non-exhaustive list of potential project that would be suitable for funding:

- Studies to gather marketing intelligence to inform project ideas
- Projects to enhance and raise the profile of the collective brand of the Watershed area
- Projects to improve websites promoting qualifying businesses such as chamber of commerce sites, Sporting Camp association sites or Guide association sites
- Projects to increase the web presence of individual Qualifying Businesses
- Projects to drive internet traffic to websites promoting Qualifying Businesses
- Projects to train or assist Qualifying Businesses in improving any and all aspects of their marketing efforts
- Projects to secure paid or earned media to attract customers to Qualifying Businesses
- Projects to produce marketing materials for Qualifying Businesses.

Draft Guidance For Deer Management Funds

Amount: \$50,000*

Purpose: Fund initiatives that promote the long term recovery of the deer population within the Watershed Fund boundaries.

Governing

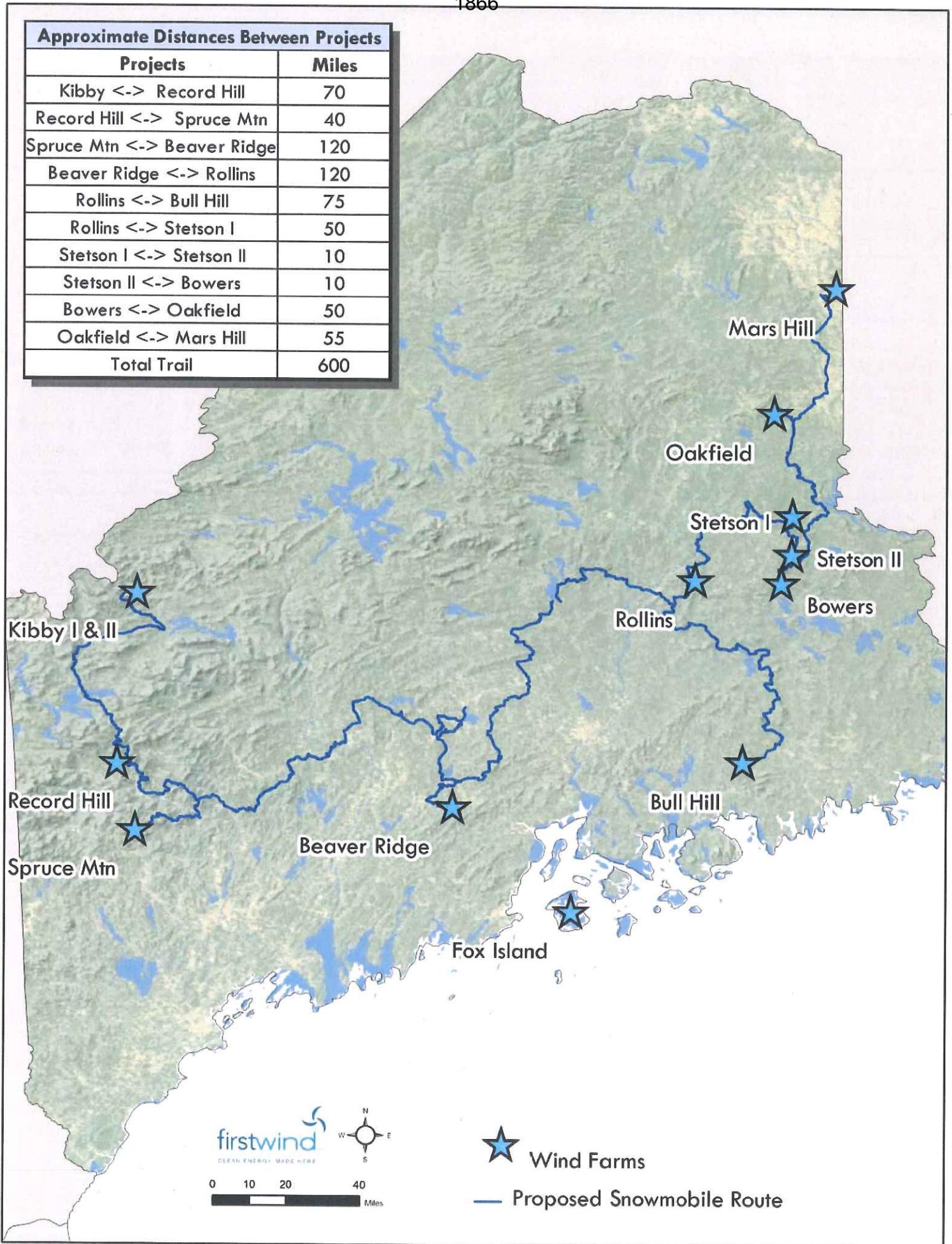
Principles: Funding decisions shall be guided by adherence to the following general principles which shall give preference to:

- Projects that preserve critical habitat within the Watershed Fund boundaries or habitat contiguous to the Watershed boundaries which supports the deer population within the Watershed boundaries
- Projects that promote the sustainable long term management of deer habitat within the Watershed Fund boundaries or habitat contiguous to the Watershed boundaries which supports the deer population within the Watershed boundaries
- Projects that are components of larger initiatives focusing on promoting the long term resurgence of the deer population
- Projects that are able to leverage other funding sources to increase their impact, such as funds from Land for Maine's Future
- Preference shall be given for Projects located within 8 miles of the Bowers Mountain Wind Project, but said preference shall not control, if in the Advisory Board's discretion, a project lacks sufficient merit under the remaining guiding principles either in isolation or in comparison to other opportunities.
- Projects that whose primary aim is predator control shall not be eligible for funding.

Resources: The Advisory Board is encouraged to consult with and if appropriate engage experts in the field to advise the Board on identifying and comparing the relative merit of suitable projects.

*Although the amount of funds specifically limited to deer related projects is \$50,000, deer related projects may also be funded out of the Resource Enhancement and Conservation Funds.

Approximate Distances Between Projects	
Projects	Miles
Kibby <-> Record Hill	70
Record Hill <-> Spruce Mtn	40
Spruce Mtn <-> Beaver Ridge	120
Beaver Ridge <-> Rollins	120
Rollins <-> Bull Hill	75
Rollins <-> Stetson I	50
Stetson I <-> Stetson II	10
Stetson II <-> Bowers	10
Bowers <-> Oakfield	50
Oakfield <-> Mars Hill	55
Total Trail	600



Wind Farms
 Proposed Snowmobile Route



AROOSTOOK

COUNTY TOURISM

January 30, 2013

Ms. Jessica Damon
Maine Department of Environmental Protection
17 State House Station
28 Tyson Drive
Augusta, Maine 04333

Re: Bowers Mountain Project: Wind Farm Snowmobile Trail

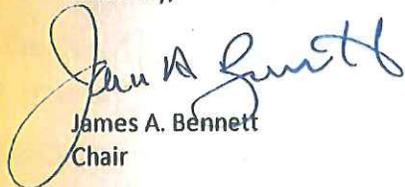
Aroostook County Tourism strives to promote the County as a destination where one can get away from it all and experience the best that nature has to offer. Big skies and beautiful vistas define the essence that makes northern Maine appealing to all who visit. With that said, it is no wonder that the County has the best snowmobiling trails in the northeast with 2,300 miles of beautifully groomed wide trails that takes the snowmobiler on the trip of a lifetime. In the winter, snowmobiling is the leading economic driver for tourism in the area.

Aroostook County has one existing wind farm in Mars Hill and one permitted wind farm in Oakfield which will soon be constructed. In our experience, the Mars Hill wind farm is not a detraction from tourism but instead is something we feature prominently in our tourism promotions. We have used photos of the turbines atop Bigrock in tradeshow booth displays and in promotional brochures.

Many local experts agree that ATV riders like to ride up to see the wind farm and we believe that snowmobilers are attracted for the same reason. The concept of a trail linking the wind farms would create destinations which are a key component of any promotional campaign. We see this as an excellent way to attract more visitors from the snowmobile industry who patronize hotels, restaurants, gas stations and other businesses. By creating this destination opportunity, we feel people will be more likely to come back in the summer to further explore the area.

We support the efforts of First Wind in creating a snowmobile trail to connect the wind farms in Maine. Collaboration with other regions in Maine is a major portion of Aroostook County's tourism strategic plan and this project fits in nicely with the aspirations of promoting tourism in Aroostook.

Sincerely,



James A. Bennett
Chair



Diverse Cultures * World Class Events * Working Farms * Tour the Solar System

Looking to Experience the Maine Way of Life?

Try it "County Style". Let us introduce to you Aroostook's incredible natural beauty, with an array of adventures, surprisingly sophisticated cuisine and unique mosaic of cultures that serve as the jewels in the Crown of Maine.

Feel on top of the world against a 360-degree panorama of endless skies, fragrant forests, and more than 2,000 lakes, rivers and streams that lure canoeists and anglers each year.

Our Powwows and festivals feature dance, songs, chants, feasts and still carry on the traditions of embracing family, friends and guests each year.

I'm a South Dakota native that has lived in Maine for 10 years...The folks around here are authentic and genuine and it's a place I'll come to visit again and again.
-Stephanie Koetzle
Ursus Media Group



Muskie from the St. John River

photo by David Spencer

Clean Air & Energy * 2,300 miles of Snowmobile Trails * Festivals All Summer Long * Unique Wildlife



photo by Leslie Jackson

photo by Denis Smith

Dear Ms. Damon,

I am the president of the Backcountry Snowmobile Club headquartered in Burlington, Maine with 30 members. I am writing in support of the Bowers Mountain Wind Project and the proposed snowmobile trail to link the wind farms in Maine.

Our club participates in the Stetson Mountain Ride-In and we can see the Rollins Wind Farm from our trails. In fact, we are working on trails to take us through the Rollin Wind Farm so riders get better a view. The simple fact is that snowmobiles enjoy riding to the Wind Farms because they are interesting to look at. As a result, a trail linking the wind farms is sure attract a lot of riders to our area which will benefit local businesses which sure could use the business.

Sincerely



Blaine Batchelder JR

Lee Mogul Pounders Snowmobile Club, Inc.



108 Skunk Hill Road PO Box 311 Lee, Maine 04155
E-Mail: MogulPounders@gmail.com

DEP-BANGOR RM 138-NOV 9'12RCU

Date: October 30, 2012

Ms. Jessica Damon
Maine Department of Environmental Protection
17 State House Station
28 Tyson Drive
Augusta, Maine 04333

Dear Ms. Damon:

The membership of the Lee Mogul Pounders Snowmobile Club wishes to convey to the Maine Department of Environmental Protection their support for First Wind LLC and their Bowers Mountain wind farm project. Located in Lee, Maine, the Mogul Pounders Snowmobile Club consists of more than 40 club and business members who maintain nearly 70 miles of snowmobile trails. The western legs of our two municipal trail systems traverse through both of the Rollins Mountain Wind Farms. Consequently we provide the most direct link from the Lincoln Region and points to the south and west to the Stetson Mountain Wind Farms, the proposed Bowers Mountain Wind Farm and ultimately a link to the Wind Farms in Aroostook County as well. Contrary to some published reports, the presence of wind turbines does not detract from the enjoyment riders experience. In fact, many comment on how stately they find the towers and how clearly the reported noise issues are either non-existent or dramatically overstated. Members of the club and their families look forward to the annual ride-in to the Stetson Mountain Wind Farm including many who, although they no longer can ride a snowmobile to the event, drive to the facility to participate. As a result the members of our club are excited about the possibility of a "Wind Trail System" both for the opportunity to ride the trails and enjoy the sites but also for the badly needed financial support for our local businesses who can benefit from the influx of additional riders. From the very beginning of planning for wind farms in the region First Wind has worked diligently with the local clubs to ensure the least amount of disruption to existing trails and when necessary to construct new trails to maintain connectivity and continuity in the trail systems. We do not agree that the presence of wind farms detract from the landscape but instead believe they provide an attractive landmark and a pleasurable riding experience for all who venture there. We therefore urge you to look favorably on the Bowers Mountain Project.

Sincerely,

Nancy Noyes
President

Date November 19th 2012

Ms Jessica Damon

Maine Department of Environmental Protection

17 State House Station

28 Tyson Drive

Augusta Maine 04333

Dear Ms Damon

The membership of the Lincoln Snowhounds Snowmobile Club wishes to convey to the Maine Department of Environmental their support for First Wind LLC and their Bowers Mountain wind farm project. Located in Lincoln Maine the Lincoln Snowhounds Club consists of more than 100 club and business members who maintain 100 miles of trails. The trail system runs right along the Rollins Mountain Wind Farm. Contrary to some published reports the presence of the wind farms does not retract from the enjoyment the riders experience. In fact many comment how stately they find the turbines and clearly report no noise issue. Members of the club and their families look forward to the annual ride in at Stetson Mountain Wind Farm. As a result members of our club are excited about the possibility of a Wind Trail System both for the opportunity to ride the trails and enjoy the sites but also for the influx of additional riders which in turn brings more business to the area. From the beginning First Wind has worked diligently with the local clubs to ensure the least amount of disruption to the trail system. We agree that the wind mills can become a pleasurable riding experience along with great destination. We look forward to working with First Wind.

Sincerely



Rob Thornton

President Lincoln Snowhounds

DEP-BANGORAH1156-FEB 4/13RCU

Ms. Jessica Damon
Maine Department of Environmental Protection
17 State House Station
28 Tyson Road
Augusta, Maine 04333

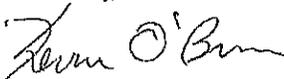
Dear Ms. Damon,

My name is Kevin O'Brien and I am the President of the Quad County Snowmobile Club. We have over 50 members who live in the towns of Springfield, Carroll, and Lakeville. We maintain 130 miles of trails including trails in Carroll Plantation and trails that run up to Danforth near the Stetson Wind Farm.

I am writing to support the Bowers Mountain Wind Project. Our members have been riding around the Stetson Wind Farm for a number of years and rather than it being a negative impact, it has become an attraction. When folks come to our area, the first three questions they ask are "Where is the food, where is the gas and how do I get to the wind farm?" We are one of the local clubs that sponsors an annual Snowmobile Ride-In to Stetson Mountain which draws 150-200 riders each year. It is an incredibly popular event for our club and riders who come in from all over. Our members ride in the area of Bowers as well and on the lakes to the south and seeing turbines on our rides there will not bother us a bit. I would also note that our members also, hunt, fish and ride ATVs and they won't bother us doing those activities either. First Wind has always helped us keep our trails open through the construction process of Stetson 1&2. They worked on site with me to layout a temporary reroute for safety reasons. They have been a great business member, helping us raise money through donations to help various local charities at the annual ride-in to Stetson 1.

We are also supportive of the idea of creating a snowmobile trail linking all the wind farms in Maine which is being proposed as part of the Bowers Project. We know from personal experience that snowmobilers like to ride to wind farms as a destination. We believe it will provide a great set of new destinations that will draw riders to our area from other places which will be good for the local clubs and businesses.

Sincerely,



Kevin O'Brien

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind" Snowmobile Trail. Wind Farms are popular snowmobile destinations and we believe this Trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state, and any other potential participants to move this project forward.

NAME:	Ken Mearsey	City/Town:	Fopsham ME
SIGNATURE:	<i>[Handwritten Signature]</i>	Club/Organization Name:	B/S of Maine

NAME:	JEFF HUNTER	City/Town:	WISCONSSET
SIGNATURE:	<i>[Handwritten Signature]</i>	Club/Organization Name:	WISCONSSET SNOW-GOMPS AAA SNOW-CLUBS

NAME:		City/Town:	
SIGNATURE:		Club/Organization Name:	

NAME:		City/Town:	
SIGNATURE:		Club/Organization Name:	

NAME:		City/Town:	
SIGNATURE:		Club/Organization Name:	

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this Trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the east around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Conrad McFarland</i>	City/Town: <i>Augusta</i>
SIGNATURE: <i>Conrad McFarland</i>	Club/Organization Name:
NAME: <i>Mike Lambert</i>	City/Town: <i>Saco</i>
SIGNATURE: <i>Mike Lambert</i>	Club/Organization Name:
NAME: <i>Kimberly J. Clarke</i>	City/Town: <i>Bridgton ME</i>
SIGNATURE: <i>Kimberly Clarke</i>	Club/Organization Name:
NAME: <i>John A. Mark</i>	City/Town: <i>Harrison</i>
SIGNATURE: <i>John A. Mark</i>	Club/Organization Name: <i>Mt. Seabury / Bridgton Co.</i>
NAME: <i>John A. Mark</i>	City/Town: <i>Harrison</i>
SIGNATURE: <i>John A. Mark</i>	Club/Organization Name: <i>Society of Snowmobile Club</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the professional snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are essential snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract tourists, promote tourism and business opportunities in the area around the trail. We urge the wind companies, the state and any other potential participants to make the project forward.

NAME: <u>Madison Woodbury</u>	CITY/TOWN: <u>LYON</u>
SIGNATURE: <u>Madison Woodbury</u>	Club/Organization Name: <u>SnowBusters</u>
NAME: <u>Cassidy Johnson</u>	CITY/TOWN: <u>Woodsboro</u>
SIGNATURE: <u>Cassidy Johnson</u>	Club/Organization Name: <u>Woodsboro Jesters</u>
NAME: <u>Tom Hayes</u>	CITY/TOWN: <u>Garland ME</u>
SIGNATURE: <u>Tom Hayes</u>	Club/Organization Name: <u>Garland Snow Club</u>
NAME: <u>John Desjardins</u>	CITY/TOWN: <u>Atayle ME</u>
SIGNATURE: <u>John Desjardins</u>	Club/Organization Name: <u>Hudson Snowmobile</u>
NAME: <u>Charles A. Doherty</u>	CITY/TOWN: <u>St Albans, VT</u>
SIGNATURE: <u>Charles A. Doherty</u>	Club/Organization Name: <u>St Albans S.C.</u>

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, our state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: Steve BAED	City/Town Sidney
SIGNATURE: <i>Steve Baed</i>	Club/Organization Name:

NAME: Todd Bouchard	City/Town Sidney
SIGNATURE: <i>Todd Bouchard</i>	Club/Organization Name:

NAME: Robette Bouchard	City/Town Sidney
SIGNATURE: <i>Robette Bouchard</i>	Club/Organization Name:

NAME: Terry Thorsvall	City/Town Caribou
SIGNATURE: <i>Terry Thorsvall</i>	Club/Organization Name: Caribou ATV Club

NAME: Mark Myrtve	City/Town Caribou
SIGNATURE: <i>Mark Myrtve</i>	Club/Organization Name: Caribou ATV Club

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>STUE STROT</u>	CITY/TOWN: <u>EXETER</u>
SIGNATURE: 	Club/Organization Name: <u>Cross Country Cruisers</u>
NAME: <u>Mary White</u>	CITY/TOWN: <u>Woolboro</u>
SIGNATURE: 	Club/Organization Name: <u>K.V.T.R.</u>
NAME: <u>Mary White</u>	CITY/TOWN: <u>Solon ME</u>
SIGNATURE: 	Club/Organization Name:
NAME: <u>Sharon White</u>	CITY/TOWN: <u>Solton ME</u>
SIGNATURE: 	Club/Organization Name:
NAME: <u>Kathleen Burdick</u>	CITY/TOWN: <u>SOLON</u>
SIGNATURE: 	Club/Organization Name:

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trails" Wind Farms are popular snowmobile destinations and we believe this Trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>Donald J. Boutin</u>	City/Town
SIGNATURE: <u>Donald J. Boutin</u>	Club/Organization Name: <u>Albion Maine</u>

NAME: <u>Doris A. Chouette</u>	City/Town <u>Waterboro, ME</u>
SIGNATURE: <u>Doris A. Chouette</u>	Club/Organization Name:

NAME: <u>Dorelle M. Chouette</u>	City/Town <u>Waterboro, ME</u>
SIGNATURE: <u>Dorelle M. Chouette</u>	Club/Organization Name:

NAME: <u>Richard P. Flynn</u>	City/Town <u>Freeport, Me.</u>
SIGNATURE: <u>Richard P. Flynn</u>	Club/Organization Name: <u>One Country Cousins</u>

NAME: <u>Daniel Sampson</u>	City/Town <u>Unity, Maine</u>
SIGNATURE: <u>Daniel Sampson</u>	Club/Organization Name: <u>Unity Snow Busters</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind" snowmobile trail. Wind farms are popular snowmobile destinations and we believe this trail will provide a great snowmobile opportunity for all snowmobilers in western Maine. As well as, our snowmobile touring programs and special opportunities at the area around the trail. We urge the state and other parties participating to support this project forward.

NAME: Randy Rowling	City/Town: New Way
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:

NAME: PAUL TINSLEY	City/Town: EAST BENSINGTON MA
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: PLAIN STATE TRAVELERS

NAME: Charles McFarland Jr	City/Town: W. Gardner ME
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: Coblescontee SC

NAME: Jake Stevens	City/Town: Hallowell ME
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: North Hallowell Trails Assoc

NAME: Tommie Sych	City/Town: Wintham ME
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: Wintham Trails

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract skiers, snowmobilers, and other potential participants to move this project forward in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: Rick Kopishke	City/Town: Washington
SIGNATURE: 	Club/Organization Name: Washington Hill & Gully Riders
NAME: Justin Byer	City/Town: So. Westmoreland
SIGNATURE: 	Club/Organization Name:
NAME: Matthew Kannebeck	City/Town: Arborea
SIGNATURE: 	Club/Organization Name:
NAME: George Okon	City/Town: Conish
SIGNATURE: 	Club/Organization Name: Conish Snowmobilers
NAME: Paul Roudreau Sr.	City/Town: So. Westmoreland
SIGNATURE: 	Club/Organization Name:

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract visitors as well as our own state riders promoting tourism and business opportunities in the area around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: STEVEN JONES	City/Town: LEWISTON, ME
SIGNATURE: <i>Steven Jones</i>	Club/Organization Name: _____

NAME: Deb Boring	City/Town: Lewiston
SIGNATURE: <i>Deb Boring</i>	Club/Organization Name: _____

NAME: Mark Boring	City/Town: Lewiston
SIGNATURE: <i>Mark Boring</i>	Club/Organization Name: Woodland Wanderers - WLL

NAME: Dawn Klein	City/Town: Lewiston
SIGNATURE: <i>Dawn Klein</i>	Club/Organization Name: _____

NAME: Chris Boring	City/Town: Lewiston
SIGNATURE: <i>Chris Boring</i>	Club/Organization Name: Woodland Wanderers - WLL

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the area around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>Larry Churchill Jr</u>	CITY/TOWN: <u>Farmington Me</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>New England Riders</u>

NAME: <u>Paul McAlister</u>	CITY/TOWN: <u>Jackson, ME</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Border Riders (Jackson)</u>

NAME: <u>Natalie McAlister</u>	CITY/TOWN: <u>North Waterford ME</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>[Blank]</u>

NAME: <u>Rene Gagnon</u>	CITY/TOWN: <u>St John, ME</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>St John's Lake Snowmobile Club ME</u>

NAME: <u>John Beausoleil</u>	CITY/TOWN: <u>Falmouth</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Pen Abbeys St. Agatha, ME</u>

We, the undersigned, automobiles, support the creation of the "Wind-Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract tourists, promoting tourism and business opportunities to the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>JEANNE VOOR</u>	CITY/TOWN: <u>CONCORD NH</u>
SIGNATURE: <u>Jeanne Voor</u>	Club/Organization Name: <u>STUBBS</u>

NAME: <u>DENNY S. LECHE</u>	CITY/TOWN: <u>WINDSOR</u>
SIGNATURE: <u>Denny S. Leche</u>	Club/Organization Name: <u></u>

NAME: <u>Regina Cote</u>	CITY/TOWN: <u>Jay</u>
SIGNATURE: <u>Regina Cote</u>	Club/Organization Name: <u>Andy Valley Riders</u>

NAME: <u>JOHN L. THAS ST</u>	CITY/TOWN: <u></u>
SIGNATURE: <u>John L. Thas</u>	Club/Organization Name: <u></u>

NAME: <u>ADRIEN TARDIF</u>	CITY/TOWN: <u>WITTON FIELD</u>
SIGNATURE: <u>Adrien Tardif</u>	Club/Organization Name: <u>BEAVER RIDERS</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME:	Greg Scott	City/Town:	Greenville
SIGNATURE:	<i>Greg Scott</i>	Club/Organization Name:	
NAME:	Stacy Scott	City/Town:	Bridport
SIGNATURE:	<i>Stacy Scott</i>	Club/Organization Name:	
NAME:	Scott Libby	City/Town:	Sebasticus
SIGNATURE:	<i>Scott Libby</i>	Club/Organization Name:	
NAME:	Dennis Stone	City/Town:	Hudson, ME
SIGNATURE:	<i>Dennis Stone</i>	Club/Organization Name:	
NAME:	Judy Hawley	City/Town:	Greenville
SIGNATURE:	<i>Judy Hawley</i>	Club/Organization Name:	

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great non-recreational opportunity that will attract more, as well as, out-of-state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state, and any other potential participants to move this project forward.

NAME: Pat Daigle Pat D	CITY/TOWN: Glenburn
SIGNATURE: <i>Pat Daigle</i>	Club/Organization Name: Glenburn Lakeside Riders
NAME: Lauren Daigle	CITY/TOWN: Glenburn
SIGNATURE: <i>Lauren Daigle</i>	Club/Organization Name: Glenburn Lakeside Riders
NAME: Katrina Daigle	CITY/TOWN: Glenburn
SIGNATURE: <i>Katrina Daigle</i>	Club/Organization Name: Glenburn Lakeside Riders
NAME: Kyle Tolman	CITY/TOWN: Newburgh
SIGNATURE: <i>Kyle Tolman</i>	Club/Organization Name:
NAME: Susan Cole	CITY/TOWN: Glenburn
SIGNATURE: <i>Susan Cole</i>	Club/Organization Name: Wildcats

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind trails are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out-of-state riders. Promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Paul L. Kolodji</i>	CITY/TOWN: <i>Bridgton Me.</i>
SIGNATURE: <i>Paul Kolodji</i>	Club/Organization Name: <i>Traged Riders</i>
NAME: <i>George J. Dan</i>	CITY/TOWN: <i>Plymouth Me.</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Plymouth</i>
NAME: <i>Wendy Wingman</i>	CITY/TOWN: <i>ROOFLAND</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>MINNENSTER COUNTY RIDERS</i>
NAME: <i>Todd Reynolds</i>	CITY/TOWN: <i>Windsor, ME</i>
SIGNATURE: <i>Todd Reynolds</i>	Club/Organization Name: <i>Sundtime Riders</i>
NAME: <i>Mary L. Crowell</i>	CITY/TOWN: <i>Alfred Me.</i>
SIGNATURE: <i>Mary L. Crowell</i>	Club/Organization Name: <i>OSSIPOL MOUNTAINS</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are major snowmobile destinations and we believe this trail will offer a great new/recreational opportunity that will attract many, as well as, our of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>SERRY PERIN</u>	CITY/TOWN: <u>WALTON</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>WIND TRAIL</u>
NAME: <u>Sharon Miles</u>	CITY/TOWN: <u>Becker</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:
NAME: <u>Bruce Chesley</u>	CITY/TOWN: <u>Withrop</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:
NAME: <u>Diane Chesley</u>	CITY/TOWN: <u>Withrop</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:
NAME: <u>[Signature]</u>	CITY/TOWN: <u>Greene ME</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Greene Districts</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind Farms are popular snowmobile destinations and we believe this Trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Thomas Spawnd</i>	CITY/TOWN: <i>Rundell Me</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>PHILTON FROCKERS</i>
NAME: <i>Leah Maxwell</i>	CITY/TOWN: <i>Burns Pt ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:
NAME: <i>Emily Hughes</i>	CITY/TOWN: <i>Orland, ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:
NAME: <i>Matthew Large</i>	CITY/TOWN: <i>Moose Isle</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:
NAME: <i>Shore Grand</i>	CITY/TOWN: <i>Solon</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:

We, the undersigned snowmobilers, support the creation of the "Rise the Wind Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, creating tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: Jack Peck	City/Town: Farmington
SIGNATURE: <i>Jack Peck</i>	Club/Organization Name:
NAME: Stephen Mine	City/Town: WESTON
SIGNATURE: <i>Stephen Mine</i>	Club/Organization Name: EBY GRAND LAKE SNOWMOBILE CLUB
NAME: Brian Bickford	City/Town:
SIGNATURE: <i>Brian Bickford</i>	Club/Organization Name:
NAME: Cindy Bickford	City/Town:
SIGNATURE: <i>Cindy Bickford</i>	Club/Organization Name:
NAME: <i>Steph Mine</i>	City/Town: Weston
SIGNATURE: <i>Steph Mine</i>	Club/Organization Name: E.G. Lake Snowmobile Club

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind farms are popular snowmobile destinations and we believe the trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders. Promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Brian Cruchette</i>	City/Town: <i>Newport ME</i>
SIGNATURE: <i>Brian Cruchette</i>	Club/Organization Name: <i>Philsford Driftbusters</i>

NAME: <i>Derek Whiles</i>	City/Town: <i>Augusta ME</i>
SIGNATURE: <i>Derek Whiles</i>	Club/Organization Name: <i>Philsford Trailblazers</i>

NAME: <i>Sarah Broad</i>	City/Town: <i>Augusta ME</i>
SIGNATURE: <i>Sarah Broad</i>	Club/Organization Name: <i>Philsford Trailblazers</i>

NAME:	City/Town: <i>Augusta, ME</i>
SIGNATURE:	Club/Organization Name: <i>N. Augusta Trail Blazers</i>

NAME: <i>Josh Beckman</i>	City/Town: <i>Raymond</i>
SIGNATURE: <i>Josh Beckman</i>	Club/Organization Name: <i>Raymond Batters</i>

RIDE THE WIND™ SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Dennis Walker Jr</i>	City/Town: <i>Greenville ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Turner Ridge Riders</i>
NAME: <i>Jammy DeNora</i>	City/Town: <i>Dispute</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:
NAME: <i>Evered R Hayes</i>	City/Town: <i>Greenville ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Moosehead Riders SC</i>
NAME: <i>JAY ELDIDGE</i>	City/Town: <i>Parisville VT</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:
NAME: <i>Kevin Nealey</i>	City/Town: <i>Troy ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Troy Snowbenders</i>

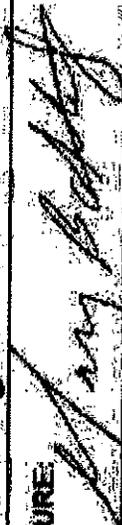
"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this Trail will offer a great new recreational opportunity that will attract Maine, as well as, out-of-state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to make this stated forward.

