

Transcript of Commissioner's Public Hearing on the Application:
April 30, 2013

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1 STATE OF MAINE
 2 DEPARTMENT OF ENVIRONMENTAL PROTECTION
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 8 IN RE: CHAMPLAIN WIND, LLC
 9 BOWERS WIND PROJECT
 10 CARROLL PLT/KOSSUTH TWP
 11 PENOBSCOT/WASHINGTON CO.
 12 #L-25800-24-A-NHL-25800-TE-B-N
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14 SITE LOCATION OF DEVELOPMENT ACT
 15 NATURAL RESOURCES PROTECTION ACT
 16 PUBLIC HEARING

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 18 HEARING OFFICER: JOHN SILVESTRI

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 21 This hearing was held pursuant to notice at
 22 Lee Academy, 26 Winn Road, Lee, Maine, on
 23 April 30, 2013, beginning at 9:00 a.m.
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1 (This hearing was held before John
 2 Silvestri, Hearing Officer, at Lee Academy 26 Winn
 3 Road, Lee, Maine, on April 30, 2013, beginning at
 4 9:00 a.m.)
 5 * * * * *

6 HEARING OFFICER: Good morning. I now call
 7 to order this hearing of the Department of
 8 Environmental Protection. Can everyone hear me?
 9 MS. PARENT: Speak up.
 10 HEARING OFFICER: Can you hear me any
 11 better now?
 12 MS. PARENT: Yes.
 13 HEARING OFFICER: It will help to turn it
 14 on. I now call this hearing of the Department of
 15 Environmental Protection on the application by
 16 Champlain Wind, LLC, to construct a 16 turbine wind
 17 project with associated roads, electrical collection
 18 system, substation, operation and maintenance
 19 building and permanent meteorological tower.
 20 The purpose of the hearing is to receive
 21 testimony from the parties and the general public on
 22 whether the proposed project meets the requirements
 23 of the Site Location of Development Act, 38 MRS,
 24 Sections 481 to 490, Natural Resources Protection
 25 Act, 38 MRS, Sections 480-A to 480-HH and the Wind

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1 Energy Act, 35-A, Sections 3401 to 3458.
 2 My name is John Silvestri. I am the Deputy
 3 DEP Commissioner and I will be the presiding officer
 4 for this hearing. Just to clarify that, I am the
 5 Deputy Commissioner for the DEP. Others persons
 6 present sitting alongside me, Amy Mills, Assistant
 7 Attorney General and counsel to the Department; Mark
 8 Bergeron, DEP Director of Land Resource Regulation;
 9 Jessica Damon, DEP Project Manager of the Bowers
 10 Wind Project; Jim Beyer, Regional Licensing and
 11 Compliance Manager. Thank you, folks. Our court
 12 reporter is Joanne Alley of Alley & Morrisette. I
 13 would like to also acknowledge Department staff and
 14 DEP's consultant with us today in the audience.
 15 Heather Parent, DEP Director of Policy, Laura Wells,
 16 DEP District Court Enforcement Manager, Dr. James
 17 Palmer, DEP's Scenic Expert Consultant.
 18 This hearing is being held by the
 19 Department pursuant to the Maine Administrative
 20 Procedures Act, Title 5, Sections 9051 to 9064 in
 21 Chapter 3 of the Department of Environmental
 22 Protection Rules. Notice of the hearing was
 23 published in the Bangor Daily News, Augusta's
 24 Journal Tribune and the Portland Press Herald on
 25 April 9th -- April 4th or April 5th and April 22nd,

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1 2013. Notice was also sent to the parties and all
 2 those specially requesting notification.
 3 Additionally, press releases and public service
 4 announcements were distributed to regional media
 5 outlets on approximately April 2nd and April 20th,
 6 2013.
 7 During this hearing the Department will
 8 receive evidence from the applicant, Champlain Wind,
 9 LLC, and the intervenor groups. Intervenors in this
 10 proceeding are Partnership for the Preservation of
 11 the Downeast Watershed, PPDLW, David Corrigan,
 12 Conservation Law Foundation, CLF, and Maine
 13 Renewable Energy Association, MREA. The testimony
 14 of the parties was pre-filed in advance of the
 15 hearing. That testimony is part of the record and
 16 all the parties have received copies.
 17 Today's hearing will begin with testimony
 18 from the applicant, Champlain Wind, LLC, followed by
 19 cross examination of the applicant's witnesses.
 20 Please note that counsel to the Department and DEP
 21 staff may ask clarifying questions at any time,
 22 although the Department will generally hold its
 23 questions until the completion of cross examination
 24 and redirect by the parties. Following questioning
 25 of the applicant by DEP staff, presentations by the

<p style="text-align: right;">5</p> <p>1 intervenors will generally follow the sequence 2 outlined in the Third Procedural Order allowing for 3 minor adjustments as needed during the course of the 4 proceedings. The Department will hear testimony 5 from the general public tonight, April 30th, and 6 tomorrow, May 1st, beginning at 6 p.m. here at Lee 7 Academy. Housekeeping logistics, note for this 8 hearing space there are two emergency exits, one up 9 the stairs and the other in the back corner. The 10 exit in the back corner is also the only wheelchair 11 accessible entrance. So if you know someone who is 12 coming who needs that, there's no way to get up and 13 down the stairs with a wheelchair but they can come 14 in that back emergency entrance/exit. 15 The small mikes that you see in front of 16 you are for recording and the larger, mikes are for 17 delivering testimony, and we've got to kind of 18 apologize in a sense that there just wasn't enough 19 space to work out all the tables that we would 20 really like to accommodate everyone in as organized 21 a manner as we would like, so the applicants are 22 sitting primarily in the side two tables to my right 23 and your left, and the person delivering testimony 24 or doing cross examining will be at the podium, and 25 then this other table will be for basically the</p>	<p style="text-align: right;">7</p> <p>1 May 8th. The file can be reopened at any time at 2 the discretion of the presiding officer. At the 3 conclusion of the hearing, the final date for 4 submitting final briefs will be identified by the 5 presiding officer. 6 At this time, I ask that all persons 7 testifying today to stand and raise their right 8 hand. Do you affirm that the testimony you are 9 about to give is the whole truth and nothing but the 10 truth? 11 (Witnesses respond in the affirmative.) 12 HEARING OFFICER: Thank you. Are there any 13 questions about the procedure we will be following 14 during the hearing? In closing, the goal for this 15 hearing is to be fair and productive. Please be 16 aware of time constraints and adhere to the time 17 allotted to you. Please be concise and keep 18 testimony relevant to the statutory criteria. 19 Please be aware that the Department has read the 20 pre-filed direct and rebuttal testimony. The 21 Department is here to listen to and consider all the 22 evidence placed before us. Please understand that 23 the purpose of this public hearing is to collect 24 information as part of the process for the 25 Department to be able to, based upon the</p>
<p style="text-align: right;">6</p> <p>1 intervenors who will come up when they make their 2 testimony, when they're being cross examined and so 3 forth, but it's more of a temporary stopping place 4 for folks, so to speak. If we had more space, we 5 would do it differently but that is the way it will 6 work. So the main thing, though, is when you come 7 up to make testimony that you identify for the court 8 reporter who you are, okay? There are cards and if 9 you happened to have grabbed a card for yourself, 10 you can place that in front and that will be fine as 11 well. So, again, the hearing is being recorded and 12 transcribed. All witnesses at this hearing will be 13 sworn and all evidence already entered into the 14 record will be available during the course of the 15 hearing for inspection by anyone who wishes to do 16 so. After the hearing, the project file will be 17 available for public inspection during regular 18 business hours at the DEP office in Bangor. At the 19 conclusion of the hearing, no further evidence or 20 testimony will be allowed into the record except for 21 matters specially identified -- specifically, 22 rather, identified by the presiding officer. These 23 matters will be identified before the close of the 24 hearing on Wednesday, May 1st, tomorrow. Public 25 comments will be accepted by the Department until</p>	<p style="text-align: right;">8</p> <p>1 administrative record as a whole, make an informed 2 decision based on the facts and the statutory 3 requirements. Thank you all for your participation. 4 Are there any questions or comments that 5 anyone would like to bring forward before we get 6 started in the hearing? 7 MS. BROWNE: I've got some housekeeping 8 matters. If this is an appropriate time, I'll bring 9 them up. 10 HEARING OFFICER: Yes, it is. Please come 11 forward. 12 MS. BROWNE: Good morning. Juliet Brown on 13 behalf of the applicant. A number of housekeeping 14 matters, we've distributed a written objection to 15 the Department's inclusion of a LURC decision 16 notebook that they notified us by e-mail on Friday 17 that was going to be part of this record. So we 18 object to it on basically two grounds; one is 19 relevance and then the second is more procedural in 20 terms of there's no identification of what, if 21 anything, in that material the Department is relying 22 on. So it doesn't provide us an opportunity to 23 respond to it on whether it's relevant and also 24 potentially describe the way in which that 25 information differs from the project that's</p>

1 currently before the Department. So I won't go into
2 the full basis for it, but we've distributed a
3 written objection on that point.

4 Also PPDLW identified two errors that were
5 in our demonstrative exhibits. I apologize for
6 those. We notified the parties yesterday of the
7 correction and we provided electronic corrected
8 versions and we've distributed paper copies of the
9 corrected version to the parties and the Department
10 this morning.

11 There was also in the pre-filed testimony
12 two issues in the Raphael direct, Exhibit 2-A. The
13 printed copy was eight and a half by eleven which
14 cut off portions of the document. The electronic
15 version was accurate but the paper copy should have
16 been eleven by seventeen. We've provided paper
17 copies of that exhibit today as well.

18 The Stantec rebuttal Exhibit 5, the
19 electronic version that was provided on the FTP site
20 was correct but for some reason the paper copy was
21 missing some information identifying the Saddleback
22 and Spruce Mountain projects and a footnote. So
23 we've provided paper copies of those as well.

24 In the course of going through the
25 PowerPoints, we provided the PowerPoints on Friday

1 out of an abundance of caution. It wasn't clear
2 whether they were required to be provided in
3 advance. We did. There was an error on slide 8 of
4 the First Wind PowerPoint presentation. We've
5 corrected that in the PowerPoint and provided a
6 correction to the parties as well.

7 And then in Kevin Boyle's PowerPoint
8 presentation there are a number of changes and
9 corrections and those have been provided to the
10 parties as well and all of that information is in
11 the record. There's no new information being
12 provided. So I don't know if there are any
13 questions on that. I apologize for any confusion or
14 mistakes but hopefully that clarifies all of those
15 logistical items.

16 Also in housekeeping, we were given 20
17 minutes for cross of Corrigan today. I would like
18 to reserve the opportunity to use some of that cross
19 for our PPDLW cross because we didn't get as much
20 time for the PPDLW cross and there are a number of
21 PPDLW witnesses. So when we get to Mr. Corrigan's
22 testimony today and assuming that we don't take all
23 of our time for cross, which I don't expect we will,
24 I'd like to at least put out the opportunity to
25 reserve that time to use tomorrow.

1 And then finally, our witnesses -- in the
2 interest and understanding that everybody has read
3 the pre-filed testimony, not all of our witnesses
4 who submitted pre-filed testimony are going to
5 actually present today. So you will hear from some
6 of them and if somebody is not presenting, it's not
7 because their testimony is not important but we've
8 just tried to highlight the issues that we thought
9 were key for the Department and the parties today.
10 Thank you.

11 HEARING OFFICER: Thank you, Ms. Browne. I
12 would acknowledge that some of the pre-filed
13 testimony folks will not be actually participating
14 but we do have their pre-filed testimony on record.

15 MS. BROWNE: And I should have said,
16 they're all here and available for cross, everybody
17 is.

18 HEARING OFFICER: Okay, thanks for that
19 clarification. On the LURC question, your objection
20 to the chapter that has been requested by the
21 Department, we have reviewed that, we're taking it
22 under advisement and we will be reviewing that
23 chapter and will be letting you know the parts of it
24 that, in fact, are relevant to this hearing. We
25 want to acknowledge right at the beginning that the

1 LURC hearing was a separate hearing, a separate
2 project, a separate application. This is a separate
3 application and that's already been addressed and
4 resolved by the Department but there is information
5 in the LURC testimony from the hearing that is
6 relevant and the Department will use discretion in
7 determining what from that chapter is appropriate
8 and we will give both parties until May 8th to
9 review it. We will get our comments in terms of
10 what is appropriate in the in next couple of days
11 and you'll have until May 8th to take a look at that
12 and raise any objections to that finding by the
13 Department.

14 In terms of the objections that were raised
15 by PPDLW, I'd like to address each one of those
16 right now if I could and it would have been --

17 MR. BERGERON: Excuse me, Sean Mahoney has
18 a question.

19 HEARING OFFICER: Yes.

20 MR. MAHONEY: Before you get to that, Sean
21 Mahoney with the Conservation Law Foundation.
22 Having just seen the objection to the materials from
23 Friday, I just want to say that we join in the
24 objection and particularly with respect to the
25 process piece which I think is a fair point. This

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1 came out on Friday and there wasn't time to review
2 this. So we share in the objection and believe that
3 a good process was laid out by the hearing officer
4 and that information that was included on Friday
5 doesn't follow that process.

6 HEARING OFFICER: I'm sorry, you are
7 talking about the LURC information that was
8 requested?

9 MR. MAHONEY: I'm talking about the
10 deliberations notebook.

11 HEARING OFFICER: Yes.

12 MR. MAHONEY: So we share in that
13 objection.

14 HEARING OFFICER: Thank you. An objection
15 was raised just in the last couple of days by PPDLW
16 and we did not have the opportunity to address it
17 appropriately before the hearing but it is something
18 that we do want to address quickly here and that is
19 that specifically slide 2 on the exhibit and several
20 other slides were questioned. Slide number 2 raised
21 a question about proposed snowmobile routes. The
22 Department has determined that, in fact, it is
23 acceptable -- an acceptable exhibit. It is
24 relevant. It does demonstrate the tangible benefits
25 and the Department does require the demonstration of

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1 tangible benefits to be a condition of the permit.
2 What we will do, though, is the question was
3 specifically whether or not the requirement to
4 include something like a snowmobile path in the
5 project is specifically required by the Department
6 of the applicant, and I can say that we will include
7 it as a condition of the permit so that in that way
8 it will be, in fact, a written requirement.

9 Slide number 5 and slide number 7 as Ms.
10 Browne has indicated were simply an error in
11 transcription from one media to another. That has
12 been corrected and we have received the slides as
13 they have been corrected. Slide number 16 was also
14 objected to because it describes in a map an 18-mile
15 radius around the lake that differs from the
16 three-to-eight mile area directly relevant to the
17 application. I'm ruling that it is acceptable
18 because even though it is 18 miles, it is indirectly
19 relevant because it involves existing uses in the
20 project area and around the project area, and
21 specifically the slide number 16 did include
22 questions about trailerable launches and carry-in
23 boat launches that were listed or visible rather in
24 the slide and the Department will, in fact -- and it
25 was pointed out that they were not necessarily in

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1 the direct testimony, although they were
2 photographed in the picture, the Department
3 understands that and will give the amount of weight
4 to those slides as is appropriate.

5 All right, and if I could ask our Assistant
6 Attorney General if I missed any points, if you
7 would like to add anything.

8 MS. MILLS: No. I guess I would just add
9 that, again, coming back to this issue of the scenic
10 binder, I think at the end of the day tomorrow when
11 we're talking about post-hearing scheduling in terms
12 of filings I would recommend taking that up again in
13 more detail at that point in terms of how we're
14 going to play that out in terms of filings from the
15 parties, information from the Department, we can
16 talk about that more tomorrow, and then with respect
17 to the applicant's changes to -- I guess I would say
18 non-substantive changes to the PowerPoint
19 presentations, I know that the applicant shared with
20 the intervenors a list of the changes, and I would
21 just give them a chance to respond to that and ask
22 the intervenors if they have any objections to those
23 corrections to the PowerPoint. I know this morning
24 was the first chance you had to take a look at those
25 and I'm hearing none. Thanks.

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1 HEARING OFFICER: Thank you, Amy. For your
2 information, we plan to break at approximately 1
3 p.m. for lunch and 5 p.m. for dinner and we'll have
4 periodic 15-minute breaks approximately every two
5 hours apart. With that, we will get the proceedings
6 started beginning with the applicant.

7 MR. KIELY: Is this on? Can you hear me?

8 HEARING OFFICER: Yes. You may want to
9 speak up, if you would, please, and we are
10 attempting to get some lighting in the audience area
11 as well so you know, but if you bring that mike
12 closer to your face, I think it will --

13 MR. KIELY: How's that?

14 HEARING OFFICER: That's better.

15 MR. KIELY: Good morning. My name is Neil
16 Kiely. I'm Director of Development New England for
17 First Wind, and I'm pleased to have the opportunity
18 to present the Bowers Mountain Project for your
19 consideration this morning.

20 We believe this is the right project in the
21 right place and that it fits extremely well within
22 the relevant constraints of siting any wind farm.
23 These five constraints include location within the
24 expedited wind zone, the availability of a
25 commercially viable wind resource, the availability

1 and proximity of transmission, compatibility with
 2 existing land uses, environmental impacts and
 3 community considerations.

4 In terms of the expedited wind zone, when
 5 the Legislature passed the Wind Energy Act, they saw
 6 fit to take the next step to create a specific map
 7 to give direction to developers like ourselves where
 8 they wanted us to target development activities.

9 The Bowers Mountain Project is located within that
 10 zone. In terms of commercially viable wind,
 11 which obviously is the most important constraint for
 12 siting any farm, the opponents have suggested based
 13 on the 2012 Stetson reported generation that Bowers
 14 will not meet its projections. This concern is
 15 misplaced. I think it's worth noting it's
 16 misplaced. 2012, unlike 2009, 2010 and 2011, we
 17 also had wind available and capable of generating
 18 electricity but we had transmission interruptions
 19 and curtailment related to the construction of the
 20 Maine Power Reliability Project. That impacted us
 21 as well as other generators. It is fully
 22 anticipated once that work is complete, Stetson will
 23 return to its full production. That work will be
 24 complete by the time Bowers comes on line, and we
 25 will be able to achieve our full projections.

1 I would also note in regards to Bowers
 2 specifically we now have 61 months of wind data
 3 collected from three met towers on site which
 4 demonstrates we have an excellent wind resource at
 5 the Bowers Mountain site.

6 Next, regards to transmission, you'll see
 7 from the map when we built our Stetson Wind Farm, it
 8 was necessary to build a 38-mile generation lead
 9 line to connect that farm to the grid. In the case
 10 of Bowers Mountain, one of the advantages is that we
 11 have only to build a five-mile what we call express
 12 collector to connect up with that line. That's
 13 obviously tremendously economically efficient and
 14 it's, you know, a representation of the principle of
 15 clustering under Smart Growth Principles as apply to
 16 wind farms.

17 The next obvious constraint is
 18 compatibility with existing land uses. As you'll
 19 see here on the photo on the right, this is an area
 20 of commercial timberland which has been harvested
 21 hard in the past and will continue to be harvested.
 22 Putting a wind farm there is completely compatible
 23 with future forestry operations. Also, we have
 24 direct feedback from the forest industry in Maine
 25 that lease payments offer an important hedge against

1 fluctuating timber prices which kind of creates a
 2 sustainable threshold for that industry and protects
 3 jobs. They also point out that the only alternative
 4 revenue available to them is actually, you know,
 5 pressure to cut more or to subdivide which has more
 6 negative implications. The site also -- I'm sorry,
 7 go back -- the site also enjoys a number of
 8 environmental advantages unique to a wind farm in
 9 Maine. First, again, because of the proximity to
 10 Stetson and only having a five-mile express
 11 collector, it reduces the amount of clearing that
 12 has to take place and substantially reduces the
 13 overall footprint of the project. Again, because
 14 it's on a lower -- well, I should say it's on a
 15 lower elevation site, 750 to 1150 feet, so we
 16 completely avoid the more fragile subalpine habitat
 17 found at higher elevations which has been a
 18 substantial concern for regulators and environmental
 19 groups in regards to other wind projects.

20 Third, as you can see, this has been
 21 heavily cut in the past by prior ownership which has
 22 a couple of implications. First, as you can see,
 23 there's a network of existing logging roads which we
 24 are able to take advantage of to reduce the amount
 25 of new roads that we need to build, again, reducing

1 the project footprint, but also because of this
 2 harvesting, at least indirectly because of it,
 3 there's no special rare habitat or plants or species
 4 that will be negatively impacted on this project.

5 In addition, you can see that this is not a
 6 remote or wildland site. It's bordered -- off the
 7 map here slightly about a mile north is Route 6 to
 8 the south which is a major thoroughfare going west
 9 to east here, a lot of logging traffic, and that's a
 10 59 lot rural subdivision right at the base of the
 11 mountain there. At the same time, that parcel is
 12 large enough that we have enough setback from the
 13 turbines that we fully comply with the more recent
 14 and more stringent DEP sound rules.

15 Finally, through an iterative design
 16 process we've been able to eliminate completely any
 17 permanent wetland impacts on this site.

18 Lastly and most importantly, this site is
 19 an excellent site in terms of host communities. I
 20 will just say briefly that two of the turbines are
 21 located in Kossuth, which is an unorganized township
 22 in Washington County. Everyone here clearly
 23 understands that Washington County is the poorest
 24 county with the lowest median income in Maine.
 25 Things are not any better across the county line a

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1 mile away in Carroll Plantation. In Carroll
 2 Plantation where the bulk of the project's
 3 population resides, it is mostly retired folks
 4 living on fixed incomes. There's no economic
 5 activity in town other than, you know, taxing the
 6 four miles of the gen lead that goes through the
 7 town.

8 Now, I think what's really unique about
 9 these communities compared to any communities we've
 10 dealt with and I think most any other wind developer
 11 has dealt with is that they are intimately familiar
 12 with exactly what it means to have a wind farm in
 13 their community and that's because they live within
 14 eight miles of the Stetson facility. So they
 15 have -- on a daily basis they can see that wind farm
 16 from various points in their community, they've seen
 17 it throughout the year, they see it during the day,
 18 they've seen it during the night, they've hunted,
 19 they've fished around it, everyone has seen it, the
 20 majority of people I would suggest too have also
 21 driven up there, ATV'd up there, ridden snowmobiles
 22 -- it sounds like the voice of God -- and in the
 23 case of Washington County, as an administrator for
 24 Kossuth, they've also had the experience of
 25 overseeing the construction, development and

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1 operation of the Stetson Wind Farm.

2 Based on that intimate experience, they
 3 have weighed that and all three of these host
 4 communities have come out in support of the project.
 5 In the case of Carroll Plantation -- I should say in
 6 the case of Carroll Plantation they also, like
 7 Washington County, have the experience of the
 8 economic benefits. Washington County collects
 9 \$500,000 a year in taxes from Stetson, which
 10 according to their reports, for every dollar of that
 11 \$500,000 they invest, they leverage an additional
 12 \$11; and in Carroll Plantation they have the ability
 13 to tax four miles of the generation lead line for
 14 Stetson which had such a substantial impact on their
 15 tax rate that they took a photocopy of the check and
 16 they stapled it to the wall in the town offices.
 17 Based on that experience, they've come out in
 18 support of this project. After numerous formal and
 19 informal meetings in Carroll Plantation, they took a
 20 formal vote of the town in 2011 to support the
 21 project and then they took a formal vote to execute
 22 and ratify a community benefit agreement. More
 23 recently they circulated a petition which garnered
 24 69 signatures of full-time residents of the town,
 25 plus 46 signatures of nonresident landowners. They

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1 also picked up signatures of a majority of residents
 2 in Kossuth. I would add that Washington County has
 3 been extremely supportive of this project since the
 4 beginning.

5 As the Wind Energy Act intended, one of the
 6 goals of the Wind Energy Act was to bring
 7 substantial economic benefits to these rural host
 8 communities and that's the case here as well.

9 First, we have the tax benefits. The average annual
 10 payment to Washington County for Kossuth Township
 11 will be nearly \$16,000 a year averaged over 20
 12 years. More importantly, the average payment will
 13 be \$287,000 to Carroll Plantation. Now, that
 14 equates to a first year reduction in taxes of 70
 15 percent. That is significant to people who are
 16 living on fixed incomes with no direct activity in
 17 town, watching their property taxes go up and we
 18 have now concerns out of Augusta that aid to
 19 municipalities is going to be reduced. People live
 20 with a lot of fear about what's going to happen in
 21 the future, especially when you've been living on
 22 family-owned lands that have been in the family for
 23 generations. Now, over time the state is going to
 24 reward them through economic development by taking
 25 money away from them, hopefully to repurpose it to

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1 other worthy, needy communities and over three or
 2 four years as the state withdraws money that they've
 3 been sending to Carroll Plantation, the tax
 4 reduction will stabilize around year four to around
 5 43 percent, but that's a lot of piece of mind for
 6 that elderly population that they can stay on that
 7 land for the next 15, 20 years and have a hedge
 8 against rising property taxes.

9 In addition to taxes, the Wind Energy Act
 10 specifically requires that developers provide a
 11 tangible benefit at a minimum amount of \$4,000 per
 12 turbine per year. As you can see midway down this
 13 chart, in this case we're proud to say that the
 14 tangible benefit package we're providing equates to
 15 double that amount at almost \$9,000. It consists of
 16 the following, first in Carroll Plantation there's a
 17 community benefit payment of \$92,000 a year payable
 18 to the town and that's against a budget of somewhere
 19 between \$300 to \$400,000 in total. So that payment
 20 will be made in addition to taxes. It can either be
 21 used to further reduce the tax burden in town, but
 22 more likely, from feedback there, it will be used to
 23 kind of sustain the roads which are in major
 24 disrepair. As an example, there's only one paved
 25 road in Carroll Plantation which was graciously

1 donated to the town by the state for which they had
 2 to take over maintenance. It's in complete
 3 disrepair. They don't have the money to repave it;
 4 they barely have the money to fill the potholes. So
 5 it's clear from the feedback from the town that the
 6 first thing they will do is try to repair these mud
 7 road -- I mean these roads which they barely can
 8 keep together with duck tape.

9 In terms of Washington County, there would
 10 be a \$10,000 payment to Washington County as well.
 11 The next thing in terms of the most popular question
 12 I get on the project area is will this project
 13 result in cheaper electricity for Maine, and
 14 unfortunately, we can't do that physically. We
 15 can't sell -- the way the electric market is set up,
 16 we can't sell to people locally, we're not in that
 17 business, and so we try to achieve the same thing
 18 through community energy funds. In the case of
 19 Carroll Plantation, we'll make a \$25,000 payment
 20 every year to a fund hosted by Sunrise County
 21 Economic Council. They'll take that money and
 22 they'll divide it among the number of full-time
 23 resident households in town, currently actually
 24 about 70, and that will equate to an annual payment
 25 of \$300 to \$350 per year which equates to about 30

1 to 35 percent of the annual electric bill in that
 2 town. For Kossuth, it will be a \$15,000 payment per
 3 year which results in about an \$800 to a \$1,000
 4 payment for full-time residents. The reason that
 5 payment is higher is because in Kossuth because
 6 they're unorganized, they won't see the tax
 7 reduction that Carroll sees, so in consultation with
 8 the residents of Kossuth, we came up with this plan
 9 of a slightly higher payment so that they're treated
 10 equitably with their neighbors across the county
 11 line.

12 In addition, you heard the discussion this
 13 morning, we've also proposed a Ride the Wind
 14 snowmobile trail which would link the existing wind
 15 farms in Maine to a 590-mile trail. This came out
 16 of the popularity of our annual Stetson Ride In
 17 which is hosted by local snowmobile clubs. They
 18 came back to us and said, you know, this is great to
 19 do once a year, we'd like to have the opportunity to
 20 ride out and see these turbines on a more regular
 21 basis and at other farms. I took that idea to the
 22 Maine Snowmobile Association. Bob Meyers, the
 23 executive director, thought it was a fantastic idea.
 24 He pointed out that wind farms are certainly a
 25 destination for his community and he said that the

1 trails that are used and maintained by volunteer
 2 clubs in this area, these rural areas, don't see as
 3 much use and this would attract riders, this would
 4 attract gas, this would attract money on food,
 5 etcetera, and economic development not only from
 6 other parts of the state but he strongly believes it
 7 will attract business from outside the state. He
 8 pointed to the fact that the Maine Park Service came
 9 up with this Passport program whereby if people got
 10 their passports stamped in every park, they would
 11 get a hat or a prize, and it increased visitorship
 12 20 percent, I believe, in the state parks. He feels
 13 this will encourage folks that might come to Maine
 14 once a year to come two or three times a year to
 15 complete this link. More recently, Carolann
 16 Ouellette, who is the director of Maine Tourism,
 17 participated in the last Stetson Ride In, she rode a
 18 snowmobile up from outside up to the Stetson farm,
 19 reviewed the map, reviewed the plan, and she agreed
 20 with his assessment that this would be a great
 21 attraction and an economic opportunity for the
 22 communities.

23 Lastly, we put together a watershed
 24 recreation, tourism and conservation fund. This is
 25 a \$300,000 fund and the area in which these funds

1 are targeted will be from Route 6 in the north all
 2 the way down to Grad Lake Stream 18 miles away, and
 3 this fund is targeting three separate sub funds, if
 4 you will. The first is a fund directed to promote
 5 the business of the guides and the sporting camps.
 6 It's a \$100,000 fund. It will be administered by
 7 SCEC, Sunrise County Economic Council. They'll do
 8 the administrative work but the decision about where
 9 and how the money is spent will be decided by local
 10 stakeholders, hopefully guides and sporting camp
 11 owners themselves.

12 Another sub fund will be dedicated to the
 13 restoration of the deer herd in the area primarily
 14 through habitat preservation. That's \$50,000 and,
 15 finally, \$150,000 to the watershed for conservation
 16 and recreation resource enhancement, again, all of
 17 these to be controlled and directed by local
 18 advisors, which is modeled by how we do our Stetson
 19 Mountain fund.

20 I'd now like to turn to what we consider to
 21 be the only real issue in this project and that's
 22 the visibility of the project from the lakes to the
 23 south and whether that visibility is incompatible
 24 with the use and enjoyment of those lakes. After
 25 the denial of the 27-turbine LURC project, we

29

1 thought long and hard to ensure that when we brought
2 this project back, we could fully address the
3 concerns that were voiced during that process, and
4 this is what we did.

5 First, we identified new turbine technology
6 which enabled us to reduce the number of turbines
7 from 27 to 16, a 40 percent reduction, while still
8 producing a substantial amount of energy. By
9 comparison, at our Rollins project, we used 40
10 turbines to produce 60 megawatts of installed
11 capacity. Here we'll use 16 turbines to produce 48.
12 That's a great innovation for the industry and it
13 reduces the physical footprint and it also reduces
14 the visible footprint of this project.

15 Next you can see from the map those three
16 black dots are what we call South Ridge, to the
17 south of the main ridge line. We removed those to
18 increase the setback to the lakes. We also removed
19 the five black dots to the right over in Kossuth,
20 which obviously those dots are turbines, because to
21 the south of that they were the closest to Pleasant
22 Lake which has the highest scenic value of any of
23 the lakes in the project. We also reaffirmed our
24 commitment to use radar-based or radar-controlled
25 night lighting which will keep the lights on the

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1 farm off until such time as a plane enters a certain
2 perimeter, the lights will go on and when it exits
3 the perimeter, they'll go off again. This came out
4 in the middle of the LURC hearing when we heard
5 testimony from Grand Lake Stream Sporting Camps
6 about their concerns, even though they're 18 miles
7 away, that they'll be able to see lights
8 potentially. We responded, we identified the
9 technology, we've kind of worked with the FAA, as I
10 know the DEP has, and they have regulations in
11 process on this, and we fully expect it to be
12 approved. We have committed that once those
13 regulations come out and it is approved for use, we
14 commit to using it in this wind farm. We're proud
15 this will be the first use in Maine and we'll
16 virtually eliminate that impact for the first time.

17 In addition, we went to extensive lengths
18 to get out and to get objective data about the use
19 of these lights. The first thing we did is we did
20 boat counts. We actually photographed on a number
21 of days over the summer as we had done a little bit
22 in 2011, the number and type of boats coming into
23 Junior Lake through Junior Lake Stream from West
24 Grand Lake. We also did boat count observations at
25 the same time we did intercept surveys, which I'll

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1 talk about. What those boat counts clearly
2 demonstrate is that overall use of these lakes is
3 low. It also demonstrates, which is important, that
4 use of these project lakes by guides coming out of
5 Grand Lake Stream is minimal. We then went out and
6 hired Dr. Kevin Boyle from whom you'll hear
7 testimony later today, a leading national expert on
8 outdoor recreational surveys, to oversee the design
9 and implementation of intercept surveys on the lakes
10 and the implementations carried out by Kleinschmidt
11 Consulting which has extensive experience in this
12 watershed through their work on hydro licensing in
13 the watershed. I'll leave Dr. Boyle to go through
14 the details of that except to say that, you know,
15 his conclusion and findings is that the intercept
16 surveys on these lakes were consistent with the
17 other intercept surveys on other lakes for wind
18 projects approved here in Maine.

19 Lastly, the thing we -- we made a decision
20 to do the first post-construction monitoring survey
21 of a wind farm in Maine and we chose Baskahegan
22 Lake. The reason we chose Baskahegan Lake is
23 because it's a popular fishing and outdoor
24 recreation spot but you can see at least some of the
25 55 Stetson turbines from 90 percent of that lake and

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1 you can see the bulk of them from the bulk of the
2 lake. We chose to do this because we thought there
3 was an inherent limitation of pre-construction
4 surveys when you're asking people, in effect, what
5 do you think you will think if you come back and see
6 turbines from this spot, as opposed to asking folks
7 who are coming off the water with the turbines in
8 sight and they've been fishing or boating, etcetera,
9 around those turbines and most of these folks have
10 done it on multiple occasions, to say, what is your
11 experience, and as Dr. Boyle will detail, the
12 experience was that they were not negatively
13 impacted at all by the turbines in the distance.
14 This result is consistent with the results -- the
15 inferred results of a 2010 survey conducted by the
16 University of Maine at Baskahegan Lake, and I think
17 this point of consistency is very important and
18 worth focusing on for a moment. I think Dr. Palmer
19 has raised the question throughout this process,
20 when you're trying to collect data on use and
21 enjoyment or expectations, how do you synthesize and
22 give proper weight to a variety of sources when they
23 all have their advantages and disadvantages and
24 limitations. I think the Baskahegan -- what's
25 interesting with the Baskahegan survey, in addition

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1 to post-construction monitoring based on actual
2 experiences and also overlapping population, 59
3 percent of the survey respondents indicated they use
4 the project lakes, is that those findings are
5 completely consistent with the consensus view of a
6 wide variety of other sources of folks who have
7 actually recreated around turbines in the outdoors
8 in Maine.

9 I'd like to go to the next slide. So first
10 of all, we have the people in the host communities
11 of Carroll and Kossuth who not only live around the
12 turbines but they hunt and fish around these
13 turbines, they ATV and snowmobile around these
14 turbines. They obviously don't think it's
15 incompatible with those activities, which like any
16 Maine community, are a core part of their
17 activities. In fact, they're willing to have the
18 turbines come closer to the heart of their community
19 because they don't think it will impact it.

20 Next, Maine Wilderness Camps, which is the
21 closest sporting camp to the project, it's located
22 on the north shore of Pleasant Lake, it also manages
23 the South Shore Campground on Pleasant Lake, which I
24 think the DEP -- when we did the site visits, that's
25 where we stood. Now, again, you would think that a

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1 sporting camp would have massive anxiety about this
2 project. Exactly the opposite is true. They are in
3 full support and the reason they're in support is
4 because although their primary activity is fishing,
5 what's become the most popular secondary activity is
6 they take ATV tours up to Stetson, and based on a
7 couple of years of having their sports go up to
8 Stetson, ride ATVs, come back and report back their
9 feelings, etcetera, the owners of that lodge have
10 said they have no anxiety and no concern that this
11 will negatively impact their business or the use and
12 enjoyment by their sports. That sentiment is also
13 echoed by First Settlers Lodge up in Danforth.
14 That's a lodge on Route 1 with approximately -- I
15 think it's seven or eight miles away from the
16 Stetson Wind Farm. You can see the entire wind farm
17 from the window of their lodge. They cater to
18 fishermen and other tourists and a number of
19 fishermen who fish on Baskahegan Lake. They bought
20 that lodge after the Stetson farm was up and they're
21 running a good and thriving business and they echo
22 that sentiment that seeing turbines in the distance
23 is not incompatible with using and enjoying
24 Baskahegan Lake or other lakes.

25 Next we have, you know, some of the largest

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1 outdoor recreational groups in Maine with the
2 largest memberships. Maine Snowmobile Association,
3 Maine ATV Association -- When I say "association" I
4 mean those communities -- Sportsmen Alliance of
5 Maine. The Maine Snowmobile Association, not only
6 do they not believe that these are negative impacts
7 to the use and enjoyment but they've actually gone
8 to the other extreme and said that these are
9 positive attractions for their community. The same
10 for the ATV community. I was invited recently last
11 week to go to ATV Maine's annual meeting because
12 they wanted to ask us how does that community get a
13 similar trail system like the snowmobile riders.
14 They enjoy riding out to these things. I think it's
15 important to point out that the snowmobilers and
16 ATVers are not one dimensional. They also hunt and
17 fish. Down below, the Down East Salmon Federation,
18 the Atlantic Salmon Federation, both represent the
19 interests of fishermen, specifically in conservation
20 interests. Both of them have said they don't
21 believe seeing turbines in the distance is
22 incompatible with the use and enjoyment of
23 activities of their members. Now, the International
24 Appalachian Trail Club, their trail runs by the Mars
25 Hill farm. They have actual experience of their

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1 members going up, doing their hiking and seeing the
2 wind farm along the way and they're in support of
3 the project. Actually the tourism experts,
4 Aroostook County Tourism, put in a letter of support
5 in regards to the snowmobile trails and they point
6 out again that these are not a negative from their
7 perspective as the experts. They're a positive. In
8 fact, they prominently feature pictures of the wind
9 farm in their tourism promotional materials as do a
10 lot of agencies in local jurisdictions in Canada,
11 other economic developers, Sunrise County obviously,
12 Maine State Chamber of Commerce. Next slide,
13 please.

14 Next we have a wide consensus due to the
15 environmental groups in Maine whose very core
16 function, purpose and day-to-day activities are
17 around protecting Maine's environment and securing
18 the public's right to use and enjoy it. They, too,
19 do not believe that seeing turbines in the landscape
20 is incompatible with outdoor recreation. Again, we
21 have the large landowners. Baskahegan Company who
22 is a project participant here but was not a project
23 participant when they supported the Stetson Wind
24 Farm and they actually own all the land around
25 Baskahegan Lake. So they are the natural recipient

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1 of feedback from users of Baskahegan Lake. They
 2 manage the campgrounds, they manage the boat launch,
 3 and they, too, do not believe it's incompatible.
 4 The Passamaquoddy Tribe which is one of the largest
 5 landowners to the south has a letter in the record
 6 that they do not think seeing turbines will be
 7 incompatible with their traditional uses of hunting
 8 and fishing in the area. Wagner Forest Management
 9 which manages the 31,000 acre Sunrise Conservation
 10 Easement, there's a letter from Tom Colgan, whose
 11 name is on the deed as he said, emphatically
 12 supporting the project and pointing out and saying
 13 don't interpret the conservation on this as limiting
 14 or tending to limit any development on lands outside
 15 of this land. The same holds true for New England
 16 Forestry Foundation which actually holds and
 17 administers the conservation easement. They have
 18 letter of support as well.

19 Against this wide consensus view and
 20 consistent view across all these parties, we have a
 21 divergent view of two groups. First and foremost,
 22 we have the camp owners in Lakeville who are afraid
 23 when they come up to visit in the summer and they're
 24 out in their boats they're going to see turbines and
 25 they're not going to like them. Then we have the

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1 guides and sporting camp owners in Grand Lake Stream
 2 18 miles away who have a fear that when their sports
 3 come up, they're going to see turbines, they're not
 4 going to like seeing the turbines and they're not
 5 going to like them so much that they're going to
 6 refuse to come back and fish anywhere else on the
 7 watershed and it's going to devastate their business
 8 . We are sensitive and we respect the fear of
 9 change that these two groups have. At the same
 10 time, a decision to site a 100 million dollar
 11 project that is fully in line and furthers the goals
 12 of the Legislature's mandate with the Wind Energy
 13 Act that brings economic development to communities
 14 that are on the brink, that will bring a massive
 15 construction project and clean energy, again, all
 16 goals of the Wind Energy Act, can't turn on the fear
 17 and emotion of these two groups. That's especially
 18 the case here. The only reason we're talking about
 19 these lakes is because they are not the private
 20 domain of the camp owners in Lakeville, they're not
 21 the private domain of the guides. The reason we're
 22 talking about them is that they're publicly-owned
 23 great ponds, and as the DEP evaluates whether the
 24 physical impact on these publicly-owned state ponds
 25 is reasonable or unreasonable, we hope that the DEP

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1 will also take into consideration and give
 2 appropriate weight to the public expression of
 3 policy of the Wind Energy Act, to the public respect
 4 and value for landowner rights, for the privacy of
 5 local control and self-determination of the host
 6 communities and, finally, this wide and deep
 7 consensus view that seeing wind turbines in the
 8 distance is not incompatible with the outdoor use
 9 and recreation on these lakes or other parts in
 10 Maine as expressed through the experience of the
 11 groups of users that represent outdoor stakeholders
 12 that have the most experience. Thank you. I think
 13 at this point Dave Cowan will come up and give you
 14 more detail about the environmental siting.

15 HEARING OFFICER: Thank you, Mr. Kiely.

16 MR. COWAN: Dave Cowan, vice president of
 17 environmental affairs with First Wind. I'm just
 18 going to take a few minutes and talk about the
 19 environmental process we've gone through and to add
 20 to the details of what Neil said.

21 Neil talked about the general
 22 characteristics of the site which are significant.
 23 It's a site that is at a low elevation, modest
 24 elevation. It's not a subalpine or an Alpine type
 25 setting. It's in commercial forestry with a network

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1 of existing roads already in place that can be
 2 adapted and used in part for the project, and it's
 3 in a fairly common cover type for the state of
 4 Maine. It's in an area that's predominated by
 5 northern hardwood forests, the most common cover
 6 type in the state.

7 Next slide. So that's a good start. I
 8 mean, that makes the basis for a good decision to
 9 consider this for a project. The next step that we
 10 need to do is go through a more rigorous
 11 environmental review, and what I've shown here are a
 12 variety of the studies that have gone into that
 13 process. Now, when you go into that, you follow a
 14 step-wise approach, it's a tiered approach, it's
 15 usually done in consultation with the state and
 16 federal agencies, stakeholders, conservation groups,
 17 etcetera. That approach starts for each of these --
 18 for each of these study areas gathering the existing
 19 information for that resource and then consulting
 20 with the agencies and the stakeholders. Then in
 21 consultation with those parties you develop an
 22 understanding of what would be needed to complete
 23 the environmental assessment, the impact assessment
 24 for each of these categories, and then you scope out
 25 studies and you conduct those studies. Once you

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1 conduct those studies, you reconvene and you
2 reconsult with those same parties and you reach a
3 consensus about your impact assessment. At the same
4 time that you're doing that, you're designing the
5 project. So it's an iterative process that's going
6 on in tandem with the impact assessment and the goal
7 is to design a project where those impacts are kept
8 to a minimum for each of these and other related
9 resource areas.

10 The studies that were conducted at Bowers
11 have spanned about a three-year period, so between
12 about 2009 and 2012 studies were conducted on these
13 and as I said, a variety of other subjects.

14 The results of these studies were
15 consistent with what the initial siting would have
16 expected. We don't find that there are sensitive
17 habitats on this site or in the immediate area. We
18 found that we were able to do a great deal of
19 avoidance and minimization in the design of the
20 project to keep impacts to a minimum. The findings
21 were similar to what has been seen in other
22 successful projects where impacts have been
23 minimized. A relevant example really is Stetson.
24 So the Stetson project is just about seven miles
25 away from Bowers, similar in many respects to the

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1 Bowers site and it's a living, breathing example, if
2 you will, of an operating wind farm. We're not
3 guessing about what the impacts will be at Bowers.
4 We've got a real world example and it's right around
5 the corner.

6 Next slide. This is in some ways a
7 remarkable slide. There's a fair amount of detail
8 here and I'm not going to go through it. It's in
9 the record, but I think the thing to point out, the
10 thing to take from this slide is the low level of
11 impacts for each of these resource areas. For many
12 of them it's a zero. There's no filling of wetlands
13 or waterways. There's removal of trees, if you
14 will, from a small area of wetland in order to allow
15 the express generator -- the express collector line
16 to get up to the gen lead, minor impacts and there
17 really weren't surprises. We didn't find any
18 unusual occurrences in our wildlife studies, we
19 didn't find any unusually high rates of usage.

20 So just two other points. One is with
21 respect to bats. We're certainly aware of and
22 sensitive to concerns about bat impacts at wind
23 farms; in fact, First Wind has been a leader in
24 doing some of the research and supporting research
25 around bat impacts, research that addresses both why

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1 and how these impacts occur and then how can they be
2 reduced. We've done extensive research that we're
3 in the midst of right now at our project in Vermont,
4 the Sheffield project. That's a cooperative project
5 with U.S. Fish and Wildlife Service, Vermont Agency
6 of Natural Resources, Bat Conservation International
7 and researchers from Texas Tech University.

8 What we've committed to at Bowers is to
9 implement curtailment or reduced operation of the
10 turbines under low wind speed conditions and this is
11 the subject of the research we're doing in Vermont
12 as well. So under low wind speed conditions are
13 when most bat impacts have been found to occur. So
14 we've committed in consultation with Maine Fish and
15 Wildlife to implement their recommendations for
16 curtailing wind turbines under low wind speed
17 conditions.

18 I should also touch just for a moment on
19 lynx. Lynx have come up as a question and the
20 approach we have taken to lynx has followed a
21 three-step process in consultation with the U.S.
22 Fish and Wildlife Service. They're a
23 federally-protected species. We did an analysis of
24 where are the existing known habitats for lynx and
25 the nearest critical habitat is 29 miles away from

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1 the project area. We then did an analysis of the
2 immediately surrounding area and determined that the
3 suitability of the habitat was low for lynx, and
4 then, finally, should transient lynx happen to occur
5 in the area, we did an assessment, well, what is the
6 potential for impacts if lynx should happen to come
7 into the project area. The results of that analysis
8 have shown that really in terms of the types of
9 changes that are occurring in the landscape around
10 the project these changes really are not -- are
11 benign with respect to lynx. So it's some minor
12 changes, some openings in the forest cover, lynx
13 readily transit through these types of areas, some
14 additional roads, there are existing roads in area
15 already. We've also confirmed with the
16 Service, the Fish and Wildlife Service, that we will
17 keep the speed limits to a minimum on the project
18 site. That's sort of standard procedure for us
19 anyway but they agreed that that would help reduce
20 even the remote possibility of a vehicle collision.

