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Memorandum

To: LUPC Commissioners
From: Nicholas Livesay, Executive Director
Samantha Horn Olsen, Planning Manager
Date: March 2, 2016
Re: Substantive Review Process for Wind Expedited Area Removal Petitions

The Commission has received the first requests for substantive review of petitions to remove places from the expedited area for wind energy development. As of the date of this memo, seven such requests have been received. Four are townships west of Moosehead Lake: Dennistown, Long Pond, Taunton & Raynham and Sapling. The other three requests are for Milton Twp, Carroll Plt, and Molunkus Twp.

The next set of decisions involves procedure. The Commission will need to decide whether to hold a public hearing on each of the requests. If five or more persons request a hearing, then one must be held. Otherwise, the Commission may decide whether a hearing would provide information that would be helpful to the Commission in making a decision, and the Commission may convene a hearing at its discretion, or decline to do so. A decision about public hearings may be done on a case-by-case basis, however, it takes time to solicit hearing requests from the public and for the Commission to act on the requests. It is likely that five or more persons will request a hearing for most substantive reviews, and in addition, the Commission may wish to ask questions of the person requesting the substantive review and of the public. For those reasons, it may be more efficient to simply decide in advance that a hearing will be held for every request. If there are multiple requests in one area, the hearing schedule can be coordinated or consolidated as appropriate. And for hearings that are not expected to be lengthy, one or more hearings can be combined with one of the Commission's regular monthly business meetings.

After a decision is made about holding a hearing, there are many procedural and scheduling considerations such as what information participants will file at what times; scheduling of meetings and hearings, including the order in which the various requests are handled; and opportunities for comment and rebuttal. If, for the sake of efficiency and timeliness, the Commission wishes to delegate such organizational decisions to one of the Commissioners, it may do so. At the Commission meeting, staff will review the next steps, discuss further the recommendation below, and consult the Commission about moving forward.

Staff recommendation:

The staff recommend that the Commission hold public hearings for all substantive review requests. Staff further recommend that the Commission delegate to the Chair or his designee the authority to make procedural and scheduling decisions.