NAME: <i>Michael G. Lavigne</i>	CITY/TOWN: <i>Buxton</i>
SIGNATURE: <i>Michael G. Lavigne</i>	Club/Organization Name: <i>Sokol's Riders SC</i>
NAME: <i>Susan Louique</i>	CITY/TOWN: <i>Buxton</i>
SIGNATURE: <i>Susan Louique</i>	Club/Organization Name: <i>Sokol's Riders SC</i>
NAME: <i>Phillip Marc Collins</i>	CITY/TOWN: <i>Gerhart</i>
SIGNATURE: <i>Phillip Marc Collins</i>	Club/Organization Name: <i>Sokol's Riders SC</i>
NAME: <i>Michael Hoyt</i>	CITY/TOWN: <i>Gerhart</i>
SIGNATURE: <i>Michael Hoyt</i>	Club/Organization Name: <i>Sokol's Riders SC</i>
NAME: <i>Phil Morneau</i>	CITY/TOWN: <i>Jefferson</i>
SIGNATURE: <i>Phil Morneau</i>	Club/Organization Name: <i>Sno Packers</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail" which bypasses the popular, prearranged destinations and we believe this trail will offer a great new recreational opportunity throughout Maine, as well as, one of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the state and any other potential participants to move this project forward.

NAME: Mary Bobbitt	City/Town: Gorham, Me
SIGNATURE: 	Club/Organization Name:
NAME: Tom Beard	City/Town: Rockland
SIGNATURE: 	Club/Organization Name:
NAME: Pamela McLeod	City/Town: Rockland
SIGNATURE: 	Club/Organization Name:
NAME: Pat McInerney	City/Town: Bangor
SIGNATURE: 	Club/Organization Name: B-H-H-H-Snowmobilers
NAME: Lois P. Voth	City/Town: Hermon
SIGNATURE: 	Club/Organization Name:

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind" snowmobile trail. Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine as well as out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Kevin M. Raybol</i>	City/Town: <i>Waldoboro Me.</i>
SIGNATURE: <i>Kevin M. Raybol</i>	Club/Organization Name: <i>Waldoboro Snowmobilers</i>

NAME: <i>Sarah Sinker</i>	City/Town: <i>W. Newfield ME</i>
SIGNATURE: <i>Sarah Sinker</i>	Club/Organization Name: <i>Rte 11 Snowmobilers</i>

NAME: <i>Frank Bartlett</i>	City/Town: <i>Appleton</i>
SIGNATURE: <i>Frank Bartlett</i>	Club/Organization Name: <i>Appleton Trail Riders</i>

NAME: <i>Tom McCormick</i>	City/Town:
SIGNATURE: <i>Tom McCormick</i>	Club/Organization Name: <i>Progresshead Riders Snowmobile Club</i>

NAME: <i>Al Swift</i>	City/Town: <i>Waldoboro ME</i>
SIGNATURE: <i>Al Swift</i>	Club/Organization Name: <i>MSA</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers support the creation of the "Ride the Wind Snowmobile Trail." Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>Ellen Boldrey</u>	CITY/TOWN: <u>Brewster</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:

NAME: <u>James Tardif</u>	CITY/TOWN: <u>North Mon</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Cochewegan Trails Assoc</u>

NAME: <u>Kathy Clark</u>	CITY/TOWN: <u>Carroll PLT. ME</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Quad County</u>

NAME: <u>Kathy Clark</u>	CITY/TOWN: <u>Carroll PLT Me.</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Quad County</u>

NAME: <u>Houssie Tyler</u>	CITY/TOWN: <u>Farmington, Maine</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind trails are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, our state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind committees, the state and any other potential participants to make this project forward.

NAME: Sarah Strubler	CITY/TOWN: ELLIOT, ME
SIGNATURE: 	CLUB/ORGANIZATION NAME: WINDHAM DR. PARS, S.C.

NAME: MIKE RYLAND	CITY/TOWN:
SIGNATURE: 	CLUB/ORGANIZATION NAME:

NAME: James SUTER	CITY/TOWN: WEST NEWFELL, ME
SIGNATURE: 	CLUB/ORGANIZATION NAME: RTR N STEELERS

NAME: Rob PLEAS	CITY/TOWN: W. S. K. W. ME
SIGNATURE: 	CLUB/ORGANIZATION NAME: FORT HADLEY SNOW DRIFTERS

NAME: Julia BLODGETT	CITY/TOWN: Abbott, Me
SIGNATURE: 	CLUB/ORGANIZATION NAME:

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity after winter in Maine, as well as, out of state riders, promoting tourism and business opportunities in the area around the trail. We urge the wind companies, the state and any other interested participants to move this project forward.

NAME: Don Boudreau
CITY/TOWN: Lewiston

SIGNATURE: Don Boudreau
Club/Organization Name: Hillsdale and Sebago snowmobilers

NAME: Paul Potvin
CITY/TOWN: North Falls

SIGNATURE: Paul Potvin
Club/Organization Name: Boy Scouts

NAME: Jeanne Potvin
CITY/TOWN: North Falls

SIGNATURE: Jeanne Potvin
Club/Organization Name: Boy Scouts

NAME: Mounier LaRoche
CITY/TOWN: Ferrisburgh

SIGNATURE: Mounier LaRoche
Club/Organization Name: Boy Scouts

NAME: Sandra Invernizzi
CITY/TOWN: Peruville

SIGNATURE: Sandra Invernizzi
Club/Organization Name: Peru Snowmobile Club

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine as well as out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>NORMAN BOWFFRE</u>	CITY/TOWN:
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>RTW, ex. Dr. Flouster's</u>

NAME: <u>[Signature]</u>	CITY/TOWN: <u>Wiscasset</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:

NAME: <u>LINDA HOBART</u>	CITY/TOWN: <u>West Forks</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:

NAME: <u>Ben Toule</u>	CITY/TOWN: <u>Wiscasset Me</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:

NAME: <u>Stephen J. McKersin</u>	CITY/TOWN: <u>60 e st Brookly Maine</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>A. Russell McKersin</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great recreational opportunity that will attract winter, as well as, out of state visitors, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to make this project forward.

NAME: <u>Ang Adams</u>	CITY/TOWN: <u>Greenwood</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>4 Winds</u>
NAME: <u>Roberts Adams</u>	CITY/TOWN: <u>Greenwood</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>4 Winds</u>
NAME: <u>Jose Bruce</u>	CITY/TOWN: <u>Greenwood</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>4 Winds</u>
NAME: <u>Norma Dwyer</u>	CITY/TOWN: <u>Manchester</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Manchester</u>
NAME: <u>SG Anderson</u>	CITY/TOWN: <u>Warren</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Warren</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract visitors, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>Gregg Riebesehl</u>	CITY/TOWN: <u>Winthrop</u>
SIGNATURE: 	Club/Organization Name:
NAME: <u>Karen Riebesehl</u>	CITY/TOWN: <u>Winthrop</u>
SIGNATURE: 	Club/Organization Name:
NAME: <u>William Cloran</u>	CITY/TOWN: <u>Lincoln</u>
SIGNATURE: 	Club/Organization Name: <u>Lincoln Sno Hounds</u>
NAME: <u>Deborah Cloran</u>	CITY/TOWN: <u>Lincoln</u>
SIGNATURE: 	Club/Organization Name: <u>Lincoln Sno Hounds</u>
NAME: <u>Christian Cull</u>	CITY/TOWN: <u>Sabattus</u>
SIGNATURE: 	Club/Organization Name: <u>Sabattus Mountaineers</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract tourists, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: Brian Miller City/Town: Weldo

SIGNATURE: *Brian Miller* Club/Organization Name:

NAME: Paula Cuthbertson City/Town: Whitefield

SIGNATURE: *Paula Cuthbertson* Club/Organization Name: Winsor / Whitefield

NAME: Gary M. Smith City/Town: Oxford

SIGNATURE: *Gary M. Smith* Club/Organization Name: Rock-on-Dundee Riders

NAME: Dan Steiner City/Town: Leeds

SIGNATURE: *Dan Steiner* Club/Organization Name: Leeds Snowmobilers

NAME: Don Fournier City/Town: Sabattus

SIGNATURE: *Don Fournier* Club/Organization Name: Sabattus / Lewiston

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract more, as well as, our state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>George R. Roby</u>	CITY/TOWN: <u>LEISAC FALLS, ME</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Algonquin SA & Performance SC</u>
NAME: <u>Norma Wells</u>	CITY/TOWN: <u>Orlando</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Independent</u>
NAME: <u>Jean Cass</u>	CITY/TOWN: <u>Dorham, Me</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Tri-Town Penguins</u>
NAME: <u>Deb McDonald</u>	CITY/TOWN: <u>Berwick, ME</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Southern Snow Coercs</u>
NAME: <u>Linda Papin</u>	CITY/TOWN: <u>Walden</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>M. Augusta Trails & Tours</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail" Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract visitors, as well as, out-of-state riders, promoting tourism and business opportunities in the area around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: Mac Clapachette City/Town: HARTMAN

SIGNATURE: Mac Clapachette Club/Organization Name: PITTSFIELD AREA BUSTAR

NAME: Jack Walsh City/Town: Hartford Smokey Arxels

SIGNATURE: [Signature] Club/Organization Name: Smoky Arxels

NAME: ROBERT DUPLISEA City/Town: PITTSFIELD, N.H.

SIGNATURE: [Signature] Club/Organization Name: PITTSFIELD DEER BUSTERS

NAME: Alan Furton City/Town: Hartman

SIGNATURE: [Signature] Club/Organization Name: Hartman & Phyllis

NAME: Talisa Furlong City/Town: _____

SIGNATURE: [Signature] Club/Organization Name: _____

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Wanda Mooney</i>	City/Town: <i>Auburn, ME</i>
SIGNATURE: <i>Wanda Mooney</i>	Club/Organization Name:
NAME: <i>Bob Mooney</i>	City/Town: <i>Auburn, ME</i>
SIGNATURE: <i>Robert Mooney</i>	Club/Organization Name:
NAME: <i>Tom Gardner</i>	City/Town: <i>Lewiston, ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:
NAME: <i>Wissa Bisson</i>	City/Town: <i>Lewiston, ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:
NAME: <i>Steven Lord</i>	City/Town: <i>Dickens, ME</i>
SIGNATURE: <i>Steve Lord</i>	Club/Organization Name:

RIDE THE WIND SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this Trail will offer a great new recreational opportunity that will attract more, as well as, out of state riders, promoting tourism and business opportunities in the great outdoors. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Gray Plante</i>	City/Town: <i>Balsgrade, Pa.</i>
SIGNATURE: <i>Gray Plante</i>	Club/Organization Name: <i>North Augusta Teal Blazers</i>
NAME: <i>Harold Wood</i>	City/Town: <i>M. Greentree</i>
SIGNATURE: <i>Harold Wood</i>	Club/Organization Name: <i>North Augusta Teal Blazers</i>
NAME: <i>Carl Caproni</i>	City/Town: <i>Wintrop</i>
SIGNATURE: <i>Carl Caproni</i>	Club/Organization Name: <i>Wintrop</i>
NAME: <i>Louis Brown</i>	City/Town: <i>Alma</i>
SIGNATURE: <i>Louis Brown</i>	Club/Organization Name: <i>Alma S.C.</i>
NAME: <i>Matthew Brown</i>	City/Town: <i>Alma</i>
SIGNATURE: <i>Matthew Brown</i>	Club/Organization Name: <i>Alma S.C.</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract tourists, as well as, our own riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: Charles Langmuir	CITY/TOWN: Newport, Maine
SIGNATURE: 	Club/Organization Name: Newport Club
NAME: Eric Spear	CITY/TOWN: Lewiston
SIGNATURE: 	Club/Organization Name: Hillside Family Riders
NAME: Dennis Bland	CITY/TOWN: Lewiston
SIGNATURE: 	Club/Organization Name: Hillside Family Riders
NAME: Steve Donette	CITY/TOWN: Westbrook
SIGNATURE: 	Club/Organization Name:
NAME: Sanford Penney	CITY/TOWN: Portland
SIGNATURE: 	Club/Organization Name:

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the location of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe the trail will offer a great new seasonal opportunity that will attract many, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>James Morrison</u>	CITY/TOWN: <u>Jefferson</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Jackson Snow Riders</u>

NAME: <u>Walter Martin</u>	CITY/TOWN: <u>Livermore Falls</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Tug Hill Riders</u>

NAME: <u>Lorie Martin</u>	CITY/TOWN: <u>Livermore Falls</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Tug Hill Riders</u>

NAME: <u>Dennis O'Brien</u>	CITY/TOWN: <u>Livermore</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Livermore Trail Riders</u>

NAME: <u>[Signature]</u>	CITY/TOWN: <u>[Signature]</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>[Signature]</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind, Snowmobile Trail". Wind farms are possible snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract tourists, as well as our off state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME:	<i>Kyle Canada</i>	City/Town:	<i>Edgemoor</i>
SIGNATURE:	<i>[Signature]</i>	Club/Organization Name:	
NAME:	<i>Debra St Helene</i>	City/Town:	<i>Lewiston</i>
SIGNATURE:	<i>[Signature]</i>	Club/Organization Name:	
NAME:	<i>Norm R. S.H.H. Boose</i>	City/Town:	<i>Lewiston</i>
SIGNATURE:	<i>[Signature]</i>	Club/Organization Name:	
NAME:	<i>JOHN FOURNIER</i>	City/Town:	<i>Lewiston</i>
SIGNATURE:	<i>[Signature]</i>	Club/Organization Name:	<i>Hillside Riders</i>
NAME:	<i>Ryan Smith</i>	City/Town:	<i>Cochran</i>
SIGNATURE:	<i>[Signature]</i>	Club/Organization Name:	<i>Cochran Sm Boers</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out-of-state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: Kristin Blanchard	City/Town: Gray ME
SIGNATURE: <i>Kristin Blanchard</i>	Club/Organization Name: Gray Snowbikes

NAME: DAVID BLANCHARD	City/Town: Gray
SIGNATURE: <i>David Blanchard</i>	Club/Organization Name: Gray Snowbikes

NAME: DARYN LANNAN	City/Town: Gray ME
SIGNATURE: <i>Daryn Lannan</i>	Club/Organization Name: Fiddlers

NAME: MICHAEL P. CYR	City/Town: MAIDENVALE
SIGNATURE: <i>Michael P. Cyr</i>	Club/Organization Name: MAIDENVALE S.C.

NAME: Craig Bennett	City/Town: Augusta ME
SIGNATURE: <i>Craig Bennett</i>	Club/Organization Name: n/a

RIDE THE WIND™ SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: JOE SAYAD	CITY/TOWN: WILBHAM
SIGNATURE: 	Club/Organization Name: WILBHAM DRIFTERS
NAME: KEVIN S. BIXBY	CITY/TOWN: NEW BERTHAM, ME 09917
SIGNATURE: 	Club/Organization Name: WINE BRIDGE
NAME: Steven Johnson	CITY/TOWN: Skowhegan
SIGNATURE: 	Club/Organization Name: Skowhegan Snowmobile Club
NAME: Brian Pardin	CITY/TOWN: Skowhegan
SIGNATURE: 	Club/Organization Name: Skowhegan Sno Tracks
NAME: Wayne Boyd	CITY/TOWN: Holden, Me
SIGNATURE: 	Club/Organization Name:

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind farms are great snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract riding as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to make this project a reality.

NAME: MICHAEL ORBIE City/Town: CAKES

SIGNATURE: [Signature] Club/Organization Name: RHSC

NAME: DAVID M. DAVIS City/Town: North Monmouth, ME

SIGNATURE: [Signature] Club/Organization Name: [Blank]

NAME: JAMES MATHIAS City/Town: LATHAM, ME

SIGNATURE: [Signature] Club/Organization Name: [Blank]

NAME: Rebecca Decker City/Town: Washburn, ME

SIGNATURE: [Signature] Club/Organization Name: Washburn Trail Runners

NAME: Pamela Swindells City/Town: Orono, ME

SIGNATURE: [Signature] Club/Organization Name: ragged riders

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract tourists, promote tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Mark Tyler</i>	City/Town: <i>Farmington Me</i>
SIGNATURE: <i>Mark Tyler</i>	Club/Organization Name: <i></i>
NAME: <i>Becky Rivoux</i>	City/Town: <i>Saco Maine Me</i>
SIGNATURE: <i>Becky Rivoux</i>	Club/Organization Name: <i>Saco Area Snowmobilers</i>
NAME: <i>Mark Blake</i>	City/Town: <i>Greenbush VT</i>
SIGNATURE: <i>Mark Blake</i>	Club/Organization Name: <i>Hillside Riders SC</i>
NAME: <i>James Hagar</i>	City/Town: <i>Bayport Pond</i>
SIGNATURE: <i>James Hagar</i>	Club/Organization Name: <i>Greenbush s/c</i>
NAME: <i>Belinda Hagar</i>	City/Town: <i>Bayport Pond, VT</i>
SIGNATURE: <i>Belinda Hagar</i>	Club/Organization Name: <i>Greenstock s/c</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the development of the "Ride the Wind" Snowmobile Trail. Wild Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as out-of-state riders, promoting tourism and business opportunities in the areas around the trail. We urge the state to complete the state and any other potential participants to move this project forward.

NAME: <u>Tennette Dean</u>	City/Town: <u>Plymouth</u>
SIGNATURE: <u>Jeanette Dean</u>	Club/Organization Name: <u>Plymouth Snowmobile Club</u>
NAME: <u>MIKE CORNGROD</u>	City/Town: <u>CLINTON ME 04927</u>
SIGNATURE: <u>Mike Corngrod</u>	Club/Organization Name: <u>Clinton Trail Riders</u>
NAME: <u>Steve Morrison</u>	City/Town: <u>China ME</u>
SIGNATURE: <u>Steve Morrison</u>	Club/Organization Name: <u>Fort Halifax Snowmobilers</u>
NAME: <u>KEVIN F. CORWELL</u>	City/Town: <u>ALBANY ME</u>
SIGNATURE: <u>Kevin F. Corwell</u>	Club/Organization Name: <u>BESSIE MOUNTAIN RIDERS</u>
NAME: <u>MATTHEW C. STUBBINS</u>	City/Town: <u>FRED, ME</u>
SIGNATURE: <u>Matthew C. Stubbins</u>	Club/Organization Name: <u>FRED HILL OUTRIGGERS</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the area around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>Joseph Michalek</u>	City/Town: <u>Wintthrop</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Hillcandlers SC</u>
NAME: <u>Debra Plouffe</u>	City/Town: <u>Stratton</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Prood Foot Snowmobile Club</u>
NAME: <u>Sandy Crignon</u>	City/Town: <u>Madrid Twp</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Salem Snow Drifters</u>
NAME: <u>Anne Wagner</u>	City/Town: <u>Presque Isle</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Ski Pros Ski Club</u>
NAME: <u>Ian Berry</u>	City/Town: <u>Wintthrop</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>[Blank]</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, bringing tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>Ade A. Bove</u>	CITY/TOWN: <u>West Gardiner</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>W.S.C.</u>
NAME: <u>Jean Fortin</u>	CITY/TOWN: <u>Orleans</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:
NAME: <u>STEVEN JAVATTE</u>	CITY/TOWN: <u>Newtown, NH</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Newtown Snowmobile Club</u>
NAME: <u>George D'Elme</u>	CITY/TOWN: <u>Jefferson</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Colburn Mtn.</u>
NAME: <u>Walter Dwyer</u>	CITY/TOWN: <u>Muskeget</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Muskeget Snowmobilers</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail." Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>Michael Yates</u>	CITY/TOWN: <u>Freeport</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Tri-Town Penguins</u>

NAME: <u>Duncan Day</u>	CITY/TOWN: <u>Freeport</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Tri-Town Penguins</u>

NAME: <u>Doug Lilliant</u>	CITY/TOWN: <u>Ogunda</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Langley Lakes Snowmobile</u>

NAME: <u>Jeff Bourassa</u>	CITY/TOWN: <u>Winslow</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Jo Mary</u>

NAME: <u>Julie Bourassa</u>	CITY/TOWN: <u>Winslow</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Jo Mary</u>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind" Snowmobile Trail. Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract winter, as well as, our of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move the project forward.

NAME: <i>Nik Wedgwood</i>	City/Town: <i>Bangor</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>NSA</i>

NAME: <i>Rodney Cote</i>	City/Town: <i>Jay, Maine</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Andy Walker Riders</i>

NAME: <i>Rebecca Rowding</i>	City/Town: <i>Norway</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Snow</i>

NAME: <i>Cherlene McFarland</i>	City/Town: <i>Dixie</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Cobblescorner SC</i>

NAME: <i>Dwaine Theegalt</i>	City/Town: <i>St Asaph</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:

RIDE THE WIND SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail" wind facsimile popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME:	GERT COBB	CITY/TOWN:	Winthrop
SIGNATURE:		Club/Organization Name:	Hillside
NAME:	Sara Stanley	CITY/TOWN:	Winthrop ME
SIGNATURE:		Club/Organization Name:	Hillside
NAME:	Veri A. Frazier	CITY/TOWN:	Rushy
SIGNATURE:		Club/Organization Name:	Skiing Slides
NAME:	Adam Carrin	CITY/TOWN:	Stonewall
SIGNATURE:		Club/Organization Name:	
NAME:	Scott P. Meach	CITY/TOWN:	Stonewall
SIGNATURE:		Club/Organization Name:	

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state users, providing tourism and business opportunities in the area around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Mark Furrer</i>	City/Town: <i>Andover</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>[Signature]</i>

NAME: <i>Steve Dobson</i>	City/Town: <i>Arrestok ME 04756</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Arrestok Hospitality Inn</i>

NAME: <i>Prudence Dobson</i>	City/Town: <i>Arrestok, ME 04756</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Arrestok Hospitality Inn</i>

NAME: <i>MEILE WHITTEN</i>	City/Town: <i>MOSCOW</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>RANGE RANGERS</i>

NAME: <i>Al Delaney</i>	City/Town: <i>Bangor</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Eastern Maine</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract many, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>KENNETH KRISTG</i>	CITY/TOWN: <i>SO. CHINA ME</i>
SIGNATURE: <i>[Signature]</i>	CLUB/ORGANIZATION NAME: <i>MOOSEHEAD TRAIL RIDERS</i>
NAME: <i>SUSAN PRIEST</i>	CITY/TOWN: <i>SO. CHINA ME</i>
SIGNATURE: <i>[Signature]</i>	CLUB/ORGANIZATION NAME: <i>MOOSEHEAD TRAIL RIDERS</i>
NAME: <i>Kenneth Schmitt</i>	CITY/TOWN: <i>FROOPERT, ME</i>
SIGNATURE: <i>[Signature]</i>	CLUB/ORGANIZATION NAME: <i>Moosehead Trail Riders</i>
NAME: <i>Pat Conroy</i>	CITY/TOWN: <i>FROOPERT, ME</i>
SIGNATURE: <i>[Signature]</i>	CLUB/ORGANIZATION NAME: <i>Moosehead Trail Riders</i>
NAME: <i>Ken Bonafant</i>	CITY/TOWN: <i>CHAS ME</i>
SIGNATURE: <i>[Signature]</i>	CLUB/ORGANIZATION NAME: <i>PATA POWERS</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail" Wind Farms are popular snowmobile destinations and we believe this trail will offer a great snow recreational opportunity that will attract Maine as well as out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <u>Russell Auer</u>	CITY/TOWN: <u>Eastport</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name: <u>Millers River</u>

NAME: <u>TERRY LENTON</u>	CITY/TOWN: <u>PHIPPSBURG</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:

NAME: <u>Robby Steen</u>	CITY/TOWN: <u>Woodsburgh</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:

NAME: <u>Mark Lewis</u>	CITY/TOWN: <u>Harpersville</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:

NAME: <u>Julie Chandler</u>	CITY/TOWN: <u>Burnsownek</u>
SIGNATURE: <u>[Signature]</u>	Club/Organization Name:

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>Judy Roy</i>	City/Town: <i>Lisbon Falls ME</i>
SIGNATURE: <i>Judy Roy</i>	Club/Organization Name: <i>Arnold/Perscott clubs</i>
NAME: <i>Kenneth Wells</i>	City/Town: <i>Lisbon Falls ME</i>
SIGNATURE: <i>Kenneth Wells</i>	Club/Organization Name: <i>Perscott clubs</i>
NAME: <i>SEFFREY L Hanson</i>	City/Town: <i>TOPSHAM ME</i>
SIGNATURE: <i>Seffrey L Hanson</i>	Club/Organization Name: <i>HILLSIDE FAMILY</i>
NAME: <i>Jean Hanson</i>	City/Town: <i>Topsham ME</i>
SIGNATURE: <i>Jean Hanson</i>	Club/Organization Name: <i>HILLSIDE</i>
NAME: <i>Russell Fox</i>	City/Town: <i>Topsham</i>
SIGNATURE: <i>Russell Fox</i>	Club/Organization Name: <i>HILLSIDE</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, a lot of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to make this project forward.

