

Chairman Hilton, Land Use Regulation Commission Members:

My name is Gordon Mott. I live in Lakeville. I am a forester in active private practice. My career has involved modest forest biological and silvicultural science research, forest protection, forest conservation, policy and management in New England and Eastern Canada since 1950. My work and residence for the last 22 years in this region has included properties in Topsfield, Kossuth, Carroll Plantation, Lakeville, Springfield, Lee, T3R1 NBPP, Passamaquoddy Tribal Lands and participation in Management Planning for the Public Lands in the Eastern Interior Region.

I have concerns and interests in the economic, natural resource, cultural and conservation futures of this distinguished part of Maine.

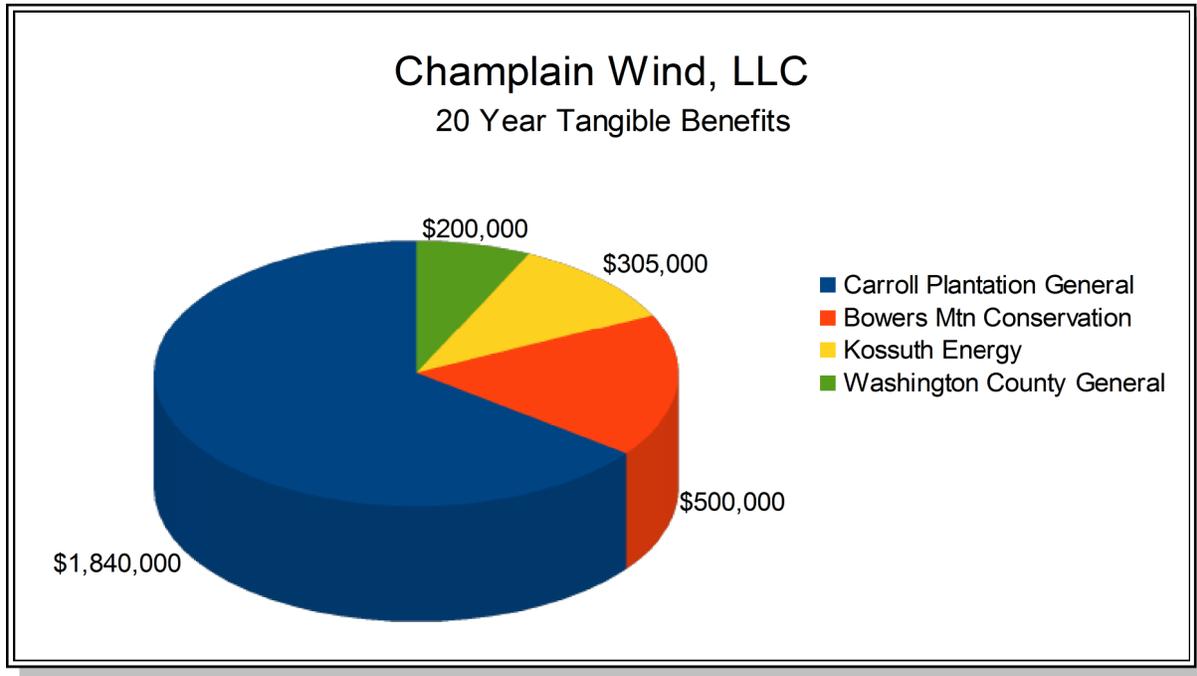
We personally have ownership of 398 acres in 7 different properties in Lakeville. Five of these properties are located on the highest topography including 1,047 foot Almanac Mountain from which Bowers Mountain is prominently presented at a distance of about 4 miles.

I speak in qualified support of the proposal for Natural Resource Conservation that is to be part of Tangible Benefits if the Bowers Wind Project is permitted.