21 So in conclusion, having gone through this
22 analysis, having done a thorough and rigorous
23 consultation with agencies and other stakeholders,
24 we've concluded that, in fact, this is an
25 appropriate site and impacts can be minimized for

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1 the Bowers Wind Energy Project. Thank you.
 2 HEARING OFFICER: Thank you, Mr. Cowan.
 3 MR. BOYLE: Good morning. My name is Kevin
 4 Boyle. I'm a professor at Virginia Tech University
 5 and prior to that I was a professor at the
 6 University of Maine for 19 years. Hearing Officer
 7 --
 8 HEARING OFFICER: Dr. Boyle, could you
 9 speak a little closer to the microphone?
 10 MR. BOYLE: I will try, thank you. Hearing
 11 Officer Silvestri, Members of the DEP, Assistant
 12 Attorney General Mills, thank you for allowing me to
 13 speak today.
 14 Next. I'm going to talk about a number of
 15 surveys that have been done to look at the impact of
 16 wind farms on recreation activities related to the
 17 Bowers Project and at other locations in Maine. I'm
 18 going to talk about the 2012 pre-construction survey
 19 that was done on Junior, Pleasant and Scraggly Lakes
 20 last summer, the 2010 survey of Baskahegan Lake that
 21 was done by the University of Maine. That was not
 22 focused on wind energy but still provides important
 23 insights, the 2012 post-construction survey of
 24 Baskahegan Lake users, that was also conducted
 25 during the summer of 2012, that does address the

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1 wind energy issues, and then also a telephone survey
 2 of New England residents, some of those within 50
 3 miles of the Bowers Project. When you look at
 4 recreation activity, you find that most people
 5 recreate within one hour of their home and 50 miles
 6 is about a one-hour drive. So that would capture
 7 people that might recreate locally and go to the
 8 Bowers area for recreation, and then there have been
 9 ten previous wind farm surveys.
 10 When you do surveys, one of the important
 11 things to look at is conversion validity. Do
 12 different surveys provide you with comparable
 13 results, and so it's important to look at them
 14 collectively, and what we'll find is looking at the
 15 results across all these surveys is they suggest
 16 that the Bowers Project will not have an
 17 unreasonable adverse impact on recreation. So with
 18 that, I'll go through and explain each of the kind
 19 of summaries of the surveys.
 20 Next. Before I go, though, I want to talk
 21 about a few things. First is what makes a credible
 22 survey? There's been a number of discussions that
 23 have gone on in preparation for this hearing and the
 24 American Association of Public Opinion Researchers
 25 set out a number of criteria that you should follow

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1 if you're going to do a credible survey. I've
 2 summarized some of them here. The first is that the
 3 survey is designed to elicit credible responses. Do
 4 you really get the answer that you're thinking when
 5 you ask a question? It's not that you're trying to
 6 direct what the answer is but you want the answer to
 7 match up with the question that you're asking, and
 8 I'm going to talk a little bit about that on the
 9 next slide, but in designing the surveys, the ones
 10 that were done in 2012 by Kleinschmidt, they took
 11 the insights from previous wind surveys that had
 12 been done but they didn't necessarily follow them
 13 all the time because they tried to make sure that
 14 the surveys worked well and they made improvements
 15 where appropriate. Also the survey is administered
 16 to a known population. It's important to have a
 17 known population or you can't expand your survey
 18 results to that population when you want to make
 19 generalizations. With both of the 2012 surveys, the
 20 known population was visitors for the -- the Bowers
 21 Project to Junior, Scraggly and Pleasant Lakes and
 22 then for the post-construction one it was visitors
 23 to Baskahegan Lake. Then you also want survey
 24 participants to be randomly selected. If they're
 25 not randomly selected, you might have the people

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1 that are the most willing or the people that are
 2 most active that show up and other people are
 3 excluded and so you go through a process so that
 4 there's a random representation of the people that
 5 participate and then you want to look at validity.
 6 In this case, the way I'm looking at validity is the
 7 convergent validity of the survey results across
 8 surveys, and so you want those survey results to
 9 provide similar or comparable results and support
 10 each other, and what we find is when we look across
 11 the surveys that they are quite supportive of the
 12 results.
 13 Next one. This is an example of a question
 14 and Dr. Palmer has criticized the Kleinschmidt
 15 survey and the Bowers survey compared to the one
 16 that was done in Saddleback. I want to just take
 17 time to explain why the Bowers survey is better than
 18 the question that was phrased in the Saddleback, and
 19 this is an example of as you go through and develop
 20 these surveys and do wind projects, you learn to
 21 phrase the questions more appropriately. If you
 22 look at the Saddleback one, going through, it says
 23 it's on a scale of one to seven, that's what we call
 24 a Likert scale where seven means that you're more
 25 likely, that's white and underlined, and then one

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1 The summary results of the Junior Stream
 2 boat count, and as Dr. Boyle indicated, yielded a
 3 conclusion that use is very low. So another concern
 4 that you would have in assessing visual impact is
 5 how many people are affected; if this is a
 6 highly-valued and highly-used area reflected by that
 7 value, then obviously change is going to affect a
 8 greater number of people. If it's a lower use area,
 9 then fewer people are going to be affected and it --
 10 again, while I want to stress that I recognize that
 11 the local users and the visitors and the camp owners
 12 value these lakes, low use is also a reflection that
 13 these lakes are not in and of themselves tourist
 14 designations, in and of themselves do not have
 15 extensive infrastructure to support folks who would
 16 come from afar and want to stay here unless they
 17 know a lot about the lakes and are prepared to camp
 18 or to stay at a bed and breakfast, the few that do
 19 exist. And the other thing I guess to point out
 20 again is that canoe and kayak use, the paddler
 21 aspect of lake use is to me surprisingly low. The
 22 primary use and activity via boat is with
 23 motorboats.

24 Next slide, please. The effect, nature and
 25 duration of public use does not assess impact to

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1 scenic quality. It's more a question of the
 2 frequency and type of use on the resource which also
 3 certainly helps to determine what the viewer
 4 expectations are for that resource and whether
 5 they're willing to return and, again, you heard some
 6 important data from Dr. Boyle with regard to this
 7 project and its effect on the nature and duration of
 8 public use.

9 Next slide, please. The effect on
 10 continued use and enjoyment I think is a very
 11 important one in the sense that is the project so
 12 deleterious that people will not want to come back
 13 and continue to recreate and, again, clearly through
 14 the survey information and the data that we've
 15 relied on, that will not be the case, that folks
 16 will still come back, will still enjoy these lakes,
 17 will still fish on these lakes and recreate here
 18 after the project has been developed, and this is
 19 not only consistent with surveys and data that is
 20 available but it's consistent with experience that
 21 I'm now observing. I've been involved with wind
 22 energy for longer than I care to tell you, over 20
 23 years, and I have seen projects now being permitted
 24 and built and seeing the effect on users from these
 25 projects post-construction, and I -- you know, given

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1 the level of fear and concern that is raised by some
 2 of the folks who would be affected, I am surprised
 3 at how little fuss there tends to be after the
 4 project is built. People adapt. You know, our
 5 landscape is not static. Our landscape has changed
 6 and continues to be used by us as humans over time
 7 and we are adaptable. You know, five, ten, fifteen
 8 years ago the human cry throughout all of New
 9 England, New York, the Adirondacks, were cell
 10 towers, cell towers are going to ruin everything,
 11 cell towers are going to change our landscape.
 12 Well, there are cell towers now everywhere and guess
 13 what, life has gone on and people continue to
 14 recreate, people continue to enjoy the scenery and
 15 they have adapted to that, and I think that is
 16 happening already with wind energy. You heard
 17 mentioned a moment ago the Sheffield Wind Project
 18 which First Wind developed in Vermont. We were
 19 struck by the fact that -- and I'm not going to say
 20 this as a cause and effect necessarily, but the year
 21 after the Sheffield Project was built and this is a
 22 project that's five miles down a lake, full view
 23 from a major public park and beach, the attendance
 24 at Crystal Lake State Park was the highest ever
 25 recorded in the history of the park after the wind

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1 energy project was built. Again, it may have been a
 2 hot summer, more people may have been out, but it
 3 certainly didn't keep people away to have the wind
 4 project in view.

5 Next slide, please. Under scope, scale and
 6 visibility, we use a number of tools to analyze
 7 visual impact. Some of them are technical, some of
 8 them require, you know, the understanding and
 9 professional training that those of us in the
 10 landscape architecture profession have developed.
 11 In our approach to the Bowers Wind Project, I think
 12 one of the very important tools we used was angle of
 13 view. We recognize that many of these lakes are
 14 going to have project visibility and potentially
 15 extensive project visibility, but remember, project
 16 visibility in and of itself does not translate into
 17 a negative impact. It's the nature of that
 18 visibility, it's the type of that visibility, it's
 19 how close, how big, how dominant is the project in
 20 the viewer's eye, and so with our use of the angle
 21 of view tool we found that surprisingly when you
 22 look at the horizon line of these lakes, a very
 23 narrow angle is dominating from the view of an
 24 individual recreating on these lakes of the project
 25 itself. Now, we've been taken to task for saying,

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1 well, that's not true because the cone of vision of
 2 a human is, you know, 45 to 60 degrees when they're
 3 looking straight at an object, and, therefore, when
 4 you're looking at this project, it's going to take
 5 up much more of that view. Well, I would posit that
 6 anyone recreating on a lake is not sitting or
 7 floating in a boat fixed on one position for an
 8 entire period of time. Even trying to focus your
 9 head and your eyes on an object for any extended
 10 period of time is difficult. Part of the
 11 experience, as the opponents have so readily
 12 articulated to this project, is taking in the whole
 13 lake. It's the panoramic view that these lakes
 14 afford. It's the big landscape that they provide
 15 and for every view to the wind project, there will
 16 be many views away or to other features in the
 17 landscape on these lakes. As an avid paddler all my
 18 life, I know that the experience of the lake from
 19 the water is not just a single view, and, in fact,
 20 if you are paddling, as you know, it's very
 21 difficult to stay focused on one view. You want to
 22 take in the whole lake, you want to take in the
 23 shoreline, you want to take in views in all other
 24 directions. So looking at those kinds of qualities
 25 is very important as we look at scope, scale and

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1 visibility of the project.
 2 We individually analyzed each of the lakes
 3 based on all of the criteria, and we came to the
 4 conclusion that a number of lakes had low overall
 5 scenic impact, and I'm not going to walk you through
 6 each of those except to say that there are a number
 7 of reasons why low overall scenic impact was arrived
 8 at for these lakes such as Pug Lake, Duck Lake,
 9 Sysladobsis and Bottle Lake, Bottle Lake obviously
 10 in part due to the extensive development. The
 11 entire lake is surrounded by camps, so there right
 12 from the beginning scenic quality is diminished by
 13 that development. Pug lake, for example, which is a
 14 very small arm of the larger Grand Lake but is
 15 within the project area, the turbines are so hard to
 16 pick out, you don't even know they are there unless
 17 you are looking for them when you look at the
 18 simulation. So sometimes it's a question of
 19 distance from these lakes from the project, the
 20 nature of the lake itself, access to the lake being
 21 difficult or not available to the public, and the
 22 nature of the view of the turbines themselves.
 23 Next slide, please. So these lakes with
 24 lower overall scenic impact have different
 25 characteristics. Again, as I mentioned, some are

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1 developed, some are not, some are distant from the
 2 project, some will only see a small number of the
 3 turbines over most of the lake surface. You know,
 4 and as I have always said in terms of visual impact,
 5 and, you know, I've been taken to task for this as
 6 well by the opponents, well, when you do a visual
 7 analysis, you've just got to look at where you can
 8 see the project from. Not true. When you do a
 9 visual analysis, you have to take in the entire
 10 project context. You have to look at all the places
 11 you can see the project from but you also have to
 12 see all the places you can't see the project from,
 13 and I believe that our focus on all the visual
 14 simulations and the visual impact and the viewshed
 15 almost in a way skews our sensitivity to that visual
 16 impact and disregards the fact that much of the
 17 experience on these lakes will be without the
 18 turbines in view, and we conducted panoramic
 19 analyses to help identify that fact.

20 Next slide, please. When we looked at the
 21 project from Bottle Lake, again, we discovered a
 22 very narrow angle of view. They are not going to be
 23 dominant on the horizon, they are somewhat distant
 24 at 5.3 miles, Duck Lake a bit closer, but, again, a
 25 fairly narrow window of view where these projects

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1 will be visible over the overall panorama, 360
 2 degree panorama, of the lake.
 3 Next slide, please. The same for
 4 Sysladobsis, and as you can see in the Pug Lake
 5 simulation, we've had to show arrows to identify
 6 where the turbine blades would be visible, and
 7 another point I want to make at this time is another
 8 critique that we've received is we ignored the
 9 turbine blades. Well, I mean, clearly you can see
 10 from the visual simulations we did not do
 11 simulations without turbine blades on them. When we
 12 did our viewshed analysis, we did a viewshed
 13 analysis with the blades in place as well. So we've
 14 taken in the whole turbine. We haven't just limited
 15 ourselves to looking at the view from the hub, but
 16 the fact of the matter is that the tower and the hub
 17 tend to be more visible, generally speaking,
 18 particularly over distance because the blades, the
 19 rotors themselves are relatively slender, you know,
 20 two to six feet in diameter, where the tower at its
 21 base can be as wide as ten feet.
 22 Next slide, please. And, again, as I
 23 mentioned, in each of these lakes from the visual
 24 simulation locations we took the time to analyze the
 25 angle of view within the full 360 degree panorama

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1 and for many of these low overall scenic impact
 2 lakes, if you will, the angle of view is really
 3 quite narrow, you know, 2.2 percent of the overall
 4 360 degree view on Duck Lake, for example.
 5 Next slide. Lakes with low to medium
 6 overall scenic impact included Shaw and Keg. Some
 7 of that might have been attributed to the fact that
 8 these are less developed lakes and, therefore, have
 9 less impact or alternation readily visible on the
 10 shoreline, and so that tends to elevate somewhat the
 11 scenic quality, relatively speaking, and also number
 12 of turbines and visibility also factored into this
 13 rating.

14 Next slide, please. So when you look at
 15 these lakes, they have different types of shoreline
 16 character at certain locations but, generally
 17 speaking, you're going to be seeing the same types
 18 of vegetation, some areas might be a little more
 19 rocky or sandy, other areas would be more
 20 continuously vegetated and less differentiated.

21 Next slide, please. We looked at Keg Lake,
 22 4.6 miles to the nearest visible turbine, Shaw Lake,
 23 similar distance, a little closer, but, again, a
 24 slightly wider angle of view from Shaw Lake but
 25 still not a dominant view and at 4.1 miles, one

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1 can't say that any of these turbines will have the
 2 effect of being in your face, if you will, pardon my
 3 language, or looming over you. They're -- they're
 4 distant enough to be in the mid or background even
 5 of your view and of your experience and to that
 6 point, when you're out on a lake and you are
 7 paddling or fishing or boating, you may look at
 8 these turbines. You certainly will acknowledge
 9 them, you might see them as you launch your boat,
 10 but as soon as you begin your activity, you're not
 11 going to be focused on them unless you want to be.
 12 You're going to be focused on the water quality, on
 13 the sun, on the shoreline, on many other things
 14 besides just the profile of these turbines in the
 15 distance.

16 Next slide, please. Again, with these
 17 lakes, a relatively small angle of view from each of
 18 the visual simulations. As I mentioned a moment
 19 ago, Shaw probably the wider of them all with 12.4
 20 percent taken up of the 360 degree view, but that's
 21 still, I think, a fairly minor, say, portion of the
 22 overall view taken up by seeing these turbines in
 23 the distance.

24 Next slide please. Lakes with medium
 25 overall scenic impact were -- three lakes rose to

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1 that level, Pleasant, Junior and Scraggly. You
 2 know, I, myself, think Scraggly is a pleasing lake.
 3 It has scenic qualify for sure, but it has a lot of
 4 interesting different coves and areas that you can
 5 explore, but, again, distance from the project site
 6 translates into reduction of overall scenic impact,
 7 and the number of turbines visible from Junior and
 8 Scraggly is not the full extent of the project for
 9 good chunks of the lake, so that, too, factors in to
 10 our thinking, and, again, these ratings of low to
 11 medium also take into account the user
 12 characteristics, how heavily are these used, what
 13 kind of use are they getting. You know, are people
 14 going to these lakes to fish and the answer is yes,
 15 primarily that's the activity.

16 Next slide, please. And so there's a
 17 different -- in these lakes in terms of Junior Lake
 18 having more shoreline development, you know, as you
 19 boat along Junior Lake, you know, you can see docks
 20 and boats moored and, again, it's not a pristine
 21 view. It's a typical view of a summer camp
 22 environment on a Maine lake. It's similar to, you
 23 know, dozens and dozens of lakes I've been on
 24 throughout Maine, and while I did not grow up in
 25 Maine like Kevin, I've been coming to Maine since I

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1 was a child to camp and boat and fish and so I am
 2 very familiar with a number of lakes throughout the
 3 state. Pleasant Lake is distinguished I think in
 4 part, I'd just point out, by the boat launch area,
 5 which in and of itself is not terribly pretty. I
 6 think it's one of the things that sort of color the
 7 experience of Pleasant Lake, although ironically
 8 Pleasant Lake did get the highest scenic quality
 9 rating in the evaluation just making it into the cut
 10 to be called outstanding in terms of the ratings
 11 numbers and that's probably because it is
 12 undeveloped for the most part and has some
 13 interesting shoreline.

14 Next slide, please, and, again, if you
 15 look at the overall panoramas from these lakes and
 16 the view of the projects, you can see that they're
 17 very much in the distance, not dominant and, in
 18 fact, on the Junior Lake simulation your eye is much
 19 more drawn to the nearest shoreline and vegetation
 20 than they are to the long distance view to the
 21 hills. One other point about the hills and ridge
 22 lines, you know, it's understood that they're valued
 23 and they certainly are part of the landscape, but
 24 they are not -- again, they are not distinct ridge
 25 lines and hills to the extent that many other

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1 mountains and landscapes in Maine are. As we've
 2 traveled from lake to lake to lake in this project
 3 area, we've had difficulty picking out some of the
 4 individual hills because they do tend to blend
 5 together and they do tend to be very, very similar
 6 in form and shape. Next slide. Here's
 7 the simulation that we prepared for Junior Lake, 4.4
 8 miles distant from the project. You can see they
 9 are on the Bowers Ridge and that ridge drops down at
 10 this point so that at the farther end of the array,
 11 the turbines are partially hidden by the intervening
 12 shoreline and often the case, there are foreground
 13 hills too which can, if one is so inclined, draw the
 14 eye and be part of the landscape.

15 Next slide, please. Again, looking at the
 16 360 degree panorama and humans do take in the whole
 17 view and not just one fixed view in one direction,
 18 you can see there are many other elements which are
 19 part of that landscape and which will diminish the
 20 presence of the -- of the project. I may have used
 21 the wrong term. I know Dr. Palmer took me to task
 22 for using the term visual absorption which has been
 23 used in a particular manner by the U.S. Forest
 24 System -- U.S. Forest Service visual evaluation
 25 system. I would better perhaps say visual

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1 accommodation in the sense that this landscape is
 2 big enough, large enough, dramatic enough with the
 3 sky and the 360 degree panorama to accommodate a
 4 project of this nature without it being unduly
 5 adverse, without it being a deleterious to the
 6 user's experience.

7 Next slide, please, and, again, the Junior
 8 Lake angle of view is a bit wider from this point
 9 but as I mentioned in the previous slide, many other
 10 elements in the foreground and in other viewing
 11 directions, again, to help the viewer accommodate
 12 this project and to de-emphasize its presence in the
 13 landscape.

14 Next slide, please. At Pleasant Lake, the
 15 nearest visible turbine from the boat launch is 5.1
 16 miles. This view is probably one which takes in
 17 most of the project clearly, but at five miles
 18 distant, the turbines do recede in the landscape,
 19 aren't so prominent and so front and center as to,
 20 again, be a deterrent necessarily to the visual
 21 experience or unreasonable in that sense, and we
 22 felt given all the other elements that we factored
 23 in in our view of Pleasant Lake that this did not
 24 rise to the level of having a high impact and, in
 25 fact, in many locations on Pleasant Lake you can see

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1 evidence of logging, you know this is a landscape
 2 that is historically devoted to resource use, just
 3 like Maine has harvested its waters for energy and
 4 to create lakes like this at this level and
 5 harvested its timber, Maine is now harvesting its
 6 wind, and I feel that is a logical and expected and
 7 needed evolution of how we are using our landscape
 8 for resource use in northern New England, and I
 9 understand that when people recognize that or I feel
 10 that when people recognize that, they can
 11 accommodate and understand and embrace wind energy.
 12 You know, the quote that I used in the VIA from Alec
 13 Wilson, who is one of the authors of Quiet Waters
 14 Maine, he said, you know, seeing a wind energy
 15 project on one of these lakes would not be
 16 disturbing to him at all, and I'm not quoting him
 17 directly; in fact, knowing that, you know, clean
 18 energy was being produced and as a result, clean air
 19 and clean waters were being protected therefore gave
 20 him comfort and made him feel good and did not
 21 conflict with his experience on these lakes or the
 22 scenic quality of that experience.

23 Next slide, please. As we move closer to
 24 Pleasant Lake, the turbines again begin to start to
 25 fall behind the tree line and even at 2.8 miles they

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1 still feel in the distance and not front and center,
 2 not so close as to be disturbing or distracting.

3 Next slide, please. Again, as with
 4 several of the other lakes, if you look at it in the
 5 broader view of the 360-degree panorama, only a
 6 small area, a reasonable area of the lake will even
 7 have the turbines on the horizon line.

8 Next slide, please. And this just, again,
 9 talked about the angle of view showing us taking it
 10 from the boat launch and 8 percent at that point is
 11 only in view from that location, and as you move
 12 closer in, obviously that angle broadens a bit to
 13 10.4 percent but still, not a dominant expanse of
 14 the overall panorama or horizon line.

15 Scraggly Lake, the nearest turbine is 5.3
 16 miles. This lake, as evidenced in the user surveys,
 17 does have a fairly low level of use, and does have
 18 some scenic interest, again, with its coves and
 19 shoreline configuration and I think that's one of
 20 the reasons it was rated higher. Again, in this
 21 photo you can see there are foreground hills and
 22 ridges before the Bowers Ridge which also helps to
 23 put the wind project in its proper perspective.

24 Next slide, please. And, again, the angle
 25 of view here, they're all within very similar ranges

1 of 8 to 10 percent, maybe one is high in that one
 2 instance at 17 percent but all very modest in terms
 3 of how much these turbines, again, take up the view.
 4 Thank you. There were a number of lakes with no
 5 visibility within eight miles as part of the overall
 6 project area, Horseshoe Lake, Lombard Lake and West
 7 Musquash among them.

8 I'll walk you through this summary. It's
 9 in the VIA but essentially to summarize, we found
 10 that only four lakes -- excuse me -- five lakes rose
 11 to the level of having either a low to medium or a
 12 medium impact with the remainder being a low impact,
 13 and as you can see, that was based on an average of
 14 all the criteria across the board for each of the
 15 individual lakes.

16 Next slide, please. Neil has already I
 17 think hopefully addressed lighting, and we're all
 18 hoping certainly that the Federal Aviation Agency
 19 will approve the radar detected system. It's
 20 operant in Canada so hopefully it's just a matter of
 21 time, but just to provide you with some facts,
 22 should the traditional type of red beacon be used,
 23 eight of sixteen turbines would be lit. Again,
 24 these are all requirements by the FAA for lighting
 25 safety on these turbines. These are not strobe

1 lights. These are red flashing beacons, they're LED
 2 lights. They are certainly to some people, I will
 3 not deny, annoying and an array of turbines blinking
 4 off and on can be annoying; however, it's really
 5 important to say that these lights do not create
 6 glare, they do not impact stargazing, they do not
 7 affect the clarity or the quality of the night sky.
 8 You know, the turbines, as you've now obviously
 9 seen, are on the horizon line. They're at the edge
 10 of the lakes, they're low in the landscape and the
 11 night sky viewing is above. It's not out, it's
 12 above. Anybody -- I'm sure all of us have, as we
 13 do, when there are meteor showers go out in a field,
 14 spread out a blanket, lie down, and we look straight
 15 up to see the night sky and meteors. So we truly
 16 believe that these will not in any way impact
 17 stargazing or the quality of the night sky, and I
 18 would factor that in with the -- the reality that
 19 recreational use on a lake is fairly low at night.
 20 People don't typically go out in a boat and paddle.
 21 Actually it's very dangerous sometimes if you're on
 22 a busy lake to be out as a paddler. I know that
 23 from personal experience and it's hard to navigate
 24 at night, particularly if you don't have a moon. So
 25 that's a brief summary of the lighting.

1 Next slide, please. Overall conclusions, again,
 2 just to remind you, the -- that the statute itself
 3 says that visibility by itself is not a basis for
 4 concluding there's an unreasonable adverse effect on
 5 scenic character or existing uses related to scenic
 6 character. Much has been made about the extensive
 7 visibility of this project but that does not
 8 translate to individual impact. It's the nature of
 9 that visibility that translates into whether there's
 10 an impact or not, and hopefully through the VIA and
 11 this presentation we've demonstrated that that
 12 impact is low to medium at the maximum at any of
 13 these lakes. Although these scenic areas and lakes
 14 are important to their users and they have scenic
 15 qualities and one can enjoy them, they do not rise
 16 to the level of being outstanding, unique or
 17 one-of-a-kind resources. That diminishes their
 18 sensitivity to change that translates into an
 19 ability to accept this type of change much more
 20 readily than, you know, putting turbines directly,
 21 you know, on a highly-scenic, highly-relief lake.
 22 The project area is not an intact landscape. As I
 23 said, it is not pristine, it's not wilderness. It's
 24 been used for decades, if not centuries, for
 25 resource use. It's -- many of the lakes have camps,

1 motorboats in themselves, you know, create an effect
 2 on the lakes. This lake environment and these lakes
 3 have all been altered to a greater or lesser degree.
 4 The project site and the lakes present a landscape
 5 and opportunities that are similar to those present
 6 and offered at other areas and other lake region
 7 landscapes. So if the few people are not inclined
 8 to recreate in view of turbines, there are plenty of
 9 opportunities and, you know, I've been ridiculed on
 10 the website for saying that but that's true. That's
 11 just true. We each select the places we want to
 12 recreate. We make that choice. As Dr. Boyle said,
 13 we vote with our feet. So people can go to places
 14 they want to go to and couple that with the survey
 15 information that shows regardless people will keep
 16 coming back up to recreate on these lakes. These
 17 project lakes are not major recreational
 18 destinations. There is not extensive identification
 19 or mention of these lakes in a broad range of
 20 sources, literature, websites that we researched.
 21 Many of the lakes are difficult to access and the
 22 overall use is low.
 23 Next slide, please. In no instances, as I
 24 said, will the turbines dominate the landscape or
 25 overly distract or denigrate the user's experience.

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1 The project hills are part of a broader landscape
 2 that is a big landscape. It's a giant landscape,
 3 and that's one of the things that certainly I think
 4 is appealing about it, but that same characteristic
 5 is what will help that landscape readily accommodate
 6 this project. They occupy a relatively narrow
 7 portion of the 360-degree view and the distance of
 8 the project from the lakeshores and the lakes proper
 9 definitely reduce the impact and the overall
 10 visibility and the fact that these lakes are so
 11 varied and have so much to offer also I think
 12 diminishes the overall impact potential from this
 13 project and, thus, we can conclude that the project
 14 visibility will not have an unreasonable adverse
 15 impact on either use and enjoyment or importantly,
 16 as mentioned again and again, a likelihood to
 17 return. Next slide, please. So finally,
 18 you know, these conclusions support the finding that
 19 the Bowers Wind Project will not result in an
 20 unreasonable adverse effect to the scenic character
 21 or existing uses related to the scenic character of
 22 any scenic resource of state or national
 23 significance, and in a court of law you're asked to
 24 judge someone's guilt beyond a reasonable doubt.
 25 You know, the definition of reasonable --

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1 unreasonable, rather, is irrational or senseless. I
 2 think you heard Neil Kiely say that this project has
 3 much to offer the region, has a lot of value to
 4 bring to this area financially and recreationally
 5 given the interest of snowmobilers and ATV users who
 6 are a definite part of the recreational public and
 7 should not be overlooked. This is not a senseless
 8 project. This has been given an incredible amount
 9 of consideration, analysis and study. You've seen
 10 that the environmental impacts are low to minimal.
 11 This is a project that is reasonable to permit.
 12 This is a project that is reasonable to build.
 13 Last slide, please. And with that, I would
 14 just close by saying, you know, once this project is
 15 built as is the case here back in Lincoln with the
 16 Rollins Wind Project, you know, the sun is still
 17 going to shine, the waters are still going to be as
 18 clear as they are today, the fish will still be
 19 biting, the shorelines will still be what they are.
 20 None of that will change. All that will change is
 21 that there will be as many as 16 turbines visible
 22 from different parts of the lakes and much fewer on
 23 many portions of these lakes off in the distance in
 24 a very narrow portion of the overall panorama.
 25 Thank you very much.

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1 HEARING OFFICER: Thank you, Mr. Raphael.
 2 A note to the applicant, there are just over 10
 3 minutes remaining.

4 MS. BROWNE: We're done, so we hopefully
 5 will be given some leniency if we need the time
 6 elsewhere.

7 HEARING OFFICER: That brings us to a close
 8 of the summary testimony from the applicant. Let's
 9 take a 15-minute break then. We'll meet back here
 10 at 11:25. Thank you.

11 **(OFF RECORD)**

12
 13 HEARING OFFICER: All right. Let's get on
 14 with the cross examination of the applicant
 15 witnesses, CLF, MREA will be cross examining Matt
 16 Kearns, Neil Kiely, Dave Cowan.

17 MR. MAHONEY: Thank you. Sean Mahoney with
 18 CLF, and I'd like to make an offer, I'd cut my cross
 19 examination down by half if we could move outside
 20 where it's about 20 degrees warmer and a little
 21 lighter.

22 HEARING OFFICER: Sustained, sustained.

23 MR. MAHONEY: Seriously, I'd also like
 24 to -- I have some questions and I think that if it's
 25 okay with you, Mr. Silvestri, if there are others on

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1 the applicant's team who are better able to be
 2 responsive to the question, I would defer to Mr.
 3 Kearns, Mr. Kiely and Mr. Cowan, if that's okay with
 4 you?

5 HEARING OFFICER: Yes, as long as it's
 6 acceptable to all parties and there are no
 7 objections, then I would think it would be
 8 acceptable. I would ask, though, can folks in the
 9 back of the room hear Mr. Mahoney?

10 MR. MAHONEY: I'll speak up.

11 HEARING OFFICER: Okay.

12 MR. MAHONEY: Okay, thank you, and I'll
 13 identify who I'm asking questions of. So I'll start
 14 with Mr. Kiely. Mr. Kiely, you described that the
 15 express line for this project would be five miles.
 16 Are you aware -- how does that compare to other lead
 17 lines for projects within the state of Maine.

18 MR. KIELY: Is this on?

19 HEARING OFFICER: There's a switch. It
 20 should be on that one in Neil's hand.

21 MR. KIELY: I'll defer to Mr. Cowan.

22 MR. COWAN: I think -- I think the Kibby
 23 project might be on the order of 25 miles, the
 24 Stetson project originally was about 38, Mars Hill
 25 is on the order of 3, Rollins 8, and those are the

1 ones I know offhand.

2 MR. MAHONEY: Okay, thank you, and Mr.
3 Kiely, you were talking a little bit in your summary
4 about the capacity factor for this project. I guess
5 I just want to clarify, what is the capacity factor
6 for this project?

7 MR. KIELY: It's 37.8 percent I believe.

8 MR. MAHONEY: And what is that capacity
9 factor -- what is that projection based on?

10 MR. KIELY: That's based on obviously the
11 wind turbine technology and the available wind
12 resource at the mountain. As I mentioned, we had
13 three met data towers up for a total of 61 months
14 collecting that data and calculations were drawn
15 from that information.

16 MR. MAHONEY: Also, Mr. Kiely, with respect
17 to this project, I'm correct in that the company has
18 committed that the Bowers Project would not be
19 expanded if, in fact, this was approved, is that
20 correct?

21 MR. KIELY: That's correct. We've
22 submitted in writing a commitment to a permit
23 condition that we would not have any involvement
24 with -- or lend any infrastructure to the expansion
25 of this project.

1 MR. MAHONEY: Okay. Again, Mr. Kiely, does
2 the Passamaquoddy Tribe support this project?

3 MR. KIELY: They had put a letter into the
4 record indicating their support for the project.

5 MR. MAHONEY: Thank you. I have a question
6 now about the potential lighting of the towers
7 pursuant to FAA regulations and specifically with
8 the new technology. So whoever is best to answer
9 these questions. It's my understanding that the way
10 that technology works is that it is triggered when
11 planes approach a certain distance of the towers and
12 at a certain height. Could somebody explain in more
13 detail how that works?

14 MR. KIELY: That's correct. There are
15 different vendors out there offering the technology
16 but essentially the radar -- the different systems
17 are designed to detect planes coming into the air
18 space in a certain circumference around the wind
19 farm. I think the first level of indication or
20 response is actually to use kind of a ping to the
21 transponder in the aircraft and if they acknowledge
22 it, that's the first level; and when they come
23 within a certain perimeter, the lights would be
24 activated and it would be tracked while that plane
25 was in the defined perimeter until it exited that

1 perimeter. At this point, FAA has been working on
2 the regulations for I think close to a year and I
3 think they're still finalizing what the distance
4 will be and I think it's probably in the -- maybe in
5 the four-mile range.

6 MR. MAHONEY: Okay. So it's in the
7 four-mile range so -- and at what height -- you
8 know, how high do planes or how low do planes have
9 to be to trigger that system?

10 MR. KIELY: I believe it's -- I stand to be
11 corrected, but I believe it's 500 to 1000 feet.
12 Again, FAA will -- above the turbine height. I
13 believe FAA will, again, stipulate that in the
14 regulations, but the idea is to capture low flying
15 planes. It won't be triggered by commercial flights
16 or international flights that are cruising at much
17 higher standard elevations.

18 MR. MAHONEY: So then just so I'm clear, so
19 the lights will be triggered by planes that are
20 within, let's just say, ten miles of the towers at a
21 height of zero to 1,000 feet above the height of the
22 turbines, is that correct?

23 MR. KIELY: I believe that's to the best of
24 my knowledge at this point.

25 MR. MAHONEY: And then it stays operating

1 until the planes exit that perimeter?

2 MR. KIELY: Correct.

3 MR. MAHONEY: So from a practical
4 perspective, the system would only be working for a
5 fairly short period of time for every plane that
6 falls within that height limitation and that
7 perimeter, is that correct?

8 MR. KIELY: Correct.

9 MR. MAHONEY: Okay, and would every --
10 would every turbine be equipped with that type of
11 lighting or would it still be just the eight that
12 will be equipped with the standard lighting
13 requirement of today?

14 MR. KIELY: I believe it would be just with
15 the eight. I'm not exactly sure on that but I
16 believe it would just be the eight.

17 MR. MAHONEY: And has there been any
18 information collected on how much planes actually
19 fit that scope of zero to 1,000 feet above where the
20 turbines are in that perimeter?

21 MR. KIELY: Not at this point, but I think
22 it's assumed to be very low in this area.

23 MR. MAHONEY: Thank you. I have a question
24 concerning habitat and it's probably for Mr. Cowan.
25 With respect to the lynx habitat work that you did,

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1 let me first ask, that work was done pursuant to the
2 recommendation -- or the process of that work was
3 done pursuant to the recommendation of U.S. Fish and
4 Wildlife Service, is that right?

5 MR. COWAN: That's correct.

6 MR. MAHONEY: And that's because the lynx
7 is listed under the Federal Endangered Species Act
8 so the Fish and Wildlife Service is the primary
9 agency responsible for that species?

10 MR. COWAN: That's correct.

11 MR. MAHONEY: But State IF&W was aware of
12 both the recommendations from Fish and Wildlife
13 Service and the work that you've done, is that
14 correct?

15 MR. COWAN: That's right. They've been
16 aware of it and they have deferred to the Service.

17 MR. MAHONEY: Okay, and in doing the
18 desktop assessment where you looked at what the
19 potential area of habitat for snowshoe hare is,
20 that's because snowshoe hare is the principal food
21 source for lynx, correct?

22 MR. COWAN: That's right.

23 MR. MAHONEY: And in doing that, you're
24 actually -- you're increasing the probability of
25 habitat for lynx because you're really -- you have a

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1 couple of assumptions you're making, one, that
2 there's habitat that's good for snowshoe hare, two,
3 that snowshoe hare will be living there, and, three,
4 that lynx will be coming into that area to hunt for
5 snowshoe hares, is that right?

6 MR. COWAN: That's right. It's a
7 conservative approach to indicating the possibility
8 of lynx being in the area. So you're assuming, as
9 you said, that the habitat relates to hare abundance
10 and then that hare presence or suitable habitat for
11 hare would indicate the potential for lynx to be
12 there. So it's conservative.

13 MR. MAHONEY: Okay, and did Fish and
14 Wildlife have the opportunity to review or did you
15 inform them of the results of that desktop
16 assessment?

17 MR. COWAN: You mean Maine Fish and
18 Wildlife?

19 MR. MAHONEY: Maine Fish and Wildlife.

20 MR. COWAN: Yes, yes, they have been kept
21 informed of that.

22 MR. MAHONEY: Okay, and was there any
23 critique or problems identified by either the state
24 or federal agencies with that study?

25 MR. COWAN: Not that I'm aware of and the

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1 biologists are saying no.

2 MR. MAHONEY: Okay. With respect to --
3 HEARING OFFICER: What was the response to
4 that question?

5 MR. COWAN: The answer is no.

6 HEARING OFFICER: IF&W, the state, was
7 notified and they were involved?

8 MR. COWAN: They have been kept apprised of
9 it, they've seen the results and they haven't
10 objected to the results.

11 HEARING OFFICER: Thank you.

12 MR. MAHONEY: And then with respect to the
13 work you did with respect to birds, I guess the same
14 question; first, you know, you consulted with U.S.
15 Fish and Wildlife Service and the State IF&W with
16 respect to the work you did on birds?

17 MR. COWAN: That's correct, for all the
18 avian and wildlife surveys we consulted with both
19 agencies.

20 MR. MAHONEY: Okay, and with respect to the
21 curtailment plan specifically for bats, that plan
22 proposed by IF&W is something that you've agreed to,
23 correct?

24 MR. COWAN: That's right. The parameters
25 for curtailment were based on the records of IF&W.

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1 MR. MAHONEY: And you've agreed to
2 implement those?

3 MR. COWAN: And we've agreed with their
4 recommendations in our operation of the project,
5 correct.

6 MR. MAHONEY: And with respect to that
7 specific plan, that also has the support of a number
8 of groups, including Maine Audubon, is that correct?

9 MR. COWAN: That's correct. I believe
10 their letter of support indicates their agreement
11 with that approach.

12 MR. MAHONEY: And then the last question I
13 have relates to something that Mr. Raphael said but
14 there may be someone else on the team who can reply
15 to it and that just goes to the manipulation of lake
16 levels in the project area, and I guess the question
17 is a fairly simple one, it's correct that lake
18 levels in the area -- in the project area are
19 controlled by federally-licensed dams in the project
20 area, is that right?

21 MR. KIELY: That's my understanding,
22 correct.

23 MR. MAHONEY: Okay, and that that lake
24 level arrangement is set by the federal licenses
25 that govern those dams, is that correct?

1 MR. KIELY: That's correct.
 2 HEARING OFFICER: You have two minutes, Mr.
 3 Mahoney.
 4 MR. MAHONEY: Thank you. That's it.
 5 HEARING OFFICER: Next we have Dave
 6 Corrigan.
 7 MR. CORRIGAN: Thank you. I am David
 8 Corrigan from Pleasant Mountain Outfitters and my
 9 questions today are going to be for Adam Gravel.
 10 Mr. Gravel, can you just tell us your title and
 11 position just so we're all clear before we start?
 12 MR. GRAVEL: Yes. I'm a wildlife biologist
 13 and project manager for Stantec Consulting.
 14 MR. CORRIGAN: All right, thank you.
 15 According to your testimony, are you familiar with
 16 all of the wildlife studies on this project and many
 17 other projects in Maine, is that correct?
 18 MR. GRAVEL: Yes, that's correct.
 19 MR. CORRIGAN: Okay. We had Mr. Cowan
 20 earlier say that you've done extensive lynx surveys,
 21 so let's talk about that a little bit. According to
 22 your testimony, you did a desktop assessment for
 23 lynx habitat within the project area, that's
 24 correct?
 25 MR. GRAVEL: Yes, that's correct.

1 MR. CORRIGAN: Did you do any other
 2 on-the-ground studies or tracking surveys?
 3 MR. GRAVEL: No, we did not do any
 4 on-the-ground studies because we didn't find
 5 suitable habitat for snowshoe hare and lynx in the
 6 project area.
 7 MR. CORRIGAN: Okay. In the course of this
 8 whole project going all the way back since you've
 9 been involved, was it ever suggested or recommended
 10 to by any state or federal agency that you conduct
 11 on-the-ground studies or consult with local
 12 individuals who might have first-hand knowledge of
 13 lynx in the area?
 14 MR. GRAVEL: It was recommended to do
 15 either/or, either habitat assessment or tracking,
 16 and the reason we went with habitat assessment, as
 17 Dave mentioned earlier, it's a more conservative
 18 approach to documenting potential presence by lynx.
 19 Even if we did track surveys and didn't detect lynx,
 20 we would still be in the same position in that we
 21 wouldn't be able to say with a hundred percent
 22 confidence that they don't occur as transients;
 23 whereas, if you -- you know, obviously if you detect
 24 presence you'd get a hundred percent confirmation.
 25 Q. But you never attempted to detect their presence on

1 the ground?
 2 A. No, we did not. As I just explained, we took a more
 3 conservative approach to identifying snowshoe hare
 4 habitat.
 5 Q. So essentially you took an approach that could prove
 6 one way but not the other, is that correct?
 7 A. No, as I just mentioned, whether we did track surveys
 8 or desktop habitat assessment, it doesn't prove
 9 absence. It proves -- you know, with the habitat
 10 assessment, it shows a very low probability because
 11 the habitat is not suitable.
 12 MR. CORRIGAN: Did you consult with any
 13 locals, local hunters, trappers, game wardens, who
 14 might have knowledge of the area and lynx in the
 15 area?
 16 MR. GRAVEL: No, we consulted with local
 17 regional Inland Fisheries and Wildlife biologists
 18 and the Fish and Wildlife Service.
 19 MR. CORRIGAN: But nobody who had actual
 20 on-the-ground time in the area?
 21 MR. GRAVEL: No.
 22 MR. CORRIGAN: Okay, thank you. I guess
 23 that does it for lynx for the moment. Let's talk
 24 about bald eagles for a few minutes. How many bald
 25 eagle nests did you record near the project area?

1 MS. BROWNE: Sorry, could you just define
 2 what you mean by "near?"
 3 MR. CORRIGAN: Say within a five-mile and a
 4 ten-mile radius:
 5 MR. GRAVEL: I don't have the number off
 6 the top of my head but I can find it quickly. I
 7 know that we did not have any within four miles of
 8 the project area which is the distance that's of
 9 particular concern to Fish and Wildlife Service.
 10 MR. CORRIGAN: Just to bring it up, I have
 11 some of the numbers here from testimony, in fact,
 12 it's actually part of my pre-filed testimony quoting
 13 from yours, that says we showed -- it showed in the
 14 2011 survey you found bald eagle nests at 4.72
 15 miles, 4.73 miles, 7.02 miles, 7.73 miles, 8.17
 16 miles and 9.29 miles. Does that sound reasonable?
 17 MR. GRAVEL: That sounds about right.
 18 MR. CORRIGAN: Okay. Does this strike you
 19 as a lot of eagles nests around a project like this?
 20 MR. GRAVEL: No, not at all actually.
 21 There's other projects with far greater eagle nests.
 22 MR. CORRIGAN: Could you give me an
 23 example?
 24 MR. GRAVEL: Let's see, I can think of a
 25 few examples that are comparable, but I can think of

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1 probably a few more that are operational with nests
2 closer than four miles to this. The Rollins project
3 is an example of one that has as many nests but
4 nests closer than four miles.

5 MR. CORRIGAN: Okay. I would assume -- I'm
6 going to ask you. Are you aware that killing of an
7 eagle, even accidentally, could subject the
8 applicant to substantial fines and possible criminal
9 prosecution?

10 MR. GRAVEL: Yes, I'm aware that bald
11 eagles and eaglets are protected under the Bald and
12 Golden Eagle Protection Act.

13 MR. CORRIGAN: And with this in mind, did
14 you ever recommend that the applicant apply for an
15 incidental take permit from the U.S. Fish and
16 Wildlife Service?

17 MR. GRAVEL: That is not a recommendation
18 for me to make. It's a recommendation that should
19 be from the U.S. Fish and Wildlife Service who
20 regulates and protects bald and golden eagles and
21 that was not -- that was not recommended for this
22 project.

23 MR. CORRIGAN: Did anybody ask specifically
24 if it would be recommended?

25 MR. GRAVEL: Not that I'm aware of, no.

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1 MR. CORRIGAN: Okay. So in your
2 professional opinion, I'm asking you, do you believe
3 that there's absolutely no chance that this project
4 could accidentally kill an eagle?

5 MR. GRAVEL: I don't believe that there's
6 absolutely no chance of anything in life, but
7 judging by the data that we have collected over the
8 past seven years or more in Maine specifically, we
9 haven't documented a single eagle fatality.

10 MR. CORRIGAN: So you do not expect a
11 likelihood of an eagle fatality with this project?

12 MR. GRAVEL: I do not.

13 MR. CORRIGAN: No other questions. Thank
14 you.

15 HEARING OFFICER: Thank you, Mr. Corrigan.
16 Next we have PPDW. Mr. Campbell will be cross
17 examining David Raphael, Neil Kiely and Kevin Boyle.
18 You have 40 minutes.

19 MR. CAMPBELL: Gary Campbell, PPDW.

20 MS. BROWNE: Gary, do you mind just waiting
21 for a second? We'll do some rearranging.

22 MR. CAMPBELL: Would you mind if I take
23 these in the order that people presented their
24 testimony?

25 HEARING OFFICER: That will be fine.

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1 MR. CAMPBELL: Good morning, first of all.

2 MR. KIELY: Good morning.

3 MR. CAMPBELL: Concerning bird and bat
4 mortality that Mr. Corrigan just raised, there is a
5 curtailment protocol involved in minimizing bat and
6 bird mortality. Are you familiar with the -- do you
7 have it at your fingertips the details of how that
8 works?

9 MR. KIELY: I do not but one of our
10 biologists, Dave Cowan, could answer that question,
11 once he finishes his donut.

12 MR. COWAN: I'll defer to Adam Gravel for
13 two reasons, because I have a granola bar in my
14 mouth and he knows it better than I do.

15 MR. GRAVEL: So the specifics of the
16 curtailment plan is that when wind speeds reach five
17 meters per second or less, which is the critical
18 wind speed, the threshold when bat fatalities have
19 been documented, cutting speeds -- the turbines will
20 not be allowed to operate basically. So at five
21 meters per second or less, they won't be allowed to
22 operate from April 15th to October 15th. So that's
23 basically the entire period within a year that bats
24 are --

25 MR. CAMPBELL: I see, thank you. And then

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1 for Neil Kiely, I'm wondering that sounds like that
2 might be quite a significant curtailment. I'm
3 wondering when you mentioned earlier a capacity
4 factor for the project of 37.8 percent, does that
5 take that curtailment into account?

6 MR. KIELY: Yes, it does.

7 MR. CAMPBELL: So you knew about that
8 curtailment from day one then?

9 MR. KIELY: We have all kinds of
10 projections and we're continually revising the data
11 as it comes in.

12 MR. CAMPBELL: Okay. You submitted a
13 letter from Roger Milliken and you mentioned his
14 testimony earlier today. That was a letter that he
15 provided to you in connection with the first Bowers
16 Project at this site, correct?

17 MR. KIELY: No, there's a recent letter in
18 the record in regards to this project.

19 MR. CAMPBELL: There is?

20 MR. KIELY: Yes.

21 MR. CAMPBELL: I'm surprised. I did not
22 see that. All right. You stressed how the people
23 of Carroll and Kossuth have experience with hosting
24 a wind project, that they're familiar with turbines
25 and they're not coming into this blindly and

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1 suggested that maybe the rest of us should have some
2 faith in their opinion of what it's like to have a
3 wind turbine project nearby, is that correct?

4 MR. KIELY: Not the latter. I am
5 suggesting that they are intimately familiar with
6 living in direct sight of turbines for a number of
7 years, yes, so they have that extensive experience.

8 MR. CAMPBELL: But there are no turbines in
9 Carroll right now, correct?

10 MR. KIELY: Correct.

11 MR. CAMPBELL: Would you say that that same
12 experience extends south of Bowers Mountain then,
13 that those of us who drive past turbines going into
14 Lincoln or drive past the Stetson turbines when
15 we're going to East Grand Lake or Danforth, we would
16 also be familiar with turbines?

17 MR. KIELY: Yes, you'd have some
18 experience.

19 MR. CAMPBELL: You said that the Stetson
20 Snowmobile Ride In was hosted by the snowmobile
21 clubs. Are you saying that First Wind was not
22 involved in hosting that?

23 MR. KIELY: No, the genesis of that ride in
24 came when the Stetson -- when the Quad County and
25 other local snowmobile clubs came to us in the early

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1 years of Stetson and said, would it be possible for
2 us to come and do a ride in into the facility. We
3 said yes to that and since that time, we have
4 actually accommodated it, but Quad County Snowmobile
5 is the organization, with other organizations, that
6 actually sets the date and issues the invitations to
7 other clubs, they set the beneficiary for the
8 fundraising that they do. So we open our facility
9 and coordinate with them to make it available and
10 provide a lunch.

11 MR. CAMPBELL: Do you also provide funding?

12 MR. KIELY: Not for that. I think we've --
13 we've matched -- in the last Stetson Mountain Fund
14 we provided a donation matching to Lee Academy.
15 They targeted -- the first year, I believe, they
16 targeted House in the Woods Guide Service for
17 Veterans as a recipient and they passed a can for
18 that. I don't recall if we made a donation at that
19 point for that one but I know more recently they
20 designated Lee Academy as a recipient for money
21 raised, the passed a can, did a 50/50 and First Wind
22 made a donation of, I believe, \$500 to Lee Academy
23 to match their funding.

24 MR. CAMPBELL: So you're saying that First
25 Wind doesn't provide \$5,000 to the Quad County Club

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1 for trail grooming?

2 MR. KIELY: We have provided funds to Quad
3 County and other snowmobile groups over the years in
4 response to various requests, that's correct. It's
5 not an annual commitment.

6 MR. CAMPBELL: Thank you. Let's talk about
7 the boat count for a moment. The purpose of
8 counting boats was to determine the number of people
9 from West Grand Lake that travel up to Junior Lake
10 or Scraggly Lake to use those resources closest to
11 the project site, is that correct?

12 MR. KIELY: I think as far as the boat
13 counts, one, it was twofold, you're correct it was
14 to determine boats specifically coming from West
15 Grand Lake and the West Grand Watershed up into
16 Junior Lake and also to get a sense of overall usage
17 on the lakes.

18 MR. CAMPBELL: And how many counting
19 locations were involved?

20 MR. KIELY: I don't have the exact -- I
21 know there were boat counts conducted in 2011 which
22 were located on the Junior Lake Stream and then in
23 2012 they were on various points of Junior Lake
24 Stream. I think they moved at one point but I think
25 it was all in that area.

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1 MR. CAMPBELL: And that's the main
2 passageway between West Grand Lake and Junior Lake,
3 correct?

4 MR. KIELY: Correct. I'm told there were
5 two sites where they observed it from.

6 MR. CAMPBELL: How many -- how many people
7 were counting at the Bottle Lake launch which also
8 accesses Junior Lake?

9 MR. KIELY: No -- we did not --

10 MR. CAMPBELL: Was there a boat count?

11 MR. KIELY: We did not conduct a boat count
12 there.

13 MR. CAMPBELL: Was there a boat count at
14 the Hasty's boat launch on Scraggly Lake?

15 MR. KIELY: No. They were also
16 observations conducted during the intercept surveys.
17 When they were on the lake doing intercept surveys,
18 they would count and note the types of boats on the
19 lake as well and so presumably they would capture
20 other boats and other traffic that wasn't coming up
21 from West Grand Lake and had entered the lakes from
22 other sources.