NAME: *Louise D. Johnson* City/Town: *Branford*
 SIGNATURE: *Louise D. Johnson* Club/Organization Name: *Extonville Snow-Mobile Club*

NAME: *John R. Buckle* City/Town: *Cotuit*
 SIGNATURE: *John R. Buckle* Club/Organization Name: *Snow Riders*

NAME: *Charles D. Curtis Jr* City/Town: *Holden*
 SIGNATURE: *Charles D. Curtis Jr* Club/Organization Name:

NAME: *Roberto Castillo* City/Town:
 SIGNATURE: *Roberto Castillo* Club/Organization Name:

NAME: *Ron Obrien* City/Town: *Cole's ME*
 SIGNATURE: *Ron Obrien* Club/Organization Name: *Snowmobile Club*

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind Farms are popular snowmobile destinations and we believe this Trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>David Tolman</i>	City/Town: <i>Winthrop ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:
NAME: <i>Ben Grey</i>	City/Town: <i>Orford ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:
NAME: <i>Don K Reed</i>	City/Town: <i>Exeter</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:
NAME: <i>LARRY BONNEY</i>	City/Town: <i>Scituate</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Snow Valley Snow Sports Androm</i>
NAME: <i>Jason Lizotte</i>	City/Town: <i>Winthrop ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Fort Hill Fox Snow Drifts</i>

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the mission of the "Ride the Wind Snowmobile Trail" which aims to popularize snowmobiles, destinations, and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to move this project forward.

NAME: <i>James Mann</i>	CITY/TOWN: <i>Topsham</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Baldwin Subbirds</i>
NAME: <i>Ray MITCHELSON</i>	CITY/TOWN: <i>no. Cheston, N.Y. 12132</i>
SIGNATURE: <i>Ray Mitchelson</i>	Club/Organization Name: <i>Cuban Summit Riders</i>
NAME: <i>MERRY MITCHELSON</i>	CITY/TOWN: <i>No. Chilton NY 12132</i>
SIGNATURE: <i>Merry Mitchelson</i>	Club/Organization Name: <i>Cuban Summit Riders</i>
NAME: <i>Don Gardner</i>	CITY/TOWN: <i>Holden, ME 04429</i>
SIGNATURE: <i>Don Gardner</i>	Club/Organization Name: <i>Eastern Maine Snowmobile Club</i>
NAME: <i>AL HARDY</i>	CITY/TOWN: <i>Holden, ME 04439</i>
SIGNATURE: <i>Alfred Hardy</i>	Club/Organization Name: <i>EASTERN MAINE SNOWMOBILE CLUB</i>

We are undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine as well as out of state riders, promoting tourism and business opportunities in the areas around the trail. We urge the state and any other concerned participants to move this project forward.

NAME:	<i>Anita Brissette</i>	City/Town	<i>Turner</i>
SIGNATURE:	<i>Anita Brissette</i>	Club/Organization Name:	<i>Turner Ridge Riders</i>

NAME:	<i>Fred DiPompo</i>	City/Town	<i>Hartford</i>
SIGNATURE:	<i>Fred DiPompo</i>	Club/Organization Name:	<i>Canton Hi Riders</i>

NAME:	<i>Monique DiPompo</i>	City/Town	<i>Hartford</i>
SIGNATURE:	<i>Monique DiPompo</i>	Club/Organization Name:	<i>Canton Hi Riders</i>

NAME:	<i>Ray Munningsworth</i>	City/Town	<i>HILLSIDE</i>
SIGNATURE:	<i>Ray Munningsworth</i>	Club/Organization Name:	<i>ME Family Riders</i>

NAME:	<i>Richard Munningsworth</i>	City/Town	<i>Levi Mo.</i>
SIGNATURE:	<i>Richard Munningsworth</i>	Club/Organization Name:	

"RIDE THE WIND" SNOWMOBILE TRAIL

We, the undersigned snowmobilers, support the creation of the "Ride the Wind Snowmobile Trail". Wind farms are popular snowmobile destinations and we believe this trail will offer a great new recreational opportunity that will attract Maine, as well as, out-of-state riders, promoting tourism and business opportunities in the areas around the trail. We urge the wind companies, the state and any other potential participants to make this project a reality.

NAME: <i>Michael Solt</i>	City/Town: <i>Auburn, ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:

NAME: <i>Timothy Solt</i>	City/Town: <i>Auburn, ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name:

NAME: <i>Sarah Medina</i>	City/Town: <i>Dixmont, ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Gold Crest Riders</i>

NAME: <i>Mary Watson</i>	City/Town: <i>Spinks Mills, ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Spinks Co. Trail Riders</i>

NAME: <i>[Signature]</i>	City/Town: <i>Spinks Mills, ME</i>
SIGNATURE: <i>[Signature]</i>	Club/Organization Name: <i>Spinks Co. Trail Riders</i>

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NAME:	Loar Oneal	City/Town:	MT Vernon
SIGNATURE:		Club/Organization Name:	Lebanon Winter Club

NAME:	Peter Zavella	City/Town:	Leeds Falls
SIGNATURE:		Club/Organization Name:	Roadside Blizzard Busters

NAME:	Steve Munn	City/Town:	Madawaska, N.S.
SIGNATURE:		Club/Organization Name:	Madawaska S.C.

NAME:	Joe Bitterman	City/Town:	Washington, ME
SIGNATURE:		Club/Organization Name:	Hill + Cully Riders

NAME:	Richard May	City/Town:	Bellefleur, ME
SIGNATURE:		Club/Organization Name:	

"RIDE THE WIND" SNOWMOBILE TRAIL

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NAME: Ed Shirley	City/Town: Beckspart
SIGNATURE: <i>E. D. Shirley</i>	Club/Organization Name:
NAME: Steve Groves	City/Town: Winthrop
SIGNATURE: <i>Steve Groves</i>	Club/Organization Name: Hill Haulers
NAME: Brandon Dawson	City/Town: Winthrop
SIGNATURE: <i>Brandon Dawson</i>	Club/Organization Name:
NAME: Beth Peltok	City/Town:
SIGNATURE: <i>Beth Peltok</i>	Club/Organization Name:
NAME: Kirk Gethy	City/Town:
SIGNATURE: <i>Kirk Gethy</i>	Club/Organization Name: Redfield Bullard Station

Pre-Filed Direct Testimony of Philip Bartlett and Stacey Fitts on behalf of
Champlain Wind, LLC

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
IN THE MATTER OF

CHAMPLAIN WIND, LLC)	Pre-Filed Direct Testimony of
CARROLL PLT./KOSSUTH TWP.)	Philip Bartlett and Stacey Fitts
PENOBSCOT/WASHINGTON COUNTY)	
#L-25800-24-A-N/#L-25800-TE-B-N)	

Philip Bartlett and Stacey Fitts are submitting this pre-filed direct testimony in support of the Bowers Wind Project. In the interest of efficiency we are filing our written testimony jointly. In our oral presentation we will focus on separate issues to avoid overlap of testimony.

I. QUALIFICATIONS AND BACKGROUND

A. Philip Bartlett

I am an attorney in private practice in Sanford, Maine. My practice focuses on workers' compensation and civil litigation matters. From 2004 to 2012, I served as a Democratic State Senator. During my time in the Senate, I chaired the Joint Standing Committee on Utilities and Energy and the Joint Select Committee on Maine's Energy Future. [I served as Senate Majority Leader from 2008-2010 and served on the Government Oversight, Natural Resources and Labor Committees.]

I was a member of the Governor's Task Force on Wind Power Development and voted along with a unanimous House and Senate to implement the task force's report via the Wind Energy Act. I am a graduate of Tufts University and Harvard University Law School.

B. Stacey Fitts

I am a mechanical engineer employed by Kleinschmidt, where my work focuses on valuation of energy facilities and related infrastructure as well as operational engineering support primarily in the hydroelectric industry. From 2004 to 2012, I served as a Republican state representative. During my time in the House, I served on the Joint Standing Committee on Utilities and Energy and I chaired this committee in the 125th Maine Legislature. I also served on the Joint Standing Committee on Veterans and Legal Affairs during my legislative tenure. Additionally, I served on the Joint Select Committee on Maine's Future Prosperity and the Joint Select Committee on Maine's Energy Future as well as the Corridor Commission which examined the future use of Maine's corridor assets for energy and related activities. I also served on the Joint Select Committee on Regulatory Fairness and Reform that was established by the 125th Legislature to examine Maine's regulatory structures and procedures. I also served on the Ocean Energy Task Force which examined the potential of Maine's offshore assets for energy production.

I was a member of the Governor's Task Force on Wind Power Development and voted along with a unanimous House and Senate to implement the task force's report via the Wind Energy Act. I hold a bachelor of science degree from the Maine Maritime Academy.

II. THE WIND ENERGY ACT

The Legislature enacted "An Act to Implement the Recommendations of the Governor's Task Force on Wind Power Development" (the "Wind Energy Act" or the "Act") in a unanimous, bipartisan vote to promote the development of wind energy in the State. The Act took concrete steps to encourage the development of wind power in areas specifically determined by the Legislature to be appropriate for such development. Moreover, in an effort to achieve aggressive but necessary and beneficial wind energy goals, the Act made specific changes to the regulatory review process to facilitate permitting of such projects. The Bowers Wind Project is in an area determined by the Legislature to be appropriate for wind energy development and is the type of development contemplated by and encouraged under the Wind Energy Act.

On April 11, 2008, the Maine Legislature passed the Wind Energy Act by a vote of 34-0 in the Senate and a vote of 139-0 in the House of Representatives. The Act was passed as emergency legislation that took effect immediately upon enactment. The Act was the result of a comprehensive review of the State's wind power policy and regulatory process undertaken by the Governor's Task Force on Wind Power Development (the "Task Force"), and the recommendations set forth in the final report of the Task Force. See <http://www.maine.gov/doc/mfs/windpower/report.shtml> ("Task Force Report"). The Task Force was created to evaluate wind energy development in Maine and, in particular, to develop recommendations for how Maine could become a leader in wind power development, while protecting Maine's quality of place and natural resources, and delivering meaningful benefits to Maine's economy, environment and citizens. Task Force Report at 5. To that end, the Task Force was specifically charged with evaluating the regulatory process and criteria by which wind power projects were reviewed and identifying barriers to development. Task Force Report, Attach. A (p. 49). Additionally, we were tasked with identifying policy and regulatory changes that would overcome those barriers and facilitate development of wind power in appropriate areas of the State. Id.

It is noteworthy that our work began on the heels of a denial by the Land Use Planning Commission (then known as the Land Use Regulation Commission) of the Redington and Black Nubble wind power projects. The projects resulted in significant public input and controversy, and the review process was a challenge to the developer, review agency, and participants. The agency staff recommended approval of the Redington project, although the Commission reversed and voted to deny the project. See March 5, 2008 Decision to Deny Zoning Petition ZP 702 and Preliminary Development Plan at ¶ 17 (giving history of proceedings). The applicant then proposed a revised and smaller project (known as Black Nubble) that was endorsed by some but not all of the State's major environmental organizations. Following an additional public hearing on the revised application, the Commission voted to deny the project. Id.

The siting challenges associated with those projects highlighted the uncertainty that existed in the then-existing regulatory structure. Our work on the Task Force was intended to

reduce regulatory uncertainty, clarify and where necessary modify the review criteria, and facilitate development of wind energy projects in appropriate locations. The changes recommended by the Task Force were intended to make the process more predictable and coherent for applicants, decision-makers and the public by, among other things, identifying areas of the state where development of wind power was most appropriate.

The Task Force was composed of 17 members, including state legislators, state regulators (including then-DEP Commissioner David Littell; then-Commissioner of the Department of Conservation, Patrick McGowan; and then- Director of the Governor's Office of Energy Independence & Security, John Kerry), and representatives of key conservation interests such as the Natural Resources Council of Maine, the Maine Audubon Society and the Maine Appalachian Mountain Club. The Task Force held 12 public meetings over an 8-month period, during which interested citizens and stakeholders had an opportunity to participate. That process culminated in the issuance in February 2008 of the Report of the Governor's Task Force on Wind Power Development, the substance of which became law with the Legislature's enactment of the Wind Energy Act two months later.

III. MAINE'S EXPLICIT POLICY ON PROMOTING WIND ENERGY

The passage of the Wind Energy Act was a key policy determination by the Legislature. With the passage of the Act, the Legislature determined that wind energy was a valuable state resource that contributes to the general welfare of the citizens of the State. In order to make that determination concrete, the Act established aggressive goals for the development of wind power generation. In the original passage of the Act, the Legislature stated that there should be 2,000 megawatts of wind energy capacity in the State by the year 2015 and 3,000 megawatts of capacity by the year 2020. P.L. 2007, ch. 661, § A-6. In April 2010, the Legislature revisited and reaffirmed these goals, and additionally increased the goals to include 8,000 megawatts of total capacity by the year 2030, with 5,000 of those megawatts to be located offshore. P.L. 2009, ch. 615, § A-4. The Legislature understood that these were very aggressive goals, and that achieving them required prioritization of wind power development over other competing policies.

The Act explicitly states that in order to meet these goals, it is the State's policy "to encourage the attraction of appropriately sited development related to wind energy." 35-A M.R.S.A. § 3404(1).

These goals were put in place because of the Legislature's recognition that wind energy provides significant economic, environmental, and energy security benefits to the State. With respect to economic benefits, wind power development of course results in jobs and capital investment. Task Force Report at 67-69 and testimony of Mr. Parker. The economic benefits extend beyond construction-related benefits however, and, importantly, accrue to communities that host such projects. In April, 2010, the Wind Energy Act was amended to, among other things, require that projects establish a community benefits package valued at no less than \$4,000 per turbine per year. P.L. 2009, ch. 642, § A-7. Additionally, and as recognized in the Act, local benefits include the significant tax payments that result from these capital-intensive projects.

The importance of economic benefits to communities like Carroll and Kossuth are critical and cannot and should not be overlooked. Carroll and Kossuth are rural and struggling communities. Throughout our years in the Legislature we have heard first hand the challenges faced by such communities. These challenges are particularly acute now, in a time of declining State revenues and drastic budget cuts. Residents in these communities are often forced to choose between heating their homes or placing food on the table. Between buying necessary medicine or keeping the lights on. As Legislators, we have been sensitive to the needs and desires of communities that are often asked to host development that benefits others in Maine but not the host community. Here, there is a win-win in that the Project benefits and is embraced by the local community, at the same time it brings significant benefits to Maine as a State.

In addition to direct economic benefits, adding wind power to the State's mix of energy generation the Wind Energy Act recognizes that it has the effect of stabilizing and exerting downward pressure on electricity rates. 35-A M.R.S.A. § 3402(1)(C); Task Force Report at 69, 76. This conclusion has since been confirmed by both the Maine PUC and the New England's Independent System Operator (ISO-New England), which administers the region's electrical grid. See Maine Public Utilities Commission Review Comments on Bowers Wind Project, Dec. 3, 2012 ("The PUC agrees that wind projects tend to reduce prices in the wholesale markets and contribute to energy diversity and price stability."); ISO-NE 2011 Regional System Plan, Oct. 21, 2011("The addition of large-scale wind generation, with its characteristic low operating costs, would reduce wholesale electric energy market revenues for all resources...").

With respect to environmental benefits, the creation of wind power capacity displaces the need for fossil-fuel electricity generation and thereby reduces harmful emissions of greenhouse gasses and other toxins. See Task Force Report at 74-75 (presentation of former DEP Commissioner David Littell). Again, this conclusion has been subsequently corroborated. For example, according to 2011 testimony from the Maine Center for Disease Control, "Generating energy from wind turbines means less energy generated from foreign oil and coal, both being major contributors to global warming, pollution, and resulting diseases and deaths due to heart disease, cancer, asthma, and other lung diseases. Maine's highest-in-the-nation rates of asthma and cancer are thought to be at least partially due to pollution from our dependence on fossil fuels." Testimony of Dora Ann Mills, MD, MPH, In Opposition to Rule Changes to Made to Maine DEP Chapter 375 Regulations on Wind Turbine Noise, July 7, 2011, at 5. The environmental benefits are discussed more fully in Ms. Krich's testimony.

In short, we are at a critical juncture in planning for the future of the State's energy infrastructure. All forms of development have impacts on the environment and surrounding uses. Wind power, however, has positive environmental and energy benefits, as well as economic benefits. The Legislature adopted the aggressive goals contained in the Wind Energy Act because it recognized that the State cannot wait to diversify its energy portfolio and realize the economic, energy and environmental benefits of wind power generation.

IV. LEGISLATIVE ENCOURAGEMENT OF WIND ENERGY THROUGH SPECIFIC REGULATORY CHANGES

The Wind Energy Act amended the State's regulatory framework in several important ways to encourage the development of wind power capacity. First, the Wind Energy Act established an "expedited permitting area," where the Legislature determined that wind power development was most compatible with existing patterns of development. 35-A M.R.S.A. § 3402(2), 3451(3); P.L. 2007, ch. 661, § C-6. Second, the Wind Energy Act modified the visual impact standard applicable to wind energy developments located within the expedited permitting area. 35-A M.R.S.A. § 3452.

A. Creation of the Expedited Permitting Area

To facilitate development of wind power in appropriate locations, the Task Force recommended that the Legislature establish expedited review areas where development of wind power would be encouraged. Task Force Report at 6. As we noted in our report, by designating areas for expedited review, Maine would be "**sending a clear signal to wind power developers about the areas within the state that appear to be most appropriate for development.**" Task Force Report at 6 (emphasis added). The process for identifying such areas included input from the entirety of the Task Force membership as well as others not on the Task Force. Interestingly, the feedback we received from developers was that it would be preferable to identify those areas in the State where development was essentially off-limits, but the Task Force and the Legislature concluded it was preferable to identify areas where development was appropriate and encourage developers to site projects in those areas.

Specifically, the Wind Energy Act sought to "reduce the potential for controversy regarding the siting of grid-scale wind energy development by expediting development in places where it is most compatible with existing patterns of development and resources values when considered from a landscape level." 35-A M.R.S.A. § 3402(2). The entirety of the organized areas of the State was included in the expedited permitting area, as well as specified areas within the State's unorganized or deorganized areas. 35-A M.R.S.A. § 3451(3); P.L. 2007, ch. 661, § C-6. Importantly, excluded from the expedited permitting area was the undeveloped remote core of LURC jurisdiction, as well as areas that due to their unique ecological or scenic values were not appropriate for wind development. A map showing the portions of the State included in the expedited permitting area is attached as Exhibit C.

The Bowers Project is sited in the expedited permitting area and therefore is in an area where, as a matter of law, wind development has been determined to be "compatible with existing patterns of development and resource values when considered at a landscape level." 35-A M.R.S.A. § 3402(2).¹ We understand and agree that the Downeast Lakes Region, including

¹ A portion of Kossuth Township was added to the expedited permitting area by LUPC pursuant to the process provided for in the Wind Energy Act. Specifically, we understood that the boundaries of the expedited permitting area were necessarily imprecise, and therefore included a provision for adding a place to the expedited permitting area if it was a logical geographic extension of the initially designated expedited permitting area, was important to meeting the State's goals for wind energy development, and would not compromise the principal values and goals of the CLUP. 35-A M.R.S.A. § 3453. Only two of the 16 turbines are in Kossuth, and 14 of the 16 are in Carroll Plantation.

the conservation efforts undertaken by the Downeast Lakes Forestry Partnership, is an important and in some respects unique recreational area and, as a result, wind power in that location was not appropriate. The decision to exclude the Grand Lake Stream and surrounding conservation areas from the expedited permitting area was intentional, **as was the decision to include places beyond those conservation areas, including Carroll Plantation and Kossuth Township.** As Task Force members and as Legislators, we understood that turbines located in the expedited area would be visible from adjacent areas that were excluded from expedited permitting.

B. The Modified Visual Impact Standard

The Wind Energy Act also created a modified visual impact standard to be applied to wind power projects proposed for development in the expedited permitting area. The Legislature recognized that grid-scale wind energy projects can be a highly visibly feature of the landscape, and specifically instructed the Department that such visibility is an insufficient basis by itself to support a finding of undue adverse visual impact. 35-A M.R.S.A. § 3452(3). Additionally, among the criteria established to assess whether the visual impact of a wind energy project is reasonable, the Act requires the Department to consider the “purpose and the context of the proposed activity.” 35-A M.R.S.A. § 3452(3)(D). The Bowers Wind Project’s “purpose” is to develop wind power capacity in the State. The Project’s “context” is that it is a step forward toward the State’s as-yet-unmet wind power capacity goals and it is located in the expedited permitting area. Accordingly, when undertaking the balancing that is required to determine whether project visibility “significantly compromises views from a scenic resource of state or national significant such that the development has an unreasonable adverse effect on scenic character or existing uses related to scenic character”, the agency must take into account that the visibility results from a form of development that is encouraged by the State and is necessary to achieve the State’s wind energy goals.

It is also instructive to compare the Wind Energy Act visual impact standard to the traditional Site Law visual impact standard to understand the Legislature’s intent in promoting wind energy through specific regulatory changes. The Site Law standard requires a finding that a development will not “adversely affect scenic character of existing uses.” 38 M.R.S.A. § 484(3). The Wind Energy Act requires a finding that a development will not result in an “unreasonable adverse effect.” 35-A M.R.S.A. § 3452(1). However, the similarity stops there. The Site Law requires that a development “fit harmoniously into the existing natural environment.” The Wind Energy Act explicitly states that a finding of harmonious fit is unnecessary. The Site Law does not specify areas to be evaluated with respect to scenic impacts. The Wind Energy Act restricted the assessment of visual impacts to an enumerated list of publically-accessible resources of state or national significance. The Site Law does not articulate any Legislative preference for certain types of development. The Wind Energy Act establishes that the State should encourage wind power development and creates specific numerical goals for how much wind power the State should have. The Site Law does not establish any geographical preference for where projects should be located. The Wind Energy Act created the expedited permitting area where a Legislative determination of appropriateness has already been made.

The Department's review of the visual impacts of the Bowers Wind Project must be conducted in light of this comprehensive regulatory scheme created to promote development of wind power in the expedited permitting area.

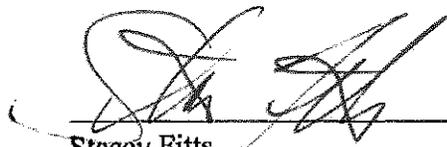
IV. CONCLUSION

We support the Bowers Wind Project. The Project is appropriately sited and will result in important environmental, energy and economic benefits to the State. Although there will be visual impacts to certain lakes in the area, those impacts are not unreasonable, particularly when considered in the context of the Project's substantial benefits. Additionally, visual impacts such as exist here were contemplated under the Wind Energy Act and considered when we delineated areas for expedited permitting. We also believe that the Applicant's decision to reduce the Project size to minimize visual impacts and the Applicant's continued outreach to stakeholders and its commitment to nighttime lighting and other forms of mitigation is exactly the type of behavior we want to encourage.

The State of Maine is at a crossroads. Our economy is struggling and our regulatory system is universally viewed by business as a significant barrier to development, jobs and growth. Here, we have a developer who has an outstanding track record, who has proposed a project in a location that the Legislature has determined is appropriate for wind power, and who, following concerns about visual impacts, significantly reduced the project and agreed to further measures to mitigate the impact of project visibility. The host community wants this Project. We cannot afford to tell a business that although the Legislature passed a law encouraging development of wind power in this location, they cannot proceed because the turbines may be visible on area lakes. We knew turbines were a highly visible feature of the landscape when we passed the Wind Energy Act and "sent a strong signal to wind power developers" that they should invest in the State and invest in developing wind energy in the expedited area. Maine needs the jobs, and Maine needs the energy and environmental benefits of this Project, and we urge the Department to approve it expeditiously.

We appreciate the Department's time and careful effort in the review of the Bowers Wind Project. We look forward to discussing this Project further with the Department and to answering any questions raised by the hearing officer, Department staff, and the parties to this proceeding.

Date: 3/15/13



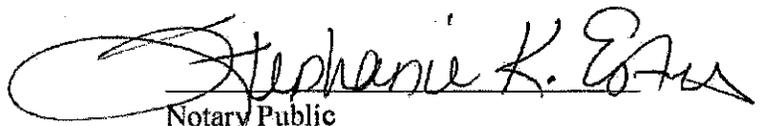
Stacey Fitts

STATE OF MAINE
County of Somerset

Date: March 15, 2013

Personally appeared before me the above named Stacey Fitts, who, being duly sworn, did testify that the foregoing testimony was true and correct to the best of his knowledge and belief.

Before me,



Notary Public
My commission expires: _____

Stephanie K. Estes
Notary Public - Maine
My Commission Expires
July 28, 2017

Date: 3/15/13



Philip Bartlett

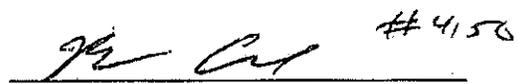
STATE OF MAINE

County of York

Date: 3/15/13

Personally appeared before me the above named Philip Bartlett, who, being duly sworn, did testify that the foregoing testimony was true and correct to the best of his knowledge and belief.

Before me,



Notary Public *Attorney*

My commission expires: _____

#4156

Champlain Wind, LLC's Response to the Fourth Procedural Order

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

CHAMPLAIN WIND, LLC)	
CARROLL PLT./KOSSUTH TWP.)	Applicant's Response to
PENOBSCOT/WASHINGTON COUNTY)	the Fourth Procedural Order
#L-25800-24-A-N/#L- 25800-TE-B-N)	

The applicant Champlain Wind, LLC ("Champlain Wind") provides the following response to the items set forth in the Department's Fourth Procedural Order.

I. Information on Fire and Public Safety

The following responds to ¶ 1 of the Fourth Procedural Order, testimony of Clyde MacDonald on April 30th during the public hearing, and concerns voiced over the recent fire at TransCanada's Kibby Project.

A. Fire Management Protocols

As described in Section 27 of Champlain's application, the Bowers facility has been specifically designed with features that minimize the risk of fire and fire related damage. In addition, there are operational fire prevention and suppression protocols that First Wind uses to minimize and address fire risks.

First, the turbines are designed and constructed to minimize fire risks. Turbines are equipped with state of the art lightning protection and fire prevention systems. The tower hub and nacelle also are made of steel and fully enclosed and, as such, limit a possible fire. In addition, the secondary hydraulic braking system is enclosed in a metal casing that ensures possible sparks will not spread into the nacelle.¹ As noted by Neil Kiely during the hearing, Vestas offers a fire suppression option for its turbines that will be part of the package for this

¹ The primary means of braking or stopping rotation of the turbine rotors is accomplished by feathering the blades out of the wind through automated controls within the turbine.

Project. The option, known as Firetrace, is a fire suppression system integrated during manufacturing into the nacelle of the Vestas turbine. Heat-reactive tubing is threaded through key areas of the nacelle, including the transformer room, controller cabinets, and the high speed brake. The tubing melts quickly in the presence of heat, triggering the targeted delivery of a non-toxic suppression agent. When activated, the Firetrace system also shuts down the turbine and opens the turbine switchgear, isolating the turbine from the remainder of the turbines and removing a potential energy source for a fire. The system is inspected every six months by Vestas technicians during regular turbine maintenance activities. Although Siemens does not currently have an active fire suppression system, they note that the direct drive technology used in their newest turbines does not have a transformer or gear box oil in the nacelles, which substantially reduces the risk of tower fires.

Second, the turbines are equipped with a system that provides continuous monitoring of external and internal turbine conditions and which instantly detect deviations from normal operating conditions, including temperature changes. The turbines are monitored remotely 24 hours a day, 7 days per week by First Wind personnel located in Boston with a back-up monitoring facility in California in the event the Boston monitoring center has an issue. The instant detection allows for immediate response to any issues should they arise.

Third, in the event of any malfunction of the turbine, including a fire, the turbines automatically turn the blades into the wind to stop the blades from turning. Each blade has its own automatic shut-down control system with battery back-up and it only takes one blade turning into the wind to stop all the blades from turning.

