From: KayCam@aol.com
To: Todd, Fred
Subject: LURC DP 4889 - Champlain Wind Comment on PO 15
Date: Wednesday, March 21, 2012 9:40:10 AM

Land Use Regulation Commission
Mr. Fred Todd,
Project Planner
22 State House Station
Augusta, Maine 04330 March 20, 2012

Dear Commissioners,

Re: LURC – DP 4889 Champlain Wind LLC, Bowers Mount Wind Project
Comment on Fifteenth Procedural Order

Thank you for the opportunity to comment on Champlain Wind's response to the Fifteenth Procedural Order.

I urge LURC to: 1) deny the applicant's request to withdraw its permit application, and 2) deny the permit application.

- The Applicant made a business decision not to provide the Commission with a reasonable outline of how it could reconfigure the project to lessen its scenic impact to an acceptable level, i.e. below the 'unreasonable adverse effect' level that the Commission was about to act upon by denying their application. While the Applicant's latest filing cites issues they deem to be out of their control, in the end, they admit it was a business decision not to give the Commission with what you asked for - convincing evidence that the scenic impact could be lowered with this project. They could have done it, even with the PUC decision in balance, even with the Production Tax Credit issue in balance, if they felt it was worthwhile. In the end, they decided not to do it.

- The Applicant cites LURC's thoughtful deliberations on scenic issues as 'unclear', implying that even in a celebrated scenic area, a permit application for a highly visible industrial project should be paint-by-number simple. The Commission took its time with the many scenic issues involved in this problematic application and made a carefully considered judgment against the permit. This is *not* a case of changes or vagueness in permitting expectations. It is a result of thorough investigation, careful consideration, and wise judgment.

- Without a clear 'deny' vote by the Commission on the withdrawal request and the permit itself, the next group of government officials to decide on a reconfigured project on Bowers Mountain will never know what actually went on in these deliberations. In its latest filing, Champlain Wind stated that 'a few of the Commissioners expressed concern' about the scenic impact. That is only about 15% of the story. It's like saying that the Commission met several times and drank a lot of coffee. <u>This statement leaves out the crucial fact that the Commission in fact voted to have the documents drawn up for a permit denial.</u> My concern is, if the Applicant is allowed to withdraw now, they will likely at some later date come back and resubmit an altered project. And when they do, they will again misstate what actually happened during these deliberations. They will minimize the lengthy discussions and serious issues the Commissioners surfaced about the

project's scenic impact and its economic impact on the Downeast Lakes. Because the Applicant has already shown it is not being straightforward about this issue, I believe there is no way one can argue that 'withdrawal' and 'denial' have the same legal effect. If the Commission allows them to withdraw, there is no clear paper trail of their deliberation and conclusions. The Commission must deny the withdrawal and the permit to make sure the Applicant will not try to twist the facts on the most crucial scenic issue in the future.

- Third, using fewer and smaller turbines will require an entirely new scenic impact study It would also very likely alter the cash flows to both the landowners leasing project land, and to the community benefit packages. In short, many key aspects of the project would have to be renegotiated and redesigned from the ground up. That would require a whole new project application, not an amended project.

In sum, the Applicant could have come back with an outline of an altered project, but they did not. The Applicant's investors are astute business strategists. They decided not to spend time and money designing even an outline of an amended project that I suspect they knew would not be approved. Therefore, I urge you to follow through and close the matter by denying the withdrawal request and the permit application.

Thank you for your service to the people and the State of Maine.

Sincerely,

Kay Campbell
30 Hancock Road
Hingham, MA 02043