23 MR. CAMPBELL: Presumably?

24 MR. KIELY: Well, I mean, the other boats
25 they're noting are -- you know, if there's more than

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1 those boats there, they would capture them on Junior
2 Lake, for example. I think they noted they were
3 using binoculars to look around and count users. So
4 if someone entered Junior Lake from Bottle Lake and
5 the intercept surveys were happening at the same
6 time, they would note that person's presence.

7 MR. CAMPBELL: You mentioned that you've
8 received support -- the project has received support
9 from Maine Wilderness Camps on Pleasant Lake and
10 that's the only sporting lodge on Pleasant Lake, is
11 that correct?

12 MR. KIELY: Correct.

13 MR. CAMPBELL: Are they going to be
14 testifying today?

15 MR. KIELY: I don't believe so. They put a
16 letter into the record.

17 MR. CAMPBELL: Have they in the past --
18 maybe with the Stetson I or Stetson II projects,
19 have they provided housing for the workers who built
20 those projects?

21 MR. KIELY: I don't know the answer to
22 that. I don't believe that is the case the way
23 they're set up.

24 MR. CAMPBELL: Yes, it is the case.

25 MR. KIELY: Okay.

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1 MS. BROWNE: Just for the record here,
2 you're not testifying, so you can ask the witness
3 and if he knows, he can answer.

4 MR. CAMPBELL: Okay. He's not aware.
5 First Settlers Lodge, I read in the paper an article
6 by George Smith that explained the First Settlers
7 Lodge made it through the winter because of the
8 number of construction workers that they hosted
9 during the Stetson projects -- Stetson I, I believe
10 it was.

11 MR. KIELY: That was under prior ownership.
12 The new owners actually purchased it afterwards, and
13 it's the new owners that I'm quoting. They
14 purchased it once the wind farm had been up.

15 They've only operated it since the wind farm has
16 been there, they've conducted their business there.

17 MR. CAMPBELL: Has First Wind ever held a
18 meeting at First Settlers Lodge?

19 MR. KIELY: I don't know if we've held a
20 meeting there. I know I stayed there once. I'm not
21 sure if other people have stayed there or outside
22 vendors have stayed there to service Stetson. I'm
23 not aware if we had a formal meeting there.

24 MR. CAMPBELL: The Downeast Salmon
25 Federation, did you not -- did First Wind not

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1 provide money to them in connection with the Bull
2 Hill Project?

3 MR. KIELY: That's correct.

4 MR. CAMPBELL: And what about the
5 Sportsmen's Alliance of Maine? I believe you're
6 listed number two as a top donor -- the number two
7 donor under L.L. Bean to the Sportsmen's Alliance of
8 Maine?

9 MR. KIELY: I don't know if the numeric
10 listing is the size of the donation. I know we're a
11 sponsor.

12 MR. CAMPBELL: Well, it's not alphabetical
13 and it's only L.L. Bean above you. Anyway, those
14 are just four of those outfits that you mentioned as
15 having supported the project.

16 In the news lately there's been a fair bit
17 of buzz about a fire at a wind turbine at the Kibby
18 Project, and according to the TransCanada spokesman,
19 he said that he did not have confidence that a local
20 fire department would be able to handle --

21 HEARING OFFICER: Excuse me, Mr. Campbell,
22 just a second. I'm sorry, go ahead, Mr. Campbell.

23 MR. CAMPBELL: May I continue?

24 HEARING OFFICER: Yes.

25 MR. CAMPBELL: He did not have confidence

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1 that the local fire department would be able to
2 handle a turbine fire, and I'm wondering -- we were
3 so fortunate that that fire happened in the winter
4 when there's snow and there's minimal tree cover
5 that it burned itself out and it's a Vestas turbine
6 and the system worked. It had a fire suppression
7 system, but I'm wondering about what kind of safety
8 measures you're taking in the Bowers Project. Will
9 it have fire suppression capability which I
10 understand is an option when you order these
11 turbines?

12 MS. BROWNE: Could I just for the record,
13 Juliet Browne on behalf of the applicant, obviously
14 this is not information that was addressed in the
15 pre-filed, it wasn't an issue that came up. I
16 understand it is an issue in the press now so I
17 don't object to the line of questioning. We'll do
18 the best to have the level of specificity that we
19 can provide. It may be, depending on the level of
20 detail, that we need to follow up with information
21 if we don't have the level of detail needed. That
22 being said, Mr. Kiely can certainly go ahead and
23 answer.

24 HEARING OFFICER: Noted and agreed.

25 MR. KIELY: I think my initial response,

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1 having read that same article, I don't think that --
 2 my recollection is that the TransCanada person
 3 didn't say they couldn't handle a turbine fire. I
 4 think what they said is that they wouldn't have
 5 equipment to put the turbine fire out to reach the
 6 turbine itself. I think that the idea here is that
 7 if a turbine -- we're going to back up in a second
 8 -- in the unlikely event that a turbine catches on
 9 fire, you know, there's certain protocols that you
 10 would follow to do it. In regards to the Bowers
 11 Mountain Project, we're looking at two turbine
 12 types, the Siemens and the Vestas technology,
 13 seeking to permit both to have that option
 14 available. Both of these turbine types are designed
 15 to avoid fire. I'll just say here backing up,
 16 obviously as a company we are seriously committed to
 17 avoiding any risk to health or safety. These are
 18 very expensive machines and our people live in these
 19 communities and we have a vested interest with
 20 everybody else of ensuring that we don't have any
 21 kind of calamity, never mind a fire and a fire that
 22 spreads. That's our primary focus. One, the
 23 manufacturers have the same alignment of interest so
 24 they go to great lengths to design these turbines
 25 with multiple systems of redundancies to minimize

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1 the risk and to prevent them from occurring. Some
 2 of those design elements obviously are grounding for
 3 potential lightning hits. There's something called
 4 a lightning puck at the end of each blade, a conduit
 5 that would take the lightning strike and ground it.
 6 In the event -- I should say the other thing is that
 7 within the structure itself -- and this is all set
 8 out in the spec sheets that have been supplied to
 9 DEP -- things were insulated, the types of materials
 10 used, et cetera, are all designed to minimize the
 11 risk of fire. In the event that there's any
 12 increase -- there's a malfunction or an increase in
 13 temperature, the turbines are designed to
 14 automatically feather the blades to 90 degrees and
 15 that stops them from spinning, and each blade has
 16 its own control and its own backup battery. It only
 17 takes one blade to feather to stop. So you have
 18 this redundancy to immediately stop it.

19 In the case of -- I can speak for First
 20 Wind obviously, not for TransCanada, all our
 21 projects are remotely monitored 24/7, any increase
 22 in temperature would be noted, along with any other
 23 kind of malfunction or non-normal functioning, would
 24 be noted by our remote crew. I will say that our
 25 remote 24/7 crew sits in Boston. With the recent

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1 issues that went on in Boston, it was automatically
 2 transferred over to another West Coast facility that
 3 picked it up seamlessly. If they detect a problem,
 4 they would call the local project -- our operating
 5 folks who all live within the vicinity. They would
 6 also call the various responders with whom we have
 7 pre-existing relationships and extensive training on
 8 how to respond to a fire. Again, in the unlikely
 9 event that a turbine fire happened similar to what
 10 happened at Kibby, you have the added protection of
 11 a clear turbine path adjacent to a 35-foot-wide road
 12 and the idea is that you would encircle the pad and
 13 make sure that sparks or anything else went outside
 14 that area and extinguish them, just as you would
 15 treat any other wildfire. I guess the advantage
 16 here is not only is the road serving as a fire
 17 break, we have an extensive network of logging roads
 18 in the Carroll Plantation project area. You have a
 19 number of fire breaks to contain this fire.

20 So I want to say this and address it head
 21 on that we take this very seriously and are happy to
 22 work with DEP on this point. We also have to put
 23 the risk of turbine fires into the proper context.
 24 You know, there's various -- I think Vestas itself
 25 has 200,000 or actually it may be globally, there's

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1 numerous, hundreds of thousands of turbines
 2 worldwide and there's a handful of fires that have
 3 occurred. None of them is acceptable. By
 4 comparison in Maine, the number one leading cause of
 5 wildfire is people burning their own debris. That's
 6 an allowed activity in Carroll Plantation and
 7 Kossuth and Lakeville. You also have a lot of woods
 8 equipment in Maine that catches on fire. That's an
 9 extensive activity in this area. You also have
 10 generators for camps that are out there in this
 11 area, and, again, you have the normal fire risk. So
 12 while we take this very seriously and are committed
 13 to, you know, eliminating it along with the
 14 manufacturer and to kind of avoid this risk, I think
 15 you have to put it in context. The last
 16 point is about the Vestas turbines. They do have
 17 new fire suppression technology. I believe it
 18 consists, the layman's explanation, of tubing
 19 throughout the turbine housing itself. When exposed
 20 to heat, the tubing dissolves and there's an inert
 21 gas that would actually put the fire out.

22 MR. CAMPBELL: Thank you.

23 HEARING OFFICER: And point of
 24 clarification, will that option be chosen for the
 25 turbines?

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1 MR. KIELY: Yes, that has been chosen.
 2 That will be part of the Vestas package.
 3 HEARING OFFICER: Thank you.
 4 MR. CAMPBELL: Thank you. I have a few
 5 questions for Dr. Boyle. Dr. Boyle, you mentioned
 6 the Baskahegan surveys that were conducted in 2010
 7 and 2012 post-construction, and I'm wondering of the
 8 visitors who visited Baskahegan Lake and used it for
 9 fishing, recreating, what have you, before the
 10 turbines were built, how many of those people were
 11 interviewed and how were they reached?

12 MR. BOYLE: There were no interviews that
 13 were done before the construction. These were both
 14 post-construction.

15 MR. CAMPBELL: So without any
 16 pre-construction, we can't really judge the dynamic
 17 of change?

18 MR. BOYLE: Well, we know that the people
 19 that were interviewed are long-term users, you know,
 20 the 2010 was 19 years, the 2012 was 21 years.

21 MR. CAMPBELL: How many people used it
 22 prior to construction?

23 MR. BOYLE: I don't have the number prior
 24 to construction but we know the people that we
 25 interviewed had been using it before and after

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1 So the second part of it is that to do pre- and
 2 post-construction surveys is a very difficult thing
 3 because one is you have -- if you did a survey
 4 before the wind farm was constructed, you'd have a
 5 set of people. You would want to interview those
 6 same people after the construction. What happens is
 7 that on any given day those exact same people would
 8 not be out there. So you would need to recruit the
 9 people to come back out so that you would have the
 10 same ones there. Once you do that and tell them you
 11 want them to come back, you've confounded that type
 12 of experiment with the information you put in. You
 13 also have attrition that goes on with -- you know,
 14 some people move away, some people are not able for
 15 different reasons to come, and so that post- and
 16 pre-construction comparison, while it's an ideal
 17 type of experiment that you might talk about in the
 18 classroom, it's not a practical thing to use in the
 19 field, and there's very strong evidence from the
 20 length of views that this is not an issue.

21 MR. KIELY: Can I add one additional point
 22 that I think is relevant to this continued use? In
 23 the 2010 Baskahegan survey conducted by the
 24 University of Maine, in addition to the intercept
 25 surveys, they had a smaller group of long time users

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1 construction.

2 MR. CAMPBELL: But we're really interested
 3 in the people who made a conscious decision not to
 4 use that lake any longer because the turbines were
 5 built. So wouldn't it make sense that we would ask
 6 for the opinions of those people and not the people
 7 who have made a conscious decision to continue
 8 recreating on Baskahegan Lake despite the turbines?

9 MR. BOYLE: Well, there's two parts to
 10 this. Let's go back to my testimony. First we have
 11 the average length of use. If there were people
 12 that were leaving, you'd expect that attrition to
 13 occur over time if they didn't like it. If people
 14 were moving in that were indifferent to the
 15 turbines, you would expect that to happen over time.
 16 Both of those would work to reduce the average and
 17 so we'd expected to see the average length of use
 18 declining, not moving up two years -- with two years
 19 in between the survey.

20 MR. CAMPBELL: But you're not --

21 MR. BOYLE: Can I finish my answer, please?

22 HEARING OFFICER: Excuse me, Dr. Boyle,
 23 could you speak up just a little bit? We've got
 24 some background noise here.

25 MR. BOYLE: Speak a little bit louder, yes.

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1 that were specially selected. I think it was six to
 2 eight and included some guides, and they asked them
 3 their average use, and I think they had been using
 4 it for 20 years, so they had intercept surveys and
 5 then they had a smaller group of people who were
 6 intimately familiar with that lake. They asked them
 7 a number of questions and those answers -- one of
 8 those questions was about use. They noted that
 9 there was a diminution or a drop in use after a
 10 certain military base closed or people stopped
 11 coming. They did not notice any comparable use in
 12 regards to the wind farm, and they didn't make
 13 any -- any open-ended statements. I would direct
 14 folks to focus on that part of the 2010 survey. I
 15 think that buttresses what we're saying here that
 16 there's no evidence that any people have
 17 self-selected not to come back.

18 MR. CAMPBELL: Dr. Boyle, were you
 19 consulted in designing the Kleinschmidt survey or
 20 the Bowers survey, whatever you want to call it?

21 MR. BOYLE: Yes, I was.

22 MR. CAMPBELL: I was looking at a slide
 23 that you presented showing the interview points for
 24 that survey, and the graphic of Pleasant Lake showed
 25 four dots on the water and 27 dots on the land, most

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1 of which were centered right at the Maine Wilderness
2 Camps. I'm wondering if you can explain why so many
3 people on land are asked their opinion of the view
4 from the water?

5 MR. BOYLE: Well, I think that there are a
6 couple items. I'm just looking for it. Where the
7 dots are did not necessarily imply that they -- that
8 all of them were on land. Some of those could be on
9 the water near the shore.

10 MR. CAMPBELL: So it's not to show the
11 placement of the dots or where the interviews took
12 place? That's not the purpose of that slide?

13 MR. BOYLE: No. The purpose is to show
14 where it is but you have to realize the scale of
15 those dots and, you know, the exact precision that
16 they occur. The other is that the interviews were
17 conducted where the roving interviewers observed
18 people on the lake. I don't know whether Mr.
19 Phillips who's the project manager wants to say any
20 more.

21 HEARING OFFICER: Mr. Phillips?

22 MR. CAMPBELL: That must be a heck of a
23 fishing spot right there, 27 people versus four
24 people out in the middle of the lake, and you
25 mentioned that people were observed through

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1 binoculars and I'm wondering was that just to take a
2 head count? Those people weren't surveyed
3 necessarily. What information came from looking
4 through binoculars?

5 MR. BOYLE: Binoculars are used to do
6 counts of the number of people observed on the lake.

7 MR. CAMPBELL: But you couldn't tell what
8 they were doing there, how long they'd been there,
9 how often they'd been there?

10 MR. BOYLE: The information that --

11 MR. CAMPBELL: Just the head count.

12 MR. BOYLE: That was just the head count.

13 MR. CAMPBELL: Okay.

14 MR. BOYLE: The information on what the
15 people were doing or the people when the actual
16 survey was conducted, those people were randomly
17 selected from each party and from the boat roving
18 through the lakes and those would be representative
19 of use of the lake.

20 MR. CAMPBELL: Okay, and you've showed us
21 the statistic that that 59 percent of the users of
22 Baskahegan Lake regularly use Junior, Scraggly and
23 Pleasant lakes as well?

24 MR. BOYLE: We showed that 59 percent of
25 them have used those lakes, yes.

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1 MR. CAMPBELL: "Have used those lakes," I'm
2 sorry. I'm sure you've studied statistics ad
3 nauseam. Does that then suggest that the users of
4 Junior, Scraggly and Pleasant, 59 percent of them
5 would also use Baskahegan? Does it inform any
6 opinion of how many of the Downeast lake users also
7 use Baskahegan?

8 MR. BOYLE: It does not tell you how many
9 are representative, but it tells you the relative
10 weight because you'd expect the relevant proportions
11 to match the Baskahegan ones regardless of use
12 across those lakes.

13 MR. CAMPBELL: Why would you assume that?

14 MR. BOYLE: Because if you have a large
15 number of people from Baskahegan that are visiting
16 Pleasant Lake and a smaller number visiting a lake
17 like Shaw, you'd expect that there would be a larger
18 number from Pleasant than Shaw that would be going
19 the other way.

20 MR. CAMPBELL: You said that on the
21 Downeast lakes -- when I say that, I'm talking about
22 Junior, Scraggly and Pleasant -- that the number one
23 reason for going to the lake was relaxing. That
24 scored highest on the primary purpose of visit, and
25 I'm wondering, relaxing is such a broad term and

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1 fairly vague. That could include enjoying scenery,
2 couldn't it?

3 MR. BOYLE: It could, it could be enjoy
4 fishing, it could be a number of things.

5 MR. CAMPBELL: It could be fishing, right.
6 It could be all sorts of things but, in general,
7 it's relaxing?

8 MR. BOYLE: That was number one but if you
9 go further, there's a number of activities that
10 people participated in that were very high.

11 MR. CAMPBELL: Oh, absolutely. And you
12 mentioned that 55 percent of the users of the
13 Downeast lakes said that the project would have no
14 impact or a positive impact on their enjoyment of
15 those lakes, but you didn't mention -- so that means
16 45 percent of the people said it would have a
17 negative impact on their enjoyment?

18 MR. BOYLE: That would be derived from
19 that, yes, but the majority of people did not say
20 that it would have a negative impact, and one of the
21 key things that we look at oftentimes in decision
22 making is what would -- where would the majority
23 fall, and the majority are in low impact or a
24 positive impact.

25 MR. CAMPBELL: I have a few questions for

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1 Mr. Raphael. Mr. Raphael, you used the term
2 "unique" an awful lot. Does that appear anywhere in
3 the Wind Energy Act? Is that a standard?

4 MR. RAPHAEL: No, it is not but
5 significance is and we use unique to help determine
6 the significance of a resource.

7 MR. CAMPBELL: How about pristine, is that
8 in the Wind Energy Act?

9 MR. RAPHAEL: No, it is not.

10 MR. CAMPBELL: Substitution, as in
11 substituting another lake for this one that's
12 expendable?

13 MR. RAPHAEL: No, the Wind Energy Act has
14 very specific criteria but then it doesn't tell you
15 how to address those criteria. It sets forth the
16 criteria and then we use, you know, different tools
17 and terminology within that context to determine how
18 we respond to those criteria in our evaluation.

19 MR. CAMPBELL: Thank you. You showed a
20 slide that showed a tree that had some family name
21 signs on it, maybe ten or twelve signs. Do you know
22 how many lakes or how much acres of water that road
23 serves?

24 MR. RAPHAEL: No, I can't tell you that,
25 no.

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1 MR. CAMPBELL: When you put up slide C, I
2 think it was referring to criterion C or -- you
3 know, in the seven criteria --

4 MR. RAPHAEL: Yes.

5 MR. CAMPBELL: -- typical user
6 expectations?

7 MR. RAPHAEL: Okay.

8 MR. CAMPBELL: You had a table showing the
9 primary purpose of people's visit and why did you
10 not show high expectations when that was the title
11 of the slide? It was entitled "typical user
12 expectations" and the table depicted the primary
13 purpose of the visit.

14 MR. RAPHAEL: Correct.

15 MR. CAMPBELL: Why didn't it show user
16 expectations like the title?

17 MR. RAPHAEL: Well, we were trying in that
18 slide to present what the primary activities are.

19 MR. CAMPBELL: Oh, it was mis-titled.
20 Typical user expectations was one of the questions
21 in the survey and 100 percent of the respondents on
22 all the lakes had very high expectations for their
23 visit, but you didn't include that in the slide
24 entitled "typical user expectations?"

25 MR. RAPHAEL: No, we didn't include every

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1 slide or every analysis under that category, no. We
2 were just showing that as an example of one of the
3 subsets that we would consider when looking at
4 typical viewer expectations.

5 MR. CAMPBELL: I see, and then the slide
6 for the criterion E-2 it mentions that you evaluate
7 the opinion of the change in scenic quality and how
8 it affects the person's enjoyment and how it affects
9 the likelihood of their return. Those three
10 components went into your evaluation of criterion
11 E-2. That was according to the text on that slide.
12 You then show two tables with numbers. You did not
13 show a table for the change in scenic quality but
14 you did show how it affects enjoyment and how it
15 affects likelihood of return and I'm wondering, the
16 change in scenic quality, that's one way that you
17 gauge this criterion, you did not provide the
18 numbers, and I wonder if you're familiar with them.

19 MR. RAPHAEL: I am familiar with them. I
20 can't quote them chapter and verse, but just to back
21 up, these are meant to be summary slides. They were
22 not meant to be exhaustive presentations of all the
23 sub criteria within each of the evaluation criteria
24 that we're charged to --

25 MR. CAMPBELL: Okay. So they were --

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1 MR. RAPHAEL: Can I finish my answer,
2 please? So they were designed to just give you
3 examples of some of the things that we considered.
4 Certainly how a user views scenic quality is a
5 consideration. We take that into account with other
6 considerations on scenic quality that we in our
7 professional experience are able to assess.

8 MR. CAMPBELL: So of those three measures,
9 the one you chose not to provide the table for, it
10 showed that before the project is built 90 percent
11 of the people had expectations of high scenic
12 quality and after it's built that number falls to
13 only 33 percent of people expect a high-quality
14 experience, and that's the table that was omitted
15 from the slide?

16 MR. RAPHAEL: Again, as I referenced during
17 my presentation, Dr. Boyle had preceded me and had
18 presented that information. With the limited time
19 that's available, this is intended to be a summary
20 and not an exhaustive account of all our evaluation
21 processes under each criteria. So we did not choose
22 to do one thing or the other. We chose to provide a
23 summary of how we go about and give you an example
24 of how we go about assessing these sub criteria.

25 MR. CAMPBELL: The maps of the individual

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1 lakes that have the little orange squares depicting
2 lakeshore structures -- and they're labeled
3 "lakeshore structures," not camps, is that done from
4 an aerial survey or the tax records or how is it
5 determined where these individual structures are?

6 MR. RAFAEL: I'm going to have Joy respond
7 to that.

8 MS. PRESCOTT: Joy Prescott with Stantec
9 and those surveys were done based on a variety of
10 aerials and looking at topographic maps. It's a
11 similar process we use for many projects typically
12 during the process of looking at structures for
13 sound and shadow flicker. It's a conservative
14 approach so we look at all the structures that may
15 be there. When this was raised during Mr.
16 Campbell's pre-filed testimony as a concern, we went
17 back and specifically looked at the questions around
18 Junior Lake and went through and I examined that
19 there probably were a few places where we included
20 something that may be a garage that's attached to
21 that, but when we looked at it, we looked at each of
22 the parcel lines that are there and identified that
23 there are certainly more than what was referenced in
24 Mr. Campbell's -- Mr. Campbell's testimony. We
25 specifically looked at whether there's driveways

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1 coming from main roads, if there's a structure and
2 if those structures match up to the parcel lines.
3 We did not consult the tax maps.

4 MR. CAMPBELL: Would it surprise you to
5 hear that the tax records for the town of Lakeville
6 show considerably fewer taxable structures on those
7 lakes? Because they distinguish between --
8 properties between waterfront and non-waterfront.
9 So they're very particular about counting every
10 possible waterfront structure or camp.

11 MS. PRESCOTT: We didn't look at tax maps.
12 We looked at sort of what's on the ground.

13 MR. CAMPBELL: I guess this is a photo
14 question, so it's probably Mr. Raphael again. The
15 photo of Keg Lake, the simulation photo, that was a
16 subject of some discussion in the past. It was
17 taken during the winter when it's iced over on a
18 very dismal gray day. It was taken with a camera
19 other than the camera used for all the other photos,
20 the settings were different. Do you recall that was
21 a subject of discussion before?

22 MR. RAPHAEL: Yes, I did -- yes, I do.

23 MR. CAMPBELL: Why not take the picture
24 over? Why keep using that photo for Keg Lake?

25 MR. RAPHAEL: Well, first of all, there's

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1 no specific requirement that we even have to provide
2 visual simulations from every single lake.
3 Obviously we do that and feel it's important to
4 present that. That was not, you know, I don't
5 believe considered to be a high priority even
6 though, yes, there were some discrepancies with that
7 simulation. You know, every other simulation we had
8 control of obviously and were able to conduct. We
9 did not make a special trip to rephotograph that
10 particular site because of, you know, the time and
11 effort that it was going to take to do that. We did
12 not feel that providing an alternative would create
13 a dramatic difference or alter the evaluation and
14 analysis that we relied on and provided conclusions
15 from.

16 MR. CAMPBELL: The slides that we saw then
17 on the screen here, obviously we're not holding
18 them, is it 19 inches from your face that you needed
19 to see the photos when you're taking the survey for
20 accuracy of size and so forth? That care isn't
21 taken here. It's projected on a screen in a dark
22 room and it's this big and so forth. Is it fair to
23 say then for the people here that aren't familiar
24 with these lakes that what they saw on the screen
25 might not be a very accurate reflection of what

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1 these turbines would look like?

2 MR. RAPHAEL: I'm not sure I would
3 characterize it quite in that manner. I would agree
4 with you that clearly, as you point out that, you
5 know, showing these slides in this context doesn't
6 provide the sharpness necessarily and clarity we
7 would like. Certainly individuals can seek out the
8 visual impact assessment itself, the documents are
9 available to the public and available for review,
10 and that's what we would recommend for, you know, a
11 true and as accurate as possible simulation
12 experience. The intent here was not to present
13 those with that in mind. They would provide an
14 overview of our findings and conclusions.

15 MR. CAMPBELL: I understand that. I just
16 want to make sure people don't go home thinking that
17 they've seen an accurate portrayal.

18 MR. RAPHAEL: I would not argue with you on
19 that, no.

20 MR. CAMPBELL: You know, when you buy a
21 car, you have a decision to make about the color,
22 the engine size, mileage, whether it has Bluetooth,
23 what size tires and so on and so on, and when you
24 buy a car, one of those criteria usually is more
25 important than the others and you give and take

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1 what's the perfect combination of characteristics
 2 for the car you want to buy. I'm surprised that in
 3 measuring all these seven criteria, you just
 4 averaged them. They all have equal weight so that,
 5 for instance, the value of providing clean energy in
 6 determining the scenic value is just as important as
 7 the scene value.

8 MR. RAPHAEL: You know, I don't think
 9 that's a fair or totally accurate description. I
 10 mean, in summary, we looked at the overall average,
 11 but in assessing the individual criteria, they are
 12 taken on their own face value and evaluated
 13 specifically for that quality or that potential for
 14 impact and then I think if you take each of those
 15 criteria, we do provide an average or a summary, but
 16 it's more informational. I think if you found that
 17 more of the criteria than less were high or more
 18 were low than were high, then that certainly taken
 19 together informs you that under each of these
 20 criteria it does or does not reach a certain
 21 threshold, but summarize it simply by saying our
 22 conclusion is based on an average of those seven
 23 criteria across the board I don't think is
 24 representative of the analysis and detail that went
 25 into the analysis under each of those separate

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1 criteria.

2 HEARING OFFICER: Mr. Campbell, one minute.

3 MR. CAMPBELL: So the importance of the
 4 amount of energy this project generates, 37.8
 5 percent capacity factor, that weighs in the scenic
 6 impact just as heavily as the viewers' expectations
 7 and the viewers' judgment of the scenic weight, the
 8 scenic impact of the turbines?

9 MR. RAPHAEL: No, it does not.

10 MR. CAMPBELL: I thought you averaged all
 11 those scores?

12 MR. RAPHAEL: No, I just explained that
 13 within each criteria there's no averaging. There's
 14 a real --

15 MR. CAMPBELL: I'm talking about across the
 16 criteria.

17 MR. RAPHAEL: Well, I think when you look
 18 across the criteria and you find that each of the
 19 individual criteria reaches a certain threshold, I
 20 think that's informative in your decision-making
 21 process but that's not the sole determination of
 22 whether we concluded that the overall impact on that
 23 particular resource was low, medium or high.

24 MR. CAMPBELL: All right.

25 HEARING OFFICER: Thank you, Mr. Campbell.

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1 MR. CAMPBELL: Thank you all.

2 HEARING OFFICER: We find ourselves at a
 3 breaking point. We're going to take an early lunch,
 4 but we will come back early as well if that is
 5 agreeable with folks.

6 **(Hearing Officer Confers With Staff)**

7 HEARING OFFICER: Ms. Browne, we would have
 8 time to do the redirect without the -- and possibly
 9 even recross. Why don't we proceed then. If you
 10 would proceed with the redirect.

11 MS. BROWNE: Thank you. Juliet Browne for
 12 the applicant. Bear with me, I thought I was going
 13 to have a lunch break.

14 HEARING OFFICER: If you do need a few
 15 minutes, certainly --

16 MS. BROWNE: That's okay. I'll get started
 17 now. Mr. Gravel, if you wouldn't mind, you talked
 18 about the period of time for curtailment for bats,
 19 and I think you said a half-hour before sunset --
 20 sorry -- you identified a period of time during the
 21 year and suggested they would be curtailed that
 22 entire time period. Could you please identify the
 23 period of the day or night when they would be
 24 curtailed?

25 MR. GRAVEL: Yes. Curtailment would only

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1 occur at night when bats are active from April 15th
 2 to October 15th.

3 MS. BROWNE: Thank you, and I think this is
 4 also either for Bob Roy or for you, Adam. Did U.S.
 5 Fish and Wildlife Service review the habitat
 6 assessment that was done for the lynx?

7 MR. GRAVEL: Yes, they did.

8 MS. BROWNE: And did they request any
 9 tracking surveys after reviewing that habitat
 10 assessment?

11 MR. GRAVEL: No, they didn't.

12 MS. BROWNE: So you're not aware of any
 13 request by U.S. Fish and Wildlife Service or IF&W to
 14 undertake tracking surveys at the project area,
 15 correct?

16 MR. GRAVEL: That's correct.

17 MS. BROWNE: You also said you consulted
 18 with regional biologists in connection with the lynx
 19 work you did, right?

20 MR. GRAVEL: Yes, that's correct.

21 MS. BROWNE: And isn't it your
 22 understanding that the regional biologists have
 23 on-the-ground experience in the project area?

24 MR. GRAVEL: Oh, yes, certainly.

25 MS. BROWNE: Dr. Boyle, I'm going to ask

1 you a question about Mr. Campbell's questioning of,
2 I believe, Mr. Raphael and asked about why he didn't
3 identify in a table the users expectations for the
4 -- what their expectation was for the quality of
5 their experience on the lake that day. Can you tell
6 me the -- what information does that question give
7 to you as you review these surveys?

8 MR. BOYLE: To me the expectation is the
9 overall expectation of the experience, all the
10 aspects that go into it, so your experience while
11 you're there, why you come back, the activities that
12 you participate in, and then the factors that are
13 outside and so it would include weather conditions,
14 water conditions and they all go into that
15 expectation.

16 MS. BROWNE: Does it tell you anything
17 about whether you expect to see development or not
18 see development?

19 MR. BOYLE: No.

20 MS. BROWNE: Does it tell you anything
21 about whether you expect to see a highly-scenic
22 landscape or not a highly-scenic landscape?

23 MR. BOYLE: No.

24 MS. BROWNE: And is this one of what you've
25 referred to previously as a legacy question that's

1 been included in prior intercept surveys for the
2 other wind power projects?

3 MR. BOYLE: This is a question that is
4 carried forward. I don't necessarily think it
5 informs us about the siting for wind projects.

6 MS. BROWNE: And, Mr. Kiely, I think you
7 answered this in response to Mr. Silvestri, but the
8 suppression -- fire suppression system that Vestas
9 now makes available, that would be included in the
10 Vestas model that would be used in this project?

11 MR. KIELY: That's correct.

12 MS. BROWNE: And, Mr. Raphael, you were
13 asked some questions about uniqueness and whether
14 the word "unique" was in the Wind Energy Act and
15 whether the term "pristine" or "concepts of
16 substitution" were in the Wind Energy Act. With
17 respect to uniqueness of a scenic resource and the
18 significance of a scenic resource, the criteria that
19 you used here, are these criteria that you've just
20 developed on your own?

21 MR. RAPHAEL: No, these are terms that are
22 often used in visual analysis processes.

23 MS. BROWNE: So to your knowledge, are
24 these criteria that are used by other professionals
25 in evaluating scenic impact?

1 MR. RAPHAEL: Yes, they are.

2 MS. BROWNE: And when you look at the
3 impact of scenic change, in response to Mr. Campbell
4 you noted that Dr. Boyle in his presentation
5 identified the perceived drop in scenic quality that
6 the respondents to the Bowers survey gave. In terms
7 of your expertise that you bring to bear, do you
8 feel that you have expertise to evaluate a change in
9 scenic quality that would occur if a turbine is
10 placed in the landscape?

11 MR. RAPHAEL: Yes, we do, absolutely.

12 MS. BROWNE: And what is that expertise
13 based on?

14 MR. RAPHAEL: Well, that expertise is based
15 on a number of things. It's based on professional
16 training specifically in the area of environmental
17 and aesthetic assessment, it's based on an
18 understanding of the literature and processes
19 employed by both state and federal agencies in the
20 review of changes to scenic quality, and it's
21 informed by our continuing experience in the field
22 as we see how projects that are built in the
23 landscape do affect scenic quality.

24 MS. BROWNE: And one of the other criteria
25 the Wind Energy Act directs you to evaluate is

1 impact on use and enjoyment, and I think that you
2 have said and many people have said that's one of
3 the more difficult criteria to obtain information
4 on, is that correct?

5 MR. RAPHAEL: That is correct.

6 MS. BROWNE: And is impact on use and
7 enjoyment and likelihood to return two of the
8 criteria that the user surveys provide information
9 on in an area that is otherwise difficult for you to
10 assess?

11 MR. RAPHAEL: Yes, yes, they do.

12 MS. BROWNE: And on the Keg Lake simulation
13 I want to be clear. Is your opinion that the
14 simulation you've provided is a reasonable
15 representation of what would be seen if the project
16 were built?

17 MR. RAPHAEL: Yes, it is.

18 MS. BROWNE: And are you aware that Dr.
19 Palmer also did a review of your work?

20 MR. RAPHAEL: Yes, I am.

21 MS. BROWNE: And are you aware of Dr.
22 Palmer's overall conclusion that the simulations,
23 including Keg Lake, were generally accurate and well
24 constructed?

25 MR. RAPHAEL: Yes.

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1 MS. BROWNE: Mr. Kearns, I wanted to follow
2 up on some questions that Mr. Campbell asked about
3 donations that First Wind had made to various
4 entities. Could you describe what First Wind's
5 corporate donation policy and practice is?

6 MR. KEARNS: Yes, Matt Kearns, First Wind
7 VP of Development Northeast. First Wind has a
8 strong commitment to community as part of our
9 development practices and that actually came out of
10 some work that we did with the employees in 2010.
11 So it's really one of our core values.

12 We make contributions in three basic
13 categories in all of the areas that we do business
14 across the country. They're principally divided
15 into education and youth, environment and recreation
16 and civic and community. We also have a First Wind
17 scholars program. Ten Maine high school seniors to
18 date have been recipients of grants. We also do a
19 program with Maine educators called Donors Choose
20 where teachers can identify needs in the classroom
21 and then basically those would be funded through a
22 pool of dollars that First Wind makes available.

23 So as I indicated, community is really a
24 core value but I think most importantly, the
25 organizations that we contribute to are identified

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1 by local Maine employees and they are folks that
2 work with us who identify the most effective
3 organizations whose work exemplifies the best values
4 in the communities. Then those contributions are
5 approved in our headquarters in Boston and the
6 contribution is made. I'm really proud of the
7 record of commitment to the community and the
8 ongoing work, both during development and in
9 operations exemplifying I think the best of private
10 sector and the nongovernment organizations working
11 together to get things done.

12 MS. BROWNE: And are any contributions ever
13 conditioned on the recipient supporting the project?

14 MR. KEARNS: No.

15 MS. BROWNE: Indirectly, directly, any
16 suggestion, inference, pressure of any kind?

17 MR. KEARNS: No, and I would just be clear
18 that the contribution that Mr. Campbell referenced,
19 the contribution to Downeast Salmon Federation was
20 required. That was actually part of our tangible
21 benefits program which is required by statute for
22 the Bull Hill project. So I think it's important to
23 be clear that the statute requires that we identify
24 organizations to make contributions to. I think
25 it's a good thing but it is required.

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1 HEARING OFFICER: One minute, Ms. Browne.

2 MS. BROWNE: And with respect to the
3 organizations mentioned by Mr. Campbell that have
4 received donations in one form or another, is there
5 -- have you learned any information from that
6 organization that their support of this project was
7 related in any way, shape or form to those
8 donations?

9 MR. KEARNS: No.

10 MS. BROWNE: I have one quick question for
11 Marty Phillips, if you don't mind. She's from
12 Kleinschmidt and maybe you could introduce yourself
13 for the record.

14 MS. PHILLIPS: My name is Marty Phillips.
15 I am a former employee of Kleinschmidt.

16 MS. BROWNE: And what was your role with
17 respect to the user surveys?

18 MS. PHILLIPS: I was the primary designer,
19 lead technical person for this project.

20 MS. BROWNE: Great. There was a question
21 by Mr. Campbell on whether the lake levels were
22 controlled by federally licensed -- sorry, maybe it
23 was by Mr. Mahoney -- federally-licensed dams.
24 Could you identify which of the lakes in the project
25 area are controlled by dams.

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1 MS. PHILLIPS: I can.

2 MS. BROWNE: Sorry, the water levels are
3 controlled by dams?

4 MS. PHILLIPS: I can. Junior, Scraggly,
5 Bottle, Keg, Norway, Horseshoe, Sysladobsis,
6 Pocumcus, West Grand and Pug Lakes.

7 MS. BROWNE: Great. Thank you so much.
8 That's all.

9 HEARING OFFICER: Thank you, Ms. Browne.
10 Now, to -- do we have any recross from either Mr.
11 Campbell, Mr. Corrigan or Mr. Mahoney?

12 MR. CORRIGAN: I would like to ask one
13 clarifying question, if I could.

14 HEARING OFFICER: Please proceed. You have
15 five minutes.

16 MR. CORRIGAN: Again, David Corrigan. Mr.
17 Gravel, just a few minutes ago you testified in
18 response to Ms. Brown that U.S. Fish and Wildlife
19 Service did not ask for any additional on-the-ground
20 surveys after you sent you desktop assessment for
21 lynx, correct?

22 MR. GRAVEL: That's correct.

23 MR. CORRIGAN: My question is, did the U.S.
24 Fish and Wildlife Service comment at all after they
25 received the desktop assessment?

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1 MR. GRAVEL: That one I might have to defer
2 to First Wind on. It was a verbal conversation and
3 not anything in writing.

4 MR. CORRIGAN: Okay, because I don't see
5 anything in the record that showed they commented at
6 all after they received your desktop assessment, is
7 that correct?

8 MR. ROY: Hi, my name is Robert Roy. I'm a
9 wildlife biologist for First Wind in the
10 environmental affairs department. First Wind did
11 meet with U.S. Fish and Wildlife Service after the
12 assessment was completed, reviewed -- was in the
13 process of updating them on other projects here in
14 the state of Maine. We reviewed the assessment with
15 them. They didn't appear overly surprised at the
16 results given the location of the project and lynx
17 in the area, the presence of bobcat and did not
18 indicate any concerns.

19 MR. CORRIGAN: Two quick questions. Can
20 you tell me, one, who you met with at U.S. Fish and
21 Wildlife Service?

22 MR. ROY: Mark McCullough.

23 MR. CORRIGAN: Mark McCullough, and there
24 were no additional comments for the record?

25 MR. ROY: No.

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1 MR. CORRIGAN: Thank you very much.

2 HEARING OFFICER: Thank you, Mr. Corrigan.
3 Mr. Campbell, you will also have five minutes.

4 MR. CAMPBELL: Yeah, this question is for
5 Mr. Raphael. We talked about the Keg Lake
6 simulation photograph and in going through the
7 slides that you've presented, of course, those of us
8 up here we have the advantage of receiving them a
9 few days ago and we've looked through them more than
10 the people in the audience. Many of the slides of
11 what you called unique and distinctive landscapes,
12 those were beautiful sunny days with blue skies and
13 blue water, crisp contrasts, deep color saturation.
14 The photographs of the project lakes, however,
15 seem -- many of them are washed out in color and
16 darker, the landscape, the shoreline is nearly black
17 and dismal days, overcast many times and the Keg
18 Lake representation is a great example because even
19 the -- I mean, who could think you could make the
20 surface of a lake look dirty but that one does, and
21 I just wonder, could those photographs not be
22 retaken to show turbines in a more obvious state, a
23 more natural state than consistently dark days? And
24 I know there are exceptions. You're probably going
25 to find one. I'm saying in general they're very

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1 dark, indistinct.

2 MR. RAPHAEL: Well, I guess I don't totally
3 agree with that, you know, I'm looking at the
4 photographs that followed the unique and distinctive
5 slide of differentiated and typical and there's a
6 variety of qualities there. It is fair to say that
7 those represent photographs that we took when we
8 were out in the field on a number of days. We
9 weren't here, you know, for days and days on end so
10 we had to work with the conditions and light levels
11 and atmospheric conditions that were present. I'm
12 sure there was no intention to downplay or elevate
13 the graphic quality in any way.

14 MR. CAMPBELL: I'm not suggesting any
15 intention. I would just like to point out that it
16 seems that you're saying these are not all
17 worst-case visibility scenarios?

18 MR. RAPHAEL: "These" being --

19 MR. CAMPBELL: Under some circumstances,
20 atmospheric conditions and so forth, the turbines
21 are going to be more obvious than they appear in the
22 simulated photos?

23 MR. RAPHAEL: And likewise under other
24 atmospheric conditions they will be barely visible.
25 So you try to find a balance between that and it is

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1 what it is. Now, I will point out that if you look
2 at our VIA and go through the photo inventory, I
3 think you're going to see a fairly wide variety of
4 photographic quality that shows bright, sunny
5 situations and cloudy situations as well.

6 MR. CAMPBELL: So you don't think with the
7 burden on the applicant here you're under any
8 obligation to show worst-case scenarios, you're
9 supposed to find a balance between rainy days and
10 sunny days?

11 MR. RAPHAEL: Well, we set out to -- again,
12 we have nothing to hide so we set out to provide
13 simulations that represent locations where the
14 turbines are either closest or are most visible in
15 terms of numbers or represent where the most people
16 are going to see them like from the boat launches.

17 MR. CAMPBELL: I'm not criticizing that
18 aspect of the photographs.

19 MR. RAPHAEL: Okay.

20 HEARING OFFICER: One minute, Mr. Campbell.

21 MR. RAPHAEL: So I think taken together,
22 those do approach a worst-case type of view of the
23 turbines.

24 MR. CAMPBELL: We disagree on that.

25 MR. RAPHAEL: Very good.

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1 MR. CAMPBELL: Just one very quick question
2 for Mr. Kearns. You talked about First Wind has a
3 pool of money and your local people come to you with
4 suggestions for community benefit -- community
5 outreach opportunities. When you spread that money
6 around to different organizations would you concede
7 that there's a possibility that some people might
8 then have a bias in favor of the project?

9 MR. KEARNS: I think if people --
10 organizations choose to support clean energy, then
11 they choose to come and support our projects, and we
12 would be very gratified for that support.

13 MR. CAMPBELL: That's all.

14 HEARING OFFICER: Thank you, Mr. Campbell.
15 We now have questions from DEP staff, the
16 opportunity if there are any questions.

17 MR. BEYER: This is Jim Beyer from DEP, a
18 question for Mr. Raphael. You said that the FAA
19 lights would not produce glare. Can you talk a
20 little bit about the distinction between glare and
21 reflection, particularly on the lake?

22 MR. RAPHAEL: That's a good question. The
23 lights themselves do not create glare. There are
24 instances when the lighting at night is -- and the
25 vantage point is such that you will see the lights

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1 reflected in the water, and depending on the water
2 quality, whether it's moving or flat, the light
3 could be enhanced similar to the way, you know, a
4 camp light or an unshielded bulb that's reflecting
5 on the water could be enhanced in terms of its
6 brightness. Whether that translates into glare, I
7 am not sure I would say that. Glare is really
8 something that requires a human eye to want to look
9 away. It really hurts the eye I would say rather
10 than, you know, is a function of brightness. So I
11 wouldn't necessarily rule out the fact that someone
12 could be looking at a reflection of a turbine light
13 or for that matter, a camp light and find it to have
14 some of the qualities of glare, but I've not -- and
15 I've been out at night and I've looked at these
16 lights in the water and I can't say that the
17 experience of that would be one that is -- is
18 characterized by glare or offensive in that regard.

19 HEARING OFFICER: Anything else, Jim?
20 Anything else, Jim?

21 MR. BEYER: No.

22 MR. BERGERON: Mark Bergeron with Maine
23 DEP. A question for Mr. Kiely of First Wind. You
24 had mentioned that the fire suppression system in
25 the Vestas turbine was going to be used. Would you

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1 do the same with the Siemens turbine model?

2 MR. KIELY: I don't -- I know that it's an
3 option on the Vestas model. I don't know if that
4 particular feature is an option on the Siemens
5 model. I think the option we're talking about at
6 Vestas has actually got an active fire suppression
7 system. I know Siemens -- there are specs in there
8 that contain all their design and maintenance specs.
9 I'm not sure if they have access to the same option
10 but we'll look at it.

11 MR. BERGERON: Okay. This may be for Mr.
12 Raphael. There was an exhibit in the materials, I
13 believe Exhibit 21, other wind projects in the
14 region that showed Stetson, Rollins and Passadumkeag
15 projects in relation to the proposed Bowers Project.
16 Could you talk about or is there information in the
17 record about cumulative impacts from the scenic
18 resources around Bowers to those other projects?
19 Can you see any of those other projects from the 14
20 resources from Bowers?

21 MR. RAPHAEL: We're not aware of the
22 visibility of any of the projects from any of the
23 project's lakes. I'd have to go back and just
24 recheck my pre-filed testimony to that extent, but
25 regardless of that, I think the distance and the

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1 topography and the separation from -- the closest
2 one would be Rollins -- is such that in my
3 experience out in the field I have not seen the
4 turbines themselves. I honestly can't recall
5 whether we did a viewshed analysis but, generally
6 speaking, we readily came to the conclusion that we
7 weren't concerned about cumulative impact from those
8 other projects. Most of the -- the visibility is
9 certainly from the Bowers Project to the south,
10 intervening topography and Bowers Mountains and the
11 ridge complex associated with Dill Hill and Bowers
12 and others are such that there is intervening
13 topography. On page 51 of our pre-filed testimony
14 we do address that and I think -- yeah, we did a
15 field verification and 3-D analysis that verified
16 that none of the turbines from the other projects
17 would be visible.

18 MR. BERGERON: Okay, thank you. I guess
19 we'll stay along those lines of questions for Mr.
20 Raphael. Can you talk a little bit about how the
21 Department could look at -- if and when the red
22 blinking lights are on, and if, say, the FAA
23 approved -- the radar system is approved for a
24 number of months or years, how that -- how the
25 presence of red blinking lights at night kind of

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1 focuses your attention or a viewer's attention
 2 because there's not a lot else to view versus in the
 3 daytime there's water and trees and sky and clouds
 4 and other development, those type of things, but at
 5 night is there -- is there some sort of attraction
 6 to those red lights that would draw a viewer's eyes
 7 to those?

8 MR. RAPHAEL: You know, there's no question
 9 that in a relatively dark landscape the addition of
 10 those beacons and their operation would introduce a
 11 new element into that landscape at night. As I
 12 stated, that introduction would have a visual
 13 impact, would certainly be considered an annoyance
 14 by some. Again, I think one of the countervailing
 15 factors to consider is, again, the limited portion
 16 of the horizon line that, you know, the lights would
 17 occupy. I do recognize that, again, atmospheric
 18 conditions can accentuate or de-emphasize the lights
 19 presence so often that can reduce the perceived
 20 impact. I think the question really goes to will
 21 it, you know, be deleterious to the nighttime
 22 experience and, you know, other than individuals
 23 recreating on the lakes which I think is infrequent
 24 at night, I don't believe there would be a
 25 substantive impact, particularly as I mentioned, in

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1 regard to the lack of effect to the night sky. You
 2 know, just an anecdote I'll share with you, on
 3 another project that we were involved with in
 4 Vermont, there was a great deal of concern about the
 5 red flashing lights of the Lowell Mountain project
 6 to a campsite on the Long Trail which runs the spine
 7 of the Green Mountains, and, you know, I certainly
 8 stated many of the similar things I just said to
 9 you. I went up and actually observed them myself
 10 and, you know, their distance was perhaps greater in
 11 some instances than the distance these lights would
 12 be to some of the lakes, but being up high, they
 13 were very visible and actually I was talking with a
 14 group of my students who had just done a hike of
 15 that section of the Long Trail and had camped on
 16 that campsite, which if you, again, go out to a
 17 little bit of a ledge, you see the entire array and
 18 I asked them, was that a disturbance to you, was
 19 that, you know, a real impact to your experience and
 20 they said no, we had a campfire, we were focused on
 21 the campfire, we saw the lights but they didn't
 22 bother us at all. So I think it really depends on
 23 what you're doing and your attitude towards the
 24 project and what's happening in the immediate
 25 vicinity of your camp or your experience as to

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1 whether lights of that nature are going to be, you
 2 know, a real problem for you. So while it's, you
 3 know, unfortunate that we have to address this and
 4 proceed in this manner, as I said at the outset and
 5 I think Mr. Kiely referenced, I think the hope is we
 6 won't have to deal with this and that these radar
 7 detecting systems will be approved soon enough to
 8 allow installation on this project.