Fourth, First Wind personnel regularly perform maintenance and inspections to identify any issues before they arise.

Fifth, in the unlikely event of a fire, the clearing associated with construction of the turbine pads and the permanent impervious surface of the crane pads themselves removes much of the slash and dead materials that could potentially be ignited by a turbine fire. Moreover, the access roads and crane paths act as "fire breaks," isolating the fire and preventing any spreading to adjacent areas. In the case of Bowers specifically, the numerous logging roads surrounding the project would serve as additional fire breaks and access points to control a fire.

Sixth, First Wind has developed and successfully implemented fire protection plans at its existing operating facilities and will do so at the Bowers facility. For example, the O&M Building will have an automatic fire suppression system in the rack room and a fire alarm system that monitors all office and shop space. Portable fire extinguishers will be properly located throughout the facility and employee vehicles are outfitted with portable fire extinguishers. First Wind regularly trains contractors and employees on fire protection and response protocols, and they must demonstrate an understanding of the training and their ability to use all equipment before they are allowed to perform work requiring identified fire prevention equipment.

Seventh, First Wind has established emergency communications and response protocols with emergency response providers to ensure timely notification if an incident occurs. Consistent with the practices at operating facilities, First Wind met with Springfield fire response personnel to discuss specific fire prevention and response in the project vicinity. Springfield provides fire response services to Carroll Plantation with backup support as necessary from other local departments. They have indicated that they do not believe the Project presents any undue fire risks or that additional resources are required and they will respond as necessary. A letter from the Springfield Fire Chief submitted with the application is attached hereto as Exhibit 1 for ease of reference. In addition, the Maine Forest Service, which also provides fire response

services and has direct experience with the operating Stetson I and II projects, indicated that the Project will have little, if any, impact on services provided in the region and the need for additional fire protection services will be minimal and consistent with the services already provided. Attached as Exhibit 2 a letter from the District Ranger, which was also included in the application.

Finally, local outreach and training will continue following construction of the Bowers Project. By way of example, First Wind has engaged in a robust outreach program with fire responders in and around the Stetson I and II projects. The Town of Danforth provides fire response services at Stetson I and II with backup from other local departments. First Wind representatives have met with the Towns of Danforth and Lee fire department personnel to discuss emergency response, site access, life flight response and general site concerns. First Wind has sponsored the “Life Flight in Maine” emergency helicopter response team training day at Stetson. The training day, which included a “Ground Safety Course” was attended by the Towns of Danforth and Lee Fire Departments, Penobscot Valley EMS, Maine Forest Service (responsible for forest fire fighting and prevention near Stetson) and Maine Search and Rescue, discussed site access, emergency communications, emergency response time among various other fire and emergency response criteria. First Wind is planning to conduct additional training with local emergency responders for the Stetson Project this year and Springfield Fire Department has indicated it will participate.

B. Fire Risk

The fire danger associated with wind energy facilities and turbines has been exaggerated by the unsubstantiated and distorted statements by Clyde MacDonald in his testimony and related articles. As discussed below, the incidences of wildfires as a result of wind energy

facilities and turbines are rare in both absolute and relative terms and wildfire danger in Maine is low in both absolute and relative terms.

First, the threat of wildfires from turbine fires is not significant. Even where turbine fires have occurred during the last 20 years, there have been no documented wildfires that resulted from those fires.² As technology has improved in both detection and suppression, the incidences of fires from wind turbines have drastically decreased. For example, in 2003, there was a peak in the number of incidents per year at 10.25. This number decreased by 77% to 2.27 incidents during 2010.³ In Maine, there was a recent incident with a Vestas turbine at TransCanada's Kibby facility. This incident did not result in a wildfire. One concern expressed with respect to this fire was the notification process and response timing. If a fire were to occur at a First Wind facility, operational personnel would immediately be notified of and report on site to assess the situation. As described above, First Wind would simultaneously employ emergency communications and response protocols with emergency response providers, as appropriate, to ensure timely notification if an incident occurs

Second, the risks of fire to Maine citizens and forests comes from other sources: home heating and cooking (together, over 65% of about 1500 residential fires per year), debris burning (#1 cause of Maine wildfires), and arson (#2 cause of Maine wildfires), with 251 wildfires intentionally set in Maine over a 4-year period (2004-2008).⁴ This is true in Maine and across the United States, as compilation of wildfire data regarding the primary sources of wildfires in the United States show that 38% were attributable to human causes and the remaining 62% to lightning. In Maine specifically, wildfires attributable to human causes represent an even more

² CWIF Accident Summary, March 2011; www.caithnesswindfarms.co.uk. (reporting fires from wind turbines between 1990 and 2011).

³ Id.

⁴ Maine State Fire Marshall, MEFIRS Residential Structure Fire Causes Report, 2007, 2008; Maine Forest Service, http://www.maine.gov/doc/mfs/fpd/pages/arson_reward_program.htm.

significant share: according to the Maine Forest Service, “Ninety percent of all wildfires [in the state] are caused by people.”⁵ Furthermore, residential fires present a much more immediate threat to human life and property: in a recent two-year period (2007-2008), the Maine State Fire Marshall reported 3,101 residential structure fires representing nearly \$30 million in property loss.

From 2004-2008, Maine’s full exposure to wildfires was 3,999 acres burned (any cause). While significant acreage in absolute terms, wildfire danger (any cause) in Maine and the Northeast is low relative to other regions of the United States: in 2010, only 4% of 3,422,724 acres burned by wildfire occurred in the National Interagency Fire Center’s (NIFC) Eastern region, which encompasses a geographic area from Minnesota to Missouri, eastward to Maine.⁶

In summary, fire risk from the proposed Bowers Project is small and there will be appropriate protective measures in place to minimize the risk of fires or damaging results from any fires.

C. Decommissioning of a Single Turbine

Because of concerns expressed over the recent fire at TransCanada’s Kibby Project, and in recognition that it may be necessary to decommission a single turbine but not the entire Project, the Applicant agrees to the following: In addition to the Project decommissioning trigger set forth in Section 29.0 of the Application, if (i) any single turbine fails to generate electricity for a period of 18 consecutive months, and (ii) the Applicant is not taking affirmative steps to repair or replace the turbine or otherwise bring the turbine on line to generate electricity, then the Applicant will decommission the turbine in accordance with the Project

⁵ Maine Forest Service,
<http://www.maine.gov/doc/mfs/fpd/pages/programs/htm.#Causes%20of%20Wildfires>.

⁶ NIFC Wildland Fire Summary 2010 and State-level Statistics, 2004-2008;
http://www.nifc.gov/fireInfo/fireInfo_statistics.html.

decommissioning provisions of Section 29.0. It is understood that in the event a turbine is damaged, there may be long lead items required to repair or replace the turbine and the Applicant shall not be required to decommission such a turbine if it is taking reasonable steps to repair and/or replace the turbine, even if the time to do so exceeds 18 months. Additionally, the Applicant shall not be required to decommission a turbine if the turbine is not damaged but is not generating electricity due to circumstances beyond the Applicant's control as set forth in Section 29.0.

II. LURC's Consideration of the Connectivity of SRSNS Lakes

The Applicant renews its objection to inclusion of any portion of the September 27, 2011 Deliberations Notebook prepared by staff in DP 4889 (the "Deliberations Notebook") for the reasons set forth in our April 30, 2013 letter. Although the Department has narrowed the information it seeks to rely on, the basis for the objection remains. Based on the Fourth Procedural Order, our understanding is that the Department proposes to include only the following portions only of the Deliberations Notebook: Visual Impacts Part I, Section F (Connectivity of SRSNS Lakes, p. 21 of 30), Section H, 1 (Connectivity of the lakes and overall scenic impact (LW), p. 23 of 30), Section H, 2 (Connectivity of the lakes and overall scenic impact (Palmer), p. 24 of 30), Section H, 3 (Conclusions challenged by NRCM, p. 25 of 30), and Section I, 2c (Meeting of WEA criterion of no "unreasonable adverse effect" on individual lakes because of elevated assessed scenic impacts due to their connectivity, p. 29 and 30 of 30). The Department has not articulated how that information is relevant here or how it intends use the information. For the reasons set forth below, however, it should not be included in this proceeding.

First, the Deliberations Notebook does not constitute evidence. It identifies some questions and summarizes evidence. Except for recitation of some of the information provided by James Palmer and LandWorks, the notebook does not provide specific references to or copies of the underlying testimony, which makes it particularly difficult if not impossible to respond to. The Department's analysis of this Project must be based on evidence that is part of this record and evidence the parties have had an opportunity to review and respond to, and where the witnesses providing such testimony have been subject to cross-examination to ascertain the reliability of such testimony. None of that has or will occur here. As a result, it is unfair and prejudicial to the Applicant for the Department, at the 11th hour, to include a list of questions and a summary of evidence in a separate proceeding, and without reference to or inclusion of the underlying testimony or an opportunity to adequately rebut it.

Second, and importantly, as reflected in the Deliberations Notebook as well as the decision document in DP 4889, a principal concern in that proceeding was the absence of data on how people were using the lakes and how visibility of the project would affect their experience. See, e.g., Deliberations Notebook, Part I, H, 2 at p. 24 (quoting from Palmer) and Decision Document in DP 4889 at 16 (noting testimony from Palmer that it is very difficult to evaluate whether the impact is unreasonable without better information about the extent nature and duration of use and effect of visibility on potential use). Since the original proceeding, the Applicant has obtained the information that was lacking on the nature, extent and duration of use, as well as impact on use and enjoyment. That information establishes that there is minimal use of the Project lakes by kayakers or paddlers, and there is little evidence of use of the Project lakes by guides.

Third, the objective information obtained since the original proceeding is directly at odds with the Commission's conclusions about the type of uses that occur on the Project lakes and the extent of such uses. Because there was limited objective or verifiable data in the original proceeding, the Commission relied on the anecdotal testimony by numerous guides and sporting camp owners and concluded that the lakes represent a water trails that received "significant use" as a recreational resource by the public, including the clients of guides and sporting camp owners from the Grand Lake Stream area. DP 4889 at 24. The evidence here establishes that is simply not the case. In fact, such use is very low. Indeed, not only has the Applicant provided objective data on this issue, but the contrary testimony and evidence submitted in the prior proceeding has not been submitted here. While there was extensive testimony by the guides and sporting camp owners in the prior proceeding, including on an alleged quantification of use that defied common sense, that testimony was not introduced here. Indeed, there was more limited testimony by those groups in this proceeding.⁷ Thus, not only is the evidence relied on by the Commission in DP 4889 not part of this proceeding, but the objective evidence in this proceeding contradicts that more anecdotal information that was relied on in DP 4889. Simply put, it would be extremely prejudicial to bootstrap evidence from a prior proceeding into this proceeding without subjecting such witnesses to cross-examination and allow the Applicant a full opportunity to present evidence that undermines the credibility of such evidence.

⁷ For example, eight guides and/or sporting camp owners from the Grand Lake Stream area testified for intervenors in opposition to the original project in DP 4889. An additional 7 guides and/or sporting camp owners from the Grand Lake Stream area testified during the evening session in opposition to the Project in that proceeding. See June 27 and 28 Transcript in DP 4889. In contrast, in this proceeding, only three guides and/or sporting camp owners testified as witnesses for an intervenor in opposition to the Project, and a handful (approximately three) of guides and/or sporting camp owners from the Grand Lake Stream area testified during the public comment session in the evening in opposition to the Project. Others testified in support of the Project. Unlike DP 4889, there simply is not significant opposition testimony by guides or sporting camp owners in this proceeding compared to the prior proceeding, and there is no testimony by those groups that seeks to quantify their use of the Project lakes.

Finally, it is not clear why the Department seeks to include the information from the Deliberations Notebook in this proceeding. The Department has evidence before it on the nature and extent of use and can and should make its decision on the basis of such evidence. Moreover, it would be inappropriate for the Department to rely on the Deliberations Notebook for guidance on how to evaluate visual impacts on lakes that are connected. First, the Applicant has repeatedly requested guidance from the Department on its interpretation of the scenic criteria. To date, the Department has declined to initiate rulemaking or provide guidance on interpretation and application of the criteria. Second, the Wind Energy Act does not contain any provision for evaluation of impacts on “connectivity” or cumulative resources. The Department appears to recognize as much and has proposed legislation on cumulative impacts that would specifically authorize consideration of cumulative impacts, including sequential observation that occurs as the viewer travels through the landscape. Such a legislative change or, at a minimum, rulemaking, would be necessary prior to the Department using a “connectivity” assessment in a way that adjusted upward the scenic impact on any lake due to an alleged connection to another waterbody.

For the foregoing reasons, the Applicant objects to inclusion of the portions of the Deliberations Notebook on connectivity of the lakes.

III. Requested Visual Information

Attached as Exhibit 3 is a report from LandWorks that provides the information requested in ¶ 4 of the Fourth Procedural Order, including (i) the percentage of the SRSNS lakes from which project turbines will be potentially visible, and (ii) over-sized visual simulations showing all visible turbines on Pleasant and Shaw Lakes. The LandWorks report also includes information comparing the angle of view and scope of visibility of the Bowers project to several

other approved projects. This information is responsive to Dr. Palmer's comments during the hearing on the importance of the angle of view and comparison of the visibility of the Bowers project to other projects approved in Maine.

IV. Follow-Up on FAA Information

The Applicant followed up by telephone with Ms. Edgett Baron at FAA, the author of the April 30, 2013 e-mail update that the Department circulated to the parties on May 2, 2013. In the call, the FAA confirmed that the Marking and Lighting Advisory Circular that will include standards for the radar-activated technology is expected to be published by the end of 2013. Based on the information provided by the FAA, it is likely that the mitigation technology will be in place prior to commercial operation of the Bowers Project and the potential adverse impacts associated with the required night lighting will for all practical purposes be eliminated. The Applicant also confirmed that although the FAA has not publicly identified the distance that will trigger various responses associated with the radar-activated technology, it would not be triggered by overhead commercial jet traffic, as was suggested during the public hearing.

V. Rebuttal to Public Testimony or Public Comment

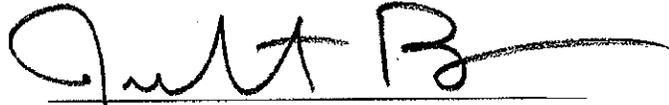
The following information is being provided in response to issues that came up during the hearing or evening public comment sessions.

Dale Tobey testified he did not know the distance from Grand Lake Stream to the boat launch on Scraggly Lake, but thought it might be 12 miles. It is 21 miles.

During the evening public comment session, Mr. Norris from The Pines testified that his sporting camp was well within the potentially impacted area of the Project. The Pines is located approximately 13.5 miles from the nearest turbine on the southern shore of Sysladobsis Lake, well outside 8 miles.

Finally, the public comment letters submitted during or after the public hearing and prior the record closing on May 8, 2013, have not yet been posted on the DEP website and therefore the Applicant reserves its right to respond to such information after it is made available for review.

Dated: May 17, 2013



Juliet T. Browne, Esq.
Attorney for Champlain Wind, LLC
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EXHIBIT 1

1954

SPRINGFIELD FIRE DEPARTMENT

517 Main Street
Springfield, ME 04487
(207) 738-4134

September 19, 2012

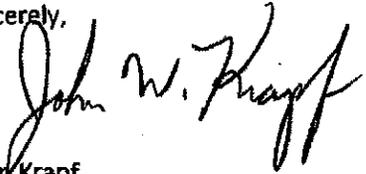
Patricia W. Aho, Commissioner
Maine Department of Environmental Protection
17 State House Station
28 Tyson Drive
Augusta, Maine 04333-0017

Dear Commissioner Aho:

I am the Chief of the Springfield Volunteer Fire Department. We provide fire response services to Carroll Plantation. I have met with First Wind representatives to review the proposed Bowers Mountain Wind Project to be located in Carroll Plantation and Kossuth Township in regards to fire prevention and suppression issues. I also am familiar with the Stetson Mountain Project and First Wind's track record of working closely with local Fire Departments in regards to training and coordination.

Based on those discussions, I do not believe that the Bowers Mountain Wind Farm poses an undue fire risk. Nor will it require any additional resources. In the event a fire were to occur at or near the project, our Department would respond and if necessary, the Fire Departments from Lee, Danforth and Kingman would support our efforts.

Sincerely,



John Krapf
Fire Chief, Springfield Fire Department

EXHIBIT 2

1956



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

WILLIAM H. BEARDSLEY
COMMISSIONER

Maine Department of Environmental Protection
106 Hogan Road
Bangor, Maine, 04401

Re: Impact of Bowers Mountain Wind Project on Local Wildland Fire Protection Services

I have reviewed the materials associated with Champlain Wind, LLC's development of a wind power project on Bowers Mountain in the towns of Carroll, Penobscot County and Kossuth, Washington County. According to the material I received, this project will consist of up to 16 turbines, a collector line, a substation, and an operations building.

I serve as the District Ranger who provides forest fire protection for this area on behalf of the Maine Forest Service. The Maine Forest Service is not a structure fire agency, but we would lend assistance to the level that we are trained and equipped. I have determined, based on my review of the materials provided by Champlain and my discussions with their representative that this project will be reasonably self-sufficient and will have little, if any, impact on the services we provide to this region. The need for additional wildfire protection services should be minimal and will be consistent with the services currently provided.

With respect to the Bowers Mountain Wind Project, the appropriate wildfire protection services are available and no special circumstances or conditions will be required prior to the provision of such services.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Pelletier Sr.", written over a horizontal line.

Peter Pelletier Sr.
District Ranger

Cc: Joy Prescott, Stantec Consulting Services Inc.
W. Hamilton
B. Williams
File

MAINE FOREST SERVICE
DONALD J. MANSIUS, ACTING DIRECTOR

PHONE: (207) 287-2791 OR 1-800-367-0223
FAX: (207) 287-8422
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Champlain Wind, LLC's Post-Hearing Brief

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

CHAMPLAIN WIND, LLC)	
CARROLL PLT./KOSSUTH TWP.)	POST-HEARING BRIEF OF
PENOBSCOT/WASHINGTON COUNTY)	CHAMPLAIN WIND, LLC
#L-25800-24-A-N/#L-25800-TE-B-N)	

The applicant Champlain Wind, LLC provides the following post-hearing brief in support of its Application.

INTRODUCTION

Champlain Wind, LLC (“Champlain” or the “Applicant”) proposes development of a 48 MW wind energy development located in Carroll Plantation and Kossuth Township within the expedited wind permitting area (the “Project”). It is the right Project, in the right place, at the right time. First, the Project enjoys the strong support of its host communities, Carroll, Kossuth, and Washington County. While wind development has been controversial in some communities, Carroll, Kossuth and Washington County have embraced the Project. Their strong support is a critical consideration that is entitled to substantial weight in the review process.

Second, while no development is without impacts, the Project is unique in that it avoids almost entirely the environmental and land use impacts associated with any large scale development. Specifically, the Project avoids direct wetland fill impacts and impacts to vernal pools and their buffers, and has de minimis impacts to an upland buffer of a wading bird and waterfowl habitat but otherwise no impacts to significant wildlife habitat. The Project is sited on low elevation hills and it avoids impacts to sensitive plants or natural area communities, including subalpine habitat that has been of concern in higher elevation projects. The relatively short connection to the electrical grid minimizes overall clearing and associated impacts. The

results of the avian and bat surveys indicate the site is low risk for potential impacts to those species. The Project meets the new more conservative sound limits and therefore does not present the conflicts that exist for projects in more densely developed areas. And, there are no predicted shadow flicker impacts beyond the Project boundary.

Third, the sole issue is the potential impact of Project visibility on area lakes, which is a human, not environmental impact. Importantly, the only expert testimony establishes that Project visibility will not unreasonably adversely impact scenic character or existing uses related to scenic character. Moreover, when undertaking the balancing that is required in assessing whether the scenic impact is unreasonable, the Department must consider the energy, environmental and economic benefits associated with the Project, the right of the host communities for economic self-determination, and the overwhelming evidence including the experience of the Maine public that recreates around existing wind farms that visibility of turbines will not unreasonably adversely impact either scenic character or existing uses related to scenic character. Because it received the most attention during the public hearing process, we begin with a discussion of why the Project meets the scenic impact standard.

ANALYSIS

I. THE MODIFIED BOWERS PROJECT IS CONSISTENT WITH THE WIND ENERGY ACT'S SCENIC STANDARD

The Bowers Project has been significantly modified from the project reviewed by the former Land Use Regulation Commission. These changes are directly responsive to the concerns raised in that proceeding and have reduced visual impacts in clear and meaningful ways. Additionally, the Applicant has undertaken surveys and studies that provide empirical data on the type and extent of use of the Project area lakes and the likely impact of Project visibility on such uses. This information was not previously available. The Project changes and new information

specific to these resources demonstrates that the Bowers Project meets the letter and spirit of the scenic impact standard, as both the Applicant's and the Department's expert concluded.

The principal opposition to the Project comes predominantly from guides and sporting camps in and around Grand Lake Stream, which is located more than 18 miles from the Project and well outside the statutory limit for evaluating scenic impacts. Their objections are based on the fear of what might occur in the future and were largely unsubstantiated. In contrast, Maine now has experience with eight grid-scale wind projects and as such many different groups have had an opportunity to live and recreate around turbines in a variety of landscapes. While some object (and many of the objections have been premised on sound, which is not at issue here), there is substantial evidence from a variety of groups that visibility of wind turbines is not adversely impacting recreational use and enjoyment. Indeed, for many, the turbines are a tourist attraction and draw. This understanding of actual public experience must be taken into account in any analysis of whether visibility of the Bowers Project is "unreasonably adverse." This is especially so as the Act only calls for the evaluation of scenic impacts from great ponds that are by definition public resources and the aim is to preserve the experience for public use.

Moreover, even if there were an adverse impact in evaluating whether it rises to the high threshold of an "unreasonable" adverse impact, that impact must be balanced against the Project benefits, as specifically provided for in the Wind Energy Act and confirmed by key Legislators involved in the Act's passage. That balancing requires the Department to consider the strong support for the Project from key recreational groups, the host communities, the forest products community, the large landowners who own the majority of the land surrounding the Project area lakes, a number of state-wide environmental groups, and the many industries and businesses that

will benefit from much needed economic development. That balancing demonstrates that to the extent there will be an adverse impact, it is not unreasonable.

A. The Purpose and Context of the Wind Energy Act

As reflected in the language of the statute and articulated by two legislators who were in key leadership positions when the law was enacted, the clear goal of the Wind Energy Act was to promote wind development in Maine. This point was underscored by the unique creation of specific and aggressive goals for installed capacity to measure the pace of progress. It also was reflected in streamlining the process itself. Legislators recognized there would be opposition from some quarters to seeing turbines and to ensure that this would not be a barrier to development, they created a map identifying areas that were appropriate for wind energy development. They also articulated a visual impact standard for projects located in such areas that expressly acknowledges and accepts that turbines are highly visible in the landscape and such visibility is not alone a basis for concluding the impacts are unreasonable. Additionally, as part of the visual impact assessment the Legislature expressly directed the review agency to take into account the policy objectives of the Act, which are to promote the development of wind energy in the expedited area and thereby realize the significant energy, economic and environmental benefits that accompany such development.

1. The Wind Energy Act Is Intended to Promote Wind Development in Maine

As reflected in both the Report of the Governor's Task Force on Wind Power Development (the "Task Force Report") and the language of the statute, the intent of the Wind Energy Act was to facilitate development of wind energy and thereby realize the significant

energy, economic and environmental benefits associated with such development.¹ The Legislature recognized that wind energy development would have positive environmental, energy and economic benefits and established aggressive goals that were intended to bring about those benefits. In the words of Senator Bartlett, a member of the Task Force and Chair of the Utilities and Energy Committee at the time of the Act's passage, the Legislature set aggressive wind energy goals and modified the review process because "we wanted to drive the government in the regulatory process towards approval" of wind power projects.²

One of the specific tools for bringing about wind energy development and its attendant environmental, energy, and economic benefits was to identify specific areas for development and enact measures to encourage developers to site projects in such areas. Delineation of the so-called expedited permitting area was the result of a comprehensive, deliberate and open process in which input from regulatory agencies, environmental organizations, and members of the public as well as the industry, was sought.³ For projects sited within the expedited permitting area, a modified regulatory process applies that is intended to facilitate the permitting of such projects.⁴ For example, the visual impact standard was modified to reflect both the nature of the turbine visibility and also to limit the scope of review. Additionally, specific criteria were identified to guide the exercise of agency discretion and provide more certainty to the regulated community as well as others with an interest in wind developments (both those seeking to increase as well as those opposed to such developments). The rezoning requirement that applied to projects located in the unorganized areas (such as the Bowers project) was eliminated and the judicial review process was streamlined. At the same time, measures were put in place to ensure

¹ Task Force Report at 8; 35-A M.R.S.A. §§ 3402.1, 3404.

² Transcript of Public Hearing beginning on April 30, 2013 and concluding on May 1, 2013 (hereafter "Tr.") at 598, 599.

³ Bartlett/Fitts Direct Test. at 2, 3; Tr. at 536-538.

⁴ E.g., Task Force Report at 5, 6; Bartlett/Fitts Direct Test. at 5-7.

that such projects resulted in significant tangible benefits to the host communities and that appropriate safeguards were in place to regulate the more unique aspects of wind power, including shadow flicker, safety setbacks, and decommissioning.⁵

2. Areas Excluded from the Expedited Area Are Not Entitled to Special Protection

PPDLW wrongly claims that because the Downeast Lakes region, including in particular the area around Grand Lake Stream and extending to the Project area lakes, was excluded from the expedited permitting area, it is entitled to special protection.⁶ That is simply not the case. First, there is no prohibition against wind development outside the expedited permitting area. Rather, such projects are simply subject to the traditional review criteria (e.g., the traditional visual impact standard and, for projects located in the unorganized area, rezoning). Second, the Legislature understood and the Act reflects that turbines are highly visual features of the landscape.⁷ Both Senator Bartlett and Representative Fitts testified that they understood in drawing lines for the expedited permitting area that not only would turbines be visible in areas excluded from the expedited permitting area, but in fact turbines might be located in such areas if they satisfied the traditional review criteria.⁸ Moreover, with respect to the demarcation of the expedited permitting area and buffers, Senator Bartlett testified that:

[w]e knew that . . . there was a line and that there are places where on one side you're going to be able to see across the line and we understood that. Where we felt a buffer was needed or were needed we added them. If you look at Baxter State Park, there's a significant buffer around that, for an example⁹

⁵ See generally P.L. 2007, ch. 661, § C-6.

⁶ E.g., Campbell Direct Test. at 19 (claiming that the WEA "shielded the Downeast Lakes Region").

⁷ E.g., 35-A M.R.S.A. § 3402.2.C.

⁸ Tr. at 565 (testimony of both Senator Bartlett and Representative Fitts); see also Task Force Report at 20 (nothing intended to change criteria for projects located outside the expedited permitting area).

⁹ Tr. at 564.

Simply put, there is nothing in the Wind Energy Act or its legislative history to support PPDW's claim that areas excluded from expedited permitting area are to be protected from viewing turbines.

3. The Visual Impact Standard Requires a Balancing And Consideration of Project Benefits

One of the objectives of the Task Force was to identify regulatory and policy changes that would overcome barriers to development of wind power in the State.¹⁰ To that end, specific changes were made to the visual impact standard to facilitate permitting of wind energy projects.¹¹ Among those changes is a requirement that the review agency consider the purpose and context of the development when applying the visual impact standard.¹² As Senator Bartlett and Representative Fitts testified, when applying the visual impact standard and, in particular, determining whether the impacts have crossed the threshold from reasonable to unreasonable, the agency must take into account that the purpose of the Act "was to establish very aggressive goals and drive the government in the regulatory process towards approval."¹³ The agency must take into account that this is a form of development that the law seeks to encourage and is necessary to achieve the State's wind energy goals.¹⁴ Moreover, evaluation of visual impacts cannot occur in isolation, but is part and parcel of an overall balancing that takes into account all the other benefits associated with wind energy development.¹⁵

¹⁰ Task Force Report at 49; Bartlett/Fitts Direct Test. at 2.