In coming to this position on the proposed Champlain Wind, LLC Development Permit 4889, I acknowledge the following considerations:

- 1) Establishment of 27 wind turbines on the high ridges in the proposed region, with required night lighting, will produce profound changes in the valued natural vistas of the region. Landowners have purchased private property for year-round and seasonal residences here because of the unique natural character and resources of the region ever since Governor Joshua Chamberlain signed the private law that established Lakeville as a Plantation on February 29th 1868. (Lakeville became incorporated as a Town in 1976.) While these natural vistas are not privately owned as are the great ponds and public waterways, and instead belong to the ridge landowners, some aspects of scenic character have been accepted to be subject to standards in the public interest. There are standards for shielding and restricting terrestrial night lighting to illuminate no further than the boundaries of private property ownership, for example; shoreland vegetation management standards and setbacks serve to maintain natural character as well as water protection in both LURC and DEP jurisdiction; residential development on high elevations are subject to visual rules. It is only fair and just that if wind power development will be permitted prominently on these natural ridges, that in some fashion there should be compensation or mitigation to the affected public for the visual impacts.
- 2) At the same time, the rights of private property owners to invest and develop on their own land as permitted by statutes and rules is to be absolutely observed and given deference. The deliberation of the Commission will establish those rights in this case.
- 3) The only mechanism provided by statutes to compensate for the negative public visual impacts is the provision in MRSA Title 35-A Chapter 141 for Tangible Community Benefits to be paid at a rate no less than \$4,000 per turbine per year averaged over 20 years. Tangible Community Benefits are to be utilized for public purposes, including, but not limited to, for property tax reductions, economic development projects, land and natural resource conservation, tourism promotion or reduction of energy costs. The provisions in statute focus payment of benefits to the host communities which in this case consist of Carroll Plantation and Washington County.
- 4) It is recognized this is the first, or one of the first instances where Tangible Benefit agreements are made in permitting. Precedents are being set.

- 5) Champlain Wind, LLC has constructed and negotiated Tangible Benefit agreements which, over a twenty year period, will benefit Carroll Plantation to the extent of \$1,840,000 for all purposes; Washington County, \$200,000; Kossuth, \$305,000 for energy cost reduction; and Carroll Plantation, Lakeville and Kossuth, \$500,000 in a Bowers Mountain Conservation Fund for natural resource conservation.
- 6) In total, the Tangible Benefits agreements aggregate to an average of \$5,269 per turbine per year.



Positive Aspects of Proposed Natural Resource Conservation Benefits

The following considerations contribute positively to a position of qualified support for the Bowers Mountain Conservation Fund Proposal for natural resource conservation:

- A) Natural resource conservation benefits will come to the affected local region. By the terms in Title 35-A, there is no requirement that natural resources be conserved. Tangible benefits of other kinds could well have been chosen. It would have been valid to contribute to conservation elsewhere in the State and still satisfy the requirement of statute if such an agreement had been reached with host communities. To focus benefits in the local affected region in recognition that balance is to be sought for impacts that will be made to local natural values, is an excellent and appropriate principle.
- B) Although Tangible Benefits are only required by statute to be paid to Host Communities, in this proposal, conservation benefits are generously extended to include the Town of Lakeville as an affected community in recognition of the magnitude of the interests to the elevated and lake properties.
- C) Provision is allowed in the proposal to conduct comprehensive natural resource conservation planning to prioritize conservation opportunities and actions. At least part of the kind of municipal and regional comprehensive planning that should precede massive industrial development at this scale in any community will be performed here after the fact, for natural resource conservation values. It is to be expected that a rational, thoughtful foundation for the ongoing program will be established.

D) An entity which couples local governance together with Forest Society of Maine, a conservation organization of recognized standing, is to be established to identify opportunities, solicit proposals, and pursue local conservation activities on an ongoing basis. Initial funding at \$120,000 will permit an early productive start. The applicant is bearing the costs of establishing the entity.

E) The proposal provides a mechanism whereby local land trusts and conservation organizations will be able to benefit, augment, and participate in bringing natural resource conservation to the region. Initial early inquiries to those local organizations concerning their ability and willingness to participate in governance of a local Tangible Conservation Benefits entity indicated that because of the divisions in their membership concerning wind development, none could participate directly at the outset. It was also clear that it will be desirable for the local trusts to be eligible to participate in future conservation activities if the development is permitted - and that they would be in a conflict-of-interest position if they participated in any way in governance. The proposed local entity will provide a desirable arm's length, third party relationship that will permit positive future participation.

F) Finally, while it is fair to conclude that the level of natural resource conservation that will become possible under this proposal will not compensate for the perceived negative impacts, it is important to recognize that although there are active successful land trusts in this general region, there are virtually no natural resource conservation actions in these municipalities. It is likely that little will take place if these funds were not available.

Candidates for Natural Resource Conservation

It is recognized that there are candidate elements for conservation in this region that are consistent with the vision in the Comprehensive Land