9 MR. BERGERON: Thank you, Mr. Raphael. If
 10 you could also make sure -- I've read through the
 11 VIA briefly and could you make sure that there is
 12 data in terms of the percent of visibility of each
 13 of the lakes -- of each of the turbines? I know
 14 there's graphics showing different colors, but I
 15 noticed on Junior Lake it was noted at -- I think it
 16 was around 87 percent of the lake could have some
 17 visibility of the turbines. Could you make sure
 18 that information is in the record of all the other
 19 lakes as well so we have that information?

20 MR. RAPHAEL: I'm not sure what you're
 21 asking me.

22 MR. BERGERON: On Junior Lake there's
 23 information in your VIA that says from 87 percent of
 24 the lake surface there will be some view of the
 25 turbines.

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1 MR. RAPHAEL: Okay, just the representation
 2 of the viewshed and what the viewshed indicated in
 3 terms of lake surface coverage and you want that for
 4 all of the lakes?

5 MR. BERGERON: Correct. I think some said,
 6 you know, around half or less than half or more than
 7 half. If you could actually provide those numbers
 8 for each of those lakes --

9 MR. RAPHAEL: Certainly. I can do that.

10 MR. BERGERON: If you would provide that
 11 information, that would be helpful.

12 MR. RAPHAEL: Absolutely.

13 MR. BERGERON: The other thing that I think
 14 would be helpful is to provide either different or
 15 additional photo simulations for Pleasant Lake and
 16 Shaw Lake because there's footnotes in the
 17 right-hand corner of those drawings saying that
 18 additional turbines may be visible off the sheet,
 19 and I understand the scope and scale of the sheet is
 20 limited to 11 by 17 but if you could provide
 21 additional sheets or a larger sheet of paper that
 22 shows all the visible turbines from that photo
 23 simulation location or, you know, two 11 by 17s with
 24 a match line so we can get a sense of the overall
 25 view.

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1 MR. RAPHAEL: I think we did submit a
2 Pleasant Lake panorama that shows all the turbines
3 you would see but it's not done in the same scale
4 relationship that the visual simulation is. So what
5 you're asking is to take the visual simulation scale
6 and keep it the same and extend it to show all the
7 other turbines?

8 MR. BERGERON: That's correct, so if we do
9 a site visit, we can hold the sheet of paper at 19
10 or 22 inches, whatever the number may be, to get a
11 representation of the angle and the height of the
12 turbines, that would be helpful.

13 MR. RAPHAEL: Okay.

14 MR. BERGERON: And then a quick question
15 for Dr. Boyle. You had mentioned earlier that it
16 was important to determine a random selection of the
17 survey participants. Could you describe a little
18 bit on how that random selection is done, please?

19 MR. BOYLE: So there are two elements to
20 that. So the first is with the roving boat --

21 THE REPORTER: Sir, I can't hear you.

22 MR. BOYLE: So with the roving boat,
23 everyone has a probability of being selected in the
24 sample versus intercepts that are just done at one
25 site so that you miss people at other places, and

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1 towers. It was used on a wind farm for the first
2 time in Canada actually on Siemens turbines and the
3 FAA has actually conducted a site visit where they
4 fly helicopters in at different angles to kind of
5 target this. I believe it's been permitted and is
6 installed perhaps at one U.S. wind farm, and I'm not
7 sure if it's used already on various of these
8 systems on cell towers in the U.S. already but this
9 is -- the FAA is in the process of reviewing these
10 regulations.

11 HEARING OFFICER: I don't want to include
12 speculation in the record. Is there anyone who may
13 be knowledgeable if, in fact, it has been used in
14 the U.S. on wind farms?

15 MR. KIELY: No, I can say it has not been
16 approved for use in a wind farm at this point in the
17 U.S.

18 HEARING OFFICER: Do we -- although, with
19 your crystal ball certainly, has any indication been
20 given by FAA when they expect to approve it?

21 MR. KIELY: I believe my understanding is
22 in the next certainly six months to a year at the
23 outside. They've been working on this for some time
24 and they kind of said six months, six months. I
25 know there's been -- you know, perhaps the DEP has

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1 then within each party one person was randomly
2 selected to complete the survey, and the reason you
3 do that is once one person has answered questions
4 and we ask questions of other people, their
5 responses would be anchored on the first person who
6 answered. When you do a survey, you want everybody
7 to be able to complete their survey in
8 confidentiality, but when you're doing intercept
9 groups, you can't really have that happen and so you
10 pick one person randomly from the group.

11 MR. BERGERON: Okay, thank you.

12 HEARING OFFICER: Thank you, Mark. I had a
13 couple of quick questions, John Silvestri. The
14 first question will be for Mr. Kiely and Mr.
15 Raphael, I believe both. It was stated, I believe,
16 and I want to make sure for the record, that the
17 radar controlled lighting system is operating in
18 Canada, is that correct?

19 MR. KIELY: That is correct. It's
20 operating -- and a little bit of history might be
21 helpful. This technology was invented in Europe, my
22 understanding is, by fighter pilots who flew over
23 the Netherlands and lost a companion to low-level
24 transmission wires and it's been used extensively in
25 Europe on transmission wires and also I believe cell

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1 had some conversations and maybe they can provide an
2 update as well but I think it's hopefully in the
3 fairly near future.

4 HEARING OFFICER: I would suggest for the
5 record if you can get something from the FAA that
6 indicates what their expectations are, whether they
7 are at two months or two years or whatever --

8 MR. KIELY: We've been trying to do that
9 obviously to try to get some kind of more concrete
10 estimate from them but we will see what is available
11 and get it into the record.

12 HEARING OFFICER: Excellent. While the
13 record is open, if you can do that.

14 MR. KIELY: Yes.

15 HEARING OFFICER: Also I have a question
16 for Mr. Kiely. You mentioned that on the Stetson
17 Wind Farm there is -- there was a purchase of a
18 lodge after the Stetson project was completed.

19 MR. KIELY: Correct.

20 HEARING OFFICER: Was that Settlers Lodge?

21 MR. KIELY: First Settlers Lodge.

22 HEARING OFFICER: First Settlers Lodge, and
23 lastly for Dr. Boyle, you -- you relayed today and
24 you've mentioned in your testimony quite a bit the
25 description of hyper defensiveness and precautionary

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1 strategies, and my question is, are those
2 established, accepted considerations for conducting
3 surveys or designing surveys? Have they been well
4 established, those two terms?

5 MR. BOYLE: Those are both concepts from
6 the literature. They are not terms that I coined
7 and so they are --

8 HEARING OFFICER: I'm sorry, that you
9 coined?

10 MR. KIELY: No.

11 MR. BOYLE: That I did not. They're from
12 the literature. They're established terms from the
13 peer-reviewed literature. So I'm taking terms that
14 are used in the academic literature to describe this
15 type of behavior.

16 HEARING OFFICER: So they are commonly used
17 terms in the survey field, industry, concept,
18 design, whatever?

19 MR. BOYLE: Yes.

20 HEARING OFFICER: That's your testimony?

21 MR. BOYLE: Yes.

22 HEARING OFFICER: That's it unless there
23 are any other questions.

24 MS. DAMON: My question is for Dr. Boyle.
25 In reference to the post-construction survey, why

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1 didn't you look at a lake that was within three or
2 eight miles of the existing turbine farm and why
3 didn't you look at a lake that was actually a scenic
4 resource of state or national significance?

5 MR. BOYLE: So I was not the one who made
6 that decision. I was reviewing the surveys. So I'm
7 not sure.

8 MR. KIELY: I think that was just kind of a
9 practical approach of thinking in terms of
10 geographic proximity to the lakes with the idea that
11 it would more likely prove that there's an overlap
12 of usage and that those users would be, you know,
13 similar users, and that's exactly what happened
14 here, 59 percent used it and we thought that would
15 be a better indication of that experience.

16 As far as the distance, obviously
17 Baskahegan is a different distance from the turbines
18 but you also have 55 turbines versus 16 and, again,
19 as we said, you're not going to have a perfect
20 apples to apples on all of these things but we
21 believe the resolution is through the consistency of
22 results across a wide variety of sources.

23 HEARING OFFICER: Anything else? Any other
24 questions? Thank you very much. This concludes the
25 portion of the hearing involving the summary

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1 testimony by the applicant. Thank you all for your
2 testimony. Cross examination is over. We will take
3 a lunch break. It's now ten after one, so let's
4 reconvene at twenty after two, and at that time we
5 will begin the summary of testimony of Mr. Corrigan.
6 Thank you.

7 **(LUNCH RECESS)**

8
9 HEARING OFFICER: At this time we'll begin
10 the summary of testimony by Mr. Corrigan. You'll
11 have 45 minutes to do so.

12 MR. CORRIGAN: Thank you. I am David
13 Corrigan and I will try to keep this under 45
14 minutes if possible.

15 HEARING OFFICER: Mr. Corrigan, you may
16 want to speak a little closer to the mike. We're
17 having trouble with this.

18 MR. CORRIGAN: Is that better?

19 HEARING OFFICER: Yes.

20 MR. CORRIGAN: All right. I'm going to
21 read through my -- because it's short, I'm going to
22 read through my pre-filled testimony and stop on a
23 few highlights as we go.

24 As I presented in my preliminary issues
25 submission, my evidence is going to concentrate on

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1 the unreasonable, adverse effects of this project on
2 wildlife. I'm going to keep my submission very
3 short because I believe the facts speak for
4 themselves.

5 According to the information provided to
6 all parties along with the Second Procedural Order
7 for this case, the Department's Site Location Rule
8 06-096 CMR, Chapter 378 to 380, effective November
9 1, 1979, as applicable, including Chapter 375, are
10 to be used in determining whether or not this permit
11 should be approved. Chapter 375 reads in part, "no
12 adverse environmental effect standard of the site
13 location law." The summary says, "these regulations
14 describe the scope of review of the board in
15 determining a developer's compliance with the no
16 adverse effect on natural environment standard of
17 the Site Location Law. The information which shall
18 be submitted when appropriate within an application
19 for approval and the terms and conditions that the
20 board may impose on the approval of an application
21 to ensure compliance with the standards." It also
22 says, "note, in determining whether the developer
23 has made adequate provisions for fitting the
24 development harmoniously into the existing natural
25 environment and the development will not adversely

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1 affect existing usage, scenic character or natural
2 resources in the municipality or in neighboring
3 municipalities, the board has identified several
4 specific areas of concern which are dealt with in
5 detail below. In Section 15, protection of wildlife
6 and fisheries, A, preamble reads, "the board
7 recognizes the need to protect wildlife and
8 fisheries by maintaining suitable, sufficient
9 habitat and the susceptibility of" --

10 THE REPORTER: Sir?

11 MR. CORRIGAN: I'm sorry. "And the
12 susceptibility of certain species to disruption and
13 interference of lifecycles by construction
14 activities." It goes on to say under scope of
15 review, "in determining whether the developer has
16 made adequate provision for the protection of
17 wildlife and fisheries, the board shall consider all
18 relevant evidence to that effect such as evidence
19 that, one, a buffer strip of sufficient area will be
20 established to provide wildlife with travel lanes
21 between areas of available habitat; two, proposed
22 alterations and activities will not adversely affect
23 wildlife and fisheries and cycles; three, there will
24 be no unreasonable disturbance to high and moderate
25 value deer wintering areas or habitat of any species

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1 declared threatened or endangered by the
2 Commissioner of Maine Department of Inland Fisheries
3 and Wildlife or the Director of U.S. Fish and
4 Wildlife Service."

5 HEARING OFFICER: Mr. Corrigan, try to go a
6 little slower if you could.

7 MR. CORRIGAN: Sorry. There are several
8 other criteria but we don't need to get into those
9 right now. Under submissions, Section C,
10 "applications for approval of proposed development
11 shall include evidence that affirmatively
12 demonstrates that the developer has made adequate
13 provision for the protection of wildlife and
14 fisheries, including information such as the
15 following when appropriate; one, the location of
16 natural buffer strips and adequate provision for
17 their maintenance; two, plans to mitigate adverse
18 effects on wildlife and fisheries through means that
19 at a minimum include, but are not limited to, design
20 considerations, pollution abatement practices, the
21 timing of construction activities and on site or off
22 site habitat improvements for preservation" and
23 under D, terms and conditions, "the board may as a
24 term or condition of approval establish any
25 reasonable requirement to ensure that the developer

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1 has made adequate provision for the protection of
2 wildlife and fisheries." So that's where I'm coming
3 from addressing my information on wildlife.

4 It's my belief that the applicant has
5 failed to meet their burden of proof on several
6 counts under this chapter. Let me start with Canada
7 lynx. The Canada lynx is designated as a threatened
8 species federally. In the correspondence submitted
9 by the applicant as part of their application packet
10 is a letter from U.S. Fish and Wildlife Service
11 that, among other things, recommends that the
12 applicant consider doing winter track surveys to
13 determine the presence of lynx in and around the
14 project area. They also recommend having
15 discussions with biologists at the Maine Department
16 of Inland Fisheries and Wildlife who may have
17 firsthand knowledge of the local lynx population.

18 According to the applicant, the only lynx
19 study that they did was a desktop assessment,
20 essentially using aerial photographs to determine if
21 there was high-quality snowshoe hare habitat within
22 the project area. Without ever doing a tracking
23 survey or talking to biologists, game wardens,
24 hunters or trappers who have firsthand knowledge of
25 current and historic local lynx populations, the

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1 applicant has seen fit to declare that their project
2 will have no impact to this threatened species.
3 This, in spite of the fact that their own consultant
4 in applicant's Exhibit 7C-4, Assessment of Potential
5 Canada Lynx Habitat Report, warned, and I quote,
6 "note that habitat association such as this will not
7 necessarily or accurately predict the presence of
8 lynx in the study area." That's pretty cut and
9 dried right there. Their own applicant told them
10 that this assessment was not adequate and, yet, it's
11 the only evidence that the applicant has provided to
12 meet their burden of proof under Chapter 375 as it
13 relates to Canada lynx. So what I'm pointing out is
14 that I just don't see that they've met the burden.

15 Bald eagles, the bald eagle, a national
16 symbol of the United States of American, is
17 protected under the Bald and Golden Eagle Protection
18 Act and the Migratory Bird Treaty Act. It's a
19 federal offense to kill or harass a bald eagle.
20 Because the applicant has modified their project to
21 avoid wetlands, they were able to keep the Army
22 Corps of Engineers from becoming involved in the
23 project. If the Army Corps had been involved, they
24 would have required consultation with the U.S. Fish
25 and Wildlife Service to determine the project's

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1 potential impacts on all federally protected
2 species, including bald eagles. In the
3 correspondence from the Army Corps included in the
4 applicant's paperwork, the applicant is warned that
5 even though the Corps is not involved, the applicant
6 is still responsible and can be held liable under
7 Sections 9 and 10 of the Endangered Species Act as
8 well as the Bald and Golden Protection Act and the
9 Migratory Bird Treaty Act if their project results
10 in violations of the terms of these laws.

11 The applicant did several aerial surveys
12 which showed bald eagle nests in close proximity to
13 the project area. As discussed a little bit
14 earlier, the spring 2011 survey shows bald eagle
15 nests at 4.72, 4.73, 7.02, 7.73, 8.17 and 9.29 miles
16 from the project. That's a significant amount of
17 activity and population density for a bird that
18 until recently was on the endangered species list.

19 The applicant also notes several instances
20 of bald eagles being seen in and near the project
21 area during their on site surveys. Despite the high
22 numbers of federally-protected birds using the area,
23 the applicant offers no real evidence that their
24 project will not have an unreasonable adverse effect
25 on resident and migratory populations of bald eagles

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1 and other raptors. They say that they intend to
2 conduct post-construction surveys to determine avian
3 mortality but post-construction surveys to count
4 dead eagles do not meet the criteria of Chapter 375.
5 It may be true that the U.S. Fish and Wildlife
6 Service has been slow to prosecute wind developers
7 for killing protected bird but that does not excuse
8 the Maine Department of Environmental Protection
9 from enforcing its own rules and mandates in the
10 matter of issuing permits for the construction of
11 such facilities in areas where there is a
12 significant risk to these species.

13 Bats, when it comes to bats, much like with
14 the bald eagle, the applicant admits that they're in
15 the area but they offer no solid plan for avoiding
16 undue adverse effects on the animals, this becoming
17 even more important as white nose syndrome is
18 quickly killing off once large populations of
19 certain species of bats. What was once considered
20 to be an acceptable level of mortality from wind
21 development must now be reevaluated in light of
22 recent evidence that our bat populations are dying
23 off faster than they can reproduce. Under these
24 circumstance many, including myself, would argue
25 that no level of mortality such as that from wind

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1 projects is acceptable. And I will modify this
2 slightly because I understand the applicant is now
3 at least agreeing to IF&W conditions on mitigation
4 which was perhaps in question when I wrote this but
5 my point on this is I still don't believe that that
6 mitigation meets the burden of proof of no undue
7 adverse effects on bats. I believe it's a step in
8 the right direction but I still believe we're
9 looking at too much potential for mortality with
10 bats.

11 I believe that there are many reasons that
12 the Bowers Mountain project does not qualify for a
13 permit under the laws and rules of this state.
14 Others I'm sure will and have presented information
15 regarding scenic and economic impacts as well as
16 other reasons that will be important to consider,
17 but I believe the unreasonable adverse effects on
18 wildlife and the failure of the applicant to meet
19 the criteria of Chapter 375 is reason enough in
20 itself to deny this application and I ask the Maine
21 Department of Environmental Protection to do just
22 that, and that is the conclusion of my original
23 pre-filed testimony and I spoke to Amy and she said
24 this would be an appropriate time to also cover my
25 pre-filed written rebuttal testimony. My rebuttal

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1 testimony was --

2 HEARING OFFICER: Mr. Corrigan, before you
3 do, any objections from PPDLW or the applicant or
4 CLF?

5 MR. MAHONEY: No.

6 MS. BROWNE: No.

7 MR. CORRIGAN: Thank you. My rebuttal
8 testimony is very brief and I'll wrap it up as
9 quickly as I can. It is in regard to the pre-filed
10 testimony of Mr. George Smith.

11 HEARING OFFICER: Take your time.

12 MR. CORRIGAN: Mr. Smith submitted
13 testimony along with other witnesses and I submitted
14 my rebuttal which everybody should have in hand.

15 Mr. Smith's testimony is full of his
16 assertions that anglers and others will not stop
17 traveling to the area if Bowers Wind Project is
18 constructed. He tells us that he's confident of
19 this. He asks us to believe that he knows this
20 because of his experience as an outdoor writer, a
21 television host and as the former executive director
22 of the Sportsmen's Alliance of Maine; yet, Mr. Smith
23 fails to reveal in his testimony that both himself
24 and his former employer, the Sportsmen's Alliance of
25 Maine, collect direct financial compensation from

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1 the applicant in the Bowers Mountain Wind Project.
 2 Mr. Smith never bothered to state for the record
 3 that while he was the executive director of the
 4 Sportsmen's Alliance of Maine they took sponsorship
 5 money from First Wind. Mr. Smith also neglected to
 6 state for the record that First Wind is a financial
 7 sponsor of his own website. I believe that knowing
 8 that the man giving testimony in favor of the
 9 project is collecting money from the applicant is an
 10 important thing to have on the record. As a
 11 journalist, Mr. Smith should be well aware of the
 12 ethical ramifications of submitting his testimony
 13 without full disclosure of his personal financial
 14 interests. As a part-time writer and full-time
 15 registered Maine master guide who lives the life
 16 that Mr. Smith writes about, I find his testimony to
 17 be disingenuous and his lack of disclosure to be
 18 personally disturbing.

19 MR. MAHONEY: Excuse me, Mr. Silvestri, I'm
 20 just going to object. I thought we were going to --
 21 Mr. Smith is going to be here tomorrow to testify.
 22 I think it's only the least bit of courtesy that he
 23 be here when this is being read into the record so
 24 he has an opportunity to respond. We'll certainly
 25 go over that tomorrow. I don't want to respond at

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1 this time for Mr. Smith. I may have a few questions
 2 to ask, but, you know --

3 MR. CORRIGAN: If I may, can I just make a
 4 comment?

5 HEARING OFFICER: You will be here
 6 tomorrow?

7 MR. CORRIGAN: I will be and we can do this
 8 tomorrow but I'd like to make one comment.

9 HEARING OFFICER: Let's take one point at a
 10 time.

11 MR. CORRIGAN: Okay.

12 HEARING OFFICER: I will sustain that
 13 objection. I think that's appropriate.

14 MR. CORRIGAN: As long as we have time
 15 tomorrow, I have no objection.

16 HEARING OFFICER: Yes. We'll absolutely
 17 have time for you to make comments you have about
 18 someone who is going to be here tomorrow.

19 MR. CORRIGAN: If I have five minutes to
 20 read this into the record tomorrow, I have no
 21 objection.

22 HEARING OFFICER: I think you are listed as
 23 cross examining Mr. Smith, if I'm not mistaken, so
 24 yes, you're all set.

25 MR. CORRIGAN: Thank you.

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1 MR. MAHONEY: Just to clarify, this is in
 2 the record. There's no need to read this for this
 3 to be in the record. If he's got cross examination
 4 for Mr. Smith and he wants to raise these issues
 5 again, I think that's appropriate and, in fact, I
 6 know Mr. Smith is looking forward to addressing
 7 this, but I'm not going to cross examine David based
 8 on his comments about Mr. Smith.

9 HEARING OFFICER: I think it's basically
 10 the same objection and I continue to sustain it.
 11 Anything else, Mr. Corrigan?

12 MR. CORRIGAN: Just the fact is that all of
 13 this is in the record that we're reading in so far,
 14 so I don't see where I'm any different than anybody
 15 else, but as long as there's a chance, I don't care
 16 when it is. Thank you.

17 HEARING OFFICER: Thank you. We will now
 18 move to the cross examination of Mr. Corrigan. The
 19 applicant will have 20 minutes.

20 MS. BROWNE: Thank you. Mr. Corrigan, you
 21 referenced a Fish and Wildlife letter in which you
 22 said that Fish and Wildlife recommended that the
 23 applicant conduct tracking surveys, correct, for the
 24 Bowers Project for lynx, right?

25 MR. CORRIGAN: I referenced a letter that

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1 is in the record that recommended that they consider
 2 it.

3 MS. BROWNE: So the record is clear, you're
 4 referencing the November 17, 2009 letter from U.S.
 5 Fish and Wildlife. It's in Section 7 of the
 6 application, correct?

7 MR. CORRIGAN: I believe that's the one. I
 8 don't have it in front of me but I believe that was
 9 the one.

10 MS. BROWNE: Do you have a copy you can
 11 give him to look at or is this it?

12 MS. PRESCOTT: That's the only easy one I
 13 have.

14 MS. BROWNE: Okay. Well, on page 2 of that
 15 letter, and you can confirm in a minute, I have just
 16 one copy here, their actual recommendation was that
 17 "an evaluation of habitat and/or snow tracking
 18 surveys in the vicinity of towers, roads,
 19 transmission lines and other facilities would help
 20 assess the potential for occurrence of lynx,"
 21 correct?

22 MR. CORRIGAN: If you're reading it, I
 23 won't deny it.

24 MS. BROWNE: Okay, and then you heard from
 25 the First Wind witness that, in fact, the results of

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1 that habitat assessment were shared with U.S. Fish
2 and Wildlife Service, right?

3 MR. CORRIGAN: That's correct.

4 MS. BROWNE: And you're not aware of any
5 other evidence that Fish and Wildlife Service has
6 recommended that tracking surveys occur other than
7 the either/or language in that early letter,
8 correct?

9 MR. CORRIGAN: I am not aware that they
10 have made any recommendations at all, but I am aware
11 that they refuse to appear at things like this to
12 answer questions which is a difficult point to bring
13 up at the moment.

14 MS. BROWNE: Okay. Well, are you aware
15 that U.S. Fish and Wildlife Service reviewed the
16 original larger Bowers Project?

17 MR. CORRIGAN: Yes. I personally spoke to
18 Mark McCullough after it hit his desk, and his words
19 to me were that it's on his desk, he would look at
20 it but he didn't expect to have time to review it
21 within the timeframe of the project.

22 MS. BROWNE: Well, I'd like to refer you to
23 an exhibit that was attached to the Stantec rebuttal
24 testimony and this is a Fish and Wildlife Service
25 letter on the first and larger Bowers Project. So

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1 they did review that project.

2 MR. CORRIGAN: They did review it.

3 MS. BROWNE: And among other things, they
4 looked at the potential impacts to bald eagles,
5 correct?

6 MR. CORRIGAN: Yes.

7 MS. BROWNE: And they concluded, and I'm
8 quoting from page 2 of that letter, which is Stantec
9 rebuttal --

10 MS. PRESCOTT: Exhibit 1.

11 MS. BROWNE: -- 1, I think, "the survey
12 data suggests that current use of the project area
13 by migrating and resident bald eagles is lower than
14 many proposed or existing Maine wind projects." So
15 you understand that they reviewed the data on eagles
16 in connection with the original project and they
17 concluded that the use of the project area by bald
18 eagles was low, correct?

19 MR. CORRIGAN: Yes.

20 MS. BROWNE: And they also commented on
21 migratory birds and bats, and this is on page 3 and
22 they state, "passage rates, flight heights,
23 proportion in the rotor/shrub zone, raptor migration
24 rates, et cetera, collected at the Bowers site were
25 comparable or less than similar measures obtained at

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1 other wind projects in Maine, correct?

2 MR. CORRIGAN: Correct.

3 MS. BROWNE: And when Fish and Wildlife
4 Service first recommended that either -- either
5 habitat assessment or tracking surveys be
6 undertaken, that was in 2009, prior to their issuing
7 review comments on the earlier Bowers Project,
8 correct?

9 MR. CORRIGAN: Correct.

10 MS. BROWNE: And in their review comments
11 on the Bowers Project, again, it's the Stantec
12 rebuttal exhibit, it's dated May 11th, 2011, they
13 didn't even comment on Canada lynx, correct?

14 MR. CORRIGAN: That's correct.

15 MS. BROWNE: And you're aware that Fish and
16 Wildlife Service has commented on the potential for
17 other wind power projects to impact Canada lynx?

18 MR. CORRIGAN: Yes.

19 MS. BROWNE: So, for example, are you
20 familiar with the Kibby Project.

21 MR. CORRIGAN: Slightly.

22 MS. BROWNE: And that project is located in
23 part in habitat that's designated critical lynx
24 habitat, correct?

25 MR. CORRIGAN: Correct.

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1 MS. BROWNE: And you're aware that the Fish
2 and Wildlife Service signed off on that project,
3 correct?

4 MR. CORRIGAN: Yup, I believe they did.

5 MS. BROWNE: And you're aware that U.S.
6 Fish and Wildlife Service reviewed the Oakfield Wind
7 Project, correct?

8 MR. CORRIGAN: I'm aware it went before
9 them. I don't know the details.

10 MS. BROWNE: Well, their review comments on
11 that project were also attached to the Stantec
12 rebuttal testimony, Exhibit --

13 MS. PRESCOTT: 2.

14 MS. BROWNE: -- 2, thank you, and those
15 review comments are dated January 23rd, 2013 -- I
16 think that's a typo, it must be 2012 -- and if you
17 look at that Stantec exhibit, they reviewed, among
18 other things, potential impacts to Canada lynx and
19 on page 13 -- would you like a copy?

20 MR. CORRIGAN: No, I'm okay, that's all
21 right.

22 MS. BROWNE: Okay. On page 13 of their
23 review comments they evaluated a habitat assessment
24 that had been undertaken and they concluded there
25 was minimal suitable habitat for Canada lynx in the

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1 project footprint.
 2 MR. CORRIGAN: I don't see a question
 3 there.
 4 MS. BROWNE: They went on to evaluate the
 5 potential for mortality, and in that project they
 6 noted that there would be 16.7 miles of new road
 7 construction and they concluded overall that the
 8 potential -- (loud noise) was that me? They noted,
 9 and I'm reading from page 15, that "Canada lynx may
 10 occasionally disperse through the project area and
 11 the increased likelihood of trapping as a result of
 12 road access was very low. Now, you're aware that
 13 the greater risk to lynx is from trapping, correct?
 14 MR. CORRIGAN: I'm aware that trapping is a
 15 risk to lynx. I don't know that I would agree it's
 16 a greater risk to lynx.
 17 MS. BROWNE: Of the human-related risks to
 18 lynx, what's your understanding of what the greatest
 19 risks are?
 20 MR. CORRIGAN: At the moment without having
 21 a detailed analysis in front of me, it would
 22 probably have to be a tossup between habitat
 23 destruction, cars for actual mortality, car related
 24 and trapping, although I'm also aware that the Maine
 25 Fish and Wildlife Service has extremely restrictive

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1 trapping restrictions in the Bowers area for just
 2 this reason because they know there are lynx there.
 3 MS. BROWNE: So you're aware that the
 4 habitat assessment showed that this was not suitable
 5 habitat for lynx, correct?
 6 MR. CORRIGAN: I'm aware that that's what
 7 the desktop assessment said, but I do not believe
 8 that's what on-the-ground -- on-the-ground surveying
 9 including U.S. Fish and -- I'm sorry -- Maine Fish
 10 and Wildlife issuing restricted trapping laws to
 11 protect lynx in this area prove out to be.
 12 MS. BROWNE: Have you undertaken an
 13 on-the-ground assessment of habitat that is
 14 different than the results reached by Stantec -- I'm
 15 not saying the conclusions -- but the evaluation of
 16 the habitat, have you undertaken an evaluation of
 17 that habitat?
 18 MR. CORRIGAN: I have not undertaken a
 19 professional evaluation but the burden of proof is
 20 not on me to do that.
 21 MS. BROWNE: No, that's why we had
 22 professionals undertake that assessment and they
 23 concluded it was not suitable habitat. You heard
 24 that testimony, right?
 25 MR. CORRIGAN: Absolutely.

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1 MS. BROWNE: I think you've described
 2 yourself as a wind warrior, is that correct?
 3 MR. CORRIGAN: I don't generally use that
 4 term. Some people have used it about me.
 5 MS. BROWNE: Do you think that's a fair
 6 description of your views toward wind? You consider
 7 yourself a wind opponent, right?
 8 MR. CORRIGAN: In general.
 9 MS. BROWNE: And you've described yourself
 10 as saying you've been totally immersed in fighting
 11 industrial wind, correct?
 12 MR. CORRIGAN: Yes.
 13 MS. BROWNE: And that it has consumed your
 14 time, your attention and your money at an alarming
 15 rate, correct?
 16 MR. CORRIGAN: Yes, I've said that.
 17 MS. BROWNE: And you oppose all land-based
 18 wind power, correct?
 19 MR. CORRIGAN: I oppose all land-based wind
 20 power in New England as it's been proposed so far.
 21 MS. BROWNE: And you have described
 22 yourself as a guide, as I understand it, correct?
 23 MR. CORRIGAN: That's correct.
 24 MS. BROWNE: And you live in Concord
 25 Township?

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1 MR. CORRIGAN: That's correct.
 2 MS. BROWNE: So that's more than a hundred
 3 miles from the project area, right?
 4 MR. CORRIGAN: I believe, yup.
 5 MS. BROWNE: And you don't do any guiding
 6 in the project area lakes, correct?
 7 MR. CORRIGAN: I don't generally guide
 8 there. I do recommend clients to the area now and
 9 then.
 10 MS. BROWNE: So you're not personally
 11 guiding in the project area lakes, right?
 12 MR. CORRIGAN: Not generally, no.
 13 MS. BROWNE: In fact, you actually have
 14 full-time employment from, what, May to October, is
 15 that correct, running a ferry service?
 16 MR. CORRIGAN: That's one of my full-time
 17 jobs, yes.
 18 MS. BROWNE: So that keeps you busy at
 19 least during the May to October time period, right?
 20 MR. CORRIGAN: I'm not on that job all the
 21 time. I have other guides who work for me and I do
 22 other trips at the same time.
 23 MS. BROWNE: Okay, but in the Concord
 24 Township area?
 25 MR. CORRIGAN: All over the state of Maine.

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1 MS. BROWNE: Okay. You don't have any
2 personal expertise in assessing habitat for lynx, do
3 you?
4 MR. CORRIGAN: Not as far as a professional
5 degree, no. I only have a lifetime of experience in
6 the Maine woods.
7 MS. BROWNE: If you'd just give me one
8 minute, I may be done. If I can look at my notes,
9 that would be more efficient, so bear with me.
10 HEARING OFFICER: That's fine.
11 MS. BROWNE: You also commented that one of
12 the risks to lynx related to human development was
13 collisions with vehicles, correct?
14 MR. CORRIGAN: Correct.
15 MS. BROWNE: And you heard the testimony
16 earlier today that the project roads will be posted
17 to speed limits of 30 miles per hour or less?
18 MR. CORRIGAN: I heard that. I also
19 understand that many collisions happen at less than
20 that speed. I've had them myself with wild animals.
21 MS. BROWNE: Okay, but you understand the
22 U.S. Fish and Wildlife Service recommendation is to
23 post a speed limit of 30 miles per hour or less,
24 correct?
25 MR. CORRIGAN: Correct.

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1 MS. BROWNE: And you understand that on
2 other logging roads the traffic is oftentimes at
3 speeds above 30 miles per hour, correct?
4 MR. CORRIGAN: Correct.
5 MS. BROWNE: Nothing further. Thank you.
6 HEARING OFFICER: Thank you, Ms. Browne.
7 We now ask CLF, Mr. Mahoney, to come forward. You
8 have 20 minutes.
9 MR. MAHONEY: I just have one or two
10 questions, David. The first would be for this
11 project, not for the prior project, for this
12 project, did you consult with anybody at Fish and
13 Wildlife Service --
14 MR. CORRIGAN: I have not personally spoken
15 to anybody at U.S. Fish and Wildlife Service since
16 the conclusion of the last project application.
17 MR. MAHONEY: Okay, and is that true for
18 IF&W staff as well?
19 MR. CORRIGAN: Correct.
20 MR. MAHONEY: Including their regional
21 biologist?
22 MR. CORRIGAN: Correct.
23 MR. MAHONEY: In your testimony this time
24 you mentioned that -- you stated at the end on the
25 bald eagle part, "it may be true that U.S. Fish and

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1 Wildlife has been slow to prosecute wind developers
2 for killing protected birds." Are you aware of any
3 instance where U.S. Fish and Wildlife in Maine has
4 not prosecuted wind developers for killing protected
5 birds?
6 MR. CORRIGAN: I am not aware of any case
7 that I can personally state in Maine where protected
8 birds were killed and not dealt with, although --
9 MR. MAHONEY: Okay, thank you.
10 MR. CORRIGAN: But that does not -- U.S.
11 Fish and Wildlife operates well outside of Maine.
12 MR. MAHONEY: I understand, that's why it's
13 the United States, but I'm asking about Maine. You
14 said no?
15 MR. CORRIGAN: I'm not currently aware of
16 any eagle deaths in Maine that have or have not been
17 prosecuted, no.
18 MR. MAHONEY: Okay, and can you -- I
19 understand you've been involved in a lot of -- in
20 opposing a lot of wind projects. You haven't served
21 as an expert in any of those hearings, have you?
22 MR. CORRIGAN: I've never been certified as
23 an expert at a hearing. I have been an intervenor
24 in several hearings.
25 MR. MAHONEY: Okay, and in preparation for

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1 your testimony, did you speak with any guides from
2 the Grand Lakes region?
3 MR. CORRIGAN: I've spoke with guides in
4 the Grand Lakes region for years off and on. I
5 don't know what you're getting at.
6 MR. MAHONEY: In preparing your testimony,
7 did you speak with any -- in preparing your
8 testimony in this matter, did you --
9 MR. CORRIGAN: I haven't spoken to any who
10 directly gave information in this testimony, no.
11 MR. MAHONEY: Okay. So this -- your
12 testimony is based on your experience for what it is
13 in the Maine woods?
14 MR. CORRIGAN: Yes, and my reading of the
15 applicable laws and how I believe they read.
16 MR. MAHONEY: And do you have any reason to
17 believe that the assessment that was done by the
18 applicant at the recommendation of Fish and Wildlife
19 is -- is -- has any problems or is wrong? Do you
20 disagree with the conclusions?
21 MR. CORRIGAN: I believe -- I believe the
22 assess --
23 MR. MAHONEY: Let me back up. Have you
24 reviewed -- did you review the assessments?
25 MR. CORRIGAN: Yes.

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1 MR. MAHONEY: And did you review the
2 testimony, both the direct and the rebuttal
3 testimony, of the applicant's experts?
4 MR. CORRIGAN: Yes.
5 MR. MAHONEY: Is there anything in that
6 testimony from the methodology of conducting the
7 assessment that you disagree with?
8 MR. CORRIGAN: I believe the assessment was
9 conducted properly for the assessment that was done.
10 I don't believe it was a proper assessment and I
11 don't believe it went far enough. I believe the
12 methodology in and of itself was acceptable but I
13 don't believe the survey went far enough.
14 MR. MAHONEY: And you would have a lynx
15 tracking survey?
16 MR. CORRIGAN: If it were up to me I
17 definitely would have a lynx tracking survey as well
18 as personal consultation with both game wardens,
19 biologists and hunters and trappers who use that
20 area.
21 MR. MAHONEY: But you don't -- you didn't
22 speak to any hunters or trappers that use that area?
23 MR. CORRIGAN: I have over the years. I
24 have not very recently.
25 MR. MAHONEY: Okay. That's all. Thank you

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2 HEARING OFFICER: Thank you, Mr. Mahoney.
3 That concludes the cross examination of Mr.
4 Corrigan. We now start the redirect. Mr. Corrigan,
5 you'll have five minutes.
6 MR. CORRIGAN: I believe I'm going to let
7 it go.
8 HEARING OFFICER: Okay. Is there recross?
9 MS. BROWNE: Oh, I'm sorry, no.
10 HEARING OFFICER: All right. Thank you.
11 Hold on just a second, please. Any questions of the
12 staff?
13 MR. BEYER: No.
14 HEARING OFFICER: It's the end of the day.
15 Normally we might want to bring the morning activity
16 to today. We've got a couple of hours; however, it
17 does require the involvement of folks who are not
18 here. I believe that CLF is requiring someone --
19 yes, obviously Mr. Smith as we've already discussed.
20 The testimony by the PPDW -- I guess what I'm
21 getting at is I'm looking for some input here as
22 well. It seems like we have no other choice but to
23 wrap up for today, but I'm certainly open to
24 suggestions if, in fact --
25 MS. PARENT: The applicant's questions of

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1 Jim Palmer possibly.
2 HEARING OFFICER: That's a good point.
3 Again, this is Heather Parent who is with the DEP.
4 It's been suggested that Mr. Palmer, who the
5 applicant, for one, is going to ask some questions
6 of, that this might be a good time to do that. Mr.
7 Palmer, are you ready to do that?
8 MR. PALMER: I could do that, yes.
9 HEARING OFFICER: And Ms. Browne, are you
10 prepared?
11 MS. BROWNE: Yes. Are you going to give
12 any comments or you're just available for questions?
13 MR. PALMER: I'm just available for
14 questions.
15 MS. BROWNE: Could I have ten minutes just
16 to get my notes together so it will be more
17 efficient?
18 HEARING OFFICER: Absolutely. Let's take
19 15.
20 MS. BROWNE: Sorry about that. We're ahead
21 of schedule.
22 HEARING OFFICER: That's fine. We'll take
23 15 and we'll adjourn (sic) again at 3:15. Thank
24 you.
25 **(OFF RECORD)**

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2 HEARING OFFICER: Thank you, we're starting
3 back up with --
4 MR. PALMER: John, I think you need to
5 swear me in.
6 HEARING OFFICER: Yes, thank you. After
7 swearing in Mr. Palmer, we will give the applicant
8 the same amount of time that had been set aside for
9 tomorrow morning and that is 30 minutes. If you
10 don't have 30 minutes, then that's obviously okay,
11 but if you like, you have 30 minutes, and with that,
12 I would ask Mr. Palmer to stand and swear that do
13 you affirm that the testimony you are about to give
14 is the whole truth and nothing but the truth?
15 MR. PALMER: I do.
16 HEARING OFFICER: Thank you. Ms. Browne.
17 MS. BROWNE: Good afternoon, Dr. Palmer.
18 MR. PALMER: Good afternoon.
19 MS. BROWNE: It's fair to say you have
20 extensive experience reviewing wind power projects
21 in Maine, isn't it?
22 MR. PALMER: I certainly do now.
23 MS. BROWNE: And at my latest count you've
24 reviewed -- done the peer review for the state
25 permitting agency for the Redington Project, Spruce

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1 Mountain, Saddleback, Canton, Bull Hill, Oakfield,
2 Highland Wind and the first Bowers Project, right?
3 MR. PALMER: Yes.
4 MS. BROWNE: And I think -- is it fair to
5 say that during the course of your review of these
6 projects you have sought to develop and apply
7 objective criteria for evaluating visual impacts in
8 accordance with the Wind Energy Act criteria?
9 MR. PALMER: Yes, that's fair. That's one
10 of my objectives as a reviewer.
11 MS. BROWNE: And it's also fair to say that
12 your thinking and analysis has evolved with really
13 each project?
14 MR. PALMER: Yes.
15 MS. BROWNE: And so with your review of the
16 current Bowers Project, you've actually identified
17 specific criteria and metrics for each of the
18 statutory review criteria and then assigned a rating
19 with respect to this project, right?
20 MR. PALMER: Yes.
21 MS. BROWNE: And I think -- is it fair to
22 say that the objective is to identify metrics that
23 can be evaluated and applied by other experts to
24 come up with a consistent conclusion?
25 MR. PALMER: Yes.

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1 MS. BROWNE: But at the same time it's not
2 a purely quantitative analysis, is it?
3 MR. PALMER: Not necessarily.
4 MS. BROWNE: So is it fair to say it
5 requires the exercise of professional judgment?
6 MR. PALMER: It depends on the indicator,
7 of course, but, yes, in some cases more than in
8 other cases. This time I would say setting the
9 threshold for the -- the indicator might be measured
10 very quantitatively, there's no question about the
11 measure, but where the threshold between not adverse
12 and adverse or adverse and unreasonably adverse,
13 that's still a professional judgment.
14 MS. BROWNE: And even the selection of the
15 metric requires the exercise of professional
16 judgment, doesn't it?
17 MR. PALMER: Yes.
18 MS. BROWNE: And you were -- as I said, you
19 were the reviewer on the original Bowers project,
20 right?
21 MR. PALMER: Correct.
22 MS. BROWNE: So is it fair to say you are
23 familiar with the lake resources that are at issue
24 here?
25 MR. PALMER: Somewhat familiar with them,

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1 yes.
2 MS. BROWNE: So have you been out to the
3 site?
4 MR. PALMER: Sites, yes. So I've been on
5 field trips both times, so both when it's been
6 frozen and when it's not been frozen. I've been on
7 the lakes.
8 MS. BROWNE: You've actually been out on
9 the water on more than one occasion, right?
10 MR. PALMER: Correct.
11 MS. BROWNE: So is it fair to say you have
12 a reasonable comfort level in assessing the visual
13 impacts for these particular resources based on your
14 experience on these lakes?
15 MR. PALMER: Yes, I think that's fair.
16 MS. BROWNE: Can you put up that slide? I
17 want to talk a little bit about the changes from the
18 original project to the current project, and I've
19 put up on the projector a slide, I don't know if you
20 can see it that well, but my guess is you're
21 relatively familiar with the changes?
22 MR. PALMER: Correct.
23 MS. BROWNE: So you would agree, wouldn't
24 you, that the reduction from 27 turbines to 16
25 turbines is a -- reducing the total number of

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1 visible turbines is relevant in terms of the overall
2 impact analysis?
3 MR. PALMER: Correct.
4 MS. BROWNE: And, in fact, one of your
5 indicators is the number of turbines and that's on
6 page -- this is in your part 2 -- I'm going to refer
7 a little bit to your part 2 adequacy review.
8 **A. Yup, independent research analysis.**
9 MS. BROWNE: Or your part 2 independent
10 analysis?
11 MR. PALMER: Yes.
12 MS. BROWNE: And I'm just going to say, the
13 pagination after page 35 -- sorry, after page 36
14 starts up again at one.
15 MR. PALMER: Oh, I'm sorry about that.
16 MS. BROWNE: That's okay. So I'm going to
17 actually refer to the page it is, you know, for
18 example, page 37 I'm going to say it's page 37 even
19 though it says it's page 1 on the paper. We'll see
20 if we can confuse everybody.
21 So you've identified on your figure 3 an
22 indicator rating based on the number of turbine
23 hubs, right?
24 MR. PALMER: Yes.
25 MS. BROWNE: And that's on page 37.

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1 MR. PALMER: Correct.
 2 MS. BROWNE: So, for example, if the number
 3 of turbine hubs is 16 to 30, the indicator is
 4 medium?
 5 MR. PALMER: Right.
 6 MS. BROWNE: Whereas if it's 1 to 15, the
 7 indicator rating is low?
 8 MR. PALMER: Right.
 9 MS. BROWNE: So in most instances, the
 10 number of visible turbines on this project is now
 11 the low indicator rating as opposed to the medium
 12 indicator rating, right?
 13 MR. PALMER: Correct, the maximum possible,
 14 right.
 15 MS. BROWNE: Yes, and on -- I don't know if
 16 you've looked at this but on Pleasant Lake the
 17 number of potentially visible turbines has dropped
 18 by 11, right?
 19 MR. PALMER: I'll take your word for that.
 20 MS. BROWNE: And then on Scraggly the
 21 number of potentially visible turbines is dropped by
 22 10?
 23 MR. PALMER: Okay, yes.
 24 MS. BROWNE: And on Junior, the number of
 25 visible turbines is dropped by 9?

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1 MR. PALMER: Okay.
 2 MS. BROWNE: And on Shaw the number of
 3 visible -- potentially visible turbines is dropped
 4 by 9?
 5 MR. PALMER: Okay.
 6 MS. BROWNE: And based on your
 7 participation in the original proceeding wouldn't
 8 you say those four lakes were the lakes of principal
 9 concern, Pleasant, Scraggly, Junior and Shaw?
 10 MR. PALMER: For the --
 11 MS. BROWNE: For the Commission and its
 12 evaluation of the project?
 13 MR. PALMER: Yes.
 14 MS. BROWNE: And in addition to reducing
 15 the number of turbines, the three turbines on the
 16 south ridge were eliminated. I think you probably
 17 heard Mr. Cowan describe that and as well, five
 18 turbines to the east were eliminated. Would you say
 19 that the elimination of the turbines to the south as
 20 well as the elimination of the turbines to the east
 21 has the effect of reducing the impact of visibility
 22 on the project lakes?
 23 MR. PALMER: Yes, yeah. I'd say especially
 24 the ones to the east because it reduces the angle of
 25 coverage potentially, yes.

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1 MS. BROWNE: Okay, and, you know, one of
 2 the other changes is obviously the specific
 3 locations of the turbines have been shifted slightly
 4 but you would agree that there's no aspect of the
 5 redesign that has increased the impact of visibility
 6 on any project lakes, right?
 7 MR. PALMER: Only that the turbines are
 8 bigger, but I would say the overall tradeoff there
 9 would be less impact.
 10 MS. BROWNE: Less impact. You've also
 11 talked about a number of factors that can impact the
 12 experience of visibility of turbines and one of
 13 those factors you've talked about previously is the
 14 potential for turbines to loom over the viewer.
 15 MR. PALMER: Right.
 16 MS. BROWNE: And would you agree that in
 17 the current project, the turbines do not loom over
 18 the viewer on any of the project lakes?
 19 MR. PALMER: I would. I would go further
 20 that we actually -- the Commission -- the former
 21 LURC Commissioners went on a field trip -- a boat
 22 trip and we talked a lot about that and would
 23 re-imagine where turbines might be where we would be
 24 close enough that we would get that sense of
 25 looming, so if we redesigned this project in a way

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1 where might a turbine be looming, and I discussed
 2 that some in my testimony, but as this project is
 3 designed, I don't think any of the turbines reach
 4 that point of looming.
 5 MS. BROWNE: And I think you probably heard
 6 Mr. Raphael's testimony earlier today about
 7 visibility on -- views on these project area lakes
 8 are 360-degree views. Would you agree with that
 9 characterization?
 10 MR. PALMER: Well, I do and I don't. I
 11 mean, when we're doing any particular activity, it
 12 would be unusual that we're looking at something for
 13 360 degrees. It's not how I would characterize it
 14 and in some sense to get an impact that would be so
 15 powerful as to impact 360 degrees would really be
 16 over the top. I don't know what that would mean,
 17 that it would have to have an angle maybe
 18 cumulatively of several projects of a hundred
 19 degrees or something. I think that's way beyond
 20 what's likely, but what's happening between him and
 21 I is a horrible way of having to discuss why the
 22 angle that's occupied by a project or projects, if
 23 we can even talk about cumulative impact, is an
 24 important indicator, and then if it is an important
 25 indicator, which David and I both agree on, what's

1 the threshold for the cutoffs and we don't have a
2 nice way of doing that, but what we both agree on is
3 that it's probably one of the more important
4 indicators. So I don't know if that quite answers
5 your question.

6 MS. BROWNE: No, no, that's helpful. So
7 you agree that the percentage of the total viewshed
8 that a project occupies is an important indicator?

9 MR. PALMER: The important -- the
10 percentage of view that a person has is an important
11 indicator and David would like to talk about that as
12 part of a 360 degree view, and I would like to talk
13 about it as a proportion of 50, 60 degrees; or as
14 you know, I used to talk about it as how many thumbs
15 would get occupied.

16 MS. BROWNE: Well, let me just back up for
17 a minute. You agree that there are certain types of
18 scenic viewpoints or scenic resources where the
19 scenic views are in a particular direction, correct?
20 I mean, imagine the scenic turnout on Route 27 on
21 Chain of Ponds where the scenic view is in a
22 particular direction, right?