¹¹ See 35-A M.R.S.A. § 3452 (scenic standard); Tr. at 596 (testimony of Senator Bartlett indicating that the Legislature wanted a reduced visual impact standard; "we knew the current test was too high").

¹² 35-A M.R.S.A. § 3452.3.D.

¹³ Tr. at 598-599; Bartlett/Fitts Direct Test. at 6.

¹⁴ Bartlett/Fitts Direct Test. at 6.

¹⁵ Tr. at 599; Bartlett/Fitts Direct Test. at 6.

Finally, although there have been unsuccessful efforts to eliminate key provisions of the Wind Energy Act,¹⁶ it remains the law of the land. Specifically, and as Senator Bartlett and Representative Fitts testified during the hearing, there have been multiple bills introduced to the Legislature seeking to change the policies behind the Wind Energy Act, but the Legislature has declined to do so.¹⁷ Therefore the Act's policies and requirements apply here, notwithstanding PPDW's claim that the Department should consider recommended changes to the law.¹⁸

B. The Scenic Review Criteria

The Wind Energy Act sets forth specific criteria for evaluating Project visibility on scenic character and existing uses related to scenic character. While there has been an evolution in the agency's interpretation and application of the standard and, in particular, the role of intercept surveys and the metrics used by the State's third party expert, over the course of multiple proceedings before both the Department and LUPC, key points of agreement have crystallized for determining whether impacts have crossed the threshold from reasonable to unreasonable.

- Is the area especially unique or recognized for its scenic qualities? The experts agree that is not the case here.
- Are the turbines located on a dominant land feature that naturally attracts the eye in the landscape? The experts agree that is not the case here and, in fact, the turbines are located on a low ridge that is indistinguishable from other low ridges in a 360 degree landscape.
- Is the user's view directed at the turbines? The experts agree that is not the case here. To the contrary, the primary user group is recreational boaters who will travel in all directions with no particular emphasis or focus on the Project area.
- Do the turbines "loom" over the viewer? The experts agree that is not the case here.

¹⁶ E.g., Tr. at 566.

¹⁷ Tr. at 566, 567 (Fitts testimony that no changes to WEA have changed or modified core principles of the WEA and, specifically, all 13 bills introduced in opposition to WEA last year were defeated).

¹⁸ E.g., Campbell Test. at 98-99 (arguing that the Department should consider recommendations that have not become law).

- Is the angle of view excessive? The experts agree that is not the case here, and the angle of view is consistent with other approved projects and less than some that have been approved.
- Is the level of use high such that high number of users impacted? The undisputed evidence establishes that is not the case here.
- If the level of use is low does such low use reflect a unique experience of remoteness that warrants special consideration? The experts agree that is not the case here.
- Do surveys indicate that the user's experience will be unreasonably adversely impacted? The experts agree that is not the case here and in fact the survey are consistent with other surveys conducted for Maine projects.

As discussed more fully below, the evidence establishes that the Bowers Project meets the scenic impact standard.

1. The Project is Not Located Within a Highly Scenic or Tourist Destination Area

While the Project area has landscape qualities that are appealing to those who live in and travel to the region, neither the Project ridges nor the area lakes have unique scenic attributes or highly sensitive visual features that are incompatible with the siting of this Project. A careful and thorough examination of the landscape and its uses confirms the Legislature's conclusion that this is an appropriate location for siting wind energy development.

a. The Project Ridges and Area Lakes Are Not Uniquely Scenic

There is widespread agreement among aesthetic experts that landscapes that are very scenic or outstanding and sensitive to change usually have prominent distinctions between landforms, such as open water in combination with steeply rising mountains, or have unique focal points and distinct characteristics.¹⁹ Not surprisingly, the Scenic Lakes Character Evaluation (the "Scenic Evaluation"), which is the basis for the ratings of scenic character included in Maine's Wildlands Lake Assessment, assigned change in relief the most points

¹⁹ Raphael Dir. Test. at 7.

because “studies have shown that people view relief as one of the single most important criteria when evaluating scenery.”²⁰ As David Raphael testified and the photographs and any site visit confirm, the Project area landscape consists of low rolling hills and nondescript vegetation. It does not include distinctive geomorphological characteristics and is similar to other nearby areas and lake-region landscapes elsewhere in Maine.²¹ Moreover, the hills on which the Project is located are not visual focal points and do not possess unique or highly scenic attributes.²²

The State’s expert, James Palmer, is in agreement. He testified that the “area within 8 miles of the turbines is typically scenic within the context of Maine, and not spectacular” and the Project hills “cannot be said to be a highly distinctive feature within the context of Maine.”²³

Michael Lawrence, who testified for PPDLW, agreed that prominent distinctions between landforms and distinct profiles are important scenic attributes.²⁴ His somewhat puzzling conclusion that such features are present here, however, is contradicted by the landscape itself, the State’s evaluation of these lakes, as well as the testimony of both Dr. Palmer and Mr. Raphael. For example, all but one of the lakes received low ratings for relief in the State’s evaluation.²⁵ If the ridgelines surrounding the lakes were, as Mr. Lawrence testified, “steeply rising,” they would merit high relief scores.²⁶ In reviewing Mr. Lawrence’s conclusions, Dr. Palmer specifically testified as follows: “I disagree that the ridges surrounding the nine SRSNS lakes are ‘steeply rising mountains,’ are ‘unique focal points’ or offer ‘a distinct memorable profile.’”²⁷ Mr. Raphael testified similarly.²⁸

²⁰ Scenic Evaluation at 14.

²¹ Raphael Direct Test. at 6, 7.

²² Tr. at 69-70 (description of the level of scenic quality and relief on Project lakes).

²³ Palmer Part 2 Review at 19, 23.

²⁴ March, 2013 Lawrence Report at 7.

²⁵ Scenic Evaluation, Appendices VI and VII.

²⁶ Raphael Rebuttal Test. at 11 and Exh. 2 (comparing examples of distinctive ridgelines with Project area ridges and views from the Project area lakes).

²⁷ April 12, 2013 Palmer Review at 2; see also Tr. at 214.

Indeed, the Project ridges are so indistinct it is often difficult to identify them from vantage points in the field on the lakes.²⁹ Mr. Lawrence was forced to concede as much when he was unable to identify whether the hills depicted in a photograph he presented included the Project ridges.³⁰ Thus, the undisputable evidence demonstrates that the Project ridges are not steeply rising; they are not visual focal points; they are not unique landforms; and neither the Project ridges nor area landscape possess unique scenic attributes.³¹

b. The Area is Not a Tourist Destination

The evidence also establishes that neither the Project ridges nor Project area lakes are highlighted in tourism materials for scenic value or even as a destination for tourists or outdoor recreationists. For example, LandWorks undertook a comprehensive review of tourist publications and websites, guide books, and sporting camp websites and literature. With minor exceptions, none of these sources highlighted the Project ridges or area lakes.³² In his review, Dr. Palmer reviewed key State tourism websites that, as he notes, are boosters for Maine tourism but with no bias toward a particular attraction.³³ While not as comprehensive as LandWork's review, Dr. Palmer's review also demonstrated that neither the Project ridges nor Project area lakes are highlighted for the scenic value or as tourist destinations.³⁴

²⁸ Raphael Direct Test. at 6, 7.

²⁹ Raphael Rebuttal Test. at 11.

³⁰ Tr. at 449, 450.

³¹ The Applicant is not suggesting that the area is not attractive or scenic. Rather, it does not possess the type of unique scenic attributes or sensitivity to visual change that would override the Legislature's determination that the area is appropriate for wind energy development.

³² VIA at Section 2.3.4 (listing data sources reviewed); Raphael Dir. Test. at 27-29 (summary of results of data review); Raphael Rebuttal Test. at 13, 29 (same). The AMC Quiet Water Guide does list two paddling trips that travel in part through the Project area lakes.

³³ Palmer Part 2 Review at 19.

³⁴ Palmer Part 2 Review at 20; Tr. at 243.

In contrast, Gary Campbell in his testimony and Michael Lawrence in his report state that the area is recognized as a tourist destination.³⁵ Neither cite to supporting data. For example, Mr. Lawrence states that because people travel to the area lakes it is by definition a “tourist destination.”³⁶ In his review, Dr. Palmer correctly characterized that claim as a “sophist argument” and stated that Mr. Lawrence failed to present any data showing that the Project area lakes are tourist destination.³⁷ In his testimony, Mr. Campbell suggests that the Project area lakes are a tourist destination and that tourism spending is a significant economic driver in the region.³⁸ He then cites to the Lonely Planet Guides list of the top ten travel destinations for 2013 as evidence of the area’s unique and important draw.³⁹ In fact, the Lonely Planet Guide listed the Maine North woods as a top ten travel destination and not the Downeast Lakes area, not Grand Lake Stream, not the Project ridges, and not the Project area lakes.⁴⁰ In his review, Dr. Palmer correctly identifies Mr. Campbell’s testimony as “inaccurate” and perhaps “purposefully misleading.”⁴¹

Mr. Campbell also testifies to the importance of the tourism industry in the State of Maine and suggests that visitors to the Grand Lake Stream region represent an important component of that industry.⁴² While the tourism industry is indeed critical to the State’s economic health, the vast majority of such activity occurs in the State’s coastal areas.⁴³ Indeed, only 5% of first time visitors and 2% of repeat visitors to the Downeast/Acadia region were headed to a location in Hancock or Washington Counties other than Bar Harbor and Acadia

³⁵ E.g., Campbell Direct Test. at 9, 12, 13; Tr. at 426; Lawrence Report at 15, 54.

³⁶ Lawrence Report at 15.

³⁷ Palmer Lawrence Review at 5.

³⁸ Campbell Direct Test. at 9, 12-13; Tr. at 426 (the area is an important tourist destination).

³⁹ Campbell Direct Test. at 9.

⁴⁰ Raphael Rebuttal Test. at 21.

⁴¹ Palmer Campbell Review at 3.

⁴² Campbell Direct Test. at 13.

⁴³ Stantec Rebuttal Test. at 8.

National Park.⁴⁴ Moreover, the undisputed evidence establishes that snowmobiling and ATV riding are the most rapidly growing form of outdoor recreation in Maine.⁴⁵ These industries contributed over 520 million dollars annually.⁴⁶ This dwarfs the economic contribution of other outdoor recreational activities that might occur in the Grand Lake Stream area. As discussed in Section I.C. below, these critical recreational industries wholeheartedly support the Project and have testified that wind projects in Maine are a tourist attraction. Thus, allowing this Project will inject outdoor recreational dollars into the economy at a level that far exceeds levels associated with the traditional outdoor recreation activities in the area.⁴⁷ Further, the forest products industry is the economic driver in the region, not tourism.

When you're dependent on producing wood, you have to sell it and when your buyers go bankrupt, the lease payments can help you over the tough time. H.C. Haines employs more people than there are guides in Grand Lake Stream. We pay them well, we employ them full-time. I don't want you to have the impression that tourism is a big industry in this area. Of course it's important to the people in that industry, but the timber industry is what keeps this area going.⁴⁸

Finally, when it advances their narrative, PPDLW characterizes the Grand Lake Stream area and Project area lakes as unique travel destinations that host many visitors who spend a significant amount of money in the local economy.⁴⁹ At other times, PPDLW concedes that the lakes receive very low overall use and it is precisely the absence of visitors that makes the area

⁴⁴ Stantec Rebuttal Test. at 8-9.

⁴⁵ Stantec Rebuttal Test. at 9.

⁴⁶ Tr. at 278 (Testimony of David Phillips); Tr. at 628 (testimony of Bob Meyers).

⁴⁷ The opponents claim the Project will cause an adverse impact on tourism but provide no documentation or substantiation of this point.

⁴⁸ Tr. at 645 (Testimony of Dean Beaupain).

⁴⁹ See supra.

so important.⁵⁰ They cannot have it both ways. Either the area receives significant use or it does not. The uncontrovertable evidence establishes that it does not.

2. The Scope and Scale of Project Visibility Does Not Unreasonably Impact Scenic Quality

Although one or more turbines will be visible from portions of nine lakes that are scenic resources of state or national significance (SRSNS), the Wind Energy Act specifically provides that visibility alone is not a basis for concluding the impacts are unreasonable.⁵¹ Indeed, it was understood by the Task Force and the Legislature (and it is undisputable) that turbines are by their very nature a highly visible feature on the landscape.⁵² Nonetheless, notwithstanding their visibility, the Legislature enacted measures to promote the siting of turbines in this location. For the reasons set forth below, the scope and scale of the Project's visibility on Project area lakes does not unreasonably impact scenic quality.

a. Turbines Are Visible Only Within a Small Portion of the Overall Landscape

In evaluating the impact of Project visibility, Dr. Palmer has indicated that one of the key indicators is the percentage of the landscape in which Project visibility exists or, the "angle of view."⁵³ A turbine array that occupies a narrow angle of view typically has less of an impact than an array that occupies a wider angle of view. LandWorks provided an analysis of the angle of view from the locations of visual simulations for each of the Project area lakes. The visual simulations are the locations where the impact of Project visibility is greatest, so the angle of

⁵⁰ E.g., Campbell Rebuttal of Raphael Testimony at 8 (low use contributes to the value of these lakes), 9 (lakes "never crowded" . . . "nature of being lightly used enhances their scenic character . . . and value to the State").

⁵¹ 35-A M.R.S.A. § 3452.3.

⁵² 35-A M.R.S.A. § 3452.3; Task Force Report at 6 (noting that utility scale turbines are very large and visible from a considerable distance).

⁵³ E.g., Raphael Direct Test. at 22 (discussing angle of view); Tr. at 209 (Palmer testimony discussing angle of view as an important indicator).

view analysis is similarly worst case.⁵⁴ In all instances, visibility of the Project occurs in a relatively narrow portion of the overall landscape, ranging from 7° to 10.25° for four of the lakes, between 15° - 17.25° for two of the lakes, and 36.4° to 44.7° for three of the lakes.⁵⁵ Because these are based on maximum Project visibility, the angle of view will typically decrease as the number of visible turbines decreases and/or the location of the viewer changes.⁵⁶

When evaluating the significance of the angle of view, it is important to consider the nature of the scenic landscape. The following facts are undisputed:

- There are 360 degree views from each of the Project area lakes;
- There are not any particular landmarks or features that constitute “the view;”
- There are no dominant scenic features surrounding the lakes;
- The Project ridges are not a visual or scenic focal point; and
- Boaters are not viewing the 360 degree from fixed view points but are continually shifting even when at anchor.⁵⁷

These facts are important. Because the views are not directed to the Project ridges, Project visibility will only occur when users happen to be faced in the direction of the Project and, even then, only if they are not focused on their immediate environs but instead on the more distant landscape.⁵⁸

PPDLW argues that in considering the angle of view one must evaluate the percentage of the cone of vision occupied by the view. Here, the total angle of view and therefore the

⁵⁴ Raphael Direct Test. at 38.

⁵⁵ See Applicant’s Response to the Fourth Procedural Order, Table 9 (summarizing maximum angle of view from each of the Project area lakes); Raphael Direct Test. at Section VI, pp. 34-47 (lake-by-lake analysis including data on angle of view). Note that Tables 8 and 9 of the Applicant’s Response to the Fourth Procedural Order mistakenly identified the angle of view from the Pleasant Lake Boat Launch as 37.55°. The correct number is 30°. VIA, p. 82.

⁵⁶ See, e.g., Applicant’s May 17, 2013 Response to Fourth Procedural Order, Table 6 (identifying number of turbines visible from overall percentage of each lake); Raphael Direct Test. at Exhibit 4 page 2 of 2 (viewshed map).

⁵⁷ Raphael Pre-Filed Direct Test. at 53; Tr. at 210-212 (Palmer testimony that all of the Project area lakes have 360 degree views and there is no distinctive scenic feature in the surrounding landscape or what one would call “the view”).

⁵⁸ The Wind Energy Act scenic standard is whether the development “significantly compromises views from a [SRSNS] such that . . .” 35-A M.R.S.A. § 3452.1. Accordingly, a threshold question is whether a project that occupies significantly no more than 44.7° of 360° views “significantly compromise” such views. They do not.

percentage of the cone of vision occupied by the turbines is less than in other approved wind power projects.⁵⁹ Moreover, focus on the cone of vision is less important for these resources, where the views are 360 degrees and the Project ridges are not a scenic or visual focal point, than would be the case if the Project were in the direction of the “view.” Finally, no user of a lake resource, particularly people fishing and/or recreating on by boat, maintains a fixed view toward the Project ridges.⁶⁰ Therefore, limiting the analysis to the cone of vision and assuming that the users are in fact looking toward the Project ridges for the duration of their recreational experience is both illogical and at odds with how these resources are actually experienced.

b. The Impact of Project Visibility is Minimized Due to Distance and Number of Visible Turbines at Any Time

In addition to the relatively narrow angle of view occupied by the Project within the overall view shed, the impact of visibility is minimized due to the number of turbines visible and the distance between the viewer and the turbines. As noted by Dr. Palmer, visibility of 1-15 turbines is assigned an indicator rating of low.⁶¹ With the exception of Pleasant Lake and an insignificant portion of Scraggly Lake (less than 4 percent of the lake), no lake has visibility of more than 14 turbines.⁶² This fact alone reduces the scope and scale of Project visibility and its potential impact on scenic quality. Additionally, with the exception of a small portion of Pleasant and Duck Lakes, the closest visible turbines are all more than three miles distant.⁶³ The impact of visibility is diminished at distances greater than three miles, as evidenced by the fact that there is a rebuttal presumption that a visual impact assessment is not required for those

⁵⁹ See Applicant’s Response to Fourth Procedural Order, Table 9.

⁶⁰ Raphael Direct Test. at 23; Tr. at 77 (Raphael testimony about panoramic views); Tr. at 85 (Raphael testimony that the view is not just fixed in one direction).

⁶¹ Palmer Part II Adequacy Review, Figure 3 at 37.

⁶² See Applicant’s Response to Fourth Procedural Order, Table 6.

⁶³ E.g., Raphael Direct Test., Exhibit 4, page 2 of 2 (view shed map).

portions of the development's generating facilities located more than three miles from a scenic resource of state or national significance.⁶⁴

Finally, Dr. Palmer noted that the impact of visibility is greater (and potentially unreasonably adverse) if the turbines are perceived to "loom" over the viewer. There are no locations here where that occurs.⁶⁵ In fact, when asked on cross-examination whether he would "agree that in the current project, the turbines do not loom over the view on any of the project lakes," Dr. Palmer responded, "I would."⁶⁶ David Raphael employs a similar concept, but refers to it as visual dominance.⁶⁷ He likewise concluded that in no instance are the Project turbines visually dominant.⁶⁸ While Mr. Campbell and Mr. Lawrence disagree, their argument is essentially that wind turbines due to their size are a highly visual feature of the landscape,⁶⁹ a fact that is undisputed and specifically acknowledged in the Wind Energy Act, but which is not alone a basis for concluding that their impacts are unreasonable.

Dr. Palmer evaluated the overall scope and scale of Project views, an analysis that took into account the number of visible hubs, the percentage of lake with visibility of one or more hubs, the proximity of the turbines to the viewpoints on the lake, and whether there are visually prominent features in the landscape.⁷⁰ He concluded that the overall rating for scope and scale of Project views was low or medium for every lake except for Pleasant Lake. Pleasant Lake received a rating of High-Med, although Dr. Palmer concluded that its overall impact was not unreasonable.⁷¹

⁶⁴ 35-A M.R.S.A. § 3452.4.

⁶⁵ Palmer Part II Review at 7-9; Tr. at 207-208.

⁶⁶ Tr. at 207.

⁶⁷ VIA at 41

⁶⁸ Raphael Direct Test. at 37.

⁶⁹ E.g., Lawrence Report at 38, 40.

⁷⁰ Palmer Part II Review, Section 4.9 at pp. 34-39.

⁷¹ Palmer Part II Review, Table 25 at p. 39.

c. The Applicant Has Minimized Visibility to the Maximum Extent Practicable

Finally, the changes from the original layout have significantly reduced the overall scope and scale of visibility from the layout reviewed by the Land Use Regulation Commission. First, the Applicant has reduced the number of turbines by 40%, from 27 down to 16.⁷² Dr. Palmer assigns an indicator rating of low to visibility of 1-15 turbines and medium to 16-30 turbines. As a result of the reduction in Project size, in almost all instances the indicator rating is low. The reduction in Project size also resulted in the following reduction in visible turbines on Pleasant, Shaw, Scraggly and Junior Lakes, the lakes of principal concern to LURC during its review:⁷³

- On Pleasant Lake, the maximum number of visible turbines was reduced by 11, from 27 to 16;
- On Scraggly Lake the maximum number of visible turbines was reduced by 10, from 26 to 10;
- On Shaw Lake the maximum number of visible turbines was reduced by 9, from 23 to 14; and,
- On Junior Lake, the maximum number of visible turbines was reduced by 9, from 22 to 13.⁷⁴

The Project modifications also eliminated the turbines that had been located on the south ridge, thereby increasing the distance to the closest visible turbines for each of these four lakes.

Specifically:

- The closest visible turbine on Pleasant Lake increased from 2.16 miles to 2.4 miles;
- The closest visible turbine on Scraggly Lake increased from 3.3 miles to 4.1 miles;
- The closest visible turbine on Shaw Lake increased from 2.6 miles to 3.5 miles; and,
- The closest visible turbine on Junior Lake increased from 2.99 miles to 3.2 miles.

⁷² Application, Section 1 at 7.

⁷³ Tr. at 205, 206 (Palmer testimony regarding the lakes of principal concern to LURC).

⁷⁴ Application, Section 30A, pp. 27 and 113.

The increased setback on Shaw Lake (to 3.5 miles to the closest visible turbine) is of particular significance, because in its review LURC noted the relatively undeveloped and primitive traits associated with that lake.⁷⁵

Finally, the elimination of the turbines previously located on an unnamed ridge to the south of Bowers Mountain (referred to "South Peak" in the application to LURC) results in a reduction in the angle of view, which further minimizes the impact of visibility.⁷⁶ As LandWorks and Dr. Palmer concluded, these changes have reduced the visual impacts associated with the Project, including in ways directly responsive to concerns previously voiced by LURC.

3. There is No Unreasonable Impact on Use and Enjoyment

There is widespread acknowledgement that user data and, in particular, reliable information on the potential impact of Project visibility on use and enjoyment is difficult to obtain. Increasingly, intercept surveys are being used to evaluate this issue in the context of wind energy projects in Maine. In the prior LUPC proceeding, both the Commission and Dr. Palmer expressed concern about the absence of data on which to properly evaluate impact on use and enjoyment of Project lakes.⁷⁷ Indeed, because such data was lacking the more anecdotal testimony of the guides and sporting camp owners formed the basis for the Commission's findings.⁷⁸ During the Project redesign and in response to those concerns, Champlain conducted two additional comprehensive user surveys, the Bowers survey and the Baskahegan survey, to supplement the data collected in the first proceeding. As described in testimony and confirmed by Dr. Palmer, there is now extensive empirical data in the record describing the nature and level

⁷⁵ Findings of Fact and Decision in DP 4889 at pp. 22, 25.

⁷⁶ E.g., Tr. at 206 (Palmer testimony noting the significance of eliminating the turbines to the east due to the resulting reduction in angle of view); Applicant's Response to Fourth Procedural Order, Table 8 (comparing the angle of view between the original and current projects).

⁷⁷ Findings of Fact and Decision in DP 4889 at 18-22, 24.

⁷⁸ Findings of Fact and Decision in DP 4889 at 24.

of use and impact on those uses. Importantly, the evidence demonstrates that the level of use of the Project area lakes is low and impacts from construction of the Bowers Project are reasonable.

a. Level of Use

Champlain conducted or evaluated numerous surveys to provide insight into the nature of the recreational use and users' perceptions of the proposed Bowers Project. Further, Champlain engaged Kleinschmidt to assess levels of use through boat counts on Junior Stream and during the Bowers survey on Junior, Pleasant and Scraggly Lakes.⁷⁹

Surveys:

- Bowers survey: conducted pre-construction intercept survey on users of Junior, Scraggly and Pleasant Lakes (Summer 2012);
- Baskahegan survey: conducted post-construction intercept survey at Baskahegan Lake (Summer 2012);
- Baskahegan survey: considered post-construction survey conducted by University of Maine researchers (2010);
- Telephone Survey: Portland Research Group telephone survey of New England Residents (January 2011)
- Considered 10 intercept/web surveys performed for proposed other wind projects in Maine
 - Saponac Pond (Passadumkeag-August/September 2011)
 - Nicatous Lake (Passadumkeag-August/September 2011)
 - Lower Pistol Lake (Passadumkeag-August/September 2011)
 - Mattawamkeag Lake (Oakfield-August/September 2011)
 - Pleasant Lake (Oakfield-August/September 2011)
 - Bull Hill (October 2010)
 - Highland Wind (Summer/Fall 2010)
 - Highland Wind (Web survey August 2010)
 - Saddleback Ridge (September 2010)
 - Spruce Mountain (May 2010)

Boat Counts:

- Junior Stream Boat Counts (July, 2011)⁸⁰
- Boat observations on Junior, Pleasant, Scraggly and Shaw (May-June 2012)

Champlain's expert witnesses, David Raphael and Kevin Boyle, reviewed the surveys

⁷⁹ Raphael Pre-Filed Direct Test. at 31, 32.

⁸⁰ The July 2011 Boat counts on Junior Stream were conducted during the prior Bowers proceeding but after the close of the public hearing.

and evaluations noted above to evaluate the use of specific scenic resources and gauge what impact the Bowers Project would have on scenic quality, use and enjoyment of the resource, and likelihood to return if the Project is constructed.⁸¹ An in-depth discussion of the methodology used in the surveys and their validity is in Dr. Boyle's Pre-Filed Direct testimony and will not be repeated here, however, it is worth noting that each of the Applicant's surveys were administered in such a manner that the data collected is credible and can be used, as here, to support decision making. In contrast, Dr. Boyle reviewed the PPDLW User Survey and concluded that the internet survey "failed to satisfy basic conditions for credible scientific information."⁸² Indeed, the survey, "fails on multiple items."⁸³

The Bowers survey provides pre-construction information on how the Bowers Project might affect uses on Junior, Pleasant and Scraggly Lakes. Efforts were made to survey Shaw Lake, but discontinued because there were no users present on the survey days. The Baskahegan survey provides actual post-construction information from users of a comparable nearby lake where the 55-turbine Stetson Wind Project is visible from more than 90% of the lake and 59% of the users of Baskahegan also use the Project lakes.⁸⁴ The Baskahegan survey collects evidence from users of a resource where there is an existing wind farm in place and does not, as with all prior Maine user surveys, rely solely on visual simulations when assessing Project impacts. The 2011 Telephone survey provides context for how recreation users, including those that use the Project lakes, view wind energy projects generally.⁸⁵

Champlain also conducted boat counts to further understand the types of recreational use in the Project lakes. Boat counts were first taken along Junior Stream for 11 days during July of

⁸¹ Raphael Pre-Filed Direct Test. at 29, 30.

⁸² Boyle Pre-Filed Reb. Test. at 5.

⁸³ Boyle Pre-Filed Reb. Test. at 5.

⁸⁴ Boyle Pre-Filed Direct Test. at 22, 25.

⁸⁵ Boyle Pre-Filed Direct Test. at 7.

2011. Junior Stream is a shallow channel that connects Junior Lake to Junior Bay of West Grand Lake and represents one means of accessing Junior Lake, which has no public access. It is also the only water access point connecting West Grand Lake to Junior Stream.⁸⁶

Additional boat counts occurred between May 25, 2012 and August 11, 2012 in order to identify early summer recreation season for anglers and other recreationists, including boaters who are not engaged in fishing, as well as commercial guides. PPDLW criticized Champlain for the timing of the July 2011 boat counts indicating that May and June were more seasonally representative. The 2012 boat counts capture the time period identified by the guides and sporting camp owners as high use periods. Dr. Boyle confirmed that the timing of the surveys and boat counts were selected to capture higher use periods. The boat counts document very low use overall and confirm that commercial guides constitute only a fraction of that low use.

Specifically, the 2011 stream count results showed low boat usage with an average of four boats per day observed and only 10 boats per day were observed during the 2012 surveys.⁸⁷ Of the boats identified during the two year period, almost all (82%) of the boats were motorized. The Grand Lakers and freighter canoes expected to be used by guides were virtually non-existent. Indeed, in 2011 only one Grand Laker and no freighter canoes were observed. In 2012, these canoes accounted for 9% of observations.⁸⁸ No boats with logos or other features indicating a guided trip were observed.⁸⁹ The limited number of canoes and kayaks observed in Junior Stream demonstrates that the use of Project lakes for canoe trails and multi-day trips is low.⁹⁰ Importantly, 94% of the boats intercepted are motor boats and only one of the 69 survey

⁸⁶ Raphael Pre-Filed Direct Test. at 31.

⁸⁷ Raphael Pre-Filed Direct Test. at 32; Kleinschmidt Report, p. 13.

⁸⁸ Boyle Pre-Filed Direct Test., Exhibit 2 (Kleinschmidt Report) at 13.

⁸⁹ Boyle Pre-Filed Direct Test., Exhibit 2 (Kleinschmidt Report) at 13.

⁹⁰ Raphael Pre-Filed Direct Test. at 30.

respondents mentioned using a guide.⁹¹

Indeed, PPDLW, sporting camp owners and guides opposed to the Project failed to provide any credible or substantiated evidence that the guiding industry would be negatively impacted by the Bowers Project. None of the testimony submitted by PPDLW made any attempt to quantify the use of Project lakes. Instead, the totality of the information submitted consists of conclusory, broad-sweeping and anecdotal statements about perceived negative impacts. For example, the owner of Leen's Lodge sporting camp, Charles Driza stated, "wind turbines on Bowers Mountain would hurt our business. Because the value of our property is tied to the value of our business, the project will diminish the value of our land and hamper our ability to meet our financial commitments."⁹² Mr. Driza goes on to say, without any support, "[a] loss of revenue at the lodge will result in a loss of revenue to all the guides and employees that work at Leen's."⁹³ Similarly, Dale Wheaton, former owner of Wheaton's Lodge and a registered Maine guide, makes the statement in his testimony "industrial wind is a direct and immediate threat to Maine's outdoor economy."⁹⁴ His lodge is located in Forest City, Maine, approximately 20 miles to the north of the Project, and it continues to advertise fishing on, among other lakes, Baskahegan. He conceded that when he recently sold his lodge, the price was not discounted in any way as a result of the Stetson projects and visibility of those projects on lakes used by his customers.⁹⁵

PPDLW has not provided specific data on the use of the Project lakes by guides and customers of the sporting camps in and around Grand Lake Stream. The Applicant has, however, collected empirical data in surveys and use evaluations (boat counts) which

⁹¹ Raphael Pre-Filed Direct Test. at 32.

⁹² PPDLW Pre-Filed Direct Test., Exhibit K at 2.

⁹³ PPDLW Pre-Filed Direct Test., Exhibit K at 2.

⁹⁴ PPDLW Pre-Filed Direct Test., Exhibit M at 2.

⁹⁵ Tr. at 451.

overwhelmingly demonstrates that Pleasant, Scraggly, Junior and Shaw Lakes receive very low overall use.⁹⁶ Indeed, Dr. Palmer and PPDLW both agreed with the low use characterization for these lakes. This data is supported by and consistent with the anecdotal testimony of Ms. Lil Caret and Mr. Wil Rafuse, Mr. Conley and Mr. Severance, whose testimony is described below and which confirms low use. Finally, as noted above, even PPDLW concedes that light use of the Downeast Lakes “enhances their scenic character and value.”⁹⁷

Although there is limited use of the Project lakes, both Mr. Raphael and Dr. Palmer agree that low usage is not an indication of remoteness, a landscape characteristic of importance to LUPC and extensively discussed in the first Bowers proceeding. Remote ponds are described in LUPC regulation as “inaccessible, undeveloped lakes that offer a remote recreational experience which is not easily found in the Northeast.”⁹⁸ Dr. Palmer reviewed the lakes and assessed proximity to roads and other indicators of primitive or undeveloped locations and concluded that “no portion of the study area is more than two miles from some sort of road access; therefore, there are no primitive areas.”⁹⁹ Dr. Palmer ultimately concluded that “the area within 8 miles of the Bowers Wind Project turbines appears to be similar to much of the less developed areas of the state. It is typically scenic within the context of Maine, not spectacular.”¹⁰⁰ Mr. Raphael also concluded that the Project area is not located in a remote area where recreational users may have a heightened expectation of a pristine landscape.¹⁰¹ Rather, the Project is located next to existing infrastructure, including, for example, Line 56 that can accommodate power from the Project, Route 6, and the lot Vinegar Hill subdivision. As a result, Mr. Raphael concluded that

⁹⁶ Boyle Pre-Filed Direct Test. at 2.
⁹⁷ PPDLW Pre-Filed Direct Test. at 50.
⁹⁸ LUPC, Chapter 10, p. 38.
⁹⁹ Palmer Part II Review at 22.
¹⁰⁰ Palmer Part II Review at 23.
¹⁰¹ VIA at 120.

the Project area is able to accommodate the wind power development in a manner that will not result in a fundamental change to the scenery or, as explained below, adversely impact recreational uses of the lake resources.¹⁰²

b. Potential Effect of Bowers Project on Recreational Users of Project Lakes

As noted above, the Applicant undertook intercept surveys on the key lakes to obtain information on the potential impact of Project visibility on perceptions of scenic quality and recreational use and enjoyment. For reasons discussed by Dr. Boyle and summarized below, perception surveys are not a perfect gauge of actual impacts and likely overestimate such impacts. Nonetheless, they are a useful tool for obtaining information on a criterion that does not readily lend itself to objective analysis. Moreover where, as here, the results are consistent with other sources of data, they provide reliable information for decision making. Here, the intercept surveys conducted for the Bowers project and other sources of data specific to the Bowers project as well as other projects in Maine, demonstrate that Project visibility will not have an unreasonable adverse impact on either scenic quality or recreational use and enjoyment.

i. Perception Surveys Overestimate Actual Impacts

As Dr. Boyle testified, it is well established in the literature that respondents in perception surveys may employ certain strategies that have the effect of overestimating the likely impacts of an action. Respondents that employ a *precautionary* strategy follow a “why take a chance” approach and err on the side of conservative responses to questions involving future development. Similarly, respondents employ a *hyperdefensiveness* strategy when there is a fear of change which will lead them to answer questions in a pre-construction survey in a negative

¹⁰² VIA at 120.

manner.¹⁰³ Both strategies result in responses indicating that the impact of seeing the wind turbines would be worse than what would occur if the project were actually built.¹⁰⁴

As explained by Dr. Boyle, this is not something unique to the Bowers project; rather these are normal coping strategies that occur with perception surveys generally.¹⁰⁵ By way of example, Roger Milliken, Jr., president of the Baskahegan spoke to this exact issue. Roger Milliken, who has worked for Baskahegan Company for 30 years, also provides a more personal perspective. He states that he was “initially troubled by the Stetson proposal ...because I was afraid that my experience of the lake – to launch a canoe from the landing and lose myself in the vast wildness of sky and water – would be ruined forever.” However, five years later, he finds that it is “timely to reflect on what, exactly, has been ‘sacrificed.’ ... On a clear day, I can count all 38 turbines on Stetson and more [on] Stetson II. At night, their blinking lights are perhaps the most intrusive aspect. Yet as I paddle a canoe west from the landing, my eyes settle instead on the diving loons or the white birch and pine along the shore. The turbines fade into the background, unless I consciously choose to look at or count them. ... Surveys of Baskahegan fisherman, many of whom have traveled here for decades to cast for bass and perch, prove that I am not alone. What the anglers say, and just as importantly, what they don’t, makes it clear that their affection for fishing on Baskahegan Lake is undiminished by the nearby wind development.”¹⁰⁶

Therefore when considering the survey results and whether the Project will have an unreasonable adverse impact, it is important to take both the *precautionary* and *hyperdefensiveness* strategies into account.

¹⁰³ Boyle Direct Test. at 8.

¹⁰⁴ Boyle Direct Test. at 8.

¹⁰⁵ Tr. at 50.

¹⁰⁶ Letter from Roger Milliken, January 27, 2013

Moreover, the Bowers project presented particular challenges with respect to these strategies in part because of the prolonged and negative publicity campaign that occurred before the surveys were conducted.¹⁰⁷ While other pre-construction surveys in Maine have been conducted prior to an application being submitted and certainly prior to significant project publicity, the Bowers surveys were conducted following several years of publicity about the project, including a lengthy public hearing process.¹⁰⁸ As Dr. Boyle testified, the effect of such publicity can exacerbate these strategies. Thus, in surveys generally and, in particular, the Bowers surveys, respondents have likely overestimated the actual impacts of Project visibility.

ii. The Bowers Surveys Demonstrate There Will Be No Unreasonable Impact on Scenic Quality or Recreational Use And Enjoyment

The survey results indicate that respondents perceived a drop in scenic quality as a result of the Project visibility. These results, however, are in line with the results from other pre-construction surveys related to lake-use.¹⁰⁹ Moreover, the change in scenic quality is something that visual experts are trained to evaluate using established methodologies, and therefore there are other sources of information that directly inform evaluation of this criterion.¹¹⁰ As discussed above, both LandWorks and Dr. Palmer concluded that the scope and scale of Project visibility will not result in an unreasonable impact to scenic quality. Their conclusions are consistent with the survey results here and on other projects, and the conclusions reached by Dr. Boyle. Additionally, as noted above, respondents primary activities on the lakes are relaxing (40%), followed by fishing (32%) and camping (13%).¹¹¹ Indeed, only 3% of respondents come to the lakes for the express purpose of viewing scenery. Thus, while scenery is certainly an important

¹⁰⁷ Boyle Direct Test. at 8-10.

¹⁰⁸ Boyle Direct Test. at 8-10; Tr. at 229.

¹⁰⁹ Tr. at 54 (change in scenic quality is "right in the same range that has been observed for other lakes").

¹¹⁰ E.g., Tr. at 147 (Raphael testimony on the methodologies used in the profession for evaluating changes in scenic quality).

¹¹¹ Boyle Direct Test. at 17.

component of any experience, it is not among the primary reasons expressed for visiting the lakes.

Importantly, the perceived drop in scenic quality **did not** translate into a comparable impact on recreational use and enjoyment or likelihood to return, the key factors to consider when evaluating the potential impact of Project visibility. Specifically, the majority (55%) of the Bowers respondents said the presence of the wind farm would have “no effect” or a “positive effect” on their enjoyment of the use of the lakes.¹¹² When asked about their likelihood to return to the lakes after construction of the Project, 80% of respondents said the introduction of the Bowers Project would have no effect or they are likely to return the lakes in the future.¹¹³ Thus, the majority of users did not believe the wind farm would adversely impact their recreational use and enjoyment, and the vast majority of users said they would continue to use the lakes. And as Dr. Boyle explains, the actual impact of the Project is expected to be less than reflected in these survey results.

The Bowers survey results are consistent with findings from 10 other pre-construction wind power studies conducted in Maine. Those surveys similarly showed that the majority (ranging from 54% to a high of 82%) of respondents said the impact of seeing turbines would have no effect or a positive effect on their recreational use and enjoyment of the particular resource.¹¹⁴ Those same surveys also showed that the vast majority (ranging from 71% to a high of 99%) of respondents indicated they are either likely to visit or there will be no change in visitation after the wind farm was constructed.¹¹⁵ It is particularly compelling that the Bowers survey results are in-line with these prior surveys given the pervasive negative publicity that

¹¹² Boyle Pre-Filed Direct Test. at 16.

¹¹³ Boyle Pre-Filed Direct Test. at 16, 17.

¹¹⁴ E.g., Boyle Direct Test., Table 4 at p. 20 (comparing results of various pre-construction wind surveys) and Boyle Power Point Presentation at Slide 11 (same).

¹¹⁵ Boyle Pre-Filed Direct Test. at 17.

preceded implementation of the survey. Both David Raphael and Dr. Boyle concluded that the results demonstrate there will not be an unreasonably adverse impact on use and enjoyment.

Dr. Palmer undertook a careful analysis of the survey results and reached the same conclusion. Specifically, with respect to the impact on enjoyment, Dr. Palmer concluded that the results translated to a low rating for Pleasant and Scraggly Lakes, and a medium rating for Junior Lake.¹¹⁶ With respect to effect on continued use, Dr. Palmer concluded the results translated into a medium rating for each of the lakes.¹¹⁷ Dr. Palmer then assigned an overall rating for the Project lakes based on the survey responses relating to scenic change, effect on enjoyment, and continued use. No lake received more than a medium rating under that analysis.¹¹⁸ Dr. Palmer reached his conclusions without taking into account the *hyperdefensiveness* and *precautionary* strategies or the Baskahegan survey results,¹¹⁹ all of which support the conclusion that the Bowers survey results overestimate the impact of Project visibility.

In contrast, Michael Lawrence, who is a landscape architect, and Gary Campbell, who has no training on the design or use of surveys or training or expertise as a landscape or visual expert, concluded that the Project's impacts will be unreasonable. They rely in large part on the survey results to support their claim. Their conclusions, however, are contrary to testimony of the experts and at odds with the best evidence. First, although he has training and experience as a landscape architect, Michael Lawrence did not provide expert testimony in this proceeding and therefore his conclusions should be considered as those of a lay person. In his review of the Lawrence Report, Dr. Palmer aptly concluded:

[Michael Lawrence] has presented a selection of photographs that highlight the scenic qualities he so highly values, and he has

¹¹⁶ Palmer Part II Review at 33.

¹¹⁷ Palmer Part II Review at 33.

¹¹⁸ Palmer Part II Review, Table 20 at 34.

¹¹⁹ Tr. at 228-229.

prepared a critique that uses evocative and picturesque language to emphasize his concerns. However, he has been unable to link his presentation to the WEA Evaluation Criteria, which must form the basis for the DEP's findings and decision. . . . [Michael Lawrence] appears to simply assert that visible wind turbines cause scenic degradation. However, the WEA is clear that an analysis must include more than simple visibility and the assertion that it is unreasonable. Other than photographs, [Michael Lawrence] presents little to no data and no real analysis.¹²⁰

When asked to provide the Department staff with additional information on how he reached his conclusions, Mr. Lawrence described how he felt when he came to the lakes, the memories that the experience evoked, and seeing a bald eagle for the first time.¹²¹ Notably, he did not provide any substantive analysis related to the potential impact of Project visibility based on the statutory criteria, nor did he provide any specific criticisms of the work done by LandWorks, Kevin Boyle, or the State's expert, James Palmer, all of whom undertook a review based on the criteria of the Wind Energy Act and based on that analysis concluded there would not be an unreasonable adverse impact on scenic quality or use and enjoyment.

In summary, the visual and survey experts who undertook a careful and thorough analysis of the data – David Raphael, Kevin Boyle, and James Palmer – each concluded that the Bowers survey results demonstrate there will not be an unreasonable adverse impact on scenic quality or use and enjoyment. There is no expert testimony to the contrary.

Baskahegan Studies

In 2010 University of Maine researchers conducted a study of recreational use patterns in and around the Baskahegan watershed, including Baskahegan Lake immediately after the Stetson Wind Project was built.¹²² The purpose of the 2010 Baskahegan Study was to evaluate recreation use patterns and site conditions around the Baskahegan watershed area in an effort to

¹²⁰ Palmer Critique of Lawrence Report at 13; Tr. at 218 (same).

¹²¹ Tr. at 518-521.

¹²² Boyle Pre-Filed Direct Test. at 22.

inform future decision-making for the planning and management of the area's resources and recreational opportunities.¹²³ The 2010 study did not ask a single question specific to the wind power project; however, the results found that 94% of those surveyed were repeat and long term users of the resource and not a single person interviewed mentioned the presence of the wind farm as a problem for recreation along the lake. Champlain conducted a second study in 2012 and specifically asked respondents about the impact of the Stetson Wind Farm visibility on recreational use.¹²⁴ Champlain chose Baskahegan because of the existence of the first survey which did not ask about wind and provided a credible benchmark for evaluation of a subsequent survey and also because of its proximity to the project lakes which was likely to reach similar or even overlapping users which proved to be the case.

The 2012 Baskahegan survey is uniquely relevant for drawing insights on how users of the Bowers Project will react to post-construction turbine visibility. This is true for two important reasons. First, the 2012 Baskahegan results show that 59% of users of Baskahegan Lake also use the Project lakes and can provide important insights on how the users of Project lakes might react to construction of the Project. Second, the Stetson Wind Farm is three times the size of the Bowers Project. The Stetson Wind Farm is visible from 90% of Baskahegan and most of the 55 turbines are visible from the primary lake access point.¹²⁵

The 2012 Baskahegan user survey results show that the vast majority of users are both repeat and long-term. The average user has been coming to Baskahegan for 21 years, an increase of two years from the 19-year average found in the 2010 survey and further evidence that there

¹²³ Boyle Pre-Filed Direct Test. at 22.

¹²⁴ Boyle Pre-Filed Direct Test. at 23.

¹²⁵ Boyle Pre-Filed Direct Test. at 26.

has been no attrition at Baskahegan.¹²⁶ Predictably 100% of respondents said they are “likely” to visit again.

Dr. Palmer and, by adoption PPDW, criticized the Baskahegan survey for potentially capturing only users who do not object to wind turbines and, as a result, necessarily omitting former users of the resource that have not returned expressly because of the Stetson project.¹²⁷ For this reason, Dr. Palmer ignored the Baskahegan survey completely in his findings. (At the same time, while calling for future post-construction monitoring at other projects, Dr. Palmer was unable to articulate how he would address this issue.) Dr. Boyle, an undisputed expert in analyzing survey results, expressly rejects this criticism. First, Dr. Boyle explained in testimony that the vast majority of Baskahegan users were long-term repeat visitors (94% visited for an average of 19 years in 2010 survey and 86% visited for an average of 21 years in 2012 survey).¹²⁸ Thus, the user group visited the lake for many years before the Stetson Project and is not a self-selected group that chose to visit a location post-construction. Moreover, because there were two years between the 2010 and 2012 surveys and the average years of visitation increased by two years over this period, there is no evidence of attrition due to the presence of Stetson. Dr. Boyle concluded, “[I]f the wind farm caused users to stop visiting the lake and new users to start visiting the lake, it is expected that the average years of use would be only a few years.”¹²⁹ Indeed, in the 2010 Baskahegan Survey long-term (greater than 10 years) users of the lake were asked to describe changes in patterns of resource use over time. Respondents noted certain changes in use (e.g., average length of stay is shorter and weekend use is more common than

¹²⁶ Boyle Pre-Filed Direct Test. at 24.

¹²⁷ Palmer Adequacy Review at 17; Campbell Pre-Filed Direct Test. at 35.

¹²⁸ Boyle Pre-Filed Direct Test. at 23, 24.

¹²⁹ Boyle Pre-Filed Rebuttal Test. at 7.

weekday use), but none identified either a reduction in use or a change in use due to wind turbines.¹³⁰

The Baskahegan results are particularly instructive with respect to scenic quality ratings. Specifically, 93% of survey respondents rate scenic quality as high and 81% said the turbines had no effect or a positive effect on quality of visits.¹³¹ Indeed, the interviews occurred at the Brookton boat launch, where nearly all of the 55 Stetson turbines are visible.¹³² The results found at Baskahegan are quite different from the Bowers survey, where only 33% of survey respondents rated the scenic value of Junior, Pleasant and Scraggly lakes as “high” after viewing simulations of the proposed Project. The comparison supports Dr. Boyle’s analysis that pre-construction surveys, particularly where, as here, there has been extensive public opposition, are subject to *precautionary* and *hyperdefensiveness* strategy answers based on fear. The post-construction Baskahegan study taken at a comparable lake used by at least 56% of the same users of the Project lakes is a strong indicator that the actual scenic impacts are much less than feared and are, in fact, negligible. Finally, even with the reduced scenic rating, 80% of the Bowers survey responders indicated that they are likely to return and use the resources.¹³³

Finally, the 2011 Telephone survey also considered in the original Bowers Project provides important information that cannot be obtained from a user survey.¹³⁴ Specifically, the Telephone survey provides a gauge on public opinion toward wind farms when users are not faced with an imminent project in their town or neighborhood, which minimizes NIMBY responses.¹³⁵ Second, it provides a gauge on how a wind farm might affect potential users of

¹³⁰ 2010 Baskahegan Survey at 12.

¹³¹ Kleinschmidt, 2012a, Table 6.

¹³² Boyle Pre-Filed Direct Test. at 26.

¹³³ Boyle Pre-Filed Direct Test. at 16, 17.

¹³⁴ Boyle Pre-Filed Direct Test. at 27.

¹³⁵ Boyle Pre-Filed Direct Test. at 27.

Project lakes. The results indicate that 95% of the people surveyed will have a positive experience, the Project will have no effect, or they can find another suitable place to recreate. In a neutral setting, only 5% of respondents indicated there would be a negative impact on use and enjoyment of the resource.¹³⁶

Convergent Validity

Dr. Boyle testified that surveys can play an important role in determining how the public perceives potential effects of a proposed activity such as construction of a wind power project. The concept of convergent validity is also important in survey research. Convergent validity occurs where two methods of measuring the same item provide statistically similar results. For the Bowers Project, Champlain conducted the Bowers survey, the 2012 Baskahegan survey and the 2011 telephone survey. Although not designed to meet a statistical test of convergent validity, Dr. Boyle found the conclusions of the three surveys provide comparable results of limited use of the Project lakes and “establish the credibility and robustness of the insights” drawn from the results.”¹³⁷ Although Dr. Boyle did not specifically address it, Applicant would point out that the three survey results are also consistent with the record evidence of the perceptions of a wide variety of recreational users who have actual experience recreating around turbines (e.g., snowmobilers, ATV riders and lodge owners), further enhancing the credibility of the surveys.

Dr. Palmer's Overall Assessment of Visual Impacts

Dr. Palmer also developed a method to determine the overall scenic impact to individual SRSNS. With respect to overall scenic impact to individual scenic resources, Dr. Palmer established three core criteria: E.1 Extent, Nature and Duration; E.2 Effect to Enjoyment and

¹³⁶ Boyle Pre-Filed Direct Test. at 29.

¹³⁷ Boyle Pre-Filed Direct Test. at 10; Tr. at 46.

Continued Use; and F Scope and Scale. These criteria are discussed individually above. Dr. Palmer created a matrix combining the three core criteria to assess overall impact, the result of which was he called a “core rating.”¹³⁸ If the core rating is High- or High, then three modifier criteria are applied (A. Significance, B. Character of the Surrounding Area, and C. Expectation of a Typical Viewer). If any of the three modifier criteria are High- or High, or if all three are Medium, then Dr. Palmer’s determination is that a project’s scenic impact is Unreasonably Adverse.¹³⁹ None of the SRSNS in the Bowers Project area received a single rating of High- or High Overall. Thus, Dr. Palmer did not need to apply the modifier criteria before reaching his determination that the Bowers project “does not reach the level of Unreasonably Adverse.”¹⁴⁰

Dr. Palmer also developed a metric for determining the total or accumulated Scenic Impact.¹⁴¹ Specifically, Dr. Palmer proposed that if scenic resources with ratings of Medium or higher comprise 10 percent of the area within three or eight miles, then the overall scenic impact is Unreasonably Adverse. For Bowers, the eight scenic resources received an overall impact of Medium. The combined acreage of these resources is 9,022 acres, which is 4.3 percent of the 166,671 acres within eight miles of the Bowers Project. Thus, under Dr. Palmer’s accumulated impact assessment the Bowers Project does not reach the level of Unreasonably Adverse.¹⁴²

C. The Project Impacts Are Reasonable

As discussed in Section I.A. above, the determination of whether Project visibility constitutes an unreasonable adverse impact requires a balancing not only of perspectives and view points, but of the many and concrete benefits that are associated with wind energy

¹³⁸ Palmer Adequacy review at 4.

¹³⁹ Palmer Adequacy review at 4.

¹⁴⁰ Palmer Adequacy review at 5.

¹⁴¹ As noted in section ____, the Wind Energy Act does not contemplate or allow a characterization of overall scenic impact. Nonetheless, we discuss Dr. Palmer’s findings here.

¹⁴² Palmer Adequacy review at 5.

development. Determining the “reasonableness” of a project’s visual impact is a case-by-case, fact-specific inquiry that requires consideration of many factors and depends on the specific circumstances of a given case. A balancing analysis is intrinsic to any reasonableness inquiry. Uliano v. Bd. of Env’tl. Prot., 2009 ME 89, ¶¶ 22-23, 977 A.2d 400, 410. Although not readily susceptible to a quantitative analysis, courts have recognized that the concept of “reasonableness” is well understood under the common law. Town of Baldwin v. Carter, 2002 ME 52, ¶ 13, 794 A.2d 62, 68.

In addition to testimony from LandWorks, Dr. Boyle, and Dr. Palmer regarding the significance of the survey results and the impact of Project visibility on scenic character and existing uses relating to scenic character, there is substantial testimony from individuals and groups that must be considered in evaluating whether the potential adverse impacts are unreasonable.

First, for many, visibility of turbines is not a “negative” or “adverse” impact, as is typically assumed in the regulatory process, but is either neutral or, in many instances, a positive attraction. This is reflected in comments provided during the course of the intercept surveys,¹⁴³ as well as the testimony from individuals and groups who live and recreate in and around the Project lakes and surrounding areas. It is particularly telling that the closest sporting camp and lodge to the Project fully support it:

- Maine Wilderness Camps is the closest sporting camp to the Project; its owners support the Project and do not believe the Project will adversely impact their business or use and enjoyment by their clients. To the contrary, their guests often ride ATVs up to the nearby Stetson project.¹⁴⁴
- The owner of a lodge on Junior Lake (which, after Maine Wilderness Camps, is the next closest lodge or cabin) who is also a Registered Maine Guide does not believe that the Project will adversely impact his business or recreational users of

¹⁴³ Memo from Champlain Wind to Jessica Damon, February 17, 2013

¹⁴⁴ Letter from Charlotte Brooke and William Bowes, October 5, 2012.

the lake. He and his wife asked their clients if “they would return if they could see wind turbines and the response was positive.” Their clients are “not concerned too much with the wind towers at all. They’re interested in catching fish ... and their primary concern is shoreline property, the appearance and setback. As long as the shoreline is nicely maintained and they can catch fish, they will come.”¹⁴⁵

Other lodges, whose guests have views of turbines or experience recreating on lakes with views of turbines, expressed similar support for the project:

- First Settlers Lodge in Danforth is approximately 7 miles from the Stetson Wind Farm. Visitors to the lodge include fishermen, hunters, snowmobilers, and ATV riders. Mr. Stephen Mine, owner of the lodge, testified in support of the Project and estimated that “at least 90 percent of the people that visit our lodge [which has a] very good view of [Stetson] think of it as a point of interest, not as a negative.”¹⁴⁶
- House in the Woods, in Lee Maine, runs outdoor retreats for veterans and their family members, and its director Paul House understands that “change can be a little scary, not knowing whether things will work out or not.” He does not think that the wind turbines will spoil the view because “when our veterans or I are hunting or fishing, we are too busy looking down and concentrating. We are not focused on the ridgeline.”¹⁴⁷

Although PPDLW suggests that the Maine Guides are uniform in their opposition to the Project, they are not. For example:

- A Master Maine Guide expressed support for the Project. He leads numerous canoe trips within view of Stetson and “does not see any negative impact from a recreational standpoint.”¹⁴⁸
- Another Registered Maine Guide noted that he “spent many days recreating in the Bottle Lake, Duck Lake, Junior Lake, Scraggly Lake, and West Grand Lake areas, ... [and] built a camp on Bear Island in West Grand Lake.” He believes that the “benefits of this project clearly outweigh any perceived viewshed issues.”¹⁴⁹

¹⁴⁵ Letter from Lil Caret and Wil Rafuse, May 7, 2013; Tr. at 356-357 (Test. of Wil Rafuse).