23 MR. PALMER: Well, yes, but you also have a
24 360-degree view there but clearly the high-quality
25 view is sort of in one -- 180 degrees away from the

1 road.

2 MS. BROWNE: Right. So on these lakes,
3 there are views in all directions, right?

4 MR. PALMER: Yes, but potentially some of
5 those views are higher quality than others just like
6 on the scenic road turnout looking across toward the
7 road. You can see in that direction, it's just that
8 it's not very scenic.

9 MS. BROWNE: Okay, but on -- just
10 returning -- actually this was to your original
11 review of the Bowers Project so I don't know if you
12 have it in front of you.

13 MR. PALMER: I don't.

14 MS. BROWNE: But you concluded that on
15 Pleasant Lake the views from the lake are in all
16 directions. So do you agree with that?

17 MR. PALMER: Yes. There are views in all
18 directions.

19 MS. BROWNE: And that there did not appear
20 to be clearly dominant features visible from the
21 lake such as a nearby mountain with a distinctive
22 form?

23 MR. PALMER: That's correct.

24 MS. BROWNE: And that the project was not
25 located in any clearly dominant feature or visual

1 focal point?

2 MR. PALMER: That's correct.

3 MS. BROWNE: And isn't that true for all of
4 the project lakes, that there are views in all
5 directions, correct?

6 MR. PALMER: That's correct.

7 MS. BROWNE: And that the project ridges
8 are not a particular focal point of any of the
9 available views, correct?

10 MR. PALMER: That's correct. I might add
11 but the highest ridges are the ones the project is
12 on, but I would agree with David that they are not
13 really that prominent.

14 MS. BROWNE: Well, there are ridges to the
15 south that are higher, right?

16 MR. PALMER: There are some but I think
17 that -- as I remember, the total horizontal coverage
18 isn't as great but I think the point you're trying
19 to make is that there is no distinctive sort of
20 thing to draw your eye in the landscape currently.
21 We don't have a sort of landmark feature that we
22 could call "the view" from any of these lakes.

23 MS. BROWNE: And don't you think it would
24 be relevant if you had a resource where the clearly
25 scenic views were in one direction and a project

1 occupied those clearly scenic views that it has a
2 greater potential impact than if the scenic views
3 are in all directions?

4 MR. PALMER: Yes, correct, yeah.

5 MS. BROWNE: So your analysis here doesn't
6 actually take into account the fact that these
7 resources have scenic views in all directions,
8 right?

9 MR. PALMER: No, I wouldn't say that. I
10 mean, the issue is that people have to look in some
11 direction and that when they're looking in a
12 direction where they're going to be able to spot
13 some of the turbines, it's going to be -- they're
14 going to occupy whatever, 20 percent, let's say, of
15 a 60-degree view. I think that's a more accurate
16 description of the actual experience than saying
17 that it's 7 percent of a 360-degree view, but,
18 again, I mean, it's really -- the percentage is less
19 important than figuring out what that threshold
20 would be because those are equivalent statements
21 when you're looking at the turbines; 20 percent of
22 60 degrees is similar to 7 percent of the 360
23 degrees.

24 MS. BROWNE: And when you're paddling away
25 from the project ridges, you won't see anything?

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1 MR. PALMER: You're not going to -- that's
2 correct.

3 MS. BROWNE: And whether you articulate the
4 threshold as a percentage of 360 degrees or as a
5 percentage of 180 degrees or of the more narrow 60
6 degree view, in your opinion, although we may not
7 have identified what the threshold is that makes it
8 unacceptable, that threshold has not been exceeded
9 here, right, because your conclusion is that overall
10 there's not an unreasonable adverse impact?

11 MR. PALMER: That is correct. That is my
12 conclusion. Of all the projects that we've done so
13 far, even the ones that have been turned down, this
14 is the one that's the closest to me for this set of
15 indicators. So while I will stand by that
16 conclusion that it's not an unreasonable impact to
17 these lakes, this indicator is pushing that edge
18 more.

19 MS. BROWNE: The "indicator" being the
20 angle of view?

21 MR. PALMER: The angle indicator, yes,
22 right.

23 MS. BROWNE: Well, it's actually less than,
24 for example, on some other lakes on other projects
25 that maybe you haven't been involved in?

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1 MR. PALMER: Yeah, I'm sure that there are,
2 but as I said, in relation to my experience and I've
3 not always agreed with the judgments that, say, LURC
4 made about -- about projects. We've disagreed.

5 MS. BROWNE: Okay, but tuning back to the
6 ridges not being a --

7 MR. PALMER: Prominent.

8 MS. BROWNE: -- a prominent or a visual
9 focal point, I just want to make clear that you
10 agree that these aren't highly distinct landform
11 features where the project ridges are located,
12 right?

13 MR. PALMER: Yes, I agree with that.

14 MS. BROWNE: And I think you reviewed Mr.
15 Lawrence's report, right?

16 MR. PALMER: Yes.

17 MS. BROWNE: And I think Mr. Lawrence
18 concluded -- he stated that the ridges surrounding
19 the lakes were steeply rising mountains and are
20 unique focal points and offer a distinct memorable
21 profile and you specifically disagreed with that
22 characterization, right?

23 MR. PALMER: I do.

24 MS. BROWNE: Okay, and you would agree that
25 to the extent that one of the significant activities

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1 that occurs on these lakes is fishing, that the
2 focal point of somebody fishing is not directed to
3 the project ridges anymore than any other area of
4 the immediate lake or the 360-degree views?

5 MR. PALMER: My knowledge about fishing
6 comes from personal experience on the one hand, so a
7 sample of one, and more retrospective surveys that
8 involve scenic impacts but to forested environments
9 where I ask people what are their typical
10 activities, fishing being one, and how people who
11 fish react to scenic impacts compared to, say,
12 people who hike. So it's -- it's relevant but not
13 right on target. That research would suggest that
14 people who fish have -- are less sensitive to scenic
15 impacts than people who are hiking or doing nature
16 study or bird watching and things like that, and
17 people who are doing more motor-oriented activities,
18 ATVs, snowmobiling, motorboating, things like that,
19 would be even less sensitive. So that's one set,
20 and, frankly, there isn't lots of research relating
21 sensitivity to scenery or scenic impacts to
22 recreation activity, which is a real problem.

23 That's a big assumption in all the scenery
24 management systems. So that's one set. So I would
25 say people who were fishing are more in that

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1 moderate level. My personal experience is when I'm
2 fishing, whether I'm fly fishing or whether I'm bait
3 casting, whether I'm on the water or the shore, I'm
4 focused on where the lure or the fly goes. I'm
5 certainly not focused eight miles away or I lose my
6 fly and I'm cheap. So, I mean, the most important
7 parts of fishing activities, that is, when I'm
8 fishing and hopefully bringing in a fish or trying
9 to bring in a fish, I'm really focused quite close,
10 not even to the shore; but there are other times
11 when you're fishing, especially if you're boat
12 fishing where you're traveling and you're in a more
13 reflective, relaxing time, if you're headed towards
14 a project as opposed to away from the project, you
15 know, you may be looking at that project for a
16 substantial amount of time, but for the high point
17 that is catching fish, no, I'm not worried about
18 what the scenery is, and frankly, I could be in an
19 urban river somewhere and have as good of fishing
20 and I grew up in San Diego pier fishing and would
21 catch hundreds of fish.

22 MS. BROWNE: Talking a little bit also
23 about the overall setting of these project lakes,
24 we've heard or read testimony that this is a
25 wilderness area and I think that's something that

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1 Mr. Lawrence talked about as well. As I understand
2 your review of his testimony, you don't -- you don't
3 agree that this is appropriately characterized as a
4 wilderness area, do you?

5 MR. PALMER: The problem is that the term
6 gets used in two ways. So it has a legal meaning
7 and it's definitely not what the legal meaning is
8 which really has to do with its biological and
9 ecological character. It's certainly not a
10 wilderness, and I find it problematic because we
11 don't separate that meaning from the feeling of
12 getting out of urban areas. So the threshold of
13 being away from an urban area is pretty low compared
14 to a wilderness area. There are wilderness areas in
15 that biological sense in the state of Maine but this
16 project area certainly isn't one of them.

17 MS. BROWNE: And I think also in your
18 review of the project you've done an analysis of
19 whether these lakes are remote and have also
20 concluded that they're not remote lakes?

21 MR. PALMER: Right, and I'm using "remote"
22 as I understand LURC interpreted that rule and yes,
23 so again, there's a threshold -- there are
24 thresholds there that are at issue but all of -- how
25 I made those decisions is explicitly clear and

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1 anybody else could repeat that and I would expect
2 them to get exactly the same math.

3 MS. BROWNE: And when you also reviewed Mr.
4 Lawrence's report, I think in your conclusions,
5 which are on page 13, you note that he has not
6 linked his presentation to the statutory criteria or
7 analysis that's required under the Wind Energy Act,
8 correct?

9 MR. PALMER: Right.

10 MS. BROWNE: And it's the criteria under
11 the Wind Energy Act that must be the basis for
12 decision making by the Department, right?

13 MR. PALMER: Right.

14 MS. BROWNE: And you also concluded that he
15 doesn't present any fundamental challenge to the
16 procedures or analysis presented by LandWorks in its
17 VIA, right?

18 MR. PALMER: Correct.

19 MS. BROWNE: And that I think you go on to
20 say that other than photographs, Mr. Lawrence
21 presents little to no data and no real analysis,
22 right?

23 MR. PALMER: Correct.

24 MS. BROWNE: Okay. Returning back to your
25 report, you also -- there's evidence on what are

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1 the, you know, predominant uses, and as I understand
2 it, and you probably recall from the prior
3 proceeding, that there was discussion about use of
4 these lakes as a linked resource, right, sort of
5 lake to lake?

6 MR. PALMER: Right.

7 MS. BROWNE: And you are aware of the
8 results of the boat counts that were done and the
9 intercept surveys, right?

10 MR. PALMER: Right.

11 MS. BROWNE: So you would agree that the
12 boat counts and intercept surveys demonstrate very
13 low use of these resources for the sort of multi-day
14 paddling that was previously discussed?

15 MR. PALMER: Well, especially because my
16 memory is that in the Bowers I Project the claim was
17 that they were coming from West Grand Lake and so if
18 that's true, they have to be going through Junior
19 Stream, through that connection which is a narrow --
20 it's almost like a little river or something. So
21 you can't pass without being noticed. So either the
22 claim is unsubstantiated by the observation or
23 people weren't really using these as linked lakes.
24 They were taking the boat trailer and moving their
25 boat up there in which case the linked lake argument

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1 is spurious because it's not being used that way.
2 That's not to say that there isn't some linked lake
3 traffic because we observed some. You all observed
4 some. It's just that the numbers were -- were quite
5 small, not what the testimony suggested we should be
6 observing.

7 MS. BROWNE: And then I think also in terms
8 of overall level of use of the resources, would you
9 agree that the objective data indicates a relatively
10 low overall use of the lakes with the possible
11 exception of Bottle Lake?

12 MR. PALMER: Right. We don't know much
13 about the use of Bottle Lake. Again, one of the
14 problems is it would be very helpful if for the
15 state of Maine we had some kind of usage count so we
16 could place that into a larger context. So for all
17 I know, these are pretty typical uses for lakes in
18 the state of Maine except for very few other
19 occurrences, but in absolute terms it's not very
20 many people that we're talking about.

21 HEARING OFFICER: Two minutes, Ms. Browne.

22 MS. BROWNE: Could I have a little leeway?
23 I'm probably going to need, if possible, maybe ten
24 more minutes if that's acceptable.

25 HEARING OFFICER: As long as we can also

<p style="text-align: right;">221</p> <p>1 make it available to any other intervenor. 2 MS. BROWNE: You drive a hard bargain. 3 MR. PALMER: It's not like we're short on 4 time. 5 HEARING OFFICER: Does that sound 6 acceptable to the other parties? 7 MR. CAMPBELL: I'm sorry, I was out of the 8 room. 9 HEARING OFFICER: The question is Ms. 10 Browne is about to use up her 30 minutes and my 11 intent was to give the intervenors the opportunity 12 to ask questions of Mr. Palmer, and it's going to be 13 extended from 30 minutes probably to 50 and so if 14 you folks also want to question up to that 50 15 minutes, then that will be acceptable as well. 16 MR. CAMPBELL: Yes, I'll do that, yes. 17 HEARING OFFICER: Okay, proceed. 18 MS. BROWNE: Thank you. I want to just 19 shift here briefly to some of the technical review 20 issues. As I understand it, your opinion is that 21 the visual simulations are essentially accurate and 22 reasonable representations of what you would expect 23 to see if the project is built, right? 24 MR. PALMER: Right. So by "accurate" what 25 I mean is the scope, sort of the placement and</p>	<p style="text-align: right;">223</p> <p>1 locations. 2 MS. BROWNE: And we've also heard from some 3 of the opponents that the blades are not adequately 4 taken into account in LandWorks VIA. Do you agree 5 that the VIA adequately addresses the potential 6 visibility of blades? 7 MR. PALMER: Yeah, I mean, the analysis is 8 there and the map is there so someone could actually 9 look at that. LandWorks picked the threshold. So 10 their threshold was turbines become obviously 11 visible when you can see at least the hub which 12 means a hub and a blade going through a large part 13 of the swing. The map that indicates blade 14 visibility could be just two or three inches of a 15 blade tip, which impact you actually couldn't see. 16 So, I mean, David picked the threshold and stated it 17 clearly and provided the backup analysis that if 18 somebody wanted to look at blades instead of hubs, 19 they could go do that. 20 MS. BROWNE: As I understand it, it's your 21 opinion that the hub height is the better indicator 22 to use to evaluate potential visibility, right? 23 MR. PALMER: Yeah, I think that's probably 24 accurate. That's my professional opinion. 25 MS. BROWNE: And also that visibility of</p>
<p style="text-align: right;">222</p> <p>1 breadth of the turbines and the scale, the size that 2 they are in the image, so the placement and scale is 3 generally accurate, and in most cases the 4 photography is reasonable and Keg is the one example 5 where the photography is not up to par. 6 MS. BROWNE: But you're still -- the 7 ultimate simulation is still a reasonable 8 representation? 9 MR. PALMER: Right. The turbines are not 10 somehow diminished in their extent across the 11 horizon or in their overall size. 12 MS. BROWNE: And I think there are a couple 13 of -- you've noted and certainly Dave Raphael has 14 noted that the simulations are conservative in that 15 they assume a vegetative height of only 40 feet, 16 right -- sorry, the -- 17 MR. PALMER: The visibility maps. 18 MS. BROWNE: -- visibility, the viewsheds. 19 MR. PALMER: Yes, the visibility maps are 20 on the conservative side. 21 MS. BROWNE: Because the field evidence is 22 that in many locations the vegetation is 23 significantly higher than 40 feet, right? 24 MR. PALMER: Yeah, 65 would be typical on a 25 shoreline and I've measured that in several</p>	<p style="text-align: right;">224</p> <p>1 blades alone, although it may be noticeable, will 2 never be visually dominant. That's what you state 3 in your report as well? 4 MR. PALMER: I believe that that's 5 accurate. 6 MS. BROWNE: Okay. I'm going to turn now 7 to your assessment of overall impact of visibility. 8 You've identified what you characterize as four 9 criteria, right? 10 MR. PALMER: Okay, yup. 11 MS. BROWNE: That's scope, scale, project 12 visibility -- 13 MR. PALMER: Do you have a page? 14 MS. BROWNE: This is page 40 of your 15 report, which is actually labeled 4. 16 MR. PALMER: Yup. 17 MS. BROWNE: I guess it actually starts at 18 probably 39 and if you look at table 25, one of your 19 sort of -- you identify four indicators for 20 evaluating scope and scale of project views? 21 MR. PALMER: Right, correct. 22 MS. BROWNE: The number of hubs visible, 23 percentage of lake with visibility, nearest turbine 24 and prominent features and then you come up with an 25 overall rating?</p>

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1 MR. PALMER: Yup.
 2 MS. BROWNE: And the highest rating was
 3 Pleasant Lake, right, which was high, dash, medium?
 4 MR. PALMER: Okay, yes.
 5 MS. BROWNE: And everything else was less
 6 than that, right?
 7 MR. PALMER: Correct.
 8 MS. BROWNE: And then to determine overall
 9 -- maybe the best way to do this, how did you then
 10 assess overall scenic impact? If you look on the
 11 next page, which is page 40.
 12 MR. PALMER: So I'm looking at -- this is
 13 for the core rating?
 14 MS. BROWNE: Right.
 15 MR. PALMER: I'm looking at the three
 16 criteria, Wind Energy Act criteria that I'm saying
 17 are the central ones for scenic impact and each of
 18 those criteria have several indicators that have
 19 been essentially averaged, something that I've
 20 criticized, and then those three criteria are now
 21 essentially averaged to form a core rating of what
 22 I'm asserting are the central criteria for scenic
 23 evaluations.
 24 MS. BROWNE: And then as I understand it,
 25 if the core rating is a high minus or a high,

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1 there's the potential for unreasonable adverse
 2 impacts and then you go on to evaluate the remaining
 3 criteria, right?
 4 MR. PALMER: Yup.
 5 MS. BROWNE: And in no instance did any of
 6 the project lakes receive a core rating of high
 7 minus or high, right?
 8 MR. PALMER: Correct.
 9 MS. BROWNE: And so your conclusion with
 10 respect to the visibility of the Bowers Project on
 11 each of the scenic resources of state or national
 12 significance is that the visibility is not an
 13 unreasonable adverse effect under the Act, right?
 14 MR. PALMER: Yes, and I stand by that and I
 15 do believe that but in this analysis, the threshold
 16 that I've set which is the basis for these core
 17 ratings are all based on my professional opinion
 18 unchallenged, undiscussed. So I do -- I do believe
 19 in it but I've not been able to argue it with you or
 20 David or anybody else. What I did was I had an
 21 opportunity because there's so many scenic resources
 22 here and I knew that it was going to be an important
 23 project and the budget was adequate for me to sit
 24 down before I did the analysis and identify
 25 indicators that I knew I could measure or in some

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1 way describe in a systematic way and identified what
 2 I thought reasonable thresholds would be, and then I
 3 applied that. So it's not an after-the-fact
 4 analysis. I mean, it's after the fact in that I
 5 have experience reviewing wind projects in Maine but
 6 I set my standards up front and then applied it, but
 7 I don't know that those standards are the best --
 8 the thresholds are the best ones, and I would agree
 9 with David that probably the most important
 10 indicator would be angle of view and it's actually
 11 kind of complicated to measure that for the whole
 12 lake, average it for the whole lake, and so it never
 13 got done because I started running out of budget.
 14 So one of the more important indicators actually got
 15 left out but all of that is to say, yes, I agree
 16 that the impact is not unreasonable, but I'm not as
 17 confident about my thresholds as I would like to be,
 18 and it would help if I had people to talk to about
 19 that.
 20 MS. BROWNE: When you say it would help if
 21 you'd people to talk to, you're aware that certainly
 22 we've been willing to talk to you and consult with
 23 you on surveys and other matters but because of the
 24 nature of the process have been told we can't
 25 consult or talk to you about the project outside

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1 this type of a process?
 2 MR. PALMER: That's correct, yes. When I
 3 say that, that certainly isn't to say that First
 4 Wind or for that matter other wind developers have
 5 been unwilling to provide me with any information or
 6 discuss anything with me. It's really because we
 7 don't want to contaminate the process and get into
 8 trouble.
 9 MS. BROWNE: Now, your conclusions on --
 10 you've identified clear metrics, you've applied them
 11 and you've identified what you believe the
 12 thresholds are for determining whether an impact is
 13 unreasonable and applied that in your review of the
 14 Bowers Project, right?
 15 MR. PALMER: Correct.
 16 MS. BROWNE: Now, what you haven't done is
 17 take into account any of the results of the
 18 Baskahegan post-construction survey, right? So the
 19 results of the survey are not informing your
 20 conclusion in this report. This report is just
 21 based on the criteria that you've articulated within
 22 the report?
 23 MR. PALMER: I mean, I had read the
 24 Baskahegan survey and the 2010 survey carefully,
 25 both of them, and think they're important work, but

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1 nothing specific beyond that.

2 MS. BROWNE: And your conclusions in this
3 report -- you've heard the arguments and information
4 that's been presented on concerns of bias when the
5 Bowers surveys were conducted, right?

6 MR. PALMER: Yes.

7 MS. BROWNE: So you haven't discounted or
8 adjusted the results of the Bowers survey in any way
9 to reflect any impact, whether it's positive or
10 negative, resulting from publicity around this
11 project, right?

12 MR. PALMER: That's accurate.

13 MS. BROWNE: And it's also fair to say that
14 there has been more publicity around this project
15 prior to the surveys being conducted than for any
16 other wind project in the state, right? In other
17 words, at the time that intercept surveys were
18 conducted for other projects, there had not been
19 significant project publicity?

20 MR. PALMER: Well, certainly there's been
21 more here because it went through one whole set of
22 meetings and hearings and stuff, yes.

23 MS. BROWNE: Before the surveys were
24 conducted?

25 MR. PALMER: Yes, before the surveys were

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1 conducted.

2 HEARING OFFICER: One more minute, Ms.
3 Browne.

4 MS. BROWNE: Thank you, and you agree that
5 the issue of bias is a concern in developing and
6 implementing a survey, and it would be better to
7 implement a survey without any publicity than
8 following a year and a half of sustained publicity
9 about a project?

10 MR. PALMER: Yes, but I'm not as worried
11 about bias in the way that Boyle talked about it.
12 I'm more worried about bias in sort of packing the
13 respondents or something like that. So, I mean,
14 another way to talk about the bias might just be
15 that it's information that may or may not be
16 accurate and I'm not -- I'm not as worried about
17 that in this particular case.

18 MS. BROWNE: Okay, thank you.

19 HEARING OFFICER: Thank you, Mr. Palmer and
20 Ms. Browne, and before we let you go, Mr. Palmer, I
21 will ask both CLF and Mr. Corrigan and PPDLW if, in
22 fact, you would like 20 minutes to ask questions?

23 MR. CAMPBELL: Could we have a ten-minute
24 break to get prepared?

25 HEARING OFFICER: Sure. We'll see everyone

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1 back then at ten minutes after four, and as I
2 understand it, Mr. Campbell, we are talking about 20
3 minutes once you start.

4 MR. MAHONEY: I may have two minutes after
5 Gary.

6 HEARING OFFICER: Sure.

7 **(OFF RECORD)**

8
9 HEARING OFFICER: We can resume, Mr.
10 Campbell. You now have 20 minutes. Thank you.

11 MR. CAMPBELL: David Campbell, PPDLW. Dr.
12 Palmer, you consulted with LURC on the first Bowers
13 Project a couple years back?

14 MR. PALMER: Correct.

15 MR. CAMPBELL: And that project involved 27
16 turbines and your conclusion at that time was that
17 those 27 turbines did not have an unreasonable
18 adverse impact, is that correct?

19 MR. PALMER: That's correct.

20 MR. CAMPBELL: And, yet, the LURC
21 Commissioners found unanimously that it did, the
22 project did have an unreasonable scenic impact, is
23 that right?

24 MR. PALMER: Yes. I wasn't there when
25 they, you know, stated their findings but that's my

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1 understanding and I read most of the record so yes.

2 MR. CAMPBELL: About the simulation
3 photographs that have been presented, you say that
4 they were reasonable and I understand what that
5 means, but it would seem that with the burden on the
6 applicant for a hundred million dollar project,
7 wouldn't you think that they should make the effort
8 to make a special trip to get the photographs that
9 do show the turbines in their most visible forms so
10 that we can judge what the project will look like
11 when it's most visible?

12 MR. PALMER: Absolutely, though, in all
13 fairness, if you're driving over from Vermont and
14 the day turns cloudy, you know, but I appreciate --

15 MR. CAMPBELL: You guys are lucky. You get
16 paid to do this, we don't. We do it out of love, so
17 please. The burden is on the applicant. The Wind
18 Energy Act says specifically that they're required
19 to provide a visual impact assessment. Are you
20 aware that anyone objecting to the project is not
21 required to provide a visual impact assessment?

22 MR. PALMER: Right, no, people objecting
23 don't have to do that. They can just object. They
24 don't have to object for a reason that relates --

25 MR. CAMPBELL: Absolutely.

1 MR. PALMER: That has standing either. I
2 mean, that's part of the problem.

3 MR. CAMPBELL: So Mike Lawrence Associates'
4 report reviewing the visual impact assessment is
5 useful or is it just trash because it's not a full
6 VIA?

7 MR. PALMER: It's useful and the previous
8 VIA was also useful.

9 MR. CAMPBELL: He is a landscape architect
10 after all and I would hope that his opinion carries
11 some weight in this discussion.

12 MR. PALMER: It does, yup. He's licensed
13 in the state of Vermont at least and he does other
14 visual impact assessment work.

15 MR. CAMPBELL: Thank you. I don't have it
16 in front of me. I'm caught a little bit by surprise
17 here but in the conclusion to your review of my
18 testimony, you made a comment -- and I'm going to
19 paraphrase, correct me if you can -- that you have
20 no doubt that this project has the greatest scenic
21 impact of any wind project so far proposed in Maine.
22 Does that sound familiar?

23 MR. PALMER: Yes.

24 MR. CAMPBELL: And do you stand by that?

25 MR. PALMER: As I think I said earlier, of

1 the projects that I've reviewed in Maine, this is
2 the one that I have -- that's closest to that edge
3 between adverse and unreasonable adverse, largely
4 because it affects such a large area.

5 MR. CAMPBELL: Let's talk about that
6 threshold between "adverse and unreasonably
7 adverse." You said you weren't totally confident
8 with the angle of view analysis as to exactly where
9 that threshold would be?

10 MR. PALMER: Well, I mean, there isn't an
11 angle of view analysis because it took more time to
12 do the computer programming than I actually had. I
13 ran out of time.

14 MR. CAMPBELL: Oh, I see. I thought you
15 were referring to what LandWorks provided in terms
16 of the percent of the 360.

17 MR. PALMER: No, I was trying to get an
18 average -- what's the average over a whole lake
19 rather than the worst case. One of the criticisms,
20 which I think is fair, of visual impact assessments
21 is that we're making a decision about a whole lake
22 from one viewpoint which is among the worst
23 viewpoints. So if I had to pick one viewpoint,
24 that's the viewpoint that I'd pick because you want
25 to know the worst case but I don't have a good sense

1 of how the whole lake is going to be impacted. So
2 sometimes a lake like Duck in this case, for half
3 the lake you can't see anything, but from, say,
4 Junior Lake, you can see turbines from almost the
5 whole lake, from 90 percent on that lake. So one
6 viewpoint isn't always as good a representation as
7 you might like, as I would like.

8 MR. CAMPBELL: How in the world do you
9 think we're ever going to find where this threshold
10 lies, the line that distinguishes adverse impact
11 from unreasonable adverse scenic impact?

12 MR. PALMER: Well, it's going to be a
13 mixture of research and judgment exactly the same
14 way that we did those sorts of things for
15 determining what the thresholds for -- where do we
16 set the decibel limit as being unreasonable? It's
17 not where it does physical damage to the ear, that's
18 way too late, but they did studies of people, say,
19 students in class with different noise levels,
20 whether they can concentrate enough to do their
21 homework or perform on tests or, you know, people
22 doing everyday activities. There's hundreds of
23 studies, you know, probably from sometime in the
24 thirties or forties, I would guess, but certainly
25 through the fifties and sixties that investigated

1 that sort of thing, and so we need to do that same
2 kind of thing for scenic-type stuff if we want to
3 have a publicly grounded unreasonable criteria, and
4 we're collecting data. The studies that we've been
5 doing are good but they need to be synthesized and
6 we need to focus the questions towards that end more
7 clearly.

8 MR. CAMPBELL: So it has to be grounded in
9 the opinions of people? You're describing a very
10 quantitative approach it seems to me.

11 MR. PALMER: Yup, I would do a quantitative
12 approach.

13 MR. CAMPBELL: Why are we wasting our time
14 listening to people then?

15 MR. PALMER: I don't understand that. We
16 listen to people when we ask them about whether or
17 not noise was affecting -- was it a problem, was it
18 disruptive. Why wouldn't we ask them questions
19 about scenic quality and whether it disrupts their
20 enjoyment of an activity like the law asks us to do.

21 MR. CAMPBELL: Well, I would argue that we
22 would listen to them definitely. I hope we would.

23 MR. PALMER: I would say that we should be
24 doing random sample surveys of which the intercept
25 surveys are maybe not the highest quality but are

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1 way better than anybody else in the world is doing
2 as far as I know and it's an area that I'm pretty
3 well networked into. I think we're doing pretty
4 good work here in Maine but we need to bring those
5 together, and as Dr. Boyle said earlier, we need to
6 probably focus some of the questions a little
7 better.

8 MR. CAMPBELL: Let me ask you about the --
9 getting back to the blades versus the hub business.

10 MR. PALMER: Um-hum.

11 MR. CAMPBELL: If you've got a landscape
12 that's perfectly motionless and stable and something
13 of motion is injected, an eagle flying by, a tree
14 falling, a turbine blade spinning, doesn't that have
15 an effect on the viewer?

16 MR. PALMER: Absolutely. Our visual system
17 is tuned to pick up movement and peripheral movement
18 where you can't really see color and detail.

19 MR. CAMPBELL: It's a survival response?

20 MR. PALMER: Absolutely. So you'll notice
21 that but, frankly, if you've got a forested horizon
22 line and unless the blade is sticking up a
23 substantial amount above that, it may go unnoticed
24 and the sweep may only be just the very briefest
25 time, you're just seeing a little bit of the tip but

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1 certainly if you drive down the highway and you pass
2 Rollins, I don't think that there's anybody that is
3 going to all of a sudden say, wow, I sure didn't
4 notice that there yesterday. They're all going to
5 notice it, of course.

6 MR. CAMPBELL: Right. Have you ever had a
7 situation where you thought you saw something out of
8 the corner of your eye and you looked and there was
9 nothing there and you turned back and then you
10 thought you saw it again? The tip of the blade just
11 showing up for a moment and disappearing can be just
12 as irritating and such an attraction for your
13 attention as something that's kind of simply there.

14 MR. PALMER: Yeah, I can't speak to whether
15 it's irritating or not but I can imagine the
16 situation.

17 MR. CAMPBELL: I'm concerned that you say
18 that it's only the hubs that are really in play
19 here. I know that the --

20 MR. PALMER: It's all in play. What I'm
21 trying to do is figure out where the -- where the
22 thresholds are for what we need to reasonably study
23 to capture what's going to become an unreasonable
24 impact, where we can be assured of capturing that
25 and then identifying where that threshold is between

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1 unreasonable and reasonable, understanding that
2 those are both impacts.

3 MR. CAMPBELL: But what's the hope? How
4 many wind projects are going to be approved while
5 we're trying to find this threshold? This project
6 has --

7 MR. PALMER: I don't know but I'm doing my
8 very best to find that threshold.

9 MR. CAMPBELL: I appreciate that, but in
10 the meantime we've got nine lakes that are going to
11 be impacted by this project.

12 MR. PALMER: That's correct.

13 MR. CAMPBELL: The state determined their
14 scenic value to be significant or outstanding.

15 MR. PALMER: Yup.

16 MR. CAMPBELL: Conservation groups have
17 made investments in protecting that scenery.

18 MR. PALMER: Well, I don't know that --

19 MR. CAMPBELL: Downeast Lakes Land Trust
20 absolutely. I'll just throw one out there.

21 MR. PALMER: Well, certainly they've made
22 investments to protect the current land use.

23 MR. CAMPBELL: The shoreline. It's the
24 view from the lake that we're talking about. That's
25 all that matters, maintaining those uninterrupted

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1 shorelines is a very critical part of the scenic
2 value of those lakes.

3 MS. BROWNE: I'm going to object. It seems
4 like Mr. Campbell is testifying. He'll have an
5 opportunity tomorrow to testify. If he has
6 questions of Dr. Palmer, he should direct them and
7 it should be limited to the scope of my questioning
8 since he hadn't actually identified Dr. Palmer as
9 somebody he wanted to question in the first
10 instance.

11 HEARING OFFICER: I'll agree with the
12 objection.

13 MR. CAMPBELL: Okay. I'll just leave it at
14 that then. Thank you.

15 HEARING OFFICER: Thank you, Mr. Campbell.
16 Mr. Mahoney?

17 MR. MAHONEY: I love these fixed chairs. I
18 just have a few questions to follow up. Mr. Palmer,
19 you stated that the project area lakes are not
20 remote in your opinion, is that correct?

21 MR. PALMER: That's in my opinion, but I'm
22 also using what I understand to be the criteria that
23 LURC used to use and maybe still does use to
24 identify remoteness and by that criteria, no,
25 they're not.

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1 MR. MAHONEY: And also that this area is
2 not a wilderness area?

3 MR. PALMER: It's certainly not a
4 wilderness area by the sort of biological/ecological
5 definition that is normally associated with that
6 term.

7 MR. MAHONEY: And so what is that
8 definition?

9 MR. PALMER: In this country in particular
10 it has to do with the Wilderness Act and essentially
11 its intent is that areas should not have any
12 permanent indication of human presence. They should
13 be untrampled by people. So you can't have
14 motorized access, any permanent structures, you can
15 leave trash, things like that, and then they have
16 more indicators and thresholds to implement that
17 Act, some of which is specified in the Act and some
18 of it came in regulations later.

19 MR. MAHONEY: So areas where you have
20 motorized access and boat ramps and powerboats and
21 houses and electricity and the like, those do not
22 constitute wilderness areas, is that correct?

23 MR. PALMER: That's correct, but I mean,
24 the difficulty is that the culture associates
25 wilderness through this aura and that's it, but we

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1 use the word in two different ways, and one of them
2 is sort of the ecological sense which is the one
3 that has the aura over it, and then there's also
4 something that relates to a feeling of independence
5 and threat. So my dissertation was on the
6 Appalachian Trail which is called a wilderness trail
7 and it's not a wilderness trail. It goes through
8 very urban areas, it used to go through the parking
9 lot of a paper mill which made paper for the
10 government that was substandard size. I mean, it
11 goes through all kinds of different areas but my
12 general feeling when I was out on this trail was, in
13 fact, I could be hearing a chainsaw and if I fell
14 off the trail to one side and broke my leg, I was in
15 deep trouble, you know, even though a quarter of a
16 mile away there might be people, there was nothing
17 on the trail.

18 MR. MAHONEY: And somebody's definition of
19 wilderness would be different if they're coming from
20 Hackensack, New Jersey, or if they're coming from
21 Augusta, Maine?

22 MR. PALMER: Yes, particularly I think in
23 that feeling that it feels remote, it feels wild,
24 right, that's correct.

25 MR. MAHONEY: So someone could feel they

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1 would be in wilderness in Portland, Maine?

2 MR. PALMER: I have seen people hike the
3 Appalachian Trail in heels, yes.

4 MR. MAHONEY: Would you also agree, as Mr.
5 Raphael had stated in his report, that the area is
6 not unique with respect to similar landscapes in
7 Maine?

8 MR. PALMER: In the context of the Maine
9 landscape, this -- well, it's not unique but there
10 aren't very many unique landscapes. Unique means
11 one of a kind, but I would say that these are not
12 prominent landscapes within the context of Maine.

13 MR. MAHONEY: Okay, and, in fact, that's
14 the -- your review of information with respect to
15 the Maine Office of Tourism, in fact, this area,
16 specifically the project lakes, aren't highlighted
17 for either their scenic value or even as a primary
18 destination for tourists?

19 MR. PALMER: That's correct.

20 MR. MAHONEY: You also talked a little bit
21 with respect to some of the considerations on the
22 Wind Energy Act about clustering and that clustering
23 is one way to minimize visual impact, correct?

24 MR. PALMER: That is my professional
25 opinion, that we would do well to put several

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1 projects close to each other to minimize -- in
2 particular to minimize infrastructure. This project
3 does that in part. Others do a better job at that,
4 but also because it's my -- my research experience
5 having to do with forest management practices are
6 that in a pristine forest, the first clear-cut is
7 the most serious impact and the next clear-cut of
8 the same size adds to the negative impact but it's
9 nowhere near as large, and the next one adds but
10 even a smaller amount and so rather than spread all
11 the projects evenly across the whole state, that
12 would maximize the severity of impact. The way for
13 the state to minimize the severity of the impact
14 would be to cluster them.

15 MR. MAHONEY: And so having a transmission
16 line that's only four miles is a good example of the
17 benefits of clustering?

18 MR. PALMER: Because it can make use of the
19 Stetson much longer 30 mile or whatever line, that's
20 correct.

21 MR. MAHONEY: And then where it could use
22 existing access roads it doesn't have to construct
23 roads like other wind projects have done?

24 MR. PALMER: Correct.

25 MR. MAHONEY: And that all has a benefit

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1 not only to scenic impacts as far as visual impacts
 2 but also to habitat and habitat corridors?
 3 MR. PALMER: Absolutely.
 4 MR. MAHONEY: Okay, and it's your opinion
 5 that this project is a good example of the benefits
 6 of clustering?
 7 MR. PALMER: It's a good example. It's not
 8 the best but it's a good one.
 9 MR. MAHONEY: Okay. That's it. Thank you.
 10 HEARING OFFICER: Thank you, Mr. Mahoney.
 11 Any other questions? Thank you, Mr. Palmer -- well,
 12 before you leave, from DEP, staff questions?
 13 MR. BERGERON: Jim, you had mentioned
 14 earlier something about a rule of thumb or the
 15 number of thumbs. Can you elaborate on that a
 16 little bit, please?
 17 MR. PALMER: Yeah, the rule of thumb, if I
 18 remember correctly, is that almost all people, a
 19 normal person, when you hold your thumb up like this
 20 and you look at it with one eye like you were going
 21 to paint something, that's two degrees. The width
 22 of your thumb is approximately two degrees, and so
 23 out in the field you can sort of count, or you can
 24 imagine if they say there's a ten or eleven degree
 25 angle of view, that's kind of like this wide

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1 (indicating). So it's just a way to get a sense
 2 of -- put realism in what the heck two degrees
 3 actually means within the context of 360 degrees.
 4 MR. BERGERON: Okay.
 5 MR. PALMER: And there's research that was
 6 actually done, believe it or not, and published on
 7 that. Can you believe it?
 8 MR. BERGERON: It sounds like a good study.
 9 You've also mentioned a couple of times that it's
 10 your determination that this project is as close to
 11 unreasonable -- having unreasonable scenic impact as
 12 any project that you've reviewed. Could you
 13 elaborate on that a little more, please?
 14 MR. PALMER: Yeah, my concern -- and I
 15 can't speak for the LURC Commissioners. I think the
 16 LURC Commissioners were particularly concerned about
 17 one lake, Shaw Lake, and they were concerned because
 18 they wanted to call that a remote or a remote-like
 19 lake and I disagreed with them about that because it
 20 doesn't follow their guidelines for what a remote
 21 lake should be, but Fred Todd was the project
 22 manager for LURC and he and I talked about this a
 23 lot and our concern was, in general, LURC is
 24 concerned about the opportunity -- the future
 25 opportunity for activity. DEP may not be as much

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1 concerned about that because it's dealing with the
 2 organized territories, but LURC -- and maybe LURC
 3 feels a responsibility to preserve the future option
 4 for recreation activities that may not exist, and
 5 these -- the linked nature of these lakes, it's not
 6 unique, there are other places in the state that
 7 have linked lakes but it is a special opportunity
 8 and we recognized at the earlier review that it's
 9 not being used now, but it's a -- it's a big area
 10 and a lot of the -- a lot of the surface area of the
 11 lakes within eight miles of this project have
 12 visibility. No other project I think has had as
 13 much visibility as this project, and it's because
 14 there are so many lakes. When you get that open
 15 water, you increase visibility. Blue Mountain State
 16 Park doesn't have that kind of visibility because
 17 it's all forested, and when you're in the forest,
 18 you can't see anything. So the lakes makes a big
 19 difference. So, you know, we talked a lot about
 20 that kind of problem, and it's -- it's really --
 21 it's the surface area that's the issue and that's
 22 where thresholds start to become important. So I
 23 proposed the threshold and it was a -- and I can't
 24 even remember what it is, I'd have to go back, but
 25 in thinking about it and looking at the other

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1 projects, you know, I wrote it down before I did my
 2 analysis and then when I went through and did the
 3 analysis, I came out with the conclusion that it
 4 wasn't adverse but my gut reaction is this is as
 5 close as we've come. Certainly I think that it's
 6 more serious, in my opinion, than Redington and it's
 7 more serious than Highland, both Appalachian Trail
 8 -- the two Appalachian Trail projects, but it has to
 9 do with the extent, not the significance of the
 10 resource. Do you see that distinction?
 11 MR. BERGERON: Thank you, and one last
 12 question. Could you help the Department understand
 13 how the Lawrence review report could be useful? How
 14 could we use that as part of our determination for
 15 scenic impacts?
 16 MR. PALMER: Of the which review report?
 17 MR. BERGERON: The Lawrence report.
 18 MR. PALMER: The Lawrence report. David
 19 Raphael frequently talks about, you know, you can't
 20 quantify everything and, you know, qualitative
 21 expression is also important. Lawrence is a good --
 22 represents that qualitative expression of why things
 23 are important without giving any hard documented
 24 kind of evidence. So of the three of us, I'm much
 25 more on the quantitative side, Lawrence is much more

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1 on the expressive side, David is more in between, I
 2 think more on the expressive side but in all
 3 fairness, very much in the middle of that. I think
 4 Lawrence makes a powerful argument about how
 5 important these lakes are to some people and that,
 6 you know, something can be beautiful and scenic
 7 without being unique or, you know, somehow pristine,
 8 and in all of the -- well, not all of the surveys
 9 but almost all of the surveys, the model for the
 10 scenic questions has been think of the most
 11 beautiful place in Maine and think of the ugliest
 12 place in Maine and we ask those because you want to
 13 anchor people's scale so that they don't just jump
 14 right to the most beautiful place, but we anchor it.
 15 We expect things like Acadia and Baxter Mountain as
 16 being the most scenic but always, always some people
 17 will say right where they are. They will say Junior
 18 Lake or Pleasant Lake and then most of the people
 19 are going to say Baxter State Park and Acadia
 20 National Park but some people will react, right now
 21 I'm in the most beautiful place there is; it's
 22 gorgeous here, even though it's not -- by ordinary
 23 professional criteria it's not stunning, it's pretty
 24 ordinary. It's the way Maine looks in almost all of
 25 Maine and that's a difficulty from an analytic point

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1 of view, but it's the reality that you guys have to
 2 live with and, you know, to be a little bit cheeky,
 3 had to deal with in the Passadumkeag situation. I
 4 mean, that was, I think, the situation. For those
 5 local people, it was incredibly scenic even though
 6 it was kind of an ordinary Maine scene in my
 7 opinion.
 8 MR. BERGERON: Thank you.
 9 HEARING OFFICER: Thank you, Mark. Thank
 10 you, Jim.
 11 MS. BROWNE: Could I -- are you going to
 12 ask questions?
 13 HEARING OFFICER: I was not. What did you
 14 have in mind?
 15 MS. BROWNE: Could I ask a follow-up
 16 question to some of the Department's questions?
 17 HEARING OFFICER: I think that's
 18 appropriate, yes. We will certainly give the other
 19 folks the opportunity to do the same but yes, sure.
 20 MS. BROWNE: It won't take long. Thank
 21 you. You talked about the LURC process, Dr. Palmer,
 22 and isn't it true that at the time LURC was
 23 evaluating the project they did not have the benefit
 24 of any intercept surveys to evaluate impact on use
 25 and enjoyment of the project -- sorry -- they didn't

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1 have the pre-construction intercept surveys that
 2 Kleinschmidt has since conducted, right?
 3 MR. PALMER: That's correct, yes.
 4 MS. BROWNE: And they didn't have the
 5 benefit of an additional year -- or data collected
 6 in 2012 on the boat counts at Junior Stream, right?
 7 MR. PALMER: Correct, absolutely, and I
 8 think both of those might have made some difference.
 9 MS. BROWNE: And, in fact, the survey
 10 responses showed that for the majority, 55 percent
 11 of the respondents, the visibility of the project
 12 would not adversely impact or would have a positive
 13 impact on their overall experience, right?
 14 MR. PALMER: The survey does show that but
 15 I don't know that 50 percent is the threshold on an
 16 unreasonable impact, but the survey does show that.
 17 MS. BROWNE: But the survey was in -- it
 18 was certainly in line with surveys from other
 19 projects?
 20 MR. PALMER: Yes, it may be a little more
 21 severe here, but there certainly are other projects
 22 that are comparable.
 23 MS. BROWNE: Thank you.
 24 HEARING OFFICER: Any quick follow-up
 25 questions from PPDW? Very good. That concludes

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1 today's hearing for this afternoon. We will be
 2 meeting again at 6:00 this evening for the public
 3 comments session of the hearing. We'll see you
 4 then.
 5 **(DINNER RECESS)**
 6
 7 HEARING OFFICER: Good evening. I now call
 8 to order this hearing of the Department of
 9 Environmental Protection on the application by
 10 Champlain Wind, LLC, to construct a 16-turbine wind
 11 project with associated roads, electrical collection
 12 system, substation, operation and maintenance,
 13 buildings and permanent meteorological tower. Our
 14 goal is a fair and productive hearing. We are here
 15 to listen and consider all the evidence placed
 16 before us. I know these are highly emotional issues
 17 for many of you, but it is our job to ensure that
 18 everyone has an opportunity to speak. So I ask that
 19 you all respect each other's right to present his or
 20 her viewpoint. Also, I request that while there are
 21 many issues related to this proposal, the Department
 22 can only consider those issues which pertain to
 23 environmental statutes and regulations. Please make
 24 this as productive a public session as possible by
 25 limiting your comments to these issues.

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1 Because of limited time and a desire to
2 hear all of the various environmental concerns,
3 please try not to repeat testimony that has already
4 been given. New testimony is important to us but
5 repetitive statements do not assist use in our
6 responsibilities. Thank you all for your
7 understanding and for your participation here
8 tonight.

9 This hearing is being held by the
10 Department pursuant to the Maine Administrative
11 Procedures Act, Title 5, Sections 9051 to 9064 and
12 Chapter 3 of the Department of Environmental
13 Protection rules.

14 Notice of the hearing was published in the
15 Bangor Daily News and the Journal Tribune on April
16 4th or 5th and April 22nd, 2013 in addition to the
17 Portland Press Herald. Notice was also sent to the
18 parties and all those specifically requesting
19 notification. Additionally, press releases and
20 public service announcements were distributed to
21 regional media outlets on approximately March 12th
22 and April 1st, 2013.

23 Today the Department began hearing
24 testimony from the parties. The Department will
25 continue to hear testimony from the parties tomorrow

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1 and follow tomorrow's second day of hearing with a
2 second night for public comment.

3 This hearing is being recorded and
4 transcribed. All witnesses at this hearing will be
5 sworn and all evidence already entered into the
6 record will be available during the course of the
7 hearing for inspection by anyone who wishes to do
8 so. After the hearing, the project file will be
9 available for public inspection during regular
10 business hours at the DEP office in Bangor. For a
11 brief description of the Department's review
12 process, I'll now introduce the Project Manager,
13 Jessica Damon.

14 MS. DAMON: My name is Jessica Damon, and
15 I'm the Project Manager for the Bowers Wind Project.
16 The Department accepted this application for
17 processing on October 25th, 2012. We will accept
18 written public comments on this project until May
19 8th. The statutory deadline for the final decision
20 on this proposal is August 5th, 2013.

21 The Department is reviewing this project
22 under the Site Location of Development Act, the
23 Natural Resource Protection Act and the Wind Energy
24 Act. We are only able to make -- we are only able
25 to legally review this proposal under these laws.

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1 The Department must make positive findings on the
2 following licensing criteria in order to issue a
3 permit for the projects, financial capacity, no
4 adverse impact on the natural environment, soil
5 types, storm water management, groundwater,
6 infrastructure, flooding and blasting under the site
7 law, no unreasonable visual impact to scenic
8 resources of state or national significance,
9 tangible benefits, decommissioning, safety setbacks
10 under the Wind Energy Act and under the Natural
11 Resource Protection Act existing uses, soil erosion,
12 harm to habitats and fisheries, interference with
13 natural water flow, lower water quality and
14 flooding. We ask that you please limit your
15 comments to items which fall under the licensing
16 criteria for this proposal. This hearing and public
17 session are meant for the Department to gather
18 information in order to make the best informed
19 decision. This is not a session to ask questions.
20 It's meant for us to hear comments on the proposal
21 from the public.

22 Thank you for taking your time to come to
23 the hearing and share your comments with us on this
24 proposal.

25 HEARING OFFICER: Thank you, Jessica.

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1 There are signup sheets located at the front of the
2 room at the table to my left for any member of the
3 public who would like to offer testimony to the
4 Department who hasn't signed in yet. There are
5 separate sheets for those who want to testify in
6 support of the project, in opposition to the project
7 and neither for nor against. If you want to speak
8 this evening and have not signed up, again, please
9 do so. If you do not want to testify this evening,
10 the record in this matter will remain open to
11 receive your written comments until May 8th.
12 Written comments should be sent to the Department of
13 Environmental Protection, attention Jessica Damon,
14 Department of Environmental Protection 106 Hogan
15 Road, Bangor, Maine.

16 You may also e-mail comments to
17 bowerswindproject.dep@maine.gov, again, by the May
18 8th deadline.

19 I will call upon those who have signed up
20 to testify. My name is John Silvestri. I'm the
21 Department Deputy Commissioner, glad to be here
22 tonight in Lee.

23 When your name is called, you should come
24 up to the podium and clearly identify yourself by
25 name, place of residence, and affiliation, if any,

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1 before beginning your testimony, and if you could
2 also identify whether you are for or against.