¹⁴⁶ Tr. at 267 (Test. of Stephen Mine).

¹⁴⁷ Letter from Paul House, (not dated, received by DEP, November 12, 2012).

¹⁴⁸ Tr. at 349 to 351 (Test. of Dave Conley); letter from Dave Conley, October 31, 2012.

¹⁴⁹ Tr. at 623 to 624 (Test. of Andrew Sturgeon).

- Another Registered Maine Guide stated that “as long as there are fish in our lakes, people will come from near and far to take advantage of this resource, no matter the view.”¹⁵⁰
- Although not a Registered Maine Guide, a Carroll resident stays at Maine Wilderness Camps and guides trips specifically to see the turbines at Stetson. He also fishes on three of the lakes, “Pleasant Lake mainly, Scraggly and Junior, and I have never one time seen one guide in a green canoe.”¹⁵¹

Residents on the lakes near Rollins also submitted comments that those turbines have not diminished their enjoyment of their views or their enthusiasm for outdoor activities.¹⁵²

Second, some of the outdoor recreational groups with the largest memberships in Maine, Maine Snowmobile Association, Maine ATV Association, and Sportsmen’s Alliance of Maine, believe that wind projects would be a positive attraction for their members.

- The Maine Snowmobile Association, a statewide organization, which represents 289 clubs who groom and maintain 14,500 miles of trails. Mr. Myers, Executive Director, testified that “the Project gives every indication that it will be an excellent fit with motorized recreation in the region ... and most riders are keenly aware that they are recreating within industrial forest lands and based on comments we received, wind projects are viewed as something new and interesting to be encountered along the trails.”¹⁵³ Letters of support were also submitted from Backcountry Snowmobile Club, Quad County, Lincoln Snowhounds, and Lee Mogul Pounders.
- ATV Maine, a statewide organization which represents the interests of ATV riders, “the fastest growing outdoor recreational group in Maine,”¹⁵⁴ as well as 83 local clubs who maintain over 6,000 miles of ATV trails. Mr. Phillips testified on behalf of ATV Maine that the views of their members should be considered during discussions of issues affecting recreational tourism because “the ATV industry contributes over 220 million dollars annually to the Maine economy ... delivering solely needed revenue to small businesses in poor rural areas of the state.”¹⁵⁵ In regards to wind facilities, he states that, “rather than detracting from

¹⁵⁰ Letter from Parker Laite, May 6, 2013.

¹⁵¹ Tr. at 360 to 364 (Test. of Roger Severance); letter from Roger Severance, December 9, 2012.

¹⁵² Tr. at 346-348 (Test. of Mr. Steven Perry); letter from Steven Perry, April 30, 2012. Also, letter from Shari Ireland and Douglas Ireland, April 30, 2013; letter from Gary Johnson, April 30, 2012.

¹⁵³ Tr. at 627 to 630 (Test. of Bob Myers).

¹⁵⁴ Tr. at 277-278 (Test. of Mr. Phillips).

¹⁵⁵ Tr. at 277-278 (Test. of Mr. Phillips).

our enjoyment, wind projects have become popular places for ATV riders to visit.”¹⁵⁶

- Gerry Lavigne from the Sportsmen’s Alliance of Maine testified in support of the Project and indicated that “wind and outdoor recreation can coexist as long as we are smart and thoughtful about the permitting process.”¹⁵⁷
- Other groups, such as the Downeast Salmon Federation and the Atlantic Salmon Federation represent the interests of fishermen and have said they don’t believe seeing turbines in the distance is incompatible with the use and enjoyment of their members.¹⁵⁸
- The International Appalachian Trail runs by the Mars Hill Wind Farm and The International Appalachian Trail Club has expressed support for the Project.¹⁵⁹

Similarly, tourism organizations, such as Aroostook County Tourism, Sunrise Economic Council, and Maine State Chamber of Commerce all support the Project.

- Aroostook County Tourism supports the Ride the Wind Trail and notes that “the Mars Hill wind farm is not a detraction from tourism but instead is something we feature prominently in our tourism promotions.” In addition, “collaboration with other regions in Maine is a major portion of Aroostook County’s tourism strategic plan and this project fits in nicely.”¹⁶⁰
- Sunrise Economic Council notes that “the snowmobile industry is a major economic driver in Washington County and the popularity of wind farms as destinations for rides creates tremendous opportunity to promote tourism in our rural areas.”¹⁶¹
- As the Maine State Chamber of Commerce noted, the project design “is consistent with supporting the region’s outdoor recreational opportunities and a commitment to pursue innovative radar-controlled night lighting that will meet FAA requirements and further reduce visual impacts.” The Maine State Chamber also recognized the Applicant’s “good-faith effort to modify their proposal to better meet regional stakeholder concerns.”¹⁶²

¹⁵⁶ Tr. at 277-278 (Test. of Mr. Phillips); letter from Dan Mitchell; Tr. at 320 (Test. of Henry Carey, President of Local ATV Club).

¹⁵⁷ Tr. at 660 (Test. of Gerry Lavigne); letter from David Trahan, November 8, 2012.

¹⁵⁸ Letter from Andrew Goode, March 28, 2013; letter from Dwayne Shaw, March 10, 2013.

¹⁵⁹ Letter from Don Hudson, Dick Anderson, Walter Anderson, November, 13, 2012.

¹⁶⁰ Letter from James Bennett, January 30, 2013.

¹⁶¹ Letter from Harold Clossey, December 13, 2012.

¹⁶² Tr. at 336-339 (Ms. Connie Gemmer, reading statement by Dana Connors); letters from Maine State Chamber of Commerce, November 19, 2012 and April 26, 2013.

In addition, several environmental groups have expressed support for the Project, including Sierra Club Maine, Maine Audubon Society, Environment Maine (who presented a petition of support from 1,250 citizens, including 1,185 Mainers), and Conservation Law Foundation. These groups have a core purpose related to protecting Maine's environment and securing the public's right to use and enjoy it. They do not believe that seeing turbines in the landscape is incompatible with outdoor recreation.¹⁶³

Third, concerns about Project visibility from 3-8 miles (and beyond), must be balanced against principles of landowner rights and the interests of Maine's largest landowners. Maine's largest landowners have a long history of allowing recreational access to timber land in the State.¹⁶⁴ Indeed, the guides and sporting camp owners in Grand Lake Stream are dependent upon such open access for the success of their businesses. Wind project lease payments provide a revenue that is particularly important for the forest products industry, as the income from wind development supplements – not displaces – what landowners typically earn from logging and other traditional uses of their property. This allows them to continue with commercial forestry operations, a practice that maintains their lands in an undeveloped state and facilitates the recreational activities that are at issue in this proceeding.

Large landowners in the vicinity of the Project area have expressed support for the Project, including Lakeville Shores, Wagner Forest Management, the Passamaquoddy Tribe, and the Baskahegan Company. Mr. Beaupain testified in support of the Project on behalf of Lakeville Shores, Inc, H.C. Haynes, Inc, and members of the Haynes family of Winn, Maine. As Mr. Beaupain noted, “most of these folks that talk about the view, love the view, but they love

¹⁶³ Letter from Glen Brand, October 31, 2012; letter from Ted Koffman, March 29, 2013. Also, Tr. at 293 – 294 (Test. of Michael Emery).

¹⁶⁴ Letter from Tom Colgan, April 22, 2013; letter from Roger Milliken, January 27, 2013.

the view because we are growing trees on the land.”¹⁶⁵ He goes on to state that “the owners of the Project lands never granted view easements to the State or private camp owners, and “use of the regulatory process to elevate the rights of a few camp owners over the right of project landowners to lawfully use their land is not in the interest of the public and the state’s economy.”¹⁶⁶ He also aptly testified that the while tourism is important to those in that industry, it is not a significant economic driver in the region; rather, it is the timber industry that keeps the area going. In fact, H.C. Haynes employs more people than there are guides in Grand Lake Stream, and they are full-time and good paying jobs.¹⁶⁷

The Passamaquoddy Tribe is one of the largest landowners in the area and owns 3,000 acres within 8 miles of the Project, all south of Route 6. The Tribe submitted comments that they “do not believe that the visibility of the turbines in the reconfigured Project will negatively impact our traditional uses of our lands and the lakes they surround, including the recreational uses of fishing, hunting, snowmobiling, camping, and hiking.” They add that they “believe this project is an appropriate new use that can co-exist with existing uses in this area.”¹⁶⁸

Wagner Forest Management manages the Sunrise Conservation Easement, of which 31,000 acres is located within 8 miles of the Project, all south of Route 6. Tom Colgan, President and CEO, submitted comments in support of the Project and stated that “wind power is not only compatible with our working forests, but provides a critical revenue stream that allows us to maintain such land as a working forest. We have a long and cherished tradition of open access that allows recreational activities to occur on our land. Wind power, as well as working

¹⁶⁵ Tr. at 643 to 646 (Test. of Dean Beaupain).

¹⁶⁶ Letter from Dean Beaupain, May 7, 2013.

¹⁶⁷ Tr. at 644-646.

¹⁶⁸ Letter from Tribal Chief, Joseph Socobasin and Tribal Chief, Reuben “Clayton” Cleaves, September 14, 2012.

forest easements, helps us to continue that important tradition. The Project is well-sited and compatible with the recreational, conservation, and other land uses in the area.”¹⁶⁹

Roger Milliken, from the Baskahegan Company, submitted comments in support of the Project, stating that the Project “will support traditional uses like forestry along with the range of ecological and recreational benefits that flow to the public from a working forest. I do not believe that the project will have an unreasonable adverse impact on recreational interests in the region. Quite the opposite, I believe that it will help Maine’s people compatibly sustain our woods and waters, the full range of our forest-based livelihoods and Maine’s special values.”¹⁷⁰

Fourth, to the extent that visibility of turbines is determined to have a negative impact (and as described above there is substantial evidence that the impact is not negative), the Department must consider the interests of the host communities in determining whether the impacts are unreasonable. Here, the host communities of Carroll Plantation and Washington County all support the Project, as evidenced by a petition signed by 69 full-time residents as well as 46 non-resident landowners in Carroll, which represents a significant show of support for the Project.¹⁷¹ These communities are familiar with the turbines at Stetson and Rollins and are in a position to make an informed decision to support the Project.¹⁷² Their voices must be heard. Indeed, it is a bedrock principle that communities should be allowed to decide for themselves what types of development can occur within their boundaries. Accordingly, the desire of Carroll and Kossuth to proceed with the Project is entitled to substantial weight when balanced against

¹⁶⁹ Letter from Tom Colgan, April 22, 2013.

¹⁷⁰ Letter from Roger Milliken, January 27, 2013.

¹⁷¹ Tr. at 288 (Test. of Anita Duerr); Champlain Pre-Filed Test. at 12, 18; letter from Betsey Fitzgerald, Washington County, October 17, 2012.

¹⁷² Tr. at 288 (Test. of Anita Duerr); Tr. at 313 (Test. of Holly Worster); Tr. at 640 (Test. of Hubert Oliver); Tr. at 652 (Test. of Michael Corbin); Tr. at 283 (Test. of Stephanie Itchkawich); letter from Michael Corbin, November 2, 2012; letter from Robin Corbin, November 2, 2012; letter from John Bice, November 5, 2012, Carol Graybeal, November 14, 2102; letter from Jan Thompson; letter from Clarence Thompson; letter form Edith and David Breed, January 14, 2013; letter from Gail and Christopher Artegian, December 1, 2012,

the fears of guides, sporting camp owners, and lake front property owners who live and work up to 18 miles away in Grand Lake Stream. This is especially the case here where Carroll Plantation has indicated that its dire financial situation may compel it to de-organize if the Project does not move forward. This is a real consequence for the host community against the unsupported fears of the Guides in Grand Lake Stream. The importance of this balance was expressed by Sherry Huber, who expressed her support for the Project and stated that she: “fully understand[s] and respect[s] the concern that many people who live here have for the project. I too appreciate the unspoiled lakes and all the benefits of abundant fish and wildlife here. I understand how dependent the local economy is on the quality of the outdoor experience. What I don’t share, though is the concern that these turbines will cause visitors to stay away or to enjoy their experience any less because of them. In order for working forest easements to remain an option for Maine’s forest landowners, there needs to be a very clear understanding that the easements do not affect private lands outside of the easement boundaries.”¹⁷³

Fifth, as reflected in the testimony of a multitude of witnesses, the Project will bring about significant economic benefits. Reed & Reed testified that “the subcontractors that we will use to build this project are just about all from Maine, the materials we purchase for the project will also come from Maine.”¹⁷⁴ As the testimony and comments from International Brotherhood of Electrical Workers,¹⁷⁵ Sargent Corporation,¹⁷⁶ the Associated General Contractors of Maine,¹⁷⁷ R.M. Beaumont Corporation,¹⁷⁸ Aerial Survey & Photo,¹⁷⁹ and Harris Media

¹⁷³ Tr. at 674-677 (Test. of Sherry Huber).

¹⁷⁴ Tr. at 258 (Test. of Pat DeFilipp); letter from Jackson Parker, November 20, 2012.

¹⁷⁵ Tr. at 683-687 (Test. of Scott Cuddy); letter from Scott Cuddy, November 28, 2012.

¹⁷⁶ Tr. at 346 (Test. of Steve Perry).

¹⁷⁷ Letter from Scott Lever, January 8, 2013.

¹⁷⁸ Letter from Ryan Beaumont, November 21, 2012.

¹⁷⁹ Letter from F. Roderick Stevens, November 20, 2012.

Services¹⁸⁰ demonstrate, the Project will bring about significant economic benefits not only during construction, but continuing throughout the life of the Project. In fact, a recent survey “identified 47 companies that provide direct services to the growing wind and ocean energy markets in Maine. Those companies reported annual revenues of \$279,444,000 derived from wind and ocean energy projects. Of those projects, 47% of the revenues were derived from Maine projects while 45% were derived from projects around the country. This illustrates the value of developing local expertise that can become an exportable commodity that result in creating Maine income and jobs.”¹⁸¹

Some of the opponents suggested that the construction jobs are not important because they are “temporary.” As Jack Parker testified: “we’ve been doing temporary jobs since 1928 when one job follows another and follows another. Whether you’re in the guiding business or building ships or working in a paper mill, everything is a temporary job.”¹⁸² Scott Cuddy echoed the same sentiment when he stated that “when I show up and I strap on my toolbelt and I go to work, I am immediately putting myself out of work. It’s what I do, it’s what I’ve always done. So to denigrate the job that gets created by a construction project is to say that it doesn’t really create, but it does. It creates a job, it creates a benefit, it creates an economic benefit for the state of Maine.”¹⁸³

In addition to the construction related jobs and wages, the Project will result in significant economic benefits that include new income streams to landowners, increased property and other tax revenue, community benefits packages to host communities and other tangible benefits discussed below.

¹⁸⁰ Letter from Alison Harris, November 21, 2012.

¹⁸¹ Tr. at 272-273 (Test. of Paul Williamson); letter from Paul Williamson, November 29, 2012.

¹⁸² Tr. at 588 (Test. of Jackson Parker).

¹⁸³ Tr. at 683-687 (Testimony of Scott Cuddy).

Sixth, as reflected in the statute, the comments of the Maine Public Utilities Commission (PUC), ISO-New England and the testimony of Abigail Krich, the Project will result in significant energy and environmental benefits. The Wind Energy Act identifies the energy benefits brought about by wind energy development and requires that the review agency “presume” their existence.¹⁸⁴ In its review of the Project, the Maine PUC stated that “wind projects tend to reduce prices in the wholesale markets and contribute to energy diversity and price stability.”¹⁸⁵ Likewise, in a study evaluating integration of renewable energy resources, ISO-New England concluded that “[a]nnual wholesale electric energy prices are generally lower in cases that add renewable resources with low energy costs, such as the higher wind penetration cases. . . .”¹⁸⁶ Wind power projects typically enter into long-term power purchase agreements that stabilize electricity prices, in contrast to the price volatility associated with energy generated by natural gas and other fuel-intensive sources.¹⁸⁷ In addition, the addition of wind energy generation capacity reduces the regions over-reliance on natural gas.¹⁸⁸ In short, the undisputed evidence from agencies and persons with the relevant expertise demonstrates the energy benefits associated with wind energy generally and this Project specifically.

The Project will also result in significant environmental benefits through the reduction of greenhouse gasses and other pollutants. Again, the Wind Energy Act identifies such benefits and requires that the agency presume their existence.¹⁸⁹ As Ms. Krich explained, as more electricity in New England is generated by wind energy, it will displace fossil-fuel burning sources. For example, if 20 percent of New England’s energy were generated by wind power, CO₂ emissions

¹⁸⁴ 35-A M.R.S.A. § 3402

¹⁸⁵ Kearns Pre-Filed Direct Test. at 21.

¹⁸⁶ Kearns Pre-Filed Direct Test. at 22.

¹⁸⁷ Krich Pre-Filed Direct Test. at 10-13.

¹⁸⁸ Krich Pre-Filed Direct Test. at 15-17.

¹⁸⁹ 35-A M.R.S.A. § 3402.

would be reduced by 25 percent.¹⁹⁰ Specifically, the Project is expected to displace 66,000 tons of CO₂, 70 tons of NO_x, and 190 tons of SO₂ on an annual basis over the life of the project.¹⁹¹

This consistent perspective from all these groups is countered by the divergent view of two groups. First, camp owners in Lakeville who have a fear that when they visit in the summer, they will see turbines, or lights of turbines, and will not like that view. Second, guides and sporting camp owners in Grand Lake Stream, 18 miles from the Project, who have a fear that when their sports visit, they will not like seeing the turbines, and will refuse to return, regardless of the quality of the fishing. The Applicant is sensitive to these concerns and respects the fear of change from these two groups. The Applicant addressed these concerns by minimizing the size of the Project and by agreeing to install radar-assisted lighting. At the same time, a decision to site a \$100-million dollar project that brings economic development to communities can't turn on the fear and emotion of these two groups. The reason these lakes are the focus of this discussion is not that they are not the private domain of the camp owners in Lakeville, or that they are the private domain of the guides. Rather, these lakes are publicly-owned great ponds, and as the DEP evaluates whether the impact is reasonable, the DEP must also take into consideration, and give appropriate weight to, the value of landowner rights, as well as the right of self-determination of the host communities, and finally, a wide and deep consensus view that seeing wind turbines in the distances is not incompatible with the outdoor use and recreation on these lakes, as confirmed thru the experience of outdoor recreation stakeholders that have the most experience with these type of resources in a wide variety of settings in Maine.

¹⁹⁰ Krich Pre-Filed Direct Test. at 17-20.

¹⁹¹ Kearns Pre-Filed Direct Test. at 21.

D. The Wind Power Act Does Not Permit Aggregation of Visual Impacts.

As discussed above, the evidence demonstrates that the Project will not significantly compromise views from any scenic resource of state or national significance such that it will have an unreasonable adverse effect on the scenic resource or existing uses related to scenic character. Opponents have suggested, however, that the Department should consider numerous scenic resources within the 8-mile radius of the Project as a single, interconnected resource, and that visual impacts associated with travel among and between these separate resources needs to be considered in the aggregate. This argument fails for two reasons. First, there is no evidence of significant use of the Project lakes by paddlers or other users as an interconnected series of lakes. Second, and more importantly, the Wind Energy Act requires an assessment of visual impacts on individual scenic resources and does not allow for aggregation of impacts from multiple resources.

1. The Project Lakes Are Not a Unique Interconnected Water Trail System.

There are nine scenic lakes of state or national significance with Project visibility. NRCM has suggested that these lakes are used extensively for “multi-day paddling” and that users would need to “travel to the Boundary Waters of Minnesota” to find a similar lake system with opportunities for multi-day paddling.¹⁹² There is nothing unique, however, about a series of lakes, created by storage dams, that are connected by streams and river segments, and the suggestion that the Project lakes comprise the only “multi-day paddling” resource in Maine (never mind east of Minnesota) is simply untrue.

Indeed, the Appalachian Mountain Club’s *Quiet Water Maine Canoe & Kayak Guide, 2nd Edition* identifies twenty-five multi-day paddling trips in the Downeast region alone. Of these water trails only two are located (and only partly located) within the Project area. The author of

¹⁹² Campbell Direct Test., Exhibit C (NRCM Testimony June 27, 2011); Tr. 263-264.

the AMC guide has commented that with respect to the paddling resources in the Project area, he does not object to the view of the turbines and with respect to Bottle Lake, paddlers are encouraged to paddle “as quickly as possible” given the extensive views of existing camp development.¹⁹³ In summary, although some users may plan multi-day paddling trips on the Project lakes, such use is not unique to the Project area, the Downeast Region, or the State of Maine.

Further, there is no substantiated evidence in the record, other than speculation, that such multi-day use is even a significant, let alone primary, use of these resources. To the contrary, the intercept surveys and boat counts discussed above provided “no evidence of paddle trail use.”¹⁹⁴ Although there are nine lakes in the Project area, these are nine separate and distinct resources, with significant differences with respect to character and existing development.¹⁹⁵ As recognized by NRCM the number of resources within any 8-mile radius is not relevant and, in any event, the Wind Energy Act prohibits the Department from treating these lakes as a single resource or aggregating their impacts.

2. There is No Legal Basis for Consideration of “Sequential” or “Cumulative” Impacts on Multiple Scenic Resources

The Wind Power Act’s scenic character provision provides that:

...the primary siting authority shall determine, in the manner provided in subsection 3, whether the development significantly compromises views from a scenic resource of state or national significance such that the development has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of the scenic resource of state or national significance.¹⁹⁶

The use of the singular form of “resource” means that the Department must evaluate the impact

¹⁹³ Rafael Rebuttal Test. at 24.

¹⁹⁴ Rafael Rebuttal Test. at 23

¹⁹⁵ VIA at 58-104 (lake-by-lake assessment).

¹⁹⁶ 35-A M.R.S.A. § 3452(1).

of the Project on each individual resource, not a collection of resources within a three or eight mile radius of the Project.¹⁹⁷ There is nothing in the statute (and to date there has been no Department rulemaking on this issue) that allows the Department to consider cumulative impacts from multiple scenic resources, or to aggregate impacts from multiple resources.¹⁹⁸

Moreover, the existing language of the Act appears to prohibit such an aggregated assessment of impacts. Specifically, Subsection 3 of the evaluation criteria expressly provides that the fact that a wind power project is a highly visible feature on the landscape is not sufficient, alone, to find an unreasonable adverse effect.¹⁹⁹ As the term “landscape” is not defined in the Act, its meaning is based on its dictionary definition.²⁰⁰ “Landscape” is defined as “the landforms of a region *in the aggregate*.”²⁰¹ Thus, the fact that the Project is a highly visible feature in the region (i.e., potentially visible from multiple resources) is not relevant and may not be the basis for a finding of unreasonable adverse effect.

Simply put, the Act contains no provision for combining single scenic resources into collective mega-resources and there is no heightened review for project areas containing more numerous individual resources. The Legislature understood that within any 8-mile radius project area these projects would be seen—from many places, as one traveled through the area. The highly visible nature of these throughout the project area is irrelevant—it is the impacts to individual resources that matter.

Finally, the Department apparently agrees with this analysis of the current standard and

¹⁹⁷ Similarly, the evaluation criteria in subsection 3 concerns the impact on individual resources, not any collection of one or more resources.

¹⁹⁸ There are two types of possible “cumulative” impacts. The first is the cumulative impacts to a single resource from multiple wind power projects. The Applicant has discussed such impacts, and there are none. See VIA at 113-114. The second is the cumulative impacts of a single project on multiple resources. It is this type of cumulative impact assessment that is not permitted under the Act.

¹⁹⁹ 35-A M.R.S.A. § 3452(3).

²⁰⁰ See *Bangs v. Town of Wells*, 2000 ME 186, ¶ 19, 760 A.2d 632, 637 n. 9.

²⁰¹ <http://www.merriam-webster.com/dictionary/landscape> (emphasis added).

has proposed legislation that would expand the visual assessment from consideration of individual scenic resources to a “cumulative scenic impact or effect,” and which would include “sequential observation,” or the view of a project “as the viewer travels along a linear route.”²⁰² If this were the law, the Department would be able to aggregate the impacts from multiple scenic resources that may be experienced sequentially by its users such as is claimed here. Until such time as the Act may be amended, however, it would be legal error for the Department to do so.

II. THE BOWERS PROJECT WILL NOT RESULT IN AN UNDUE ADVERSE EFFECT TO ANY ENVIRONMENTAL RESOURCES, HABITATS, OR PLANT OR ANIMAL SPECIES

Champlain conducted robust and extensive surveys for sensitive habitats, endangered species, vernal pools, wetlands and many other environmental resources. These surveys were conducted in accordance with approved methodologies, were developed in conjunction with interested state and federal resource agencies, and were done in a manner consistent with other wind power projects in Maine.²⁰³ The Project avoids direct impacts to sensitive habitat, will not result in any permanent fill of wetlands or any impacts to vernal pools or buffers and will not result in any unreasonable adverse impacts to wildlife.

A. The Project Will Not Result in an Undue Adverse Impact to Bats, Raptors, or Other Avian Species

Construction and operation of the Bowers Project will not result in any undue adverse impacts to bats due to the relatively low population of bats identified in the Project area, evidence that operational wind projects in Maine have not resulted in significant mortality, and the turbine curtailment requested by MDIFW to ensure that all appropriate measures to minimize risks to bats are implemented.

²⁰² L.D. 385, Minority Report.

²⁰³ Application Section 7, Appendix (G) (summary of consultation); Gravel Pre-Filed Direct Test. at 7.

First, detection rates during acoustic surveys showed that the number of bats present in the Bowers Project area is within the range documented at other sites with acoustic bat detectors at the forest-edge, including Mars Hill, Lempster and Stetson. Results of post-construction acoustic bat surveys conducted concurrently with mortality searches from post-construction monitoring conducted at Stetson demonstrated similar bat activity rates as that observed at Bowers and only 2.11 bats/turbine/year (as adjusted for scavenger removal and searcher efficiency).²⁰⁴ Thus, based on pre-construction survey results, a comparison of those results to pre- and post-construction results at proposed, permitted and operational Maine projects, and overall low actual bat mortality at operational wind projects in Maine, it is expected that the impact to bats from the Bowers Project will not be undue.

Second, the particular bat species of concern (the Myotis species) that suffers from White Nose Syndrome, tend to fly at lower altitudes and are, therefore, less likely to collide with wind turbines than other bat species.²⁰⁵ To the extent Myotis species are present in the Project area, therefore, they are less likely than other species to be flying in the rotor swept area.

Third and finally, although the data indicates that this Project does not present a significant or unique risk of bat mortality, Champlain proposes curtailment to reduce potential threats to bat species, including Myotis. Specifically, Champlain will curtail wind turbines during conditions when previous studies have shown bats are active (between June 1 and September 30 from 30 minutes before sunset to sunrise, and when air temperatures at the hub height are above 49 degrees Fahrenheit) and when existing Maine-based post-construction

²⁰⁴ Gravel Pre-Filed Direct Test. at 19, 20.