3 Depending upon the number of persons
4 wishing to testify, I may need to limit time so that
5 all may have an opportunity to address the
6 Department. Again, I should say we've already had
7 to do that because we have such a large audience
8 tonight. People will be getting four minutes to
9 talk and make their comments.

10 A housekeeping logistics note quickly for
11 this evening, there are two emergency exits, one
12 back up the stairs, the second one is that door in
13 the back rear. The door in the back rear is also
14 wheelchair accessible so if you have someone who
15 hasn't been able to attend who is wheelchair
16 accessible, give them a call and let them know they
17 can come in and drive down the driveway and come in
18 the back, and also this gives me a good time to say
19 as well, please, if you have an electronic device,
20 if you could just silence it during the comment
21 session tonight.

22 At this time, would all persons planning to
23 testify this evening stand and raise their right
24 hand? Do you affirm that the testimony you're about
25 to give is the whole truth and nothing but the

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1 truth?

2 **(WITNESSES ANSWER IN THE AFFIRMATIVE.)**

3 Are there any questions before we begin?

4 Yes?

5 MS. SAYER: Is it only environmental?

6 HEARING OFFICER: The questions that you
7 should be asking tonight should be regulatory and
8 concern the project -- the comments tonight. Do you
9 follow me?

10 MS. SAYER: No.

11 HEARING OFFICER: If you could clarify your
12 question a little bit.

13 MS. SAYER: That's okay.

14 HEARING OFFICER: Okay. Any other
15 questions before we get started? My apologies ahead
16 of time for the name mispronunciation. I'll do my
17 best. We'll start out the evening by asking Pat
18 Defilipp to come forward, and behind Mr. Defilipp
19 will be Cathy Johnson. Thank you.

20 MR. DEFILIPP: Thank you. My name is Pat
21 Defilipp, I'm a resident of Auburn, Maine.

22 HEARING OFFICER: There's probably a
23 switch. Go ahead and try it. I think you're all
24 set, just speak a little closer.

25 MR. DEFILIPP: Okay. My name is Pat

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1 Defilipp, I'm a resident of Auburn, Maine. I'm
2 speaking to urge the approval of this project. I'm
3 a senior project manager with Reed and Reed, we're a
4 contractor in Woolwich, Maine, and fortunately we've
5 been involved in most of the wind project
6 construction to date in this state.

7 We have been fortunate to work with First
8 Wind on the Mars Hill, the Stetson I and II, the
9 Rollins and the Bull Hill wind projects. These
10 projects were all successfully completed, they were
11 done safely, they were done with very little time
12 overruns or any type of environmental concerns.

13 I believe that the Bowers Project will be
14 an economic shot in the arm to the area. It will
15 bring 150 to 200 construction jobs. It will bring 6
16 to 10 permanent jobs. All these jobs are
17 good-paying jobs with good benefits.

18 The subcontractors that we will use to
19 build this project are just about all from the state
20 of Maine, people including the Sargent Corporation
21 in Stillwater, Maine, Maine Drilling and Blasting in
22 Gardiner, Maine, Underwood Electric in Presque Isle,
23 Maine, Blaine Casey Construction in China, Maine.
24 The materials that we purchase for the project will
25 also come from the state of Maine. We really try to

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1 emphasize the local connection and keep the dollars
2 as close to home as we can. The concrete will
3 probably come from Sargent Materials, reinforcing
4 steel will come from Harmac in Fryeburg, Maine,
5 structural steel from ARC in Kingfield, Maine. The
6 electrical materials will probably come from Gilman
7 Electric.

8 We believe that this project will make
9 long-term contributions as well as short-term. The
10 project will provide tax revenue and will do it
11 without adding children to our schools, putting
12 traffic on our streets, pumping water out of the
13 ground, putting sewerage in our treatment plants or
14 polluting our air.

15 In summary, I'd just like to say that First
16 Wind, they do what they say, they don't cut corners,
17 they follow through what they start and we're proud
18 to be associated with them. We should welcome their
19 investment in the state of Maine. Thank you.

20 HEARING OFFICER: Thank you, Mr. Defilipp.
21 Next we have Cathy Johnson. I'm just checking to
22 see how many people have signed in. We may be able
23 to go to five minutes. I'm afraid not, we just had
24 an additional ten sign in. I'll shut up so that you
25 can go ahead and make your comments. Ms. Johnson.

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1 MS. JOHNSON: Well, I confess to being
2 surprised to be testifying so early in this hearing
3 since we are testifying neither for nor against. I
4 do have copies of my testimony. Should I give them
5 to you now or later?

6 HEARING OFFICER: Give them to the court
7 reporter, if you would.

8 MS. JOHNSON: Okay. As you will see when
9 you get the testimony, I can't possibly cover it in
10 four minutes so I will do my best to try and hit
11 some of the highlights.

12 My name is Cathy Johnson. I'm the North
13 Woods Project Director and Senior Staff Attorney for
14 the Natural Resources Council of Maine. I'm here
15 testifying on behalf of NRCM's 16,000 members and
16 supporters neither for nor against the proposed
17 project but rather to provide information and
18 comments which we hope will be helpful as DEP
19 considers this project. We appreciate the difficult
20 role you have in balancing energy benefits with
21 impacts to environmental resources and we thank you
22 for your hard work that you're going to be doing on
23 this project and that you've done already.

24 NRCM is a strong supporter both of
25 protecting scenic and recreational resources of the

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1 state and developing renewable energy as one part of
2 the strategy to limit climate change. We believe
3 that the combination of the wind power law and the
4 state's environmental laws, including those designed
5 to protect the undeveloped character of Maine's
6 North Woods, indicate that the state is also
7 committed to both goals.

8 After reviewing the proposed Bowers Project
9 again, we've concluded that it is a very close call
10 whether the project meets the legal criteria
11 regarding the effect of the proposed project on
12 scenic character and related existing recreational
13 uses. Based on the information available it appears
14 that there will be clear adverse impacts on some
15 scenic resources and related existing uses of
16 statewide significance.

17 We recognize and appreciate that the
18 project has changed in noticeable ways compared to
19 the previous LURC application, including the
20 reduction in the number of turbines and the scope of
21 views. In several cases these reductions are
22 quantitative but do not necessarily lead to a
23 significant qualitative change on otherwise largely
24 undeveloped lakes.

25 As you will see, I have a couple of pages

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1 in my testimony talking about the importance of
2 climate -- addressing the climate issue and climate
3 change, and I think I'm going to skip over that part
4 and hope you will read it when you get a chance, and
5 move into some of the more specific comments about
6 the area.

7 The areas of state or national significance
8 that will be affected by this project include nine
9 lakes with scenic resources of statewide
10 significance. Four of the nine lakes, including one
11 with outstanding scenic resources, are within three
12 miles of the proposed turbines. The other five
13 lakes are within eight miles of the turbines.
14 Pleasant Lake is a management class 2 lake under the
15 Land Use Planning Commission's lake management
16 system. These lakes are accessible undeveloped
17 lakes with exceptional values. The Land Use
18 Planning Commission limits the density intensity of
19 development on these lakes to one unit per mile of
20 shoreline.

21 These nine lakes have significant
22 outstanding scenic resources. They are the northern
23 portion of one of the largest interconnected lake
24 systems in the east that provides opportunities for
25 multi-day loop canoe and kayak trips in the remote

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1 environment. The Appalachian Mountain Club's lake
2 canoeing guide Quiet Water describes this loop as
3 one of the best extended quiet water loop trails in
4 the state, especially when one detours for a few
5 days into Scraggly Lake, and I've attached some
6 information from that book to my testimony.

7 Scraggly is described as wild and remote.
8 This is the paddler's ideal lake, too shallow for
9 most motor boaters and far enough from road access
10 that you have to do some work to get there. You can
11 hike for multiple days in this area in a way that
12 you can't do really anywhere else in the eastern
13 United States by being able to make loop trips.
14 Yes, we have long canoe trips, the Allagash and the
15 St. John, but those are one-way trips. Being able
16 to do a loop is really something unusual here.

17 HEARING OFFICER: You have 30 seconds, Ms.
18 Johnson.

19 MS. JOHNSON: I would note that the impacts
20 on the lakes vary from lake to lake. Some of the
21 lakes are more developed than others but some of
22 them are quite undeveloped and really provide a
23 remote recreational experience that is not readily
24 available in other parts of the state, and I urge
25 you in reviewing this, really the first project that

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1 DEP will review that previous to last year's
2 legislation would have been reviewed by the Land Use
3 Regulation Commission, to really pay attention to
4 the policies of the Land Use Regulation Commission
5 and the need to protect a type of recreation that's
6 quite rare in Maine and very, very rare in the rest
7 of the eastern United States of remote recreational
8 opportunities.

9 HEARING OFFICER: Thank you.

10 MS. JOHNSON: So we understand that you
11 have a difficult balance here in balancing the
12 energy and protecting the scenic resources and we
13 encourage you to look carefully at that and I hope
14 that you will read our testimony.

15 HEARING OFFICER: Thank you. I appreciate
16 your testimony.

17 MS. JOHNSON: Thank you.

18 HEARING OFFICER: Mr. Gary Chard. While
19 Mr. Chard is coming forward, let me say, the
20 question was asked whether we'll be reading the
21 testimony, anyone who makes testimony, whether it's
22 written or verbally provided tonight, will
23 absolutely be given consideration by the Department.
24 Thank you. Mr. Chard.

25 MR. CHARD: My name is Gary Chard. I have

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1 historically -- determined to be historic, pristine
2 locations, it's your job, and I hope you do it, to
3 protect it from this industrial landscape
4 development on Bowers Mountain. Thank you kindly.

5 HEARING OFFICER: Thank you, sir. Mr.
6 Stephen Mine, followed by Mr. Donald Moore.

7 MR. MINE: Good evening. First, I just
8 want to thank you for hearing our comments tonight.
9 I just -- my name is Stephen Mine. My wife and I
10 own a lodge over in Danforth, Maine. We are
11 approximately seven miles from the Stetson Mountain
12 Project that First Wind built. We get a lot of
13 people coming through our lodge, fishermen, hunters,
14 snowmobilers, ATVers, just visitors to the area, and
15 I would say that at least 90 percent of the people
16 that visit our lodge that have a very good view of
17 that project on Stetson Mountain think of it as a
18 point of interest not as a negative thing. We have
19 a very nice vista of the Mount Katahdin area and the
20 windmills are off to the one side and people look
21 out there and they think it's a very interesting
22 thing, they ask all kinds of questions about it.
23 They don't feel that it's a negative impact. So I
24 thought that was important that you hear that
25 because I know you hear a lot of other information.

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1 a house on Junior Lake with my family, and I've been
2 a building contractor for 40 years. I've built
3 houses, barns, stores, even a movie theater, all
4 over New England and not once have I ever done
5 anything to diminish the value of other people's
6 property, not once have I ever taken taxpayers'
7 dollars to enrich myself and the people that work
8 for me. I believe that the scenic qualities of this
9 lake system are so important that to enrich First
10 Wind and the people that live off of them it would
11 be a violation of the ordinances that you have
12 there, and to give you an idea of the quality of the
13 place, this summer -- I share the place because I
14 don't live there all the time, I let other people
15 use it. There's a nice young lady that I met that
16 has just returned from a deployment to Afghanistan
17 and she has two little children, and I'm going to
18 let her use my place for a week. Now, she could go
19 to Coney Island, Cape Cod, Martha's Vineyard or any
20 place she wants but she's going to come with her
21 children to my little place on the lake where the
22 scenic qualities do not include flashing red lights,
23 they do not include propeller flicker and this is
24 what this whole lake system is important for. I
25 think that the scenic and visual impact of these

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1 The other thing is, you know, it's a huge
2 economic impact when they build projects like this
3 and certainly it was for us over there at our lodge,
4 and while initially it's a big impact for businesses
5 in the area and for the people in the area, it also
6 continues to be important over the years. We have
7 people stay with us periodically all the time that
8 do the maintenance on the windmills, upgrades to the
9 windmills, and so it's not just the initial economic
10 impact but a long-term one as well.

11 So I definitely am in support of First Wind
12 and what they're doing and they're doing the hard
13 work of what the presidents in the past have said,
14 you know, to make sure that we look at alternative
15 energy sources and they're doing what they're being
16 asked to do. I appreciate it. Thank you.

17 HEARING OFFICER: Thank you, Mr. Mine. Mr.
18 Donald Moore, followed by Mr. Paul Williamson.

19 MR. MOORE: Deputy Commissioner Silvestri
20 and members of the Department of Environmental
21 Protection, my name is Donald Moore. My family
22 settled Ellsworth on the coast of Maine in 1705.
23 According to the authorities, I qualify as a
24 Downeaster. I've been recreating in the Downeast
25 Lakes area since 1971 when I first experienced the

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1 majestic wilderness like aspect of Junior West
 2 Grand, which was its former name -- official name.
 3 Guides from Grand Lake Stream offered their sports
 4 special day trips to Junior, along the way they
 5 fished or just took in the scenery. They could
 6 slide along boulder studded shores, past picturesque
 7 islands loaded with blueberries, take in remarkable
 8 mountain views, enjoy good fishing and have a meal
 9 on a primitive campsite, all this wilderness setting
 10 inspired by miles of undeveloped shoreline and
 11 scenic mountain views. Industrial wind towers will
 12 change that.

13 Imagine a scene of unspoiled shoreline, so
 14 many wild feeder lakes to Junior, you could visit
 15 each one and it would take about two weeks to visit
 16 them all. Boat down the lake towards the far shore
 17 and into the big sky where no two sunsets are ever
 18 the same, all set off by beautiful mountains melting
 19 into the distant shore. Really, I ask everyone,
 20 what is that worth? To me it's priceless. If
 21 industrial wind towers are permitted, they will
 22 drastically change that magnificent scene. But
 23 there is good news. Surprisingly, Junior Lake has
 24 been able to preserve the same character and
 25 appearance as when I first saw it 39 years ago. Oh,

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1 yes, there are more boats and more camps and in
 2 modern times but as recently as the 1980s Junior had
 3 only about a half dozen camps. When the Indian Land
 4 Settlement of 1980 was signed, the Penobscots were
 5 given the land along the west shore, the
 6 Passamaquoddies on the south shore. Needing money,
 7 the Penobscots sold their land but the new LURC
 8 zoning rules require a hundred-foot setback for the
 9 purpose of preserving its scenic character. Large
 10 40-acre lots were sold, many 600 feet of shoreline
 11 along the west shore. That too helped preserve the
 12 scenic character.

13 If industrial towers are erected, paddlers
 14 sliding north up the east shore of Junior will be
 15 paddling directly into five to twelve visible towers
 16 from a distance of about 3.3 to 7.5 miles, all
 17 twirling helter-skelter, some motionless while
 18 others turn at different speeds, the whole
 19 orchestration of annoying rhythms. The sum effect
 20 demands one's attention. The brain wants to settle
 21 the incongruity. The vista fades while crazy motion
 22 dominates the viewshed. We are responsible for
 23 preserving Maine's special places not --

24 HEARING OFFICER: One minute, sir.

25 MR. MOORE: Pardon?

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1 HEARING OFFICER: A minute more.

2 MR. MOORE: Enough?

3 HEARING OFFICER: You have a minute left.

4 MR. MOORE: A minute left. I just lost ten
 5 seconds. We're all responsible for preserving
 6 Maine's special places, not only for us but for
 7 future generations and for the livelihood of many.
 8 As development continues to increase in the United
 9 States, Maine stands to realize increasing revenue
 10 from tourism in wilderness-like areas and
 11 increasingly that is becoming scarce. Basic
 12 economic principle says as a resource supply
 13 decreases, the value of that resource supply
 14 increases. Right now Maine is in a moment of
 15 decision. Outdoor enthusiasts are offering unpaid
 16 leadership. Our work is out of love for Maine.
 17 These self-sacrificing leaders are successfully
 18 raising our consciousness and understanding of the
 19 high value of scenic lakes and the supporting
 20 landforms. In the future, businesses will continue
 21 to benefit over and over as the economic multiplier
 22 effect takes hold.

23 We have a scenic gold mine. It is full of
 24 potential, and it's only beginning to be recognized,
 25 not only in the U.S. but internationally. Why

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1 should industrial wind -- what would it do to this
 2 asset? So let's get with it. We have a gem in
 3 Downeast Lakes, we should all feel responsible for
 4 its care, it is our brand, it has --

5 HEARING OFFICER: Thank you for your
 6 testimony. I hate to cut you off.

7 MR. MOORE: You just sunk Henry David
 8 Thoreau.

9 HEARING OFFICER: We just have so many
 10 folks who wish to testify.

11 MR. MOORE: Thank you.

12 HEARING OFFICER: Mr. Paul Williamson
 13 followed by Clyde MacDonald.

14 MR. WILLIAMSON: Good evening. My name is
 15 Paul Williamson. I'm from an organization called
 16 the Maine Ocean and Wind Industry Initiative. We
 17 are an economic development group that works with
 18 the cluster development of this industry within the
 19 state to promote economic development and job
 20 creation throughout the state. One of the tangible
 21 benefits that's listed in the Wind Act is the
 22 creation of an industry and the creation of jobs
 23 here in the state of Maine, and so it's very
 24 important that we see this cluster continue to
 25 develop. In my testimony that I've included in

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1 writing, I included some statistical information on
 2 the second page. That is a response of 49 different
 3 companies that provide services and products to the
 4 wind industry in the state of Maine, and one of the
 5 things that the statistics from that survey clearly
 6 demonstrate is that through the local development of
 7 a local industry, we have companies here that are
 8 gaining local expertise on the local projects that
 9 is now in demand beyond the state of Maine and,
 10 therefore, these companies are bringing back dollars
 11 from outside the state of Maine; however, that only
 12 happens if there's a local industry to service as
 13 well as to support that cluster.

14 And one of the other things when you look
 15 at economic development that I wanted to point out
 16 to you is that economic development follows success,
 17 and so as an example, when you look at the historic
 18 success of Maine's boat building industry, it has
 19 attracted success in Maine's composite industry.
 20 That has attracted further investment in Maine's
 21 renewable energy industry, and so permitting
 22 projects like this and allowing them to succeed and
 23 expand the industry here in the state of Maine
 24 attracts further investments from other industries
 25 including wind and alternative energy and also other

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1 industries beyond that. Thank you.

2 HEARING OFFICER: Thank you. Mr. Clyde
 3 MacDonald.

4 MR. MACDONALD: My name is Clyde MacDonald
 5 from Hampden, a former aide to Senator Muskie and
 6 George Mitchell whose been interested in energy
 7 issues going all the way back to the Dicky-Lincoln
 8 days. I don't know how I can present my 52 facts
 9 here in four minutes, but I'll do the best I can.

10 I've testified before to you that every one
 11 of these towers that you have placed in Maine is a
 12 threat to fires because they explode and they burn,
 13 but none of you has taken my testimony seriously.
 14 You just don't seem to believe it. I can provide
 15 evidence that burning towers burned 200,000 acres of
 16 national forest in Australia which then banned wind
 17 turbines near forested areas while Maine encourages
 18 them. I can tell you about hundreds of acres that
 19 have burned in Germany and how tanker planes,
 20 helicopters, bulldozers and hundreds of workers were
 21 called in to try and suppress these things and that
 22 the Bangor News is the only paper that has printed
 23 the fact that we've already had a turbine fire in
 24 Maine at Kibby Mountain and the operators of that
 25 facility say they have no training with any local

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1 firemen and no plans to use local firemen. They
 2 don't tell us where they're going to store all this
 3 equipment that they're going to fight the forest
 4 fires with. I mean, it's a shame. You, yourselves,
 5 can find all the evidence you want of hundreds and
 6 hundreds of burning turbines. It's on the internet,
 7 you can get it under exploding turbines, you can get
 8 in under burning turbines, turbine fires or
 9 whatever. So the evidence is there. Wherever you
 10 have turbines, you have fires and to a lesser degree
 11 you have forest fires.

12 Now, what shall I turn to next here as I
 13 try to eliminate some of my testimony?

14 HEARING OFFICER: I will remind you also
 15 that you are welcome to submit written testimony
 16 until May 8th.

17 MR. MACDONALD: Thank you. There are three
 18 causes of these fires. Now, one is lightening
 19 strikes. I've got a record of 111 lightening
 20 strikes on these towers that didn't cause turbine
 21 fires but others, dozens and dozens and dozens of
 22 them do.

23 A second cause is that they've never been
 24 able to develop a lubricating oil that can reduce
 25 the friction enough in the gear heads. So these

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1 gear heads when you have to brake these multi-ton
 2 blades all of a sudden because of a storm or for
 3 whatever reason, it creates enormous friction and
 4 they burn.

5 The third reason, and this is lesser known,
 6 is that every single turbine, I believe, in the
 7 north uses electric power off the grid. They tell
 8 you and you believe them that this project will
 9 produce X number of megawatt hours that will serve
 10 so many homes. What they don't tell you is of the
 11 16 functions that this electricity off the grid
 12 uses, they try and keep the oils warm to try and
 13 keep the blades from freezing in winter, to try and
 14 prevent -- to keep the blades even and so on and so
 15 on.

16 I will close by saying -- by the way, I
 17 spoke with Susan Lessard the other day who's the
 18 chairman of the DEP Board, and I told her that I
 19 thought the DEP had done some wonderful things
 20 except on wind power, that in wind power you've had
 21 a terrible blind spot and that there's been a
 22 terrible lack of leadership at the DEP. I say that
 23 because I think whenever you have regulatory
 24 agencies that have laws that contradict your basic
 25 mission, in this case protecting the environment,

1 the function of an agency's leadership is to go to
2 the Legislature and seek changes. You folks haven't
3 done that, and so you just sit back and you tell us,
4 well, that's not in the law, we can't consider it;
5 that's not in the law, we can't consider it. Where
6 is the leadership that will change these laws to
7 protect our environment?

8 HEARING OFFICER: Thank you.

9 MR. MACDONALD: And finally, I have some
10 handouts here if anybody wants them. I've got 15
11 facts that nobody seems to know about the
12 relationship between turbine fires and forest fires
13 that I'd be happy to distribute.

14 HEARING OFFICER: Thank you, Mr. MacDonald.

15 MR. MACDONALD: Thank you.

16 HEARING OFFICER: We appreciate your
17 coming. I will ask Mr. David Phillips to come
18 forward please, followed by Steve Burleigh.

19 MR. PHILLIPS: Good evening. My name is
20 David Phillips. I live in Union, Maine, and I am
21 here tonight speaking on behalf of ATV Maine in
22 support of the proposed Bowers Wind Project.

23 ATV Maine is the statewide organization
24 which represents the interests of ATV riders. We
25 represent 83 local clubs who maintain over 6,000

1 who have the most actual experience pursuing their
2 sport around these projects.

3 I am here to let you know that our
4 collective experience is that rather than detracting
5 from our enjoyment, wind projects have become
6 popular places for ATV riders to visit. These wind
7 farm access points are of environmentally sound
8 construction and minimize any impacts to the
9 environment from motorized sports; in fact, in
10 Canada -- sorry -- in fact, Canada has already
11 figured this out and actively promotes its wind
12 farms as ATV destinations.

13 We hope that you will take our views into
14 account as you evaluate any potential impact of
15 people seeing the Bowers Wind Project while
16 recreating in the area. Thank you.

17 HEARING OFFICER: Thank you, sir. Mr.
18 Steve Burleigh, please, followed by Stephanie
19 Itchklich.

20 MR. BURLEIGH: My name is Steve Burleigh.
21 I live in Springfield, Maine, which is just a
22 stone's throw to the turnout down to these lakes. I
23 also have property in Prentiss that overlooks
24 Stetson Mountain. I am in favor of renewable
25 energy, however, I have to ask myself why do we need

1 miles of ATV trails here in Maine which is the
2 largest continuous trail system in the country. We
3 are also the fastest growing outdoor recreational
4 group in Maine with ATV registrations outpacing
5 snowmobile registrations for the first time in 2012.
6 The pace of the sport's growth continues to
7 accelerate due to the three-season opportunity for
8 riding, its appeal to older enthusiasts, an
9 improving trail system and increasing destination
10 opportunities.

11 We are also an important economic influence
12 in Maine with the most recent study done in 2004
13 indicating that the ATV industry contributes over
14 220 million dollars annually to the Maine economy.
15 The reason is that ATV riders do not simply desire
16 to ride in a circle but instead seek out
17 destinations and stop along the way at hotels,
18 restaurants, gas stations and delivering sorely
19 needed revenue to small businesses in poor rural
20 areas of the state. As a result, we think it is
21 important that our members' views be considered when
22 issues affecting recreational tourism are being
23 discussed.

24 In regards to wind farms, our members,
25 along with snowmobilers, tend to be the individuals

1 this additional wind farm in Maine. We currently
2 produce in this state 4,400 megawatts of
3 electricity. These statistics might be a year or so
4 outdated but, if anything, they've increased
5 slightly since then. Our normal average consumption
6 of electricity in this state is 1,500 megawatts.
7 Even at peak demand we only use 2,500 megawatts.
8 That's during peak times. So currently wind is 1.5
9 percent of that picture, but my question is, why do
10 we need it? We already are a net producer. We're
11 not getting most of the -- a very small percentage
12 of the electricity that's produced by these wind
13 farms is even consumed in this state. It's sold on
14 the New England grid, which we do not get. We are
15 being tasked to pay for the transmission lines that
16 need to be beefed up because the antiquated
17 transmission grid that we currently have can't
18 handle the surges that these wind turbines produce
19 at times, a 19 to 25 billion dollar estimation that
20 we need to spend to produce these transmission lines
21 for a centralized energy system that by all
22 standards is quite antiquated. We actually should
23 be going towards a distributed energy production
24 system as they do in Germany and Europe and lots of
25 other countries.

1 I'm going to have to apologize for being a
 2 little bit disjointed because my comments were more
 3 general. I kind of make the analogy that if you --
 4 if you restrict our comments to one specific topic,
 5 it's like putting a dime in front of your eye and
 6 close the other one and then how do you describe the
 7 big picture? Well, you can't because you're limited
 8 in your viewpoint.

9 As far as the environmental impact, someone
 10 earlier today mentioned, well, when cell towers
 11 first came out everybody was opposed to it, they
 12 were afraid that it was going to disrupt the
 13 environmental view and visual tranquility of the
 14 areas and now nobody cares. Well, it's not
 15 necessarily that nobody cares; it's that we have no
 16 choice. They're there, we have to live with them,
 17 it doesn't mean that we accept them, it just means
 18 that they're there and we have to live with it and
 19 we have no choice, it's already there. The same
 20 with these wind turbines. A lot of these are
 21 already in place, we're not going to take them down,
 22 but why do we need to add more to them.

23 Give me a second here to catch up to my
 24 notes here.

25 HEARING OFFICER: You have one minute left.

1 MR. BURLEIGH: Okay. In Maine, less than
 2 one-half of one percent of the electricity comes
 3 from oil-fired generation, and I think there's one
 4 plant in Rumford, Maine that produces coal-fired
 5 electricity for a paper mill that exists there. So
 6 we're not having any environmental impact really
 7 from coal-fired plants in this state; and, in fact,
 8 in Maine, we happen to be -- currently we are number
 9 one in non-hydro renewable energy generation per
 10 capita, we're number one in per state gross
 11 product -- per gross state product, I'm sorry, and
 12 we're seventh in lowest carbon emissions.

13 Also I did a calculation. If we -- I
 14 believe the goal in this state is to produce 2,700
 15 megawatts of wind generated or renewable energy, but
 16 at the current increase in consumption for this
 17 state at one percent per year, even after 20 years
 18 we would still be a net producer of over a thousand
 19 megawatts of energy without doing anything. So why
 20 do we need to do this when we don't need it, when
 21 it's not staying in our state, and the jobs that it
 22 does create are temporary construction jobs with a
 23 handful left over at the end.

24 HEARING OFFICER: Thank you very much for
 25 your time, sir. I appreciate it. Ms. Stephanie

1 Itchklich. Hopefully I was closer.

2 MS. ITCHKLICH: Good evening. My name is
 3 Stephanie Itchklich and I am a full-time resident of
 4 Carroll Plantation, Maine. I have lived here for
 5 three, almost four years now, and I came here
 6 looking for that pristine quality of life that I
 7 could not find in the DC suburbs. I am a refuge,
 8 and I came here willingly and what really surprised
 9 me talking to people and watching my seasonal
 10 neighbors appear with trailer loads of ATVs and
 11 snowmobiles and generators by the score to set them
 12 up and run them all night long, to set off fireworks
 13 every night of the week in an area that has no fire
 14 protection service whatsoever, while drunk and not
 15 particularly taking care of things.

16 When people come here to do recreation,
 17 it's not what I remember hiking the Appalachian
 18 Trail years ago. It is not a leave-no-trace
 19 situation. It is a noisy activity with snowmobiles
 20 that can rack up 120 db, zooming past in the middle
 21 of the winter. It's noise, music, shooting early in
 22 the morning and then wondering why you can't find
 23 game in the afternoon. It's really quite surprising
 24 to me, but what I can tell you living just north of
 25 Shaw Lake, one of the most inaccessible lakes of the

1 group is that I am fully in support of these
 2 windmills. I'm a taxpayer in Carroll who receives
 3 no trash service, that knows that if I call for an
 4 ambulance that they can't afford to put signs up so
 5 that 911 can find me, that if my full-time, single
 6 dwelling home burns down, that it's going to be a
 7 total loss. There are no services in our town.
 8 When children move into our neighborhood, which is a
 9 very rare occasion, people greet the news with
 10 despair because we're trying to figure out how we're
 11 going to educate those kids. That shouldn't be what
 12 a town is about. That shouldn't be the way you
 13 greet a new neighbor. You shouldn't be standing
 14 there wondering how are we going to deal with your
 15 special needs kid. That's not the way to welcome
 16 people into your town, it's not the way to grow a
 17 community, it's not the way to grow a state, nor is
 18 it fair for us to sit here and say that we are going
 19 to turn our backs on wind energy and yet welcome
 20 natural gas pipelines at a million dollars a mile on
 21 the taxpayer's dime.

22 HEARING OFFICER: One more minute.

23 MS. ITCHKLICH: It is immoral for us to
 24 obtain any of our energy on the misery and suffering
 25 of people in Appalachia, in Pennsylvania and in the

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1 area where their well water and their quality of
2 environmental life is being degraded by our choices
3 of our land life here.

4 So I think that we need to have Maine
5 values. We need to say we are self-sufficient, we
6 are doing everything we can to be as self-sufficient
7 as we can before we turn to our neighbors in other
8 states and say it's okay for you to light your taps
9 on fire, it's okay for your children to suffer so
10 that we can turn our lights on. Thank you.

11 HEARING OFFICER: Thank you. Mr. Richard
12 Washburn, please, followed by Anita Duerr.

13 MR. WASHBURN: Good evening. I spoke
14 before LURC two years ago and I would like to use a
15 portion of my prepared statement here. I would like
16 to say how I appreciate the opportunity to be a
17 voice in your decision in a matter that will, in my
18 opinion, have an effect on Maine until the next Ice
19 Age.

20 Again, my name is Richard Washburn. I was
21 born in Margaret Chase Smith's house of Skowhegan,
22 Maine, once known as the big house. The first
23 Washburns to Maine took place shortly before 1800 to
24 Hebron and they went on to migrate to Bangor and
25 Brewer. Recent ancestry derives from Princeton and

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1 Bar Harbor. I would have lived all my life in Maine
2 if not for my father having to find employment
3 outside of Maine at what was his profession in the
4 shoe business. His profession took him to United
5 Shoe in Massachusetts. For as far back as I can
6 remember, family trips and visits to Maine became a
7 standard way of life. After college and marriage, I
8 always knew at some point in life I would be finding
9 my way back to Maine.

10 In 1997, my wife and I decided to begin
11 this venture. We spent weekends driving east to
12 west, north to south, to find a peaceful location to
13 call our piece of Maine. The search took us -- took
14 much into consideration as the decision where to
15 purchase soon included a plan to build and retire to
16 where our decision took us. Based upon the natural
17 resource, scenic value and central location to
18 Princeton, Bangor and Bar Harbor, we chose to
19 purchase property in 2001 within the Grand Lake
20 Chain of Lakes on Duck Lake in Lakeville.

21 LURC turned First Wind down and at that
22 moment in time I took my property off the market
23 because when I heard that wind machines were going
24 to be put across the lake from me, my wife and I
25 immediately had no decision to make but to sell the

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1 property. It was put on the market. It was on the
2 market for about a year, and two things occurred.
3 The property would not sell and, number two, LURC
4 turned First Wind down. We changed our minds and
5 decided to go with our dream and to build the home
6 on Duck Lake, and now I'm faced with a reversal
7 possibly, and I pray to God it isn't a reversal
8 because I decided to put construction business to
9 work that was very expensive.

10 So this is where I am now. I have a minute
11 left. I'm not totally against wind machines. I
12 think a good compromise in this situation would be
13 to put them all the way up 95 all the way to
14 Houlton. If Maine and First Wind are interested,
15 that's the place to put them. They would hinder
16 nothing and get in the way of no one. I ask you to
17 make a decision not to allow the destruction of
18 Maine's mountains and hills and the draw they have
19 to the uniqueness of Grand Lake Stream District.
20 This is not about a decision of majority or minority
21 for or against. Your decision in my view is about
22 common sense. The wind machines just do not fit
23 into the Grand Lake Stream District. They will
24 remove the reasons why people live, visit, vacation
25 and recreate in this area and will go to Iowa

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1 instead.

2 HEARING OFFICER: Thank you, sir.

3 MR. WASHBURN: Thank you for allowing me to
4 speak before you.

5 HEARING OFFICER: Thank you for coming
6 forward, appreciate it. Anita Duerr, followed by
7 Ms. Sandra Nealy.

8 MS. DUERR: My name is Anita Duerr. I'm
9 Chairman of the Board of Assessors for Carroll
10 Plantation, and I'm nervous as a long tail cat in a
11 room full of rocking chairs, but here goes nothing.

12 I wrote a letter to the board, Carroll's
13 point of view on the wind turbines. We live in an
14 area that is basically retired people and we took
15 the time to get a petition signed because of our bad
16 experience with the LURC process, and I went to the
17 hearings and it was clear that LURC was far more
18 concerned about out-of-state camp owners who come to
19 Maine for a few weeks each summer than they were
20 about how this project could help folks in Carroll
21 Plantation, many of whom have been here for
22 generations. In all the discussions that I listened
23 to, there was not one single comment from a
24 commissioner about Carroll Plantation. I'm hoping
25 that the DEP process will be different. I

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1 understand you will have meetings also, but given
2 the hostility of the meetings for those of us who
3 were there, I don't expect a lot of residents will
4 show up for more meetings.

5 I wanted you to know about Carroll
6 Plantation and hope you will consider us and our
7 interest in this project. Some of the families are
8 living on land that their ancestors owned before the
9 Plantation was incorporated. The Flynnns are living
10 on an original land grant given to the Bishop family
11 of which Mrs. Flynn is a Bishop. The Bates are
12 living on land that belonged to the Stevens family
13 who are founding fathers. Mrs. Bates was a Stevens.
14 I'm living on land that belonged to my grandfather.
15 He came here in 1907. I raised my children here.
16 Many of us grew up together and went to a one- or
17 two-room school. The Plantation office is located
18 in one of those schools. We all try to take care of
19 each other but it's getting harder and harder to do
20 given our financial situations. At one time we were
21 a thriving community with farms and seven schools,
22 but the Great Depression hit and never left. We're
23 still in it. World War II took a lot of people off
24 the farm and they never returned. Then in the 1960s
25 changing government regulations eventually drove all

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1 the dairy farms out of business. We had four
2 working dairy farms. Now we don't have a single
3 business left in town.

4 The community is mainly retired folks like
5 myself and either worked in the mills, schools or
6 logging industry, nobody has a lot of money and many
7 people are struggling just to get by. Our biggest
8 challenge is roads and education. We have 12 miles
9 of dirt roads and two miles of paved, which we've
10 tried to Band-aid to the best of our ability. The
11 two miles of paved road is in sad shape. It's
12 estimated it will take \$250,000 to put it in shape.

13 We now spend about 35,000 on all the roads and it's
14 never enough. Snow removal has cost us \$69,000.

15 HEARING OFFICER: One minute, Ms. Duerr.

16 MS. DUERR: Education subsidy has dropped
17 from \$117,000 to \$34,000. The statute that governs
18 TIF rules left out Plantations so we can't use that
19 to help us in any way.

20 In closing, we had a discussion at our last
21 Plantation meeting. We may have to apply to
22 de-organize if the wind turbines are denied. We
23 care about our community. Thank you.

24 HEARING OFFICER: If you'd like to file the
25 written testimony -- I would like to ask you to keep

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1 the applause down. It's just going to delay the
2 evening and before we know it, there are going to be
3 folks who will not get the opportunity to talk. Ms.
4 Nealy followed by Mr. Michael Emery.

5 MS. NEALY: Thank you, and I have a map for
6 all of you up there. My name is Sandra Nealy. I
7 live in Greenville, Maine on Moosehead Lake. I've
8 been part of Maine Audubon's Northern Forest Project
9 for many years previously. I'm the editor/author of
10 Valuing the Nature in Maine, a complete bibliography
11 of all the different ways that Maine's outdoors
12 delivers economic value, but I've also been a
13 tourism business owner responsible for a business
14 that dropped between three and four million a year
15 into Greenville's economy and we were totally
16 dependent on the intact, undegraded, undisturbed
17 aspects of the resources that we used, and I think
18 just by the -- to me it feels very sad that you -- I
19 feel badly that you have to be in a position to make
20 these economic decisions where it's the economics of
21 Carroll County or it's the economics of wind power
22 versus the economics of the tourism business, and I
23 don't know how we all ended up like this with you
24 having to be an economic arbiter, but here we are.

25 I want to share this map with you briefly

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1 that we used over in Moosehead because I think it
2 illustrates some of the problems. Today there was a
3 lot of talk by experts and there was some
4 disparagement of people who weren't experts, who
5 didn't have degrees. I also found that in the
6 written testimony sort of downgrading tourism
7 business owners' comments as anecdotes, and this map
8 that is a GIS map that shows exactly the intensity
9 of where tourist business owners' guests are
10 recreating in Moosehead is kind of a tool that I
11 wish we all had but we don't have in this process,
12 but what it was, since I was on the survey team,
13 Appalachian Mountain Club, other groups, three to
14 four hour surveys with business owners who marked
15 exactly where their guests were going, proprietary
16 information on maps aggregated by the Center for
17 Community GIS into a GIS map. You can see the areas
18 that are most important, that are absolute economic
19 assets to the community. You don't have a map like
20 this, I know you don't, but I just want to say that
21 the -- that the testimony that I heard there as I
22 went through and was part of this mapping project so
23 that we could develop a really good visual of
24 essential assets to guide us as we went forward but
25 what you have here is not anecdotes from tourist

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1 business owners, what I know from my own life and
 2 from my own business life and from the owners here
 3 who are speaking to you is that everything they have
 4 to say is market research. It's market research.
 5 If you see several hundred clients a year over how
 6 many years of business, over how many businesses in
 7 the area, that's hundreds of thousands of customer
 8 surveys you have taken that you know how to do to
 9 improve your business, whether it's your dining room
 10 or where your guides take your clients.

11 So I guess I'm just speaking to the hope
 12 that as the community tourism leaders come before
 13 you that it's clearly not anecdotal. It's really
 14 genuine market research and I hope it helps you make
 15 those decisions. Thank you.

16 HEARING OFFICER: You have another minute.

17 MS. NEALY: No, that's okay.

18 HEARING OFFICER: Next is Mr. Michael
 19 Emery, followed by Paula Moore.

20 MR. EMERY: Thank you. My name is Michael
 21 Emery, and I'm a resident of Orono. I'm here on
 22 behalf of Environment Maine to submit a petition
 23 supporting this project.

24 Environment Maine is a citizen-based
 25 environment advocacy organization with over 16,000

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1 the scenic character of Downeast Lakes. Everywhere
 2 in Maine you will see evidence of logging. It has
 3 been the backbone of Maine and, in fact, it's
 4 because of logging that we have access to some of
 5 the most beautiful, undeveloped and remote areas in
 6 Maine. The Allagash Wilderness Waterway comes
 7 immediately to mind. Seeing a working forest does
 8 not diminish a visitor's sense of being in a
 9 wilderness or a wilderness-like area like the
 10 Downeast Lakes, and this is the perspective of a
 11 typical visitor to the area.

12 While the south east shore of Junior Lake
 13 is a working forest, all that we can see from our
 14 canoe is unbroken woods because the law forbids
 15 logging within 250 feet of the shore. So the only
 16 evidence of a working forest that's visible from the
 17 water is the cutting on the distant slope. A
 18 harvested forest blends in with the slope leaving
 19 the ridge line, the important part, in full view,
 20 plus, it grows back green eventually. A harvested
 21 slope does not stick up above the ridge line 460
 22 feet twirling and blinking with a blue sky as a
 23 backdrop.

24 Logging is not development like a resort or
 25 a wind farm. It is a historic and natural part of

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1 current members and supporters. Environment Maine
 2 works extensively on energy issues and we're a
 3 strong supporter of renewable energy.

4 We are very supportive of the Bowers Wind
 5 Project. We believe it is appropriately sited and
 6 many of our members view wind turbines as a sign of
 7 progress and would not at all object to seeing
 8 turbines while pursuing outdoor activities in Maine.

9 I'm delivering a petition to you signed by
 10 1,250 citizens in support of this project, including
 11 1,185 Mainers. We encourage you to approve this
 12 sensible project. Thank you.

13 HEARING OFFICER: Thank you. Again, Ms.
 14 Paula Moore, followed by Suzanne Sayer.

15 MS. MOORE: Good evening Deputy
 16 Commissioner Silvestri, DEP staff, Assistant
 17 Attorney Mills. I know you've had a long day and
 18 it's even longer now.

19 My name is Paula Moore. I'm a resident of
 20 Orono and my husband and I own a camp on Junior
 21 Lake. I feel strongly that the Downeast Lakes
 22 Region is not an appropriate siting for an
 23 industrial wind farm.

24 I will address the role of logging
 25 operations as ill-conceived criteria for determining

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1 the Maine environment and it does not detract from
 2 the wilderness-like experience of the typical
 3 visitor. If the presence of logging is the test for
 4 siting a wind project, then nearly every mile of
 5 Maine will be a wind project. Luckily, because of
 6 Maine's stringent laws regulating building in the
 7 unorganized territories, when we are paddling at the
 8 south end of Junior Lake we do not see any other
 9 camps until we are on top of them. They are set
 10 back and shielded by trees, and this was as Maine
 11 intended, at least until the 2008 wind law subverted
 12 the effort to preserve the wilderness-like character
 13 of the unorganized territories. To me it is
 14 inconceivable that the current Land Use
 15 Regulations -- that under the current Land Use
 16 Regulations in order to preserve the scenic and
 17 undeveloped character of Junior Lake, we cannot
 18 change the windows on our camp or add a small shed
 19 without a permit; yet, the 2008 wind law expedites
 20 permitting of 460-foot towers in full view of the
 21 lake.

22 DEP is the only agency that can preserve
 23 the scenic and undeveloped character of this unique
 24 cluster of Downeast Lakes from the incongruous --
 25 and I would add adverse -- visual impact of

1 industrial wind power. Thank you and I appreciate
2 your attention.

3 HEARING OFFICER: Thank you.

4 MS. SAYER: Suzanne Sayer. I work in
5 Kittery. I work for the Department of Defense. I
6 work on submarines and I'm trying to help protect
7 our nation, and I feel that a few burned out
8 turbines, as the gentleman said, are much better
9 than a lot of IED struck vehicles. I support wind
10 power a hundred percent. The transmission in these
11 wind farms is what we call distributed. It does not
12 allow for destruction by terrorists. You can't take
13 down a huge -- you could take down one turbine and
14 so you've lost 1.5 megawatts of generation capacity.
15 I'm an engineer, I know what this is. If you take
16 down a nuclear power plant, you take down 1,000
17 times as much energy.

18 So I support these wind farms. Maine has
19 three big exports, one is lobsters, one is
20 blueberries and the other one is money. If you stop
21 exporting money in the form of buying fossil fuels
22 and start generating your own power here, you will
23 renew your citizens, you will renew your economy and
24 it's much better for your environment to keep the
25 people here, to keep the taxes here, to keep people

1 paying for their schools and their real estate taxes
2 and for their roads, for their trash pickup, which
3 they don't have. I support the wind turbines. The
4 fires in the wind turbines, there's 50 to 70 gallons
5 of fuel oil -- excuse me -- lubricating oil. It's a
6 lot less than the amount of fire that we had on the
7 Miami down in Kittery last month -- last year, about
8 a year ago. There are not hundreds and hundreds of
9 fires from these turbines. There's a couple of them
10 and Maine is a lot different than Australia.
11 Australia is dry and arid and if a turbine does go,
12 perhaps it does start forest fires. Here we have a
13 lot more moisture, there's not as much
14 susceptibility to lightning strikes -- excuse me --
15 to fires in the forest.

16 I feel it's immoral to use fossil fuels to
17 produce electricity. The other thing about
18 producing electricity with fossil fuels is that you
19 pollute the water. You need water to bring up the
20 steam. Wind power is one of the few benign sources
21 of energy that we have. It does not require any
22 pollution of water and it has a minimal use of
23 fossil fuels -- excuse me -- fossil lubricants.

24 There's a lot of tangible benefits to wind
25 power, recycling money in Maine is one of them,

1 national security is another, we don't have to ship
2 money out of Maine, we can recycle it here, and I
3 support wind turbines and as I said, I work in the
4 submarines and I want to protect our nation and I
5 feel distributed wind power is a way of protecting
6 the nation, bringing good jobs to Maine, bringing
7 good -- keeping money in Maine instead of shipping
8 it to West Virginia or even Canadian people and much
9 less the Straits of Hormuz which our submarines go
10 to protect every day. Thank you very much. I'm
11 from Kittery, Maine.

12 HEARING OFFICER: Thank you for your time.
13 Mr. Mike DiCenzo, followed by Kaitlin Flynn. Thank
14 you.

15 MR. DICENZO: Thank you to the DEP for the
16 opportunity to be heard on this project so critical
17 to the continued preservation of the Downeast Lakes
18 Watershed. I have not been paid to be here. Nobody
19 has offered to pay my electric bill nor my taxes nor
20 offered me any compensation real or implied. I
21 speak because I'm worried about the continued
22 onslaught of wind sprawl proliferation in our
23 beautiful state. Mattawamkeag river trip,
24 Passadumkeag river trip and the Chain of Lakes canoe
25 trip on the Downeast Lakes are all threatened by

1 miles of wind turbines dominating the views. The
2 Downeast Lakes Watershed has many lakes with the
3 highest ratings. These deserve to be protected from
4 development for future generations to appreciate. I
5 support the PPDLW, as do the other members of the
6 Friends of Lincoln Lakes, of which I'm a member, and
7 pray you will deny this wind sprawl project.

8 We believe LURC did due diligence in
9 denying this the first time, and fewer but taller
10 turbines are still an unreasonable adverse impact.

11 I'd like to invite the DEP to take a little
12 side trip to Upper Pond in Lincoln. I have
13 permission from Rainer and Gabby Eagley to walk the
14 short trail from the boat landing to their camp.
15 There you may see the wind turbines looming over the
16 lake and get a better idea of how these impact the
17 natural order. Seeing the turbines in person beats
18 looking at computer generations to appreciate how
19 unreasonably adverse these industrial structures can
20 be. I can give you directions or arrange for
21 someone to guide you, if you'd like.

22 In my -- I've got a bunch of stuff here but
23 I won't try to read it all.

24 HEARING OFFICER: You still have two
25 minutes.

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1 MR. DICENZO: Pardon me?
 2 HEARING OFFICER: You still have two
 3 minutes.
 4 MR. DICENZO: Thanks. Snowmobilers and
 5 ATVers are supporting the Bowers Project but I'm
 6 wondering how critical that is to these people. I'm
 7 not familiar with the ATVs, however, Maine has 4,000
 8 miles of ITS trails, 10,000 more miles of local and
 9 regional trails. It seems reasonable to me
 10 snowmobilers have ample opportunity to ride wherever
 11 they desire. The proposed wind turbine ride is an
 12 excuse to gather support for the Bowers Project.
 13 Landowners can still allow such a ride across the
 14 ridges without any turbines and the expressed
 15 potential for droves of sledders boosting Maine's
 16 winter economy to see the turbines in Maine is wind
 17 fantasy.
 18 I spoke to a couple sledders after the last
 19 Stetson ride. They were gassing up at the Irving
 20 Station. They like to ride and couldn't care less
 21 about the turbines but, anyway, there's 7,700 miles
 22 of trails in New Hampshire and another 4,000
 23 kilometers in New Brunswick and I don't know how
 24 many in Quebec, but I don't think our sledders or
 25 ATVers need to be throwing -- the guys in the

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1 sporting camps, you know, the historic businesses, I
 2 don't think they need to be destroying those types
 3 of traditional Maine ways of life I guess is the
 4 best way to put it.
 5 Anyway, thank you for listening. I
 6 appreciate it.
 7 HEARING OFFICER: I appreciate your coming
 8 forward. Ms. Kaitlin Flynn followed by Jack Gagnon.
 9 MS. FLYNN: Hello, my name is Kaitlin
 10 Flynn. I'm a second year student at the University
 11 of Maine Orono, and I know that I can speak for my
 12 fellow students when I say that the University
 13 strongly supports wind energy. We have a couple
 14 wind projects of our own, including a windmill on
 15 campus and we would be proud to know that Maine is
 16 using wind energy to power more of the state and we
 17 hope you will approve this project. Thank you.
 18 HEARING OFFICER: Thank you. Mr. Jack
 19 Gagnon, followed by Ed Read.
 20 MR. GAGNON: Thank you for the opportunity
 21 to speak. My name is Jack Gagnon. I'm from
 22 Lakeville and I'm a member of the PPDLW and this
 23 will only take a couple minutes. There's a little
 24 redundancy in it, but I promise you it won't take
 25 more than that.

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1 First Wind had tried to justify industrial
 2 development on Bowers Mountain because there are
 3 camps and a commercial logging operation there. It
 4 is not a valid argument. Camps and logging
 5 operations on Bowers Mountain are virtually
 6 invisible from the lakes below. To say they have
 7 the same visual impacts as 459-foot high turbines
 8 defies logic, common sense and reality, but as the
 9 saying goes, denial isn't just a river in Egypt.
 10 Maine's Downeast Grand Lakes Region
 11 contains multiple lakes classified as scenic
 12 resources of state and national significance. The
 13 expedited wind law that already exists specifically
 14 calls for protection of these lakes. That's the
 15 law. Why we are not enforcing it is beyond me.
 16 It's also beyond me how the BEP has the power, a
 17 five-person citizen board, to overrule your decision
 18 after hearing hearings on another project, but
 19 that's a separate thing. The Maine Sporting Camp
 20 Association, the Maine Professional Guides
 21 Association, the Grand Lake Stream Guides
 22 Association and the Maine Wilderness Guides
 23 Association are all opposed to this project. Why?
 24 It will destroy the backwoods experience that draws
 25 people to the area.

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1 The guides and supporting camp owners are
 2 the experts here, not lawyers who give testimony
 3 saying the impact is arbitrary. The guides and
 4 sporting camp owners are telling us it will have an
 5 adverse impact on their livelihood, a livelihood
 6 that goes back for generations. There's no area in
 7 the state more precious to people who value Maine
 8 than the Downeast Lakes Region and the people that
 9 visit here come from all over the world. Why would
 10 we put First Wind's business before the guides and
 11 the sporting camps of Maine?
 12 First Wind says power will reduce our
 13 pollution -- it says wind power will reduce our
 14 pollution. It won't. It does absolutely nothing to
 15 reduce our dependence on oil to heat our homes and
 16 power our vehicles. They say it will bring clean
 17 energy to the state. It won't. As you've already
 18 heard from previous testimony, Maine already has
 19 more electricity than it needs. When First Wind
 20 says Bowers Mountain will generate power for
 21 thousand of homes, those homes are not in Maine.
 22 First Wind is ruining our state and destroying the
 23 landscape to generate taxpayer subsidized power that
 24 they'll sell somewhere else.
 25 There's a famous quote attributed to Joseph

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1 Gerbils who was Adolf Hitler's minister of
2 propaganda. He said if you repeat a lie long
3 enough, people end up believing it. Please tell
4 First Wind we don't believe it. Deny this permit.
5 Thank you.

6 HEARING OFFICER: Thank you. Mr. Ed Read
7 followed by Ms. Marilyn Roper.

8 MR. READ: Good evening. My name is Ed
9 Read. I live in Springfield. I really don't have a
10 dog in this fight, whether you approve this or not.
11 I just feel real sorry for you people having to sort
12 through this stuff. It's quite amusing. The
13 emotion is quite amusing. The poetics are quite
14 amusing. I live here and I work here. I've worked
15 for Carroll, I've worked for Lakeville, I've taught
16 in the school systems around here, I've been on SAD
17 30's board, I've been a trustee of Lee Academy, and
18 I have been chairman of AOS 90. I know your concern
19 is not economic but you cannot deny the fact that
20 Carroll Plantation regardless -- I don't know
21 anybody in Carroll, correct me if I'm wrong, that
22 makes a decent living off of recreation. They have
23 no lakes in Carroll that I know of, a piece of one
24 maybe. Carroll needs the income from this project,
25 simply stated.

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1 I guess about half of us here are from
2 here, live and work here that are testifying
3 tonight. A lot of us aren't. What are their
4 interests? You people need to consider Carroll's
5 interest in this project. I have fished -- the best
6 fishing I've had has been off the skyline in
7 Chicago. It didn't bother me a bit. The fish were
8 biting and that's all I cared about. Thank you.

9 HEARING OFFICER: Ms. Marilyn Roper,
10 followed by Harrison Roper.

11 MS. ROPER: My name is Marilyn Roper. I'm
12 from Houlton. I first want to thank you very much
13 for hearing the citizens and for two evenings, and I
14 want to tell you who I am not affiliated with. I am
15 not affiliated with a snowmobile club that has been
16 paid money by First Wind, as many have; I am not
17 affiliated with an ATV club that has always been
18 paid a lot of money by First Wind. I know this
19 Bowers Mountain is under a different alias. First
20 Wind goes by many aliases or DBAs. I also want to
21 tell you that I am not anymore a member of the
22 Sierra Club that has been paid, at least it was in
23 the Bangor Daily News, \$10,000 by First Wind or some
24 of the other groups here, so-called ecological and
25 environmental groups, that have received a great

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1 deal of money from First Wind. Those of us who read
2 the Bangor Daily News -- and I don't know where all
3 of you come from -- but often this is in the paper.
4 The snowmobile clubs, the environmental groups that
5 First Wind gives money to and I think it is well
6 within your rights to know how much has been donated
7 to how many.

8 I'm very sorry for the people of Carroll --
9 from Carroll. I hear their -- their trauma but
10 there are many other places such as Benedicta that
11 have become unorganized as populations in these
12 rural communities decrease and so on and so forth,
13 and I do hope they will find a way out, but, again,
14 they are here testifying because they will receive
15 money from First Wind, as I would say at least half
16 or more of the audience is. I want to say that I
17 have never received a penny from First Wind.

18 Also, I would like to tell you, we have
19 heard about fire. These wind -- when this whole
20 wind bill was passed in the State Legislature, they
21 didn't think about fire, did they much, but there
22 has been a wind turbine fire at Kibby. If you read
23 the Bangor Daily News, you'd know all about that. I
24 want to tell you about another type of fire and I'm
25 sorry to tell this to the people of Junior and

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1 Scraggly Lake and other of the lakes that are close
2 to the Bowers Mountain. These Vestas towers will be
3 well under four feet -- at 400 feet are much higher
4 than all the other wind farms that First Wind has so
5 far. I have seen a lake -- a whole lake on fire,
6 Upper Hot Brook Lake with Stetson II above it. You
7 have seen the moon covering the waters and kind of
8 spreading out, when you see the flashing lights and
9 the spreading of these tower lights, the red lights,
10 you can see a whole lake pulsing as if on fire, the
11 entire lake. I'm sorry to tell you that, Junior
12 Lake people, but it can happen. I've seen it on
13 Upper Hot Brook Lake. So there are a lot of things
14 that you need to independently know about and I hope
15 you independently verify many things.

16 HEARING OFFICER: That's why we're here.
17 Thank you. Next we have Harrison Roper.

18 MR. ROPER: I'm following my wife. My name
19 is Harrison Roper. I live in Houlton. We've lived
20 there for 30 years and that means we are from away
21 and I never hope to change that. Before those 30
22 years, we lived in Haverford, Pennsylvania which is
23 the suburbs of Philadelphia but most summers, for
24 twelve summers before we made that move to Houlton,
25 I was on Junior Lake, Junior Bay, and I was at a

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1 camp called the Birches. It's on the maps. It's a
 2 little camp in the southern end of Junior Bay and
 3 from our main dock, we could see Bowers Mountain.
 4 There was maybe one light on it, maybe one light,
 5 and that was it, and when the lady from the NRDC was
 6 talking about Pleasant Lake and Scraggly Lake and
 7 Junior Lake, yeah, those are great places. Those
 8 are just great places and they are being preserved
 9 by the Downeast Lakes Land Trust and what are you
 10 going to do if you approve of this thing to that
 11 land trust and the assets that they are protecting
 12 for the good of everybody?

13 Now, one other thing I wanted to say, the
 14 NRDC lady talked about a natural resource of
 15 exceptional value and that's what these lakes are,
 16 and I think I'm going to quit there and just use a
 17 fact, and this is a fact because I observe it every
 18 morning at 7:30 at the UMPI windmill. I observe its
 19 website every morning and I record it. I wonder if
 20 anyone here knows what the capacity factor of the
 21 UMPI wind mill is over its four years?

22 AUDIENCE MEMBER: 11 percent.

23 MR. ROPER: Quite right. It's just a hair
 24 over 11 percent. That doesn't make very much power
 25 at all.

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1 HEARING OFFICER: Excuse me, sir, you've
 2 got just a few seconds left.

3 MR. ROPER: Thank you. The Maine windmills
 4 -- the Maine wind farms have an overall capacity
 5 factor, and I hope you know what that means. It's a
 6 technical term and it means the percentage of their
 7 installed capacity that they actually achieve over a
 8 period of time, real-time, like the last year, under
 9 25 percent. Now, I understand that the Bowers
 10 Mountain promoters are talking about 38 percent,
 11 that it's a bigger wind mill and it will make more
 12 power. Um-hum, let's see the figures and if you
 13 don't know, get in touch with me. FERC has figures
 14 on power output every quarter year. I better shut
 15 up. Thank you very much for listening.

16 HEARING OFFICER: Thank you, sir. Next we
 17 have Martha Thacker.

18 MS. THACKER: I'm Martha Thacker, and I
 19 live in Princes Township. Can you hear me now? Can
 20 I have another extra minute since I speak southern?
 21 Okay. So I'm wondering, since we just found out,
 22 those of us who read the Bangor Daily News, about
 23 the fire in Kibby Mountain in western Maine in the
 24 turbine, is there a plan in case of fire for the
 25 proposed Bowers Mountain Project?

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1 HEARING OFFICER: I'm sorry, tonight is not
 2 a time for questions and answers.

3 MS. THACKER: Okay, that was sort of
 4 rhetorical anyway because I know you aren't going to
 5 answer. Anyway, moving on, Mars Hill was the First
 6 Wind farm that First Wind Built. They gave \$5,000
 7 to the fire department in Mars Hill. It's a town,
 8 I've been there, they've got a fire department, they
 9 got a donation. Stetson I and II was built, we have
 10 a volunteer fire department, we got no money. The
 11 reason I asked that rhetorical question is because
 12 Bowers Mountain wind farm would also be in a rural
 13 area surrounded by hundreds of miles of forest with
 14 a volunteer fire department. Now, I don't know
 15 about Rollins, I'll bet you do. Did they get some
 16 money, is the danger of fire over? Rollins got
 17 money, okay. I was just told that there's 150
 18 gallons of gear oil in each turbine and Mr.
 19 MacDonald was explaining about friction. It sounds
 20 pretty combustible. So on a day like today in a
 21 remote area like Stetson I, II, parts of Rollins,
 22 proposed Bowers, it's a high danger of forest fires.
 23 So if one of these turbines catches on fire with 150
 24 gallons of gear oil and Vestas, a major wind turbine
 25 manufacturer, advises workers not to be in a

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1 1,300-foot radius of the turbines because of debris
 2 throw. So what if this fire starts in a turbine and
 3 there's a spark, a debris throw, in these miles and
 4 miles of forest? We have a volunteer fire
 5 department here. I watched the King farm, a
 6 100-year-old farmhouse burn to the ground. I
 7 watched it with the volunteer fire department. We
 8 all stood and watched, and when I think of all this
 9 forest and all these houses that are protected by a
 10 volunteer fire department, it makes me wonder
 11 sometimes who is protecting us, who is watching out
 12 for our interests? Now I appreciate Carroll is
 13 getting a little donation like everybody else is
 14 getting a little donation except for the people who
 15 live near these turbines and if there's a fire, they
 16 might lose their house, and they're not getting a
 17 donation, but Mr. MacDonald gave me one of his
 18 handouts and it says, I was just noticing, "no
 19 governmental body in the United States keeps records
 20 of turbine-related forest fires. Citizens have to
 21 rely on far from complete hit or miss private
 22 sources." Now, when Kibby Mountain's turbines
 23 caught fire --

24 HEARING OFFICER: Excuse me, Ms. Thacker,
 25 one minute.

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1 MS. THACKER: -- the Fire Marshal's office
2 wasn't notified, the Maine Forest Service wasn't
3 notified, Bangor Daily News didn't put it in there.
4 It's up to the citizens to take care of themselves.
5 Now, when the Stetson Mountain Wind Farm was built,
6 Catherine Carroll who headed LURC said there were no
7 houses around Stetson Mountain, which came as a
8 surprise to us who live here year round. She said
9 only camps. So who is taking care of us? Not the
10 government, not looking out for our best interests
11 because forest fire is a real danger. I can step
12 out my back yard and get lost in the woods, and I
13 can hear that Stetson Mountain -- the turbines
14 turning or I did at first. Now they're not turning,
15 praise bee to God.

16 HEARING OFFICER: Thank you for your
17 testimony. Next we have Ms. Holly Worster, followed
18 by Donna Sewall Davidge.

19 MS. WORSTER: Hello and good evening. I
20 want to thank you for allowing us to come and speak
21 tonight on our opinion of how we feel about the
22 Bowers Project. My name is Holly Worster, and I am
23 a Carroll resident full-time and have been one for
24 29 years. The property that I live on and reside on
25 is on North Road in Carroll which is an old farm

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1 property that overlooks onto Stetson I and Stetson
2 II. There are the turbines, they do turn, they do
3 have lights on them, but they are harming nothing.
4 First Wind has also been there and helped
5 support and helped make ATV and snowmobiling a good
6 recreation for our town and the surrounding towns
7 around it. They have also had the ride ins, as I
8 have on my back, "Stetson Mountain Ride In, Ride the
9 Wind" this past winter. They have these times for
10 us to go and be able to gather, have lunch and they
11 give back to the -- they help give back to the
12 community. May it be for a loved one, the veterans
13 program, Blair Emery and Joel Howes, or to the --
14 the scholarship fund, the money that they raise, the
15 people that come and ride to this, they donate and
16 First Wind gives it back to the schools, to whoever
17 it can help out. So I support Bowers Mountain
18 because myself, I come from a family of logging and
19 farming, which in our community we get up every
20 morning and we go out and we try to make everything
21 that we can of it, and our community is hurting.

22 So I feel that this project is up to you
23 guys to help and hear and support and give back to
24 our community and allow this project to go forward.
25 Thank you.

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1 HEARING OFFICER: Thank you. Next is Donna
2 Sewall Davidge, followed by Mr. Chad Carter.

3 MS. DAVIDGE: My name is Donna Sewall
4 Davidge. I am the great granddaughter of one of the
5 earlier Maine guides, William Sewall, who had his
6 guests stay in the same home I now run my business
7 in and have them stay on the same lake our guests
8 visit and sometimes stay on. Our home is in the
9 national historic registry because it housed our
10 first conservationist president when he was a young
11 man. He climbed Mount Katahdin and experienced true
12 wilderness with my great grandfather. Later in life
13 Theodore Roosevelt fought to avoid the blasting of
14 hills in Alaska just as we are fighting to save our
15 hills in Maine today. I believe he would fight with
16 us to preserve all of our special places like the
17 Downeast Grand Lakes, and all the parks, preserves
18 and ridges to the boundaries up to Baxter State
19 Park.

20 I drove here today from Island Falls where
21 a group of over 700 people on very short notice
22 petitioned the DEP to deny the Oakfield Wind Project
23 proposed by First Wind. There were 80 people at the
24 TIF meeting that decided the fate of the 3,000
25 taxpayers and only less than 800 residents. So the

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1 rest of those people own up our lakes and are in our
2 woods in adjacent Island Falls where two
3 highly-ranked pristine lakes were designated to stay
4 that way until the expedited wind law changed that.
5 None of us were informed who owned property on the
6 lake or run businesses that will be negatively
7 impacted by this.

8 The argument that tourists will not care if
9 they see wind turbines and red flashing lights or
10 hear them as noise travels more easily over lakes,
11 which I'm sure First Wind has no valid statistics
12 on. I have spoken personally to Mike Gosselin, one
13 of the residents in Mars Hill, that did not become
14 silenced in money and gag orders after creating a
15 suit against their town as the others did about the
16 noise that keeps him from sleeping. People that
17 live on or visit our lakes in the summer and that
18 visit my business wrote letters to the DEP saying
19 this was an awful thing for them to imagine on their
20 lakes. Some of them have been coming for years like
21 me and my family and the family that runs the
22 Roosevelt Camps on Pleasant Lake.

23 HEARING OFFICER: If you could slow down a
24 little bit, please.

25 MS. DAVIDGE: I want to get it in in three

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1 minutes. How much time do I have?

2 HEARING OFFICER: You have two minutes.

3 MS. DAVIDGE: Okay, and I just submitted a
4 letter there from the Roosevelt Camps which I don't
5 have time to read. Okay, thank you, because I'm a
6 little dizzy so I probably have to slow down.

7 When I purchased my great grandfather's
8 house in 1997, it was to continue a legacy -- to
9 continue a legacy honored in this award-winning
10 book, which I brought with me, which also recognized
11 Billow Point which is on our lake, Lake
12 Mattawamkeag, and where T.R. went to find solitude
13 and solace. Our guests come for the same reason.
14 Though the DEP, wrongly in my opinion, granted the
15 permit against the -- for the Oakfield, it is true
16 that Jim Palmer acknowledged at our BEP hearing --
17 and he was the scenic specialist -- that the
18 negative -- definition of negative scenic impact was
19 vague and hard to define. The lawyer, Ms. Browne,
20 representing First Wind at our court hearing in
21 Portland in December 2012 admitted the same thing.
22 I was there.

23 I believe the DEP had ample reason to deny
24 the permit and that they should uphold the decision
25 by LURC regarding the Bowers Project. We had a

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1 guest visit our retreat home two winters ago. She
2 was an engineer for the wind industry unbeknownst to
3 me. When I showed her where they wanted to put the
4 turbines within a mile and a half of Pleasant and
5 three miles of Mattawamkeag, she said anyone in the
6 industry knows that hilly, wooded areas are the
7 worst place to put wind turbines, being extremely
8 inefficient. She said she's considering leaving the
9 industry after ten years as an engineer because it
10 is not the environmental solution she thought it
11 would be.

12 I think if we really looked into the
13 financial feasibility and the harm to humans,
14 oxygen-giving woods and wildlife, that these
15 industrial turbines, Maine would not listen to the
16 false promises of these companies. There is no way
17 that the clear-cutting required for each turbine can
18 be compared to the logging industry.

19 My business as well as Lodge Look and Birch
20 Point -- and I'm just citing those because they're
21 businesses in the Bowers Project and personal cabins
22 and camps which I'm referring to here -- any another
23 businesses that provide nature outings will be
24 affected by the Bowers Project as well. This is
25 being evidenced in countries all over the world,

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1 including Scotland. Over 140,000 turbines have been
2 put up world wide and produce one-half of one
3 percent of power. Examples of it in Spain and
4 Germany should be looked at. It is not worth -- am
5 I done?

6 HEARING OFFICER: Yes.

7 MS. DAVIDGE: It is not worth ruining Maine
8 for some short-term gain based on production tax
9 credits and deceiving citizens to think they will
10 ultimately help their economy, and I would just ask
11 you to Google wind turbines and toxicity. Thank
12 you.

13 HEARING OFFICER: Thanks for coming
14 forward, and if you'd like to leave your comments,
15 they certainly will be considered.

16 MS. DAVIDGE: I did.

17 HEARING OFFICER: Thank you. Next we have
18 Mr. Chad Carter followed by -- I'm not sure if it's
19 a Mr. or Ms. Steinberg.

20 MR. STEINBERG: Dr. Steinberg.

21 HEARING OFFICER: Dr. Steinberg, thank you.
22 Typical doctor handwriting I guess. Is Mr. Chad
23 Carter with us? It's definitely Chad and
24 C-A-R-T-E-R or C-O-R-T-E-R. All right, Mr. Carter
25 is apparently no longer with us, so if we can go to

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1 Mr. Henry Carey. Is Mr. Carey here? Thank you,
2 and, again, followed by Dr. Steinberg.

3 MR. CAREY: Hello. My name is Henry Carey.
4 I live in West Enfield, Maine. It's just a little
5 ways that way. I'm also the president of one of the
6 local ATV clubs and I will admit we have taken
7 donations from First Wind, but understand that all
8 the trails made by ATV clubs are all done by
9 volunteers who are not paid and work has to be paid
10 for something; however, besides that, the ATV club
11 overall has no problems with the wind turbines, I
12 don't ask them their political views on it one way
13 or another, they like the trails, they like the
14 roads. First Wind has been very forthcoming in
15 letting us use the roads that they built to the
16 Lincoln area and this area is becoming a major
17 destination for ATV riding. The dirt roads keep
18 ATVs out of environmentally sensitive areas. I will
19 be the first one to admit that an ATV on a wetland
20 is a bad thing. We will dig up everything and you
21 can't necessarily stop dumb people, but you can
22 point them to a dirt road where they like to stay.

23 So I don't have any major difficulty with
24 the wind turbines, I don't have any problem with the
25 project, and I would urge you to take a look at the

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1 means that you are less likely and that's yellow and
2 underlined. When you use that scale, it means that
3 everybody is likely to return. You don't give
4 people a chance to say that they're unlikely to
5 return; whereas the Bowers one, realizing that
6 problem, we changed it, and one means that you are
7 very unlikely and so we changed the weighting so
8 it's balanced and one means you're very likely. So
9 the Bowers one allows respondents to say that they
10 would be unlikely to return or likely, whereas the
11 Saddleback was only a gradation of likely of doing
12 it.

13 The other thing is what do you leave people
14 with at the end of the question? The Saddleback
15 ended with no effect on your return, whereas the
16 Bowers one ended with given the presence of wind
17 turbines, and so the Bowers question focused you on
18 the specific thing that you wanted people to look
19 at, the effect of the wind turbines; and so I would
20 argue that the Bowers survey is a stronger survey in
21 terms of the design and the framing of the
22 questions.

23 Next one. Next to consider is when you're
24 using the data is how you use it. Data from surveys
25 is one piece of information that goes into the

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1 decision-making process. I've done hundreds of
2 surveys in my career. I don't think I've ever been
3 involved in a case where a survey was the sole
4 deciding factor but it can be an important element
5 in your decision. So it's important to think about
6 different elements of the survey as you use that
7 information.

8 The first is that when people answer
9 surveys in an issue like this, they use
10 precautionary or hyper defensive strategies, and
11 that means to say that the impact of seeing the wind
12 turbines would be worse than what you might actually
13 see when the project is constructed or that they're
14 less likely to return. This is not something that's
15 unique to the Bowers Project, it's not something
16 that's unique to wind farms. This is something that
17 happens in surveys generally. When we look at this,
18 some people may mistake their answers but many times
19 it's something that's innate about how you do it.
20 It's not a deliberate attempt to misrepresent your
21 responses. It's just humanly how you do it. Even
22 though I know this, I still may respond that same
23 way as you might. So you need to think about that
24 dampening that goes on and how people respond, and
25 then that effect can be influenced by publicity and

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1 this project obviously has had more publicity than
2 any of the other ones, and the adverse publicity can
3 kick in those reactions, and one thing that I pick
4 out as an example if we look at the PPDLW website,
5 they talk about property value impacts. That's
6 something that can scare people. For your average
7 person, the property that they own is the largest
8 asset that they own and if you think there's going
9 to be a negative impact on it, that can exacerbate
10 the precautionary hyper defensiveness, and so
11 there's a tendency for people to say that it's worse
12 than you might actually observe in a post
13 -construction survey, and I'll show you some
14 examples of that as we go down through.

15 And then it's important to consider the
16 information from the surveys collectively. That is
17 the convergent validity I talked about and looking
18 at all the results carefully and collectively, not
19 the information from one question or one survey but
20 look at the weight of the evidence.

21 So the first survey I'm going to talk about
22 is the Bowers survey that was done on Junior Lake in
23 the southwest, Scraggly and then Pleasant in the
24 northeast. The surveys were done over 12 days, 6
25 weekdays and 6 weekends during the summer of 2012.

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1 They surveyed 70 people, 26 on Junior, 31 on
2 Pleasant and 13 on Scraggly. They started surveying
3 on Shaw Lake. They did three days on Shaw Lake and
4 did not see a single user and so the decision was
5 made to reallocate the survey effort from Shaw to
6 the other lakes so you could have more contact, more
7 information from users.

8 If you look at this map, there are red dots
9 on kind of the northwest of Junior there's a red
10 dot, kind of in the middle south center of Scraggly
11 there's a red dot, and then on the southern end of
12 Pleasant there's a red dot. That's where the images
13 were taken that were used in the photo simulations
14 of the Bowers Wind Project that was shown to the
15 participants in the surveys. When you look at the
16 green dots, the green dots show where the interviews
17 were conducted on the lakes and you can see that
18 they're spread around the lakes. The interviews
19 were not determined by the interviewers. The
20 interviews were determined by where the people were
21 recreating. A unique aspect about the Bowers survey
22 compared to other ones is this is the first one that
23 used roving boat interviewers rather than people at
24 a fixed point so everybody had a chance of being
25 selected and these are where the roving boat

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1 interviewers intercepted people. So you can see
2 there's a distribution across the lakes and they
3 contacted people on shore and on the water, and then
4 the shading of the lake shows the different
5 projected visibility of the Bowers Project, and you
6 can see that people were intercepted at different
7 locations that would see different numbers of
8 turbines when the project is constructed.

9 Next one. I want to just take a minute
10 because there was some confusion in the Kleinschmidt
11 report. The information was not clearly presented
12 and it confused me when I was going through it so
13 I'm sure it confused other people, but when they
14 were out there, if you look at the bottom, they had
15 23 observation days. Remember I said they did 12
16 days of interviews but they observed people on the
17 lakes on a larger number of days, and when they did
18 that, they observed 486 people over those 23 days.
19 The observers out there had binoculars. That
20 allowed them to see people at a distance so they
21 didn't have to be right next to somebody to observe
22 them, and they were able to see people across the
23 lake and get all of them in their count. If we go
24 down through, we see where they observed them, and
25 there's some differences. On Junior Lake there were

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1 many more people on the water, on Pleasant Lake
2 there were more people on the shore, but overall
3 across both there was about an equal number of
4 people on the water and on the shore.

5 Next one. If we move to some of the key
6 results of the Bowers survey, most of the people, 86
7 percent, were repeat users. When we talked about
8 whether they expected a high-quality experience, all
9 of them expected a high-quality experience.
10 High-quality experience is not just the scenic
11 visibility, it's the fishing, it's water conditions,
12 it's weather conditions, it's your friends and
13 family that you're out there with. It's an overall
14 evaluation. When we looked at scenic conditions,
15 current conditions of photo -- those red dots that I
16 showed you, with and without, we see that the scenic
17 conditions dropped from 90 percent down to 33
18 percent. That seems like a large drop but when I
19 talked about the previous wind surveys that had been
20 done, if we look at the five lakes where wind
21 surveys have been done for previous projects that
22 have been approved, this change is right in the same
23 range that has been observed for other lakes, but
24 also it's more important to look at other
25 information. One of the key things with recreation

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1 is that people speak with their feet. There's one
2 thing about telling you their perceptions; there's
3 the other thing about telling you whether it's going
4 to make them change their behavior, and whether they
5 change their behavior is a key element that
6 influences whether they've been -- the magnitude of
7 the impact.

8 Let's go to the next one. So if we look at
9 it, 55 percent, a majority, said that there will be
10 a positive or no effect on their visitation. More
11 importantly, under current conditions 99 percent
12 said they'd return and 80 percent under simulated
13 conditions said they'd return. So the vast majority
14 say that they will return. We only have a change of
15 19 percent that may not return due to the wind farm.
16 I'm going to argue with information that comes later
17 that this is an example of the precautionary hyper
18 defensiveness making this number that will not
19 return larger than it actually is.

20 Next. One of the things that has also been
21 criticized is the results are being driven by people
22 who own camps. Of course they're not going to leave
23 is a logical argument. So we looked at the results
24 and we split them, 45 percent of the respondents
25 owned or rented a camp on the lake, 55 percent were

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1 visitors who came to visit, and when we look at it,
2 55 percent of the people that own or rent said
3 they're likely to return and we got a higher number
4 for the people who were visitors there. You'd
5 actually expect the people that own or rent would be
6 higher than the visitors. That's what we'd expect
7 for the results but it's the opposite. So this to
8 me is clear evidence of the precautionary hyper
9 defensiveness that the local people are nervous
10 about what's going on and have a tendency to
11 overstate the impact of the project.

12 Next slide. And this is just putting it in
13 context of the other surveys for wind farms that
14 have been done. There are two rows of data here. I
15 could make this as one long row, so don't read
16 Bowers and then go down to Bull Hill and think that
17 you should be reading it that way. If I made it as
18 one long row, the font would be so small that it
19 would be hard to see so I broke it into two rows.
20 The first row is Bowers compared to the other lakes
21 and this is the impact of seeing the wind farm on
22 enjoyment and whether people were positive or
23 neutral, and you can see that Bowers is right in
24 line with the other lakes, the Passadumkeag and the
25 Mattawamkeag projects. You know, those range from

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1 59 to 68 percent and Bowers is just a little bit
 2 below at 55 percent. If we move to what does it do
 3 to your behavior and how are you going to
 4 participate in recreation, that's our next slide.
 5 So here the same type of table is set up again and
 6 what we see is that Bowers says -- this is the
 7 result we had on the previous slide -- 80 percent
 8 are likely there would be no change in their
 9 visitation, and if you go to the lower right-hand
 10 corner, the average of all the sites is 80 percent.
 11 So the Bowers is right on for all ten previous
 12 studies that have been conducted, and so we're
 13 seeing that Bowers fits nicely with what has been
 14 shown in the previous wind farm projects that have
 15 been permitted. This is part of the convergent
 16 validity evidence I was talking about.
 17 Next one. I'm going to move to Baskahegan now.
 18 With Baskahegan, remember, there are two surveys.
 19 So we start out with the 2010 survey that was done
 20 by the University of Maine. There are 47 interviews
 21 that were done there. That survey was done to look
 22 at recreation in the area, not specifically focused
 23 on wind impacts -- wind turbine impacts, and then
 24 the 2012 survey that Kleinschmidt did, that was
 25 specifically looking at the impact of wind farms and

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1 there were 27 people surveyed. Here roving boat
 2 interviewers were not used. They were not needed
 3 because the people that enter Baskahegan -- up there
 4 in the right-hand corner you can see the little
 5 purple wedge that's the boat launch, everybody is
 6 coming through there to access the lake so you're
 7 not having people access from multiple points. The
 8 camps are along that northeast corner and go by that
 9 boat launch as well, and so for this one they were
 10 able to do interviewing at one point. They
 11 interviewed people as they came off the lake. The
 12 Stetson Wind Farm is to the north and the west
 13 there. It doesn't show up on that map but the
 14 simulated image that people were shown was taken
 15 from that same site where the interviews were being
 16 administered. The dotted line shows the eight-mile
 17 radius. So when they come to the lake, they're
 18 beyond eight miles, but if they want to go around
 19 that thumb there to get into the main part of the
 20 lake, they need to go within the eight miles and
 21 with the shading that shows the number of turbines,
 22 you can see they're going through areas to get to
 23 that where there are many more turbines than would
 24 be observed for the Bowers Project.
 25 Next slide. One of the concerns that's

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1 been presented is that Baskahegan is not relevant
 2 because it's not a lake that is classified of state
 3 and national significance, and I want to say that
 4 state and national significant of a scenic resource
 5 is an important consideration, but it's not a black
 6 and white, on and off type of switch. One way to
 7 look at it is for the 2012 survey, 59 percent of the
 8 Baskahegan users had also visited the project lakes
 9 of Pleasant, Scraggly, Junior and Shaw and the
 10 largest number nearly all of them visited Pleasant
 11 Lake which has the highest scenic quality rating.
 12 So scenic quality is one characteristic that people
 13 may consider when they go, they consider fishing
 14 quality and other elements, but Baskahegan is in the
 15 decision set of the people who use the Bowers
 16 Project lakes and so it is a relevant comparison.
 17 The state and regional scenic significance is an
 18 important management tool, but recreation users
 19 might not even know about it when they go out.
 20 They're making their own perceptions of scenic
 21 quality that they see and want to use and they move
 22 between these lakes fairly freely for recreation.
 23 Next. Going to some of the key results,
 24 Baskahegan, 81 percent expected a high-quality
 25 experience, 93 said it had high-scenic quality and

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1 100 percent were likely to visit again.
 2 Next one. We continue, 85 percent of the
 3 people were aware of turbines and 81 percent said
 4 that the turbines had no effect or a positive effect
 5 on scenic quality and 93 percent said it had no
 6 effect or a positive effect on their visit
 7 quality -- 93 percent said there was no effect.
 8 These are pretty demonstrative results that the
 9 presence of the turbines are not having an effect.
 10 Next. One of the criticisms that has been
 11 put forward is that this is a group that's
 12 indifferent, the turbines don't bother them, that's
 13 why they're going to Baskahegan, but we have to
 14 remember that the turbines have not been there for a
 15 long time, and what we're finding is that the 2010
 16 University of Maine survey found that users have
 17 been visiting for 19 years. The 2012 survey, two
 18 years later, found that people have been visiting
 19 for 21 years. If we move forward two years, the
 20 average use increases two years. It's not changing.
 21 If we had a self-selected group that didn't mind the
 22 turbines, so that people that were long-term
 23 visitors that the turbines bothered them were
 24 intending to leave or we had new people coming in
 25 that were indifferent, these averages would be

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1 declining through time. So from a statistical
 2 perspective, in my opinion, it's a statistical
 3 improbability that there has been attrition, that we
 4 have long-term users at Baskahegan, the Stetson Wind
 5 Farm came to them and in post-construction we're
 6 finding that it's not affecting them. Another
 7 insight is the 2010 survey didn't have any specific
 8 wind questions but it had open-ended questions and
 9 nobody indicated that wind farms were a problem. In
 10 the 2012 survey, we found out with the wind farm
 11 surveys that it wasn't a problem. The 2010 survey
 12 has been criticized because it didn't explicitly ask
 13 people about wind farms so, therefore, no one said
 14 anything but a key way when you're developing
 15 surveys is you often start with an open-ended
 16 question and ask people what issues there are, and
 17 they list those issues for you and you develop your
 18 categories. If no one is listing them in an
 19 open-ended question format, that is a very good
 20 indication that they're not a factor that is a
 21 problem, positive or negative, and then if you go
 22 and do the next thing and test, which the 2012
 23 survey did, we find that it's not a significant
 24 impact.
 25 The next survey is the telephone survey

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1 that was done of New England residents and some of
 2 the local -- 22 in the local area. The insights
 3 from this is it's a survey that's not being done
 4 when a specific wind farm is being proposed. So
 5 people can look at the results and say in general,
 6 how is it going to affect my recreation activities,
 7 and it also looks at people who are potential users,
 8 people that are within the range of people who would
 9 come to the Bowers Project area to recreate.
 10 Next one. And what we see is that 68
 11 percent, the majority, say seeing a wind farm while
 12 recreating will have no effect or make them more
 13 likely to visit, and then 84 percent who indicated
 14 it would have a negative effect, that's 84 percent
 15 of the 32 percent, the other part, said that they
 16 would have other opportunities to recreate. That
 17 could be another place on the lake or adjusting how
 18 they do it or going to another nearby lake. So from
 19 the telephone results, it suggests that there would
 20 probably be about five percent that would be
 21 substantially affected. So if we come back to the
 22 convergent validity argument looking across these
 23 results, I think there's three insights that we can
 24 leave with. One is the survey results between the
 25 Bowers and the previous wind farms are consistent.

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1 The Bowers was 80 percent are likely to return and
 2 the average across the ten previous -- looking at
 3 the previous surveys was 80 percent. The Baskahegan
 4 survey indicates that 100 percent are likely to
 5 visit again compared to the 59 percent for the
 6 Junior, Pleasant and Scraggly Lakes. Baskahegan is
 7 higher. While they're not the same, it shows the
 8 precautionary and hyper defensiveness that goes into
 9 the pre-construction survey and after you're done,
 10 that first result is suppressed and would be higher
 11 if those effects weren't occurring and Baskahegan is
 12 demonstrative in that it was 100 percent. And then
 13 if we look at the Bowers survey, the results
 14 indicate that it's about 19 percent that are not
 15 likely to return, while the telephone survey was not
 16 done in the heat of a specific permitting decision
 17 showed that it was about five percent, and so once
 18 again, we're seeing that that 19 percent is probably
 19 overstated and it would be smaller if the hyper
 20 defensiveness and precautionary strategies were not
 21 in place.
 22 Next slide. So moving to some conclusions
 23 in terms of the Wind Energy Act, the first thing is
 24 looking at recreational use, and one of the things
 25 is there's no consistent information on recreational

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1 use of Maine's lakes that you can really calibrate
 2 it on, but I've been recreating on Maine lakes since
 3 I was a kid. I grew up in Presque Isle, I've spent
 4 most of my life here. I've also done water work
 5 with the DEP looking at eutrophication of lakes and
 6 how that affects property values and I've been on
 7 lakes all over the state and so I have a good
 8 feeling for what the level of recreational use is,
 9 and when we look at it here, we're seeing very
 10 minimal use and that's from the number of people
 11 that they observed. If we go to Sebago Lake, if we
 12 go to the lakes in the Waterville area, we go to the
 13 Greenville area, we even go up north to the Fish
 14 River chain, if you went out, you would see a lot
 15 more use on the lakes than we see here. So we're
 16 seeing lakes that have very low levels of
 17 recreational use. The primary activity for the
 18 Bowers Lakes was relaxing, followed by fishing but
 19 nearly everybody fished and nearly everybody was
 20 relaxing. If we look at the expectations of a
 21 typical viewer, they all expect a high-quality
 22 experience, but let's remember that that's their
 23 overall experience. Scenery is just one element and
 24 this includes the Baskahegan Lake with the 59 wind
 25 turbines. People came there, they knew the wind

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1 turbines were there and they were still expecting a
 2 high-quality experience. Then the potential effect
 3 on continued use, the majority of Bowers Lake users
 4 say that they would have -- that the project would
 5 have an impact positive or no impact on their
 6 enjoyment. We'd actually expect that number to be
 7 higher if the hyper defensiveness and precautionary
 8 strategies weren't being used, 80 percent said that
 9 they were likely to return. We'd expect that number
 10 to actually be higher and so what we're seeing is
 11 that there's strong evidence that the wind farm for
 12 Bowers will not substantially unreasonably affect
 13 the users of Junior, Scraggly and Pleasant Lakes. I
 14 think those results could be generalized to the
 15 other lakes in the area and we've looked across a
 16 number of surveys so we have evidence from a number
 17 of surveys, a number of questions in the surveys
 18 that all support that conclusion. Thank you. I'd
 19 like to turn it over to Mr. Raphael now.

20 HEARING OFFICER: Thank you, Dr. Boyle.

21 MR. RAPHAEL: Good morning. My name is
 22 David Raphael. I'm a professional landscape
 23 architect and planner and I'm also on the faculty of
 24 the University of Vermont. I'm going to walk you
 25 through the visual impact assessment that we

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1 conducted for the Bowers Wind Project.
 2 Next slide, please. The Bowers Wind
 3 Project is located in the Maine Highlands Area as
 4 officially designated by the Maine Department of
 5 Tourism. It was really the only official
 6 delineation and designation that we could find. It
 7 is at the end of the delineated Down East and Acadia
 8 region and that entire region, as you can see,
 9 continues further and further south from the project
 10 site. In this map, you can see the project radii
 11 from the turbine locations radiating out all the way
 12 to Grand Lake Stream which is 18 miles away as was
 13 mentioned earlier, and I think it's important to
 14 note that most of the cluster of fishing camps and
 15 recreational infrastructure that does exist in the
 16 area is in the Grand Lake Stream location which by
 17 water is a primary access into these lakes and
 18 that's a minimum of ten miles from Grand Lake Stream
 19 to the very edge of the project area as delineated
 20 by the eight-mile radius and ten miles is a very
 21 long distance to paddle if you're a kayaker, even
 22 farther if you're a canoeist but even for a
 23 motorboat ten miles is a long way to get into the
 24 project area.

25 Next slide, please. This slide highlights

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1 the resources of significance within the eight-mile
 2 project area. This is not a viewshed map. It's
 3 just colored to show you the 14 lakes which are
 4 designated as either outstanding or significant
 5 within the project radius.

6 We compiled a listing of all of the scenic
 7 resources that have been designated or identified in
 8 either the Maine Wildlands Lake Assessment or the
 9 lakes evaluation, as well as an additional historic
 10 resource at Springfield Congregational Church which
 11 had no project visibility. Of the 14 lakes
 12 identified as significant or outstanding resources,
 13 five of those lakes have no project visibility
 14 within the eight-mile radius so we went on to then
 15 evaluate the nine lakes which do have visibility
 16 within the eight-mile radius.

17 In evaluating visual impact under the Maine
 18 Wind Energy Act, we are charged to address seven
 19 criteria. You just heard obviously Dr. Boyle focus
 20 on several of those criteria. They include
 21 significance of the scenic resource, the existing
 22 character of the surrounding area, typical viewer
 23 expectations, the purpose and context of the
 24 proposed activity, the extent, nature and duration
 25 of public use and the project's effect on continued

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1 use and enjoyment of the scenic resource and then
 2 finally the scope and scale of visibility from the
 3 scenic resource. I guess I would mention at this
 4 point that in assessing the visual impact under
 5 these criteria, we use a combination of tools and
 6 techniques that are both qualitative and
 7 quantitative. As somebody who has been involved
 8 with scenic and visual assessment my entire career,
 9 I can tell you that it is accepted that scenic
 10 evaluation cannot necessarily be boiled down just to
 11 numbers. It really does require a synthesis of a
 12 wide variety of information, tools ranging from
 13 visual simulation to viewshed analyses, to looking
 14 at the actual project in the context of the overall
 15 landscape and determining what that project's
 16 visibility will result in, in terms of impact to the
 17 user. So it's a holistic approach that requires
 18 professional judgment as well as statistical
 19 analysis.

20 Next slide, please. So when we look at
 21 significance of the resource, we have to take again
 22 a broader view. We can't look at the significance
 23 of the resource just in terms of its local context.
 24 Scenery in New England is something that we gauge by
 25 the entire understanding of the region or in Maine,

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1 the entire state, and there are various levels of
 2 scenic quality and scenic interest depending on the
 3 landscape character and other qualities that many of
 4 us recognize when we are out in that landscape. So
 5 scenic resources that are sensitive and highly
 6 valued tend to be those which are more unique and
 7 dramatic. For example, many experts agree that the
 8 greater the relief present in a landscape often
 9 results in a greater scenic value. So if we look at
 10 unique and distinctive landscapes and lakes in
 11 Maine, we're drawn to locations like Moosehead Lake,
 12 Flagstaff Lake and others. I, myself, come to Maine
 13 every year to paddle in Umbagog which I think is a
 14 highly-scenic lake and different than other lakes
 15 which lack the kind of relief that you see in these
 16 photographs.

17 Next slide, please. The project lakes,
 18 while certainly considered scenic and of value to
 19 the users who frequent them and who do appreciate
 20 the qualities that are there, when compared to other
 21 scenic resources in Maine do not have that same
 22 level of scenic quality because they do not have
 23 strongly differentiated forms. They do not have
 24 extreme relief. In fact, in the assessments
 25 themselves relief from most of the lakes, if not all

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1 of them, is rated as low, and certainly, again,
 2 relief does translate into scenic quality.

3 Could you go to the next slide, please?
 4 So, again, when you go from lake to lake in the
 5 project area you can see very similar types of
 6 landscapes, very similar types of views no matter
 7 what direction you look in each of the lakes.
 8 That's not to say that there aren't other scenic
 9 qualities that are of value and certain lakes in the
 10 project area do have an interesting shoreline, for
 11 example, and, therefore, the scenic value might
 12 increase slightly because of that, but, again, many
 13 lakes throughout the state also have that type of
 14 shoreline quality and, for example, different types
 15 of vegetation diversity than is present here. The
 16 vegetation diversity from lake to lake is very, very
 17 similar and not unique, not outstanding and not one
 18 of a kind.

19 Next slide, please. The next criteria that
 20 we were charged to evaluate is the character of the
 21 surrounding area, and while we understand that the
 22 recreational activity is primarily on the lakes or
 23 on the edge of the lakes, any user, any visitor, any
 24 tourist coming to this region can't help but
 25 understand and note that these lakes are set in an

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1 active and highly-altered forest environment. The
 2 fact that there's been ongoing forestry and timber
 3 harvesting around the lakes doesn't necessarily
 4 translate directly into a visual impact on the lake,
 5 but it is part of the overall context and one that
 6 cannot be ignored or overlooked. You cannot look at
 7 these lakes in isolation, just as we talk about the
 8 ridge lines and the shorelines, thus we need to also
 9 recognize what's around these lakes and the
 10 experience of the user coming to them, and for those
 11 who come to these lakes for the first time as
 12 opposed to other regions in Maine and other regions
 13 in New England, they are struck by the fact that
 14 wide spread logging is visible and the effects of
 15 that logging are visible.

16 Next slide, please, and then as we look
 17 further into the character of the area, obviously we
 18 take into account shoreline characteristics,
 19 development, access points and various other
 20 elements that exist both adjacent to the lakes and
 21 on the lakes themselves. So that includes, you
 22 know, things like shoreline development as well as
 23 undeveloped shoreline quality that we take into
 24 account in looking at the character of the
 25 surrounding area. Could you back up to that slide

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1 for one second? I think one point that has to be
 2 made here too is that because of these
 3 characteristics, one cannot come away with the sense
 4 that these lakes are pristine and undeveloped or
 5 wilderness environments. These lakes have been
 6 used, they're developed lakes, they're controlled by
 7 water level by dams, and so the hand of man, the
 8 hand of humans, is readily present here which
 9 certainly has an effect to some extent on scenic
 10 quality. Thank you.

11 Typical viewer expectations are another
 12 element that we are charged to look at and research
 13 and we try to understand what the primary activities
 14 are, what the amount of use is. You've heard that
 15 it's very low and what the viewer expects when they
 16 come to recreate in this landscape and certainly the
 17 -- the use activities either elevate or diminish the
 18 importance of scenic quality. So if you hike to the
 19 summit of a mountain, you are oftentimes hiking to
 20 that summit particularly and specifically for the
 21 view, for the scenic view. When you recreate on a
 22 lake, you're often there for a number of different
 23 things, to swim, to boat, to fish, to relax, to sit
 24 in the sun. It's not necessarily about or focused
 25 on viewing the scenery entirely. Thank you.

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1 residents of Carroll Plantation. They are the ones
2 that's going to be the most affected by this. Thank
3 you.

4 HEARING OFFICER: Thank you, sir, and after
5 Dr. Steinberg comes forward and makes his testimony,
6 we'll take a few minute break.

7 MR. STEINBERG: Good evening. Mr.
8 Silvestri, I'm going to tell you that it's an honor
9 that we're having a hearing so I'll try to speak
10 slow and I'm honoring your transcriptionist because
11 I'd like these words recorded because they are the
12 truth, the whole truth and nothing but the truth.
13 Thank you for actually giving us a hearing. In
14 olden days it used to be a meeting in one minute and
15 then no minutes of any type.

16 HEARING OFFICER: We're here. Thank you.

17 MR. STEINBERG: Thank you. With that, I'd
18 like to say I'm testifying here certainly against
19 this project and I've been a practitioner -- a
20 dental practitioner and I also have a background in
21 biology, chemistry and some electrical engineering
22 to boot, too much science perhaps for these
23 projects. I often think if we had scientists who
24 reviewed these things, perhaps we'd be going a lot
25 further because all we've had right now are lawyers,

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1 and we know about lawyer jokes, experts at nothing,
2 mouthpieces for everyone, and I guess we have a good
3 amount of lawyers who are experts at everything.

4 So with that, I will say this. I live
5 within about two miles and I'd like the DEP first of
6 all to harken back to the Rollins Project and look
7 at DBC. The Ropers know all about it. Let's get
8 some measurements of DBC, let's see what DBC is,
9 let's see why there are so many suits that are
10 coming out of private citizens that are squelched,
11 let's find out why they have to leave their homes,
12 let's find out why areas like Lincoln have
13 properties for sale all over them, let's find out
14 why people who come from Switzerland to buy once
15 pristine properties in Lincoln now can't sell their
16 properties. These are facts. These are very
17 available facts. People are losing their homes,
18 they're losing their properties, they're losing
19 their peace and quiet. These are facts. This is
20 science. It harkens back to 2009 testimony. You
21 have them. Please, Mr. and Mrs. DEP, do your job.
22 That's all it will take.

23 And with that, I would have to ask certain
24 things about doing your job. We know the science is
25 there. Around the world there is very much

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1 testimony about -- you know what I think about? I
2 think about when patients say to me, I've been
3 smoking. I remember harkening back to when the
4 tobacco industry said smoking does no harm to
5 anybody, does it? Of course, they paid a lot of
6 people to say that. Now we get the little
7 disclaimers "don't smoke." Get the facts. I
8 haven't seen the facts. I haven't seen independent
9 studies of noise, I haven't seen independent studies
10 by perhaps Rand, Camperman and James Dunn. I know
11 Warren Brown had serious questions back in 2009
12 about these projects. Look at DBC, look at the
13 impacts, look what you're trying to do in this
14 state, please. There's a lot more at stake than
15 some money, and with that I would say this, please
16 ask a few questions because I know I only have a few
17 minutes left, please stop me with a little finger
18 because I can talk all today and I feel bad for the
19 transcriptionist, two minutes is plenty.

20 If I was the DEP, I would sit back and say,
21 DEP, I'm going to give you these questions; Mr.
22 Kiely, you expect Bowers to operate at 37 percent
23 capacity, how is that possible when all the turbines
24 in the state of Maine operate at 20.34 averaged and
25 how is it possible that Rollins may be functioning

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1 at 17 percent sometimes when the wind blows and with
2 the sun and it's hot out, we can't even get power
3 out of them in the summer when they're operating
4 maybe at 15 percent; is it worth the damage you're
5 doing, the property damage, the cost? Do the
6 science, please. Look at the science.