²⁰⁵ Gravel Pre-Filed Direct Test. at 18, 19.

fatality data indicates the potential for bat mortality is greatest.²⁰⁶ During the identified bat curtailment times, the turbines will begin spinning and the generator will begin producing electricity once wind speeds reach 5.0 m/sec rather than the normal 3.0 or 3.5 m/sec. and further minimize the already low risk to bats.²⁰⁷ When asked during the public hearing what an acceptable level of bat mortality might be, Mr. John DePue, fur bearer and small mammal biologist for MDIFW testified that “we feel pretty strong that following our curtailment recommendations will significantly reduce bat mortality at this point to acceptable levels ... the best science we have is that following the curtailment recommendations will reduce mortality significantly at these projects.”²⁰⁸

With respect to avian impacts, Champlain undertook extensive surveys developed in consultation with MDIFW and USFWS, beginning in the spring of 2009.²⁰⁹ The data shows that the vast majority of nocturnal migrants fly at altitudes far above the rotor swept zone of the proposed turbines.²¹⁰ As noted by USFWS, data on passage rates, flight height, and proportion of migrating birds within the rotor swept zone at the Bowers site are comparable or less than similar measures at other wind sites in Maine.²¹¹

As noted in Stantec’s testimony, the most recent available insight on the potential impacts of the Project with regards to birds and bats can be obtained through comparisons with migration surveys conducted at comparable nearby operational sites. These comparisons are particularly compelling where, as with the Stetson Project --located 6 miles from the Bower Project-- data is available from pre-construction and post-construction surveys.²¹² Stetson is a similar site in

²⁰⁶ Kearns Pre-Filed Direct Test. at 15.

²⁰⁷ Kearns Pre-Filed Direct Test. at 14, 15.

²⁰⁸ Tr. at 381, 382.

²⁰⁹ Application, Exhibit 7B; Gravel Pre-Filed Direct Test. at 12.

²¹⁰ Application at 7-3.

²¹¹ May 11, 2011 U.S.F.W.S. Comments at 3.

²¹² Gravel Pre-Filed Direct Test. at 13.

terms of both topography and types of surveys performed pre and post operation and the data provides an opportunity to consider the relationship between migration survey data and actual mortality results. In fact, the post-construction surveys performed at Stetson were conducted during the same timeframe as the Bowers pre-construction surveys (fall 2009), providing further direct comparison between mortality data at Stetson and pre-construction surveys at Bowers.²¹³

The collective data demonstrate that the Bowers Project site presents a relatively low risk of potential fatality and is expected to be consistent with recent results at other operating projects. Nonetheless, as with other projects, Champlain will perform post-construction monitoring in accordance with protocols that have been implemented at other projects in Maine and that may be modified to take into account results of surveys at other sites.²¹⁴

Finally, risk to raptor species is anticipated to be very low at this Project. No active bald eagle nests were documented within four miles of the Project area, which is the survey radius recommended by USFWS in guidelines governing wind power projects in Maine.²¹⁵ The closest active bald eagle nest is located on Junior Lake, approximately 5.01 miles from the nearest turbine.²¹⁶ Raptor migration through the Bowers Project area is similar to other sites proposed in Maine. As noted above, data collected from operational projects provides helpful context for expectations of impact at comparable proposed sites. Post-construction raptor migration surveys taken during the first year of operation at Stetson documented a combined spring and fall passage rate of 1.7 birds/hour, without a single turbine related raptor fatality.²¹⁷ Raptor mortality from operational projects in Maine and in the United States have been low. Specifically, there

²¹³ Gravel Pre-Filed Direct Test. at 13.

²¹⁴ Application at 7-9; Exhibit 7D (complete description of post-construction monitoring protocols).

²¹⁵ Gravel Pre-Filed Direct Test. at 15 (citing Maine Field Office of USFWS "Guidelines for Building and Operating Wind Energy Facilities in Maine (March 2012)").

²¹⁶ *Id.* at 14.

²¹⁷ Gravel Pre-Filed Direct Test. at 16, 17.

has been only one raptor mortality (and no eagle mortality) documented at operational projects in Maine (one Barred owl at Mars Hill).²¹⁸

Additionally, despite Mr. Corrigan's suggestions to the contrary, Champlain worked closely with MDIFW and USFWS to develop appropriate survey techniques and protocols for raptors as for all other avian and wildlife surveys.²¹⁹ With respect to review by USFWS and the ACOE, both were actively involved in review of the larger original Bowers project. Of note in its review of the larger project, USFWS commented that use of the Bowers Project area by migrating and resident bald eagles is lower than at other proposed or existing Maine projects.²²⁰

Based on pre-construction survey results at Bowers, a comparison of those results to pre- and post-construction results at proposed, permitted, and operational projects, Maine and overall low raptor mortality from operational projects in New England, the Bowers Project will not result in any undue impacts to bald eagles or other raptors.

B. The Project Will Not Result in an Undue Adverse Impact to Vernal Pools, Inland Wading Bird and Waterfowl Habitat or Wetlands

The Project has been designed to avoid all permanent wetland impacts. Indeed, the Project will not directly impact any wetlands, streams, or Wetlands of Special Significance. There will be minimal, 2.58 acres of permanent cover conversion associated with the electrical collector line and those wetland communities that are currently emergent or scrub-shrub will retain their current functions and values. Forested wetlands that are cleared will still retain certain functions and values but the types of functions and values will change. The clearing will be done by hand or by machinery in frozen conditions to minimize impacts.²²¹ There is one

²¹⁸ Gravel Pre-Filed Test. at 16.

²¹⁹ Grave Pre-Filed Rebuttal Test. at 4, 5.

²²⁰ Gravel Pre-Filed Rebuttal Test., Exhibit 1 (May 11, 2011 USFWS Comments at 2).

²²¹ Application at 7-5; Gravel Pre-Filed Direct Test. at 12.

identified significant vernal pool within the Project area and there will not be any impacts to the pool itself or its associated 250-foot habitat area.²²²

C. The Project Will Not Result in an Undue Adverse Impact to Canada Lynx

The record contains uncontroverted, scientific evidence that the Project's impact on Canada lynx is expected to be minimal or non-existent. In pre-filed testimony Champlain noted that the nearest edge of critical habitat for Canada lynx is locate in Grindstone Township, north of Millinocket, which is greater than 29 miles from the Project.²²³

Consistent with USFWS recommendations for other wind projects in the State, Stantec undertook a desktop assessment to identify potential suitable habitat for Canada lynx. Champlain's assessment revealed that no high, moderate or low-value hare habitat is present in the Project area.²²⁴ Limited patches of moderate value hare habitat were identified within the vicinity of the Project but not within the Project footprint itself.²²⁵ Assessments of habitat and prey provide indicators of lynx presence but do not predict actual occurrences in a given area. Rather, and typical of large mammals that maintain a large home range, lynx are unlikely present as residents where there are habitat limitations because the available habitat would not support a local population.²²⁶ Mr. Corrigan criticized both USFWS and the Applicant for the failure to recommend and perform winter tracking surveys to identify actual lynx presence in the Project area.²²⁷ In fact, USFWS recommends that an applicant *either* conduct a habitat assessment and/or conduct winter tracking surveys.²²⁸ Champlain undertook the habitat assessment instead of winter tracking surveys because the assessments are conservative by design and often more

²²² Application at 7-5; Gravel Pre-Filed Direct Test. at 12.

²²³ Gravel Pre-Filed Direct Test. at 25.

²²⁴ Gravel Pre-Filed Rebuttal at 1.

²²⁵ Gravel Pre-Filed Rebuttal at 1.

²²⁶ Gravel Pre-Filed Rebuttal at 2.

²²⁷ Corrigan Pre-Filed Direct Test. at 3.

²²⁸ Gravel Pre-Filed Rebuttal at 2; Tr. at 106.

thorough than the more limited tracking survey protocols. Here because of the absence of high value habitat within the Project footprint and the small patches of moderate and low value hare habitat just beyond the Project vicinity, tracking surveys were not warranted.²²⁹

Champlain did note that lynx may occasionally disperse through the Project area and assessed potential adverse effects to those transient lynx.²³⁰ Adverse effects result from either habitat loss (as determined by identifying hare habitat) or mortality. The Project will not adversely impact habitat as there is either nonexistent (in the Project area) or extremely limited amount of low or moderate value habitat in the Project vicinity. Risk of mortality to lynx that may be travelling through the Project from traffic generated by the Project is also low. The Project requires minimal new road construction, which will be used infrequently following construction. Champlain will also post the roads to speeds less than 30 mph, thereby limiting the collision risk to lynx and other wildlife.

Champlain's conclusions regarding the Project's potential impact on Canada Lynx were corroborated by MDIFW in its review of the original, larger Bower's Project. Specifically, the Commission heard testimony from MDIFW biologist Marc Caron that he approved of the habitat assessment methodology used by Champlain and that he concurred with the conclusion that the Project area did not contain significant potential Canada lynx habitat.²³¹ Under cross-examination from Intervenors, Mr. Caron stated that "there are very few confirmed sightings of lynx" in the region surrounding the Project and furthermore, in the event that lynx did travel through the area, the Project would not be a barrier to lynx movements.²³² Mr. Caron also stated that, compared with other areas of the Eastern Lowlands Ecoregion, the Project area, as well as

²²⁹ Gravel Pre-Filed Rebuttal at 2; Tr. at 106.

²³⁰ Gravel Pre-Filed Rebuttal at 3.

²³¹ Gravel Pre-Filed Direct Test., Exhibit 7.

²³² Gravel Pre-Filed Direct Test., Exhibit 7

Carroll and Kossuth townships as a whole, does not contain appreciable Canada lynx habitat.²³³

Finally, even in areas where lynx are present, wind energy developments present minimal risk of harm.²³⁴

D. The Project Will Not Result in an Undue Adverse Impact to Any Other Environmental Resource or Species

Construction of the Project will not result in any undue adverse impacts to any other identified resource or species. The Project site is heavily harvested, characterized primarily by regenerating hardwood forest with pockets of emergent, scrub-shrub and forested wetlands. Upland forested areas are dominated by Beech-Birch-Maple, the “dominant hardwood forest” in the State.²³⁵ As noted in the Application and testimony, construction of the Project will result in only 34 acres of permanent clearing.²³⁶ Four rare plants were identified within the Project area.²³⁷ Through careful design efforts and on-going consultation with Maine Natural Areas Program (“MNAP”), Champlain has avoided any impacts to these rare plants.²³⁸

Portions of the mountaintop electrical collector system will be constructed near an Inland Wading Bird and Waterfowl Habitat (“IWWH”). The Project has been designed to impact only 0.14 acres of upland clearing associated with this IWWH. No other Significant Wildlife Habitats, including state or federally-listed threatened or endangered animal species, or Deer Wintering Areas are impacted. Finally, no federally or state-listed threatened or endangered species were documented Project area.²³⁹ Two state species of special concern were observed

²³³ Gravel Pre-Filed Direct Test., Exhibit 7

²³⁴ Gravel Pre-Filed Rebuttal Test. at 4.

²³⁵ Gravel Pre-Filed Direct Test. at 9. (Beech-Birch Maple is ranked as S5 by the Maine Natural Areas Program, meaning it is demonstrably secure in Maine)

²³⁶ Kearns Pre-Filed Direct Test. at 9.

²³⁷ Application at 9-1.

²³⁸ October 1, 2012 e-mail from Don Cameron (MNAP) confirming findings from first Bowers Project of no impact to rare plants.

²³⁹ Gravel Pre-Filed Direct Test. at 14.

during raptor surveys, including northern harrier and bald eagle.²⁴⁰ Additional species of special concern were incidentally observed during other field surveys.

III. OPERATION OF THE BOWERS WIND PROJECT WILL COMPLY WITH THE NEWLY ENACTED DEP NOISE REGULATIONS AND WILL NOT RESULT IN ANY SIGNIFICANT SOUND IMPACTS TO ABUTTING PROPERTIES

Champlain applied the DEP's recently adopted noise control regulations that now apply to wind energy development projects.²⁴¹ The Bowers Project is sited in an area distant from protected locations and, as a result, will have minimal sound impacts. The closest residence or camp is located more than 3,600 feet from any turbine and there are only seven such camps or residences located within a mile of the Project. In order to determine compliance with the regulatory standards, Stantec conducted a sound level assessment which included a comparison of conservative estimates of projected Project sound levels with DEP sound level limits of 42 decibels (dBA) (nighttime limits) at each protected location.²⁴² The report demonstrates that the Bowers Project will comply with the newly adopted sound level limits applicable to wind power projects.

DEP's acoustical consultant, Tech Environmental, reviewed Champlain's sound assessment and concluded that it was "reasonable and technically correct according to standard engineering practices required by DEP under 06-096 CMR 375(10) the Department Regulations on Control of Noise."²⁴³ Finally, recent post-construction monitoring data from operating projects in Maine has demonstrated that conservatism is inherent in the pre-construction

²⁴⁰ Gravel Pre-Filed Direct Test. at 14.

²⁴¹ 06 CMR 375 (10) (effective 2012).

²⁴² The sound level estimates included the following conservative assumptions: 1) candidate turbines have the highest possible maximum sound power level; 2) all turbines are operating simultaneously at continuous full sound output; 3) receptor points are simultaneously located downwind of all turbines; 4) receptor heights of four meters, which represents the height of a second-floor bedroom, and a source height is equal to the hub height of the turbine; 5) there is no intervening vegetation between the source and receptor; and 6) an uncertainty factor of 3 dBA was added to the maximum sound power level information provided by the manufacturer to reflect uncertainty in the performance specification provided by the manufacturer and the model. Application at 5-1.

²⁴³ Tech Environmental Independent Review of the Sound Assessment, p. 6.

modeling conducted by First Wind to-date, and as a result, actual operating levels are likely to be less than those predicted as part of the analysis undertaken for the Project.

In summary, the Project will comply with the quiet DEP nighttime limits and will not result in any undue adverse sound impacts, nor was sound raised as an issue during the review process of the public hearing.

IV. CHAMPLAIN HAS EXCEEDED THE REQUIREMENTS RELATED TO DEMONSTRATION OF SIGNIFICANT TANGIBLE BENEFITS

The Bowers Project will provide significant tangible benefits that not only meet but exceed the statutory requirements. Under the Wind Energy Act, an applicant must demonstrate that the wind energy development will provide significant tangible benefits.²⁴⁴ Here, it is undisputed that the Bowers Project will provide the following environmental, energy and economic benefits related to construction and operation of the Project:

- Displacement of air pollution associated with fossil-fuel based generation and contribution toward the State's greenhouse gas reduction objectives;²⁴⁵
- Energy benefits related to increased diversification of energy sources;
- Direct and indirect economic benefits related to construction, including the creation of approximately 100 full-time equivalent jobs during construction;²⁴⁶
- Three to five permanent employees to operate and maintain the facility, including on-site staff of the turbine manufacturer;²⁴⁷
- Average annual tax payment of \$303,291 adjusted by any credit enhancement agreement;²⁴⁸ and
- State income taxes on the income generated from operation of the Project.

The importance of these benefits to people living and working in Maine are significant and represent critical investment opportunities during a challenging economic period. In

²⁴⁴ 12 M.R.S.A. § 685-B (4-B).

²⁴⁵ As a matter of law, the Department shall presume that a wind energy development offsets pollution from other fossil-fuel based generation and will make a "significant contribution to the State's renewable energy and greenhouse gas reduction objectives." 35-A M.R.S.A. §§ 3402 (1), 3453. Based on 2012 EPA data used to determine avoided emissions, the energy generated by First Wind's projects operating in Maine has resulted in the annual displacement of 176,349 tons of CO₂; 178.9 tons of NO_x; and 605.6 tons of SO₂. Kearns Pre-Filed Direct Test. at 21.

²⁴⁶ Application at 28-1; Kearns Pre-Filed Direct Test. at 20.

²⁴⁷ Kearns Pre-Filed Direct Test. at 28.

²⁴⁸ Application at 28-7; Kearns Pre-Filed Direct Test. at 21.

addition, a recent study by Charles S. Colgan, PhD concluded that a major portion of the employment benefit of wind power developments is the wages paid within Maine. Mr. Colgan quantified those wages at approximately \$182,000 per megawatt of installed capacity, or close to \$10,000,000 for this Project.²⁴⁹

In addition to the substantial economic and other benefits associated with construction and operation of the Project, Champlain Wind has developed a community benefits package that more than doubles the statutory requirement to establish qualifying payments that total \$4,000 per turbine per year over the 20-year life of the project, or \$64,000 annually. Specifically, Champlain has executed a Community Benefit Agreement with Carroll Plantation for an annual amount of \$92,000 for the life of the Project.²⁵⁰ Second, Champlain will pay Washington County an annual amount of \$10,000 for the life of the Project.²⁵¹ Third, Champlain will establish an Energy Fund to offset the cost of energy for Carroll Plantation and Kossuth residents and for energy-related projects. The Sunrise County Economic Council of Washington County will hold and administer the Energy Funds. Specifically, Champlain will make an annual payment of \$25,000 to the Carroll Plantation for the life of the Project. As Anita Duerr, Clerk of Carroll Plantation testified, these benefits could not come at a more critical time as the Plantation has indicated it will have to consider de-organizing if the Project does not move forward due to its dire economic circumstances.²⁵² Households will receive an estimated annual payment of \$300-\$350 to offset energy costs which equates to approximately a 30% reduction off the average \$990 annual electric bill in the area.²⁵³ In Kossuth, Champlain will make an annual contribution of \$15,000 for the life of the Project. Each qualifying landowner or resident

²⁴⁹ Kearns Pre-filed Direct Test. at 28.

²⁵⁰ Kearns Pre-Filed Direct Test. at 26.

²⁵¹ Kearns Pre-Filed Direct Test. at 26.

²⁵² Tr. at 288-290.

²⁵³ Kearns Pre-Filed Direct Test. at 26.

household will receive annual payments of \$800 to \$1000 to be used to offset energy costs, which will essentially eliminate the annual electric bill for residents.²⁵⁴

Finally, Champlain will establish and contribute \$300,000 to a Watershed Recreational Tourism and Conservation Fund (the “Fund”) to benefit the watershed area from Bowers Mountain extending south to Grand Lake Stream. The Sunrise County Economic Council will administer the Fund with input from a stakeholder Advisory Panel consisting of sporting camp owners, guides, conservation interests, landowners, hunters, snowmobilers, fishermen and other recreational users. The Fund’s primary priority will be to promote recreational tourism in the area, improve recreational facilities and to conserve natural resources, including enhancing the deer population.²⁵⁵ The Fund is modeled after the successfully implemented Stetson Mountain Fund administered by the Forest Society of Maine. \$100,000 of the Fund will go to initiatives that promote recreational tourism businesses located within the watershed boundaries or located outside the watershed but which provide the majority of their services to customers recreating within the boundaries. \$50,000 will be targeted for initiatives that promote the long-term recovery of the deer population within the watershed. The remaining \$150,000 will be available for initiatives that enhance recreational resources or further conservation aims within the watershed or contiguous to the watershed if it assists in delivering desired benefits within the watershed.

Collectively, the annual payments described above exceed the statutory requirement of \$4,000 per turbine per year, or \$2,840,000 total over 20 years and will result in meaningful economic benefits to people in the region and land and resource conservation that is responsive to community needs.

²⁵⁴ Application at 28-4; Kearns Pre-Filed Direct Test. at 26.

²⁵⁵ Kearns Pre-Filed Direct Test. at 29.

V. CHAMPLAIN HAS DEMONSTRATED SUFFICIENT FINANCIAL CAPACITY TO CONSTRUCT AND OPERATE THE PROJECT AND THE DECOMMISSIONING PLAN IS REASONABLE AND APPROPRIATE

Champlain is a wholly owned subsidiary of First Wind Maine Holdings, LLC, which in turn is a wholly owned subsidiary of First Wind Holdings, LLC (“First Wind”). As described in the application, supplemental information requested by the Department, and testimony, Champlain has demonstrated substantial information demonstrating its ability to successfully build and operate the Bowers Project. Indeed, Champlain has provided more information on project financing than is typical or required in connection with other development projects.

There are four categories of funding that have been used to finance First Wind’s New England Energy Projects: First Wind equity funded from cash balance; bank construction and long-term debt sourced on market terms; tax equity; and cash contributions from Emera pursuant to its Joint Venture with First Wind.²⁵⁶ Certain of the capital sources are triggered during development, some during construction, and others at the commencement of commercial operation of a project.²⁵⁷ As this is the development phase of the Project, Champlain submitted evidence of financial capacity in the application describing First Wind’s successful track record in building and operating wind energy projects in Maine, a balance sheet reflecting assets in excess of \$2 billion and a letter of support from Chief Financial Officer Michael Alvarez confirming that First Wind will provide the initial equity for the Bowers Project.²⁵⁸ Following the development stage, the permanent financing will consist of a First Wind equity contribution, the tax equity investment in the Project and some long-term debt.²⁵⁹

²⁵⁶ April 19, 2013 letter from Juliet Browne to Department, Exhibit A.

²⁵⁷ April 19, 2013 letter from Juliet Browne to Department, Exhibit A.

²⁵⁸ Kearns Pre-Filed Direct Test. at 4. Application, Section 3, Exhibit 3B (balance sheet for First Wind).

²⁵⁹ April 19, 2013 letter from Juliet Browne to Department, Exhibit A.

Decommissioning

When determining the appropriate amount to set aside for decommissioning, it is important to consider the risks associated with failure to decommission a project, the likelihood decommissioning will be required at any particular point during the anticipated 20-year life of the project, and the annual costs of maintaining financial reserves to fund decommissioning. Traditionally, the requirement to establish decommissioning reserves has been associated with nuclear power plants, landfills, or other facilities where there are serious risks to the environment or to human health due to the presence of radioactive or other dangerous materials. Wind power projects do not pose these types of on-going environmental threats.

Wind power projects are capital intensive projects, meaning that the greatest risk to their operational status is prior to construction. Because there are no fuel costs, once built, wind energy developments will be economic to operate (unlike other forms of energy that are subject to volatile fuel costs). Thus, the likelihood of a project requiring decommissioning, particularly during the early years of operation, is extremely low. Champlain continues to believe that the funding requirements for decommissioning should be commensurate with the risk that decommissioning will actually be required; nonetheless, in response to a regulatory shift away from phased funding, Champlain has agreed to fully fund the Bowers net decommissioning costs prior to the start of commercial operation in the amount of \$616,020.00. The financial assurance will be provided in the form of a performance bond, surety bond, letter of credit or other form acceptable to the Department.²⁶⁰

Moreover, Champlain has taken steps to ensure that the estimates used to establish the decommissioning reserve are appropriate. An independent engineering company, Sewall, has provided a detailed estimate of the decommissioning costs and salvage values based on current

²⁶⁰ Application at 29-1, 29-2.

market indices. Instead of trying to predict future costs and salvage values, Champlain is proposing to reassess the removal costs and the salvage values in Years 10 and 15 of the Project. As the costs of removal and scrap values can fluctuate, these “true-ups” ensure that sufficient funds will be available for decommissioning if and when decommissioning is required.

Finally, because of concerns expressed over the recent fire at TransCanada’s Kibby Project, and in recognition that a situation could arise where a single turbine needs to be decommissioned, Champlain agrees that the decommissioning triggers set forth in the application and described above would apply to a single turbine.²⁶¹

VI. THE BOWERS PROJECT IS DESIGNED IN A MANNER TO ADEQUATELY PROTECT PUBLIC SAFETY

The Bowers Project has been sited in a manner protective of public safety. First, the turbines are set back more than the recommended 1.5 times the maximum blade height from abutting property lines of non-participating landowners. Specifically, the recommended maximum setback height is 688.5 feet (based on the taller Vestas turbine).²⁶² The nearest turbine is located more than 1,490 feet from abutting property lines of non-participating landowners. The nearest public road, Route 6, is more than 3,000 feet from the nearest turbine and the closest residential structure is more than 2,700 feet away.²⁶³

Second, the risk of a turbine fire is low and, in the unlikely event a fire occurs, Champlain has robust fire management protocols in place that would minimize any related fire damage. The turbines are specifically designed and constructed to minimize fire risks. The turbines are equipped with state of the art lightning protection and fire prevention systems. The tower hub and nacelle are also made of steel and fully enclosed and, as a result, limit the

²⁶¹ Applicant’s response to 4th Procedural Order, at 6, 7.

²⁶² Application at 27-2.

²⁶³ Application at 27-2.

possibility of a fire.²⁶⁴ In addition, the secondary hydraulic braking system is enclosed in a metal casing that ensures possible sparks will not spread into the nacelle. Further, Vestas offers a fire suppression option, FireTrace, for its turbines, which among other things, shuts down the turbine and isolate the turbine from all remaining turbines and removes a potential energy source for the fire.²⁶⁵ The Siemens technology is slightly different and does not have a transformer or gear box oil in the nacelles, which greatly reduces the risk of tower fires in those turbine types.²⁶⁶

The turbines are regulatory maintained by First Wind personnel. The turbines are also equipped with a system of continuous monitoring of external and internal turbine conditions which instantly detect deviations from normal operating conditions, including temperature changes. The turbines are monitored remotely 24 hours a day, 7 days a week by First Wind personnel in Boston, with a back-up monitoring facility in California for redundancy. The instant detection allows for an immediate response to any issues, should they arise.²⁶⁷

If a malfunction occurs, the turbines automatically turn the blades into the wind and stop turning. Each blade has its own automatic shut-down control system with battery back-up and it only takes one blade turning into the wind to stop all of the blades from turning. Further, in the unlikely event of a fire, the clearing associated with the turbine pads and permanent impervious surface of the crane pads themselves removes much of the slash and dead materials that could potentially be ignited by a turbine fire.²⁶⁸ Moreover, the access roads and crane paths act as “fire breaks,” isolating the fire and preventing any spreading to adjacent areas. In the Bowers Project vicinity, the numerous logging roads surrounding the project would serve as additional fire

²⁶⁴ Champlain’s Response to the Fourth Procedural Order at 1.
²⁶⁵ Champlain’s Response to the Fourth Procedural Order at 2.
²⁶⁶ Champlain’s Response to the Fourth Procedural Order at 2.
²⁶⁷ Champlain’s Response to the Fourth Procedural Order at 2.
²⁶⁸ Champlain’s Response to the Fourth Procedural Order at 2.

breaks and points of access to control a fire.²⁶⁹

First Wind has a well developed and successful history of implementing fire protection plans at its existing operating facilities and similar plans will be in place at Bowers. Robust training of contractors and employees on fire protection and response protocols regularly occurs and all must demonstrate an understanding of the training and ability to use equipment before they are allowed to perform work requiring identified fire prevention equipment. Finally, First Wind has established emergency communications and response protocols with emergency responders to ensure timely notification if an incident occurs.²⁷⁰ For Bowers, responders from Springfield and the Maine Forest Service submitted letters to the record that no additional resources will be needed to assist with Fire Response as a result of the Bowers Project.²⁷¹ Local outreach and training will continue with fire responders after construction, consistent with prior outreach in areas surrounding First Wind's operating Stetson I and II projects.

In summary, the Bowers Project will be sited in a manner that is more than double the recommended distance and is, therefore, adequate to protect public safety. Further, the risk of fire from the Bowers Project is small and there will be appropriate measures in place to minimize the risk of fires or damaging results from any fires.

CONCLUSION

For the foregoing reasons, Champlain Wind, LLC respectfully requests that the Department approve the Bowers Project.

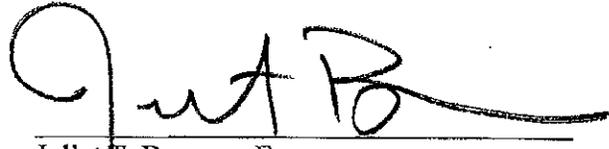
²⁶⁹ Champlain's Response to the Fourth Procedural Order at 3.

²⁷⁰ Champlain's Response to the Fourth Procedural Order at 3.

²⁷¹ Champlain's Response to the Fourth Procedural Order, Exhibits 1 and 2.

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Dated: May 31, 2013

A handwritten signature in black ink, appearing to read 'Kelly B. Boden', written over a horizontal line.

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