7 In addition, I would say, Mr. Kiely, where
8 is this power going to be sold? Is it to Maine
9 citizens? Mr. Kiely, if the First Wind Emera joint
10 venture approval is overturned by the court, how
11 will it affect First Wind's financial situation?
12 Mr. Kiely, will First Wind have to buy the Bull Hill
13 Project back? What will happen if a 211 million
14 dollar investment in Emera is made? What about the
15 150 million dollar loan Emera gave to First Wind?
16 These are questions you can ask, they're pretty
17 basic. I'd even ask tonight. Tonight was there a
18 free dinner advertised by the wind turbine company,
19 First Wind? Who paid for that and were they asked
20 to maybe come here and testify -- let me just finish
21 for a second.

22 HEARING OFFICER: Just direct your
23 questions, if you could, sir, to me.

24 MR. STEINBERG: These are questions we have
25 to ask. Then I'd say, Mr. Kiely, please explain how

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1 you can decommission these turbines for \$38,500 when
2 in Massachusetts in Falmouth it's costing 500,000
3 per turbine to decommission turbines that are
4 significantly smaller than what we're putting on
5 these mountains. These are basic questions. What's
6 the cost of this? And even the steel, can you
7 salvage this stuff? Mr. Kiely said number one steel
8 but it's galvanized and painted. Is that number one
9 steel when we salvage this stuff?

10 So in summation, I would say this. This is
11 not rocket science. This is wind turbines that
12 didn't work effectively for thousands of years, they
13 don't work effectively now and they never really
14 will scientifically. Get the facts, please, and do
15 your due diligence and I thank you for letting me
16 have my four minutes. Thank you, Mr. Silvestri,
17 thank you DEP for the hearing and by the way, the
18 Rollins Project is still --

19 HEARING OFFICER: We appreciate you coming
20 forward, sir. Thank you very much for your
21 comments.

22 MR. STEINBERG: I appreciate it, and have a
23 good evening.

24 HEARING OFFICER: We're going to take a
25 break now for ten minutes. We'll meet again at five

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1 by Mr. James Mabee.

2 MR. LANE: Are you ready for me?

3 HEARING OFFICER: Yes.

4 MR. LANE: I'm just asking the board
5 hopefully that this will go through as an approval.

6 HEARING OFFICER: Excuse me, sir, is that
7 mike on?

8 MR. LANE: I don't know, is it?

9 HEARING OFFICER: Just give it a little
10 tap, the big one.

11 MR. LANE: Is that on?

12 HEARING OFFICER: Just speak a little
13 closer to it.

14 MR. LANE: Okay. I'm just asking the Board
15 hopefully that this will go through as an approval
16 just for my own opinion as a local Maine resident.
17 I understand there's going to be a large loss in
18 federal funding for Maine residents as well as
19 elderly programs and this is going to lead to much
20 needs of income for cities, towns, plantations and
21 it's going to come back on people's backs for aid to
22 schools, fire, fuel assistance, rental programs.
23 It's not all about this First Wind energy and the
24 wind farm but this is probably the only business
25 that's going to truly come to Maine in this area for

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1 minutes after eight. Thank you.

2 **(OFF RECORD)**

3
4 HEARING OFFICER: Again, if you don't get
5 to testify, if you just don't feel up to it tonight,
6 you can come back tomorrow, and if you don't do
7 that, then you can certainly make written comments,
8 again, just send them to the Department in Bangor
9 until May 8th.

10 If I could, just two things for
11 housekeeping. 9:00 will be our cutoff, so you know
12 that, and if folks don't have the opportunity --
13 we're just about going to do it now with four
14 minutes. It's going to work out I think with the
15 number of speakers we have left, and so we should do
16 pretty well in that way, but in the event that we
17 need to get anybody else sworn in, is there anyone
18 here who plans to testify tonight who has signed up
19 but was not sworn in? If you could stand up, sir,
20 and anyone else? So all of you then swear to tell
21 the truth and nothing but the truth?

22 **(WITNESSES RESPOND IN THE AFFIRMATIVE.)**

23 HEARING OFFICER: Thank you very much. All
24 right, let's get started now, if we could, with Mr.
25 Daniel, I believe, Lane from Springfield, followed

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1 the next probably 50 years unless they're going to
2 deforest everything for toothpicks or something.

3 So there's a long list here of cuts and
4 there's not an easy way to help cover these town
5 costs but with the low economic situation in the
6 whole country and the world crises and other
7 economic situations, our towns and cities are going
8 to suffer like they did in the Depression, and
9 that's just going to come to increases in property
10 taxes, vehicle registration fees and others, but
11 there is some help in which some of the local
12 residents of Carroll Plantation, Lakeville and the
13 surrounding towns could act fast to secure this
14 hundred million dollar project to go in effect on
15 Bowers Mountain, it would bring jobs and hundreds of
16 thousands of dollars to a few local businesses for
17 many of the expenses they're going to need to live
18 in this area for food and gas and it's going to be
19 an economic boom. It's probably not DEP's job here
20 to be concerned about the economy of Carroll or
21 Springfield and surrounding towns but it should play
22 in some kind of factor, and you could probably ask
23 some of the Lincoln residents if they ever were able
24 to receive any kind of funding, lower taxes to their
25 local economy, even though they have hospitals,

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1 mills and hundreds of businesses that support their
 2 local community, but Carroll itself doesn't have a
 3 single working business and Springfield and the
 4 other surrounding towns probably have less than
 5 five, a few gas stations and small businessowners,
 6 and they're not going to be able to support
 7 themselves as they have in many past years with the
 8 federal government 16 trillion dollars in debt and
 9 Maine's economy being under budgeted, and so you can
 10 pretty much ask yourself, other than First Wind
 11 Energy coming to this area to help support this
 12 cause, yes, they have a financial benefaction of
 13 producing electricity and selling it somewhere else,
 14 but this is the area they chose and if you can think
 15 of when another big business like this is ever going
 16 to come to this area, you could probably tell
 17 yourself never. Remember, never. There's going to
 18 be no shoe factories, no Air Force bases.

19 HEARING OFFICER: Thirty seconds, sir.

20 MR. LANE: No big dairy farms like there
 21 were in the past. So now you have to still pay your
 22 bills and there's going to be less government aid.
 23 So not just the local businesses and towns will
 24 benefit from this wind mill project, but you're
 25 going to lower your land taxes, your property values

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1 are going to go up and some of the Carroll residents
 2 will receive some kind of check from the First Wind
 3 Project. The Land Use Regulatory Commission didn't
 4 want that \$25,000 a year in their permitting when
 5 they were offered it, so the windmill farm project
 6 brought it to the community instead, and it's going
 7 to bring these towns, you know, some thousands of
 8 dollars. It's going to help support. It's not
 9 going to be the fix all to the problems but some
 10 kind of income source will help out.

11 So I, myself, as a small Maine
 12 businessowner and landowner in this community, I
 13 just support this project and I hope that you can
 14 foresee outside the picture of what's really here.

15 HEARING OFFICER: Thank you, sir.

16 MR. LANE: Thank you.

17 HEARING OFFICER: It seems you have some
 18 paper you've written. You're certain welcome and
 19 everyone else, for that matter, to provide the
 20 written comments to us tonight or send them in by
 21 May 8th if you have any additional information.

22 MR. LANE: Any one person you want me to
 23 give it to?

24 HEARING OFFICER: You can give it to the
 25 reporter. The court reporter will gladly take it.

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1 Thank you, sir, I appreciate your testimony and if
 2 we could now ask for Mr. James Mabee to come forward
 3 followed by Mr. Vincent Crushey. That may be a ways
 4 off. Are you a doctor, sir?

5 MR. CROSBY: I should be.

6 MR. MABEE: Hello, my name is James Mabee.
 7 My legal residence is Bangor; however, I spend a
 8 little over six months of the year in Grand Lake
 9 Stream. I happen to be the president of the Grand
 10 Lake Stream Guides Association.

11 I'd like to let you know that I'm adamantly
 12 opposed to the Bowers Mountain Project. I'm not
 13 opposed to renewable energy resources necessarily.
 14 I just think that this one maybe isn't in the best
 15 location it could possibly be due to some
 16 significances that hopefully I'll get across here.

17 Personally, my family has owned a camp and
 18 a couple of camps on West Grand Lake for my entire
 19 life, actually back in the late forties my
 20 grandfather had a camp on West Grand, and then
 21 guiding I spend a lot of time outdoors. I've also
 22 been very fortunate to have fished all over the
 23 place, Alaska, Newfoundland, Labrador, Northern
 24 Quebec, down in Florida. I know that you know a
 25 pretty well-known Maine outdoors writers said, you

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1 know, people will go anywhere to fish and that's why
 2 people come to Maine. Maine has pretty good
 3 fishing. We don't necessarily have the world's best
 4 fishing because there are other places to go,
 5 Alaska, Labrador, Florida, depending on what species
 6 you want to target, whatever. What we do have in
 7 the Grand Lakes Stream area, though, is we have
 8 wilderness appeal that bring a lot of people not
 9 just from Boston, New York City, the Philadelphia
 10 area where the brunt of most of the guiding clients
 11 come from but also the world. I've guided people
 12 from as far away as England and South America to
 13 come to Grand Lake Stream for the fishing.

14 Now, the best fishing is probably mid May
 15 to mid June. That's when probably the better
 16 anglers target their time to come up and fish. The
 17 rest of the time until the end of September, the end
 18 of traditional fishing season, mid June until then,
 19 people are here for family, outdoor trips. They
 20 maybe don't get to fish this much. They may fish
 21 one day a year or one week a year when they come on
 22 these vacations. It's not that they're here for the
 23 fishing. It is for the wilderness, the scenery, the
 24 undeveloped lakes, all of that. These towers will
 25 impact all of these waters that are mentioned on

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1 these maps up here. You have to remember the St.
 2 Croix has a lot of water to fish. There are over 50
 3 lakes in just the St. Croix Watershed alone, and out
 4 of Grand Lake Stream we can fish out towards the
 5 Machias, but there's a lot of time spent on West
 6 Grand, Junior, Scraggly, Pleasant, depending on the
 7 time of year. I've also been told that a lot of
 8 your surveys that were done over the summer, or
 9 First Wind's, that they didn't see too many guides.
 10 Part of the reason is guides usually try to fly
 11 under the radar, they paint their canoes a dark
 12 green, we blend into the shoreline. I saw a comment
 13 about, well, the only access to Junior Lake is
 14 through June Stream. It's not. You can easily get
 15 there through Scraggly, and I think people were
 16 definitely up there on days that there were survey
 17 people there and they weren't even seen.

18 Anyways, both -- our guides association, we
 19 have over 40 paid up active members, we have 70 on
 20 the master roster, a little over 70 that necessarily
 21 aren't paid up with their dues, but everybody I
 22 spoke to is opposed to this project.

23 As far as, you know, what goes on for
 24 business economically, there have been people who
 25 have guided trips in Grand Lake Stream for over 150

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1 years, pushing 200 at this point. I've heard of
 2 trips in the 1840s where people hired guides to take
 3 them up there. So it is an economic backbone that's
 4 there for the guides, for the gas stations, for the
 5 sporting camps. Thank you very much.

6 HEARING OFFICER: Thank you, sir, I
 7 appreciate your testimony. Now we have Mr. Vincent
 8 Crosby.

9 MR. CROSBY: Hello. My name is Vincent
 10 Crosby. The Bowers Mountain Project has a direct
 11 impact on the aesthetic quality of the Downeast
 12 Lakes Region of Washington, Penobscot and Hancock
 13 Counties. The region is known for its remote
 14 wilderness setting. There is not room in this
 15 setting for an industrial wind project. People come
 16 from all over the country and all over the world to
 17 experience this atmosphere. There is no need with
 18 all of the land available in other areas to decimate
 19 one of the best camping, canoeing, kayaking, hiking,
 20 boating and hunting and fishing areas in the state.

21 I began coming to this area over 45 years
 22 ago to enjoy the remoteness of it all. I had been
 23 coming back here to canoe and kayak every year with
 24 friends and family and as a result, we decided to
 25 settle here. My son also decided to build a place

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1 here. We enjoy using the lakes, Pocomcus,
 2 Sysladobsis, Junior, Chain, et cetera, not to
 3 mention all of them. We have invited friends and
 4 relatives to the lakes for boating, fishing and just
 5 to enjoy the beauty of it all and they all say the
 6 same thing, what a beautiful, remote and unspoiled
 7 area this is.

8 When tourism is advertised for this area,
 9 you will notice that there is no mention of
 10 industrialization. The tourism industry is not
 11 interested in this. Why? Because that is not what
 12 people come to Maine for. This area has been kept
 13 in this form by the Passamaquoddies, Penobscots,
 14 Downeast Lakes Land Trust and local residents for
 15 years and should remain the way it is without
 16 destroying its scenic quality.

17 The general consensus is that the turbines
 18 should not be allowed on Bowers Mountain. There are
 19 enough turbines on Stetson Mountain without crossing
 20 over Route 6. The fact that First Wind has been
 21 turned down once should justify leaving the Bowers
 22 Mountain area alone. The fact that First Wind made
 23 minor changes to the application that was first
 24 submitted looks to me like a corporate ploy to get
 25 around LURC's original decision to deny. It is a

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1 David and Goliath situation with a large corporation
 2 trying to jam something down the little guy's
 3 throat. I don't think it should be allowed, nor is
 4 it fair. How long and to what extent must we go to
 5 get the point across that we don't want or need
 6 turbines here to provide electricity for other areas
 7 that are far beyond the reaches of the people of the
 8 state of Maine; furthermore, I think that it's
 9 unfair for the residents of the whole state to be
 10 taxed just so that subsidies can be offered to First
 11 Wind. The state of Maine is trying to cut costs now
 12 and this is definitely not going to help; therefore,
 13 I ask you that this turbine issue be put to bed once
 14 and for all. Please deny this permit application.
 15 Thank you very much.

16 HEARING OFFICER: Thank you for your
 17 testimony. Ms. Connie Gemmer for Dana Connors,
 18 followed by Mr. Mark Gray.

19 MS. GEMMER: Yes, good evening. I'm Connie
 20 Gemmer, I'm from Portland, and I've been asked by
 21 Dana Connors of the Maine State Chamber to read a
 22 letter to you tonight.

23 "I'm writing to express the support of the
 24 Maine Chamber of Commerce regarding the proposed
 25 Bowers Wind Project. Beyond this project's

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1 significant environmental and economic benefits, we
2 applaud First Wind's commitment to the regulatory
3 process and their good-faith effort to modify their
4 proposal to better meet regional stakeholder
5 concerns.

6 The revised application includes
7 significant revisions to the original proposal,
8 including an overall reduction of turbines from 27
9 to 16 and the use of improved industry technology to
10 ensure that the project remains economically viable,
11 a reduction in visual impacts that is consistent
12 with supporting the region's outdoor recreational
13 opportunities and a commitment to pursue innovative
14 radar-controlled night lighting that will meet FAA
15 requirements and further reduce visual impacts.

16 The Bowers Mountain Project embodies the
17 examples of well-sited wind power projects. The
18 project is located within the expedited wind zone
19 and is surrounded by industrial timberland that has
20 been extensively harvested for many years;
21 furthermore, it is has been designed to use an
22 existing 38-mile transmission line and is located in
23 proximity to the Stetson Wind Project.

24 This project offers significant economic
25 benefits to a part of Maine that has long struggled

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1 to keep pace with its southern neighbors. Jobs and
2 economic opportunities are few and far between in
3 rural Penobscot and Washington Counties. The Bowers
4 Mountain Project represents an investment of
5 approximately 100 million dollars and will provide a
6 much needed source of tax revenue for communities.
7 If approved, the project will provide approximately
8 \$92,000 in annual community benefit payments for
9 Carroll Plantation and has potential to reduce local
10 mil rates by as much as 80 percent while providing
11 much needed tax revenue for Washington County. When
12 combined with First Wind's proposed local energy
13 fund and the \$300,000 watershed fund that will be
14 used to invest in recreational tourism marketing,
15 conservation and recreational infrastructure
16 upgrades, it becomes plainly evident that the Bowers
17 Mountain Project offers significant, tangible
18 economic benefits.

19 In summary, the project is well-sited and
20 consistent with state policy provides significant
21 economic benefits while preserving and enhancing the
22 region's natural resources and recreational culture.

23 The Maine Chamber applauds First Wind for
24 its diligence to revise the project and for its
25 steadfast commitment to development appropriately

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1 sited projects that balance Maine's need for new
2 sources of clean energy and new investments that can
3 help sustain our local communities. We also applaud
4 the Maine DEP for its rigorous and comprehensive
5 review of this project and we hope that you will
6 weigh this proposal's significant economic and
7 environmental benefits as you continue your review.
8 Sincerely, Dana Connors, President."

9 HEARING OFFICER: Thank you, Ms. Gemmer.
10 Next we have Mark Gray, please, followed by Gordon
11 Mott.

12 MR. GRAY: Good evening, members of DEP.
13 My name is Mark Gray. I'm a resident of Hampden,
14 Maine and a property owner in the village of Grand
15 Lake Stream, Maine. My family and I have had the
16 house in Grand Lake Stream since 2001 and use it as
17 a vacation house and a base of operation for my work
18 as a Maine guide each fall.

19 I am here this evening to express my
20 extreme opposition to the Bowers Mountain industrial
21 wind project. Simply put, I'm disgusted that
22 ruining our ridge tops, viewshed and aquifers for
23 the purpose of heavily subsidized electricity is
24 even being considered. Please have the foresight to
25 refuse permitting this industrial wind project. For

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1 the people in Lincoln, Lee and Danforth it is
2 already too late, Stetson and Rollins Mountains have
3 already been destroyed. Sincere, Mark Gray.

4 HEARING OFFICER: Thank you. Mr. Gordon
5 Mott, please, followed by Louis Cataldo.

6 MR. MOTT: Mr. Chairman, it was my desire
7 to speak tomorrow night as well and I would only
8 speak tonight if there was time left over. Would it
9 be proper for me to step back in favor of the other
10 speakers?

11 HEARING OFFICER: I think we're going to
12 have time tonight but keep in mind that you'll only
13 be able to speak both nights if it's on a different
14 topic. Do you understand that?

15 MR. Mott: Yes, I do. I would speak
16 tonight, Mr. Chairman. My name is Gordon Mott. I'm
17 a resident of Lakeville, a forester there and a
18 landowner. I would speak tonight neither for nor
19 against for the purposes of submitting some
20 information.

21 The questions came up today concerning the
22 radar triggered night lighting and it has been a
23 subject of interest to me since the Passadumkeag
24 application and I have had the good fortune to be in
25 touch with the individual in FAA, Ms. Sherry Eggett

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1 Baron, who is the supervisor of the obstruction
2 evaluation group in FAA. I have to submit to you
3 here tonight the e-mail communication that has taken
4 place, the long communication that has taken place
5 with her since March 27th, and it describes quite
6 well the position that FAA is in with regard to the
7 guidelines.

8 I would note that First Wind proposes to
9 utilize the innovative radar assisted lighting
10 system to reduce the effects of nighttime lighting
11 on stakeholders within view the project and from
12 their application once FAA finalizes the standards
13 and approves the use of these systems for use on
14 commercial wind projects. Champlain will select a
15 vendor and seek FAA approval to use such a system at
16 the Bowers site following FAA approval and assuming
17 commercial availability, Champlain will install a
18 radar assisted lighting system as soon as it obtains
19 the necessary approvals from FAA and is able to
20 contract.

21 There are a few caveats in that statement
22 as I see it. They may not be intended caveats but
23 there seems to be a conditional agreement to go
24 forward with it. FAA, at the same time, has
25 statements in the communication that I'll share with

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1 you. The office is working on the technical specs
2 for us. It is phenomenally busy and this is just
3 one thing in their huge pile. If the state has a
4 vested interest in the type of lighting system that
5 gets put on wind turbines, then they will have to do
6 something at the local level, the state that is.
7 This is a statement from communication from the FAA
8 individual. Secondly, the other statement that they
9 make is we are still waiting for the technical specs
10 before we can move forward with publishing the
11 guidelines. I don't have a completion date at this
12 time but do communicate with that office regularly
13 and they do state -- does state early on that --

14 HEARING OFFICER: One minute, sir. Take
15 your time.

16 MR. MOTT: Okay, they do state that the --
17 it's feasible that the system could be put on a wind
18 farm now with the lights configured to current
19 requirements, the lights could then be reconfigured
20 to active when an aircraft is detected when we
21 publish the guidelines. The only caution is we're
22 still defining them and there's a potential that a
23 particular company may not be able to meet that
24 distance so it's important to do research.

25 The conclusion I reached is that, firstly,

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1 there is -- oh, I should also add that I've been in
2 touch with each of the officers of the Congressional
3 delegation asking if they would -- to see if they
4 could light a fire under the FAA office, without
5 success. It was Pleasant, their response, a polite
6 response but no indication that any positive result
7 had been obtained. The conclusion I reach is that
8 if any permit is going to be issued, it will be
9 necessary in order to get the leverage to make
10 something happen, it would be necessary to make the
11 permit absolutely conditional upon that being
12 implemented; not that it will be implemented if it's
13 available later but it can't go forward in my
14 judgment unless it does become available. That way
15 I feel that the interests of the wind industry in
16 Maine will probably get motivated and perhaps our
17 government agencies could get in that picture.

18 HEARING OFFICER: Thank you, sir. I should
19 qualify as well the statement I made a minute ago in
20 terms of your testimony tomorrow. It will not be
21 possible. The Procedural Order does limit folks in
22 the public comment session for commenting just once.

23 MR. MOTT: I will leave this written
24 material.

25 HEARING OFFICER: If you would leave it

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1 with the court reporter, and next is Mr. Louis
2 Cataldo.

3 MR. CATALDO: My name is Louis Cataldo.
4 I'm a fourth generation Grand Lake Stream guide and
5 the first selectmen for the town of Grand Lake
6 Stream. I am very strongly opposed to the
7 industrial wind project proposed for the Bowers
8 Mountain. Grand Lake Stream has been hosting
9 sportsmen from all over the world for well over a
10 hundred years. The way we have been able to
11 maintain this proud tradition for so long is by
12 taking care of our natural environment around us.
13 Many millions of dollars have been raised to protect
14 the natural environment and make sure that the Grand
15 Lake Stream area will be open to the public forever.

16 An industrial wind project overlooking the
17 Junior, Scraggly and West Grand and all the other
18 lakes in the West Grand Drainage would dramatically
19 deteriorate -- I mean degradate the wilderness
20 experience for everyone recreating in the area. We
21 -- we -- excuse me -- we rely on good hunting and
22 fishing to keep people coming back year after year
23 but the beauty of the woods and the waters is what
24 really sets us apart from so many other sportsmen
25 destinations.

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1 I took one of my long-term clients to
2 Baskahegan Lake on a bass fishing trip a few years
3 ago. This was the year after the wind project was
4 completed on Stetson Mountain, just seven miles west
5 of Baskahegan Lake. I had taken this client there
6 many times before. When he first saw the windmills,
7 he mentioned that he didn't like to see that and I
8 noticed that he kept looking at the windmills with
9 disgust. After a great day of fishing, we loaded up
10 the truck at the boat launch and my client thanked
11 me for a good day -- he thanked me for a good day
12 but explained that he didn't want to fish on that
13 lake anymore. His comment was, those windmills
14 ruined the lake.

15 Please don't let the windmills ruin the
16 Downeast Lakes. Do the right thing. Turn this
17 application down, please. The residents from Grand
18 Lake Stream were approached several times by First
19 Wind. They offered us all kinds of different
20 bribes. They got the same answer every time. This
21 beautiful view across this lake is not for sale.
22 It's priceless.

23 Also, the town of Grand Lake Stream had a
24 special town meeting last fall to vote whether or
25 not to support the Bowers Wind Project. The vote

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1 making electricity with wind projects is going to be
2 the same 20 years from now as it is today.

3 Another hat that I wear is I'm the manager
4 of business development at Sargent Corporation.
5 That means we've had the opportunity to work with
6 First Wind on a number of their projects starting
7 with Mars Hill, Stetson I, Stetson II, Rollins and
8 Bull Hill. Overall in New England we've created --
9 we have built over 80 miles of what we call crane
10 path access roads, including erosion control and the
11 drainage for these projects. I can tell you here
12 tonight that these projects are the state-of-the-art
13 when it comes to earth work. The amount of detail,
14 the amount of engineering that goes into these
15 projects is second to none and that goes from here
16 to California. New England, especially Maine, has
17 some of the more rigid environmental policies and
18 you know that firsthand.

19 The other thing I'd like to bring to you is
20 the benefits moving back to Lincoln on the fact that
21 just recently it was reported in the Bangor Daily
22 that between pulp and paper and First Wind that the
23 town of Lincoln received over half a million dollars
24 to go towards basically hiring new police officers,
25 building town garages and basically keeping the tax

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1 was unanimous to oppose the project. Thank you very
2 much.

3 HEARING OFFICER: I appreciate your
4 testimony. Mr. Steve Perry.

5 MR. PERRY: Members of the Board of DEP,
6 thank you very much for your patience tonight.
7 We've heard a lot of testimony. My name is Steve
8 Perry and I live at 30 Shore Lane in Lincoln, Maine,
9 and more specifically, that's the Little Narrows and
10 for those of you that are from away, that is the
11 Upper Cold Stream Pond.

12 My -- what I call my high quality view is
13 basically looking at the southern portion of the
14 Rollins Project, and I'm here to support the project
15 a hundred percent. I've known about the Rollins
16 Project from the time I started building my
17 retirement home three years ago, and I have a
18 granddaughter that's three years old and she enjoys
19 the lake, we enjoy having camp fires out by the lake
20 and it's sad to say but probably one of the few
21 things that I'm going to be able to hand off to her
22 is the clean energy that we're going to be able to
23 guarantee to her 20 years from now, and I can tell
24 her that unlike the price of fuel when I was back in
25 high school and paid 25 cents a gallon, the cost of

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1 base down to where people can afford to pay their
2 taxes.

3 The economic benefits, you've heard it
4 tonight, you're going to hear it tomorrow night, is
5 overwhelming. We have had over 300 man hours
6 applied to these projects. In addition to the man
7 hours and salaries that take those dollars back to
8 their families and return it and pay taxes both
9 state and locally, we go out and spend millions of
10 dollars on heavy earth equipment and fuel and parts
11 and that is from local vendors.

12 Thank you. So one of the things I want to
13 stress is that I don't live at my camp for two weeks
14 a year, it's every single day, and I enjoy what I
15 see and I think that we can combine both what we had
16 in the past and our future. I know I enjoy burning
17 wood, I always loved to burn wood, but I also like
18 the internet and they're both in my home and they
19 both work very well, and I think that the lakes have
20 a long future. I've been on this lake since I was
21 ten years old and I want to preserve it for my
22 grandchildren and I believe that wind energy is the
23 way to go. Thank you very much.

24 HEARING OFFICER: Thank you, sir. Before
25 you leave, just to clarify something you said so

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1 that the rest of the folks here understand, we're
2 actually not the Board of Environmental Protection,
3 we're actually with the Department of Environmental
4 Protection.

5 MR. PERRY: Thank you for that correction.

6 HEARING OFFICER: It's an important
7 distinction. We're employees versus the volunteers
8 who appear and work for the board.

9 MR. PERRY: Thank you for that correction.

10 HEARING OFFICER: If we could have Ms.
11 Karen Powers come forward, please. Is Ms. Powers
12 here tonight? Seeing no one coming forward, let's
13 move on to Ms. Mary Saball. Is Ms. Saball here?
14 What about Mr. Conley, Mr. Dave Conley? Thank you,
15 sir, followed by Alan Michka.

16 MR. CONLEY: Good evening. I'm Dave
17 Conley. I live in Weston, Maine, just north of
18 Danforth and I run the East Grand Outdoor Education
19 Program at the high school, a Maine guide, a lot of
20 canoeing. I just want to speak a little bit tonight
21 about First Wind, the Stetson Mountain Project and
22 how they've been supportive of the local effort with
23 the young people up there. There is an economic
24 aspect to this. There is a benefit, and when you
25 come over the rise into Danforth, you realize what a

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1 depressed area that is. There's not much there, and
2 so anything that benefits especially the young
3 people to get them outside is a real positive thing.
4 So we had taken advantage in a positive way of the
5 grants and the TIF funding, we've gone after it and
6 it's been a real benefit to the young people.

7 The past two seasons we've been involved
8 with a lake project on Baskahegan Lake. We've
9 installed and upgraded eight campsites. A lot of
10 them were in disarray. We put some new ones in.
11 The first season we went out there, we basically
12 cleaned. Long Island was trashed. It had
13 mattresses on it, it had coolers and tarps and tents
14 that were just left there for probably two or three
15 years and so we cleaned up these lake sites, we put
16 brand new picnic tables in, fire pits, outboxes,
17 signage, we put regular maintenance at the landing.
18 Through funding through the grants we hired a local
19 teenager through the outdoor program that did
20 routine maintenance and just got a lot of positive
21 feedback from the local folks in the Brookton area,
22 good feedback from several guides as well about the
23 improved sites. They have some lunch sites out
24 there that we worked on, and so we see that as a
25 positive thing, kind of wedding the two together.

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1 Recreation on the Baskahegan Watershed, the support
2 of First Wind in that effort and getting the young
3 people outside to be part of that has been a real
4 positive thing. So I'm speaking to that aspect
5 right there on Baskahegan Lake. I really can't
6 speak to this, it's a separate project, but in that
7 sense right there it's been a really good fit for us
8 and as we get on Baskahegan Lake, they are set back
9 to the west quite a distance and they're little
10 blurps off in the distance and I don't hear a lot of
11 complaints locally about those turbines. I really
12 don't. People seem to be more concerned about
13 income, jobs and what they're going to do with their
14 lives and whatnot than the distant Stetson Mountain
15 Range that's to the west of us.

16 Applying for another grant for this season.
17 We're looking to put in four campsites along the
18 stream. There's a 33-mile stretch from the White
19 Farm Road all the way down to the confluence of the
20 Mattawamkeag and this will enhance the recreational
21 opportunity for people to come locally and from away
22 to do paddle traffic down that river and to really
23 enjoy that waterway. I've been down it quite a bit
24 and I really don't see that issue with that farm to
25 the west being a real issue on that specific

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1 waterway.

2 First Wind does support -- I've got one
3 minute?

4 HEARING OFFICER: One minute.

5 MR. CONLEY: First Wind does support that
6 outdoor program which has been a big plus. They
7 also support an annual East Grand Adventure Race, a
8 really big deal locally for our young people and
9 adults and people that come from around the state.
10 In less than two weeks we'll have people that will
11 be doing a 33-mile canoe race as well as a 20-mile
12 adventure race taking full advantage of the
13 recreational opportunities right in our backyard.
14 Thank you.

15 HEARING OFFICER: Thank you for your
16 testimony, sir. Mr. Alan Michka, followed by Will
17 Rofuse.

18 MR. MICHKA: Good evening. My name is Alan
19 Michka. I'm from Lexington Township. I want to
20 address specifically tonight the scenic evaluation
21 criterion D under Section 3452, determination of
22 effects on scenic character and related existing
23 uses.

24 Criterion D requires that in making its
25 determination on scenic impact the Department must

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1 consider the purpose of the project in the context
 2 of the proposed activity. If we look to the Wind
 3 Energy Act for clues to the ultimate purpose of a
 4 wind energy project, the Act says that one of those
 5 purposes is reliable energy production. Last year
 6 First Wind's projects in Maine achieved less than a
 7 25 percent overall capacity factor, well below what
 8 they had projected and very far below the 37 percent
 9 capacity factor predicted in this application.
 10 Either their projects cannot be reliably expected to
 11 produce the energy that they are telling us they
 12 will or their methods for predicting energy output
 13 are not reliable or the information in their
 14 application is not reliable.

15 The Wind Energy Act says its intent is to
 16 have viable wind energy projects. With regard to
 17 the capacity factor, former Representative Stacey
 18 Fitts, who submitted expert testimony in this case,
 19 in a 2009 article stated, and I'm quoting, "for most
 20 commercial wind turbines the figure has to be 30
 21 percent or more to be feasible." If Mr. Fitts'
 22 expert opinion is right, how many years can First
 23 Wind operate with years like last year and still be
 24 financially viable?

25 The Wind Energy Act suggests that a purpose

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1 of wind projects is to achieve cost-effective energy
 2 production; however, First Wind is currently
 3 hurrying, along with other companies, to get
 4 construction started on this and other projects to
 5 take advantage of the taxpayer subsidized production
 6 tax credits like other companies that expressed
 7 reliance on this production tax credit, as well as
 8 other policy and statutory devices that had to be
 9 maintained indefinitely to keep their operations
 10 cost competitive.

11 The Wind Energy Act suggests that a purpose
 12 is to reduce our citizens' dependence on imported
 13 oil and natural gas. The Bowers Wind Project will
 14 produce electricity that for all intents and
 15 purposes will displace only natural gas derived
 16 from electricity -- excuse me -- natural gas derived
 17 electricity. Only a small fraction of New England's
 18 electricity is produced with oil, about six-tenths
 19 of one percent, and this project is so insignificant
 20 in the larger scheme of New England energy
 21 productions that its scale alone means that its
 22 displacement of natural gas will be largely
 23 inconsequential.

24 The Wind Energy Act suggests that a wind
 25 project's intent is to improve environmental

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1 quality. The 48 megawatt Bowers Project, even at
 2 its unlikely capacity factor of 37 percent, would
 3 reduce fossil fuel criteria pollutants in New
 4 England by less than three-one-thousandths of one
 5 percent.

6 The Wind Energy Act suggests that a wind
 7 project's intent is to reduce greenhouse gas
 8 emissions. The Bowers Project --

9 HEARING OFFICER: One minute, sir.

10 MR. MICHKA: You've got it. The Bowers
 11 Project again at its very hopeful 37 percent
 12 capacity factor would reduce New England CO2
 13 emissions by less than four-one-hundredths of one
 14 percent.

15 In a location such as the one we're
 16 addressing today it's presumed that the project does
 17 not fit harmoniously into the existing natural
 18 environment. It's also presumed that it has an
 19 adverse scenic impact on its surroundings. The
 20 legal question is, does it have an unreasonable
 21 adverse impact when considering the purpose of the
 22 project in the context of the proposed activities.

23 Last sentence, in making a Section 3452
 24 determination, if the purpose of the Bowers Mountain
 25 Wind Project is to be a financially viable operation

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1 that reliably produces cost-effective energy, that
 2 meaningfully reduces our dependence on imported oil
 3 and natural gas while making significant reductions
 4 in the emissions of greenhouse gases and other air
 5 pollutants, then the Bowers Mountain Project appears
 6 to have little purpose and on balance, the dramatic
 7 scenic impact that this project will have is
 8 certainly unreasonably adverse. Thank you.

9 HEARING OFFICER: Will Rofuse, followed by
 10 Ray Michka.

11 MR. ROFUSE: Good afternoon. My name is
 12 Will Rofuse, I'm from Blakeville. I own a -- and my
 13 wife run a sporting lodge. I'm in favor of the
 14 windmill, I'm in favor of green energy. I have been
 15 a guide for almost 50 years now, and I find that the
 16 impact of something like the wind towers probably
 17 wouldn't affect the fishermen in these lakes hardly
 18 at all.

19 Most of my customers -- I've been an active
 20 guide, not a part-time guide for 40 years, so I have
 21 a little bit to say about what the impact would be
 22 on an area when fishing. That's been my primary
 23 income source for that many years. It's not a
 24 part-time job; it's been a full-time job. I've
 25 talked to a lot of my customers that stay at my

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1 place. They're not concerned too much with the wind
2 towers at all. They're interested in catching fish
3 and, yes, my fishermen come from all over the world.
4 They've come from South Africa, they've come from
5 California, they've come from Europe, they've come
6 from everywhere. I've had a lot of major league
7 ballplayers that I've guided over the years and
8 their primary concern is shoreline property, the
9 appearance and setback. As long as the shoreline is
10 nicely maintained and they can catch fish, they will
11 come.

12 That's basically what I have to say. I'm
13 not really threatened by it at all and this is where
14 I make my living from. Thank you very much. That's
15 what I have to say.

16 HEARING OFFICER: Thank you, sir, for
17 coming forward. Again, Mr. Ray Michka, followed by
18 Mr. Scott Cuddy.

19 MS. MICHKA: Good evening. My name is Kay
20 Michka.

21 HEARING OFFICER: Kay, I'm sorry.

22 MS. MICHKA: No worries. I'm a resident of
23 Lexington Township, Maine. I urge you to deny First
24 Wind, LLC's application for the Bowers Mountain
25 Industrial Wind Project. I invite you to step back

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1 in time with me less than a decade, satellite
2 television dishes the size of large wading pools
3 filled yards and motel parking lots aimed at
4 enhancing reception. Most have found their way to a
5 junkyard or a recycling facility. Currently
6 satellite dishes are barely the size of large
7 serving platters. They discretely attach to some
8 obscure section of homes and businesses with global
9 reception capabilities that will boggle the mind.
10 Why the change? Because the large dishes were a
11 neighborhood blight, hard to site and took up too
12 much valuable space.

13 Need I spell out this same line of thinking
14 regarding clunky oversized cell phones of the past
15 and Bluetooth earpieces of today? Transfer this
16 analogy to our discussion regarding the Bowers
17 Mountain Industrial Wind Project. In just about a
18 year since their initial application First Wind has
19 been able to decrease the number of turbines by 40
20 percent while only decreasing the estimated energy
21 production of the project by 20 percent, according
22 to their figures. Fewer turbines means less
23 environmental impact but what improvement might the
24 next six months bring, much less a year and a half.

25 In 2012 First Wind's Rollins Project

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1 produced only 115,000 megawatt hours of energy with
2 40 turbines. First Wind is projecting 150,000
3 megawatt hours with 16 turbines in its current
4 project. Because of ill-designed laws, poor
5 planning and unwarranted haste, far too many
6 turbines now blight the land in the Rollins Project
7 that could have been completely avoided with new
8 technology. Will the 16 proposed Bowers Mountain
9 turbines be equally inefficient in the very near
10 future?

11 For those responsible for stewarding the
12 land, every unnecessary turbine and unnecessary
13 environmental impact is truly irresponsible. I ask
14 you to slow the pace of unnecessary restructuring of
15 the natural environment of this special natural
16 place. Science has not proven that this hasty
17 application of underdeveloped technology satisfies
18 the law's ultimate goal of cleaner air and greater
19 energy security.

20 I leave you with these words of wisdom from
21 Ed McMahan, former vice president and director of
22 Land Use Planning for the Conservation Fund. The
23 best places to live, work and visit are those places
24 that are willing to uphold their standards in the
25 face of pressure to allow lowest common denominator

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1 development. Successful communities understand that
2 when they say no to development that is contrary to
3 the long-term health of their community, they will
4 almost always get better development in its place.
5 Thank you.

6 HEARING OFFICER: Thank you for your
7 testimony. Mr. Scott Cuddy, please, followed by Tim
8 Pitcher. Mr. Cuddy is not here? If I could then
9 call Mr. Roger Severance.

10 MR. SEVERANCE: My name is Roger Severance
11 and I live on the North Road in Carroll Plantation
12 which is in pretty close proximity to Stetson
13 Mountain and Bowers Mountain by about two miles
14 towards either one and it doesn't bother me in the
15 least bit. I don't hear them, they don't bother me,
16 and the main thing that I've heard up here tonight
17 is a lot of hot air coming from the upper extremity
18 and the lower, and it just boggles my mind that all
19 of these guides and stuff will come down here and
20 say they don't want to see this and they don't want
21 to see that, and they just more or less are saying I
22 don't want this in my backyard. Well, this isn't
23 their backyard, it's my backyard. It's my financial
24 opportunity and the town of Carroll's financial
25 opportunity and I don't understand why people that

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1 don't own a bit of land anywhere, and they're not
 2 visible at all during the summertime that I have
 3 seen and I fish on three of the lakes that are in
 4 question, Pleasant Lake mainly, Scraggly and Junior,
 5 and I have never one time seen one guide in a green
 6 canoe, hiking in the woods or anywhere else and the
 7 guides will say that they get on the -- on the
 8 Musquosh Lake and have a good day of fishing but
 9 they don't want to see anything out of the way, but
 10 yet, the main thing is they had a good day of
 11 fishing. The turbines are not going to bother the
 12 fishing and if they have people that come in here
 13 and don't like the appearance of the turbines on the
 14 mountain and they leave and don't come back, where
 15 are they going to go? There will be another crop of
 16 people coming in from the big cities that love the
 17 looks of that because that's all they see. They
 18 don't see the skyscrapers, they don't see the smog,
 19 they don't see anything, but without a little bit of
 20 industry, this community is going downhill and it's
 21 going down fast.

22 Now, I fish on Pleasant Lake all the time.
 23 Bill and Charlotte own the Wilderness Camps on
 24 Pleasant Lake and they're all for it. It don't
 25 bother them one bit and the people on the lake out

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1 there, it don't bother them one bit. There's a
 2 bunch of resident campers out there like myself and
 3 my wife and they love the wind turbines. It don't
 4 bother them.
 5 One of my jobs out to that lake is I'm a
 6 guide. The people will come in from out of state
 7 and away and stuff and they want to see the
 8 turbines. What do I do? I put them on an ATV and I
 9 take them on a 20-mile ride through the Maine
 10 wilderness and show them all the deer and the moose
 11 and the bear and everything else that will pop out
 12 when you travel, and they love the trip over there.
 13 We set underneath the turbines and they can't
 14 believe how quiet those turbines really are, and
 15 I've been doing this ever since the turbines were
 16 laid in the ground, right from step one on Stetson
 17 Mountain until they come up in operation. People
 18 come to my house and ask me if I can take them over
 19 and show them how to get there, and I do just that
 20 and anybody that wants to go up there and see just
 21 how they operate, I'll personally take them up there
 22 for a ride.

23 HEARING OFFICER: One minute. Sir.

24 MR. SEVERANCE: But the main thing that
 25 I've heard here tonight is people don't want these

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1 turbines in their backyard. It's not in their
 2 backyard, it's in my backyard, and one person stood
 3 here and said he didn't want them in his backyard
 4 but he was more than willing to have them go north
 5 on 95 up into somebody else's backyard, just like
 6 he's never been there in his life and expects the
 7 wilderness up there -- there's not a person up
 8 there.

9 Well, there was another project when I was
 10 a little bit younger, we won't say how many years,
 11 but the Dicky-Lincoln Project. There was a bunch of
 12 dams going on up there, but the guide service up in
 13 that part of the country they didn't want it in
 14 their backyard, they wanted to ship it down this way
 15 and now the guides here are shipping it back that
 16 way. Where is the line in between on where we're
 17 going to get some industry to supply the state of
 18 Maine with anything? That's why the state of Maine
 19 is going downhill because nobody wants anything but
 20 to go out and not see anything but the clouds, and I
 21 just don't fully understand it.

22 The people on the lakes -- Will just spoke
 23 over here and it doesn't bother him at all and he's
 24 right on Junior Lake all the time. He's a guide and
 25 everything but he doesn't matter I guess, and one

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1 thing is I've got a half a dozen different licenses
 2 in my pocket and stuff. It makes me somewhere near
 3 an intelligent person but I'm not going to stand
 4 here like other people and call you stupid.

5 HEARING OFFICER: I appreciate that, sir.

6 MR. SEVERANCE: I kind of figured you
 7 would.

8 HEARING OFFICER: Thank you.

9 MR. SEVERANCE: Again, I don't envy your
 10 job at all.

11 HEARING OFFICER: Mr. Pitcher followed by
 12 our last speaker, Mr. Lenny Murphy.

13 MR. PITCHER: That's a tough act to follow.
 14 My name is Tim Pitcher, and I live and work on the
 15 foot of Bottle Lake in Lakeville. I'm there now for
 16 the last 16 years because when I got out of college
 17 in the early seventies, I was attracted to the area
 18 by something I read in the 1971 Appalachian Mountain
 19 Club's guide to canoeing here in this area.

20 Unquestionably, in addition to the other
 21 conservation groups, I think it can be stipulated
 22 that the Appalachian Mountain Club has a long
 23 pioneering history here in the state of Maine,
 24 evidenced first and foremost by the Appalachian
 25 Trail and its celebratory terminus on Mount

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1 Katahdin. They speak highly of what has been known
2 as the Grand Lake Chain of Lakes from Springfield
3 out to the village of Grand Lake Stream Village,
4 out to Pleasant and all the way into the feeding of
5 the St. Croix River.

6 I attended some of the earlier hearings in
7 front of LURC and heard testimony that the
8 Legislature in Augusta took up the issue of the
9 scenic national and state quality of this watershed,
10 these lakes on which I live. They sought to protect
11 them then. I see no reason not to protect them now
12 as they did then and so I'm going to close by saying
13 it amazes me and I'm astonished and at a loss to
14 understand why First Wind doesn't get the meaning of
15 the word no, simple N-O. They had all the
16 opportunity in the world plus extensions to make
17 their case and failed. Here they are again. So in
18 respect to all that's come before and the testimony
19 you've heard about the generations to follow, please
20 deny this application. Thank you.

21 HEARING OFFICER: Thank you, sir. It is
22 five after nine so we're running a little over but
23 we will allow Mr. Murphy to speak.

24 MR. MURPHY: Good evening. I'd just like
25 to make one quick comment, if we have any problems

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1 that needs to be addressed directly. Washington is
2 out of control, they don't know where to spend the
3 money or how, and that's been proven. So any time
4 we have a taxation without representation issue, it
5 has to be dealt with seriously because these are
6 monies that are being squandered away and after 20
7 years, when the generators are obsolete, every five
8 years you have to replace all the moving parts, who
9 is going to afford that when the subsidies go away?

10 I'm responsible, as far as I know, for two
11 of their employees, as far as I know, quitting their
12 jobs because I convinced them that's not a
13 profitable long-range entity. Subsidies are going
14 to go away. Within a short time they're going to
15 realize what it actually costs us to make a
16 generator. Just one yard of cement puts out an
17 incredible amount of disturbing chemicals into our
18 society on this planet, just one yard of cement, let
19 alone all the millions of gallons that go in to
20 building these projects and tearing them down.
21 There is no cost benefit.

22 Now, you have to deal with the facts. The
23 facts are these are not windmills. Windmills grind
24 grain. They're not wind farms by any stretch of the
25 imagination. First Wind, in my opinion, is not

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1 with people trying to breathe or cough or choke, I'd
2 appreciate it if you'd leave the room temporarily so
3 that the opinions of the citizens here aren't
4 distorted in any way. Thank you.

5 I submitted two papers today to Jennifer of
6 the DEP, major documents. I'm here on a
7 Constitutional level as well as that of as a
8 citizen. My name is Leonard Murphy. I'm from the
9 little town of Woodville, just a little bit west of
10 here. I have a state-approved subdivision, I'm
11 president of a wood carving club, chaplain of the
12 DEV and many other positions, school board, planning
13 board, and I've seen the atrocities that capitalism
14 can bring to the American society, and it's not very
15 Pleasant between the cigarettes that don't harm you,
16 cars rotted out on purpose and the engineers had to
17 file against Ford Motor Company for forcing them to
18 do it.

19 Here we have the same type of situation.
20 We have basically head leaders and head companies
21 and they're not concerned about us. Okay, there's
22 one major issue I put in my paperwork today. Part
23 of it is there's no free lunch. Okay, every dollar
24 we take away from paying down on the debt, interest
25 is incurred and that's a national security issue

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1 based in Boston.

2 HEARING OFFICER: One minute, sir.

3 MR. MURPHY: They put an office in Boston
4 and they say they're based in Boston to appease us
5 here in New England. They are not from Boston.
6 Then they put in the papers up Mars Hill way that
7 there is no noise in the valleys. Is that why First
8 Wind has had to settle with 17 families up there
9 because of the harmful noise percussions? Okay,
10 we're calibrating noise. Noise isn't the problem.
11 It's the percussion that's causing people to have
12 problems with their ears just like in a bomb. It's
13 not the noise that destroys. It's the percussion,
14 the pressure. So we have to study things for what
15 the relativeness is for the pressure, not just
16 calibrating for the sound because that's not where
17 the problem lies.

18 The Big A Dam is probably what we need up
19 north. That can truly supply free clean power 24
20 hours a day, 365 days a year and basically life
21 expectancy forever. So we have to stick with our
22 Constitutional rights. Ever dollar we lose to First
23 Wind is dollars that we have to pay back in the
24 future, that we do not have to pay back now. How do
25 you expect we're going to in the future.

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1 One quick thing, I am developing a new
2 cushion, a new chair that's going to revolutionize
3 the chair market and we can have all kinds of jobs
4 in this area.

5 HEARING OFFICER: Thank you for your
6 testimony, and thank you, everyone, for coming out
7 tonight. Remember, there will be testimony
8 available to the public tomorrow night and there
9 will be an opportunity for submitting written
10 testimony until May 8th.

11 (Whereupon, the above-named hearing was
12 recessed at 9:15 p.m.)
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1 CERTIFICATE
2

3 I, Joanne P. Alley, a Notary Public in and
4 for the State of Maine, hereby certify that on the
5 30th day of April, 2013, personally appeared before
6 me the within-named witnesses who were sworn to
7 testify to the truth, the whole truth, and nothing
8 but the truth in the aforementioned cause of action
9 and that the foregoing is a true and accurate record
10 as taken by me by means of computer-aided machine
11 shorthand.
12

13 I further certify that I am a disinterested
14 person in the event or outcome of the aforementioned
15 cause of action.
16

17 IN WITNESS WHEREOF, I have hereunto set my
18 hand this 18th day of May, 2013.
19
20

21 _____
22 Joanne P. Alley
23 Court Reporter/Notary Public

24 My commission expires: July 17, 2015
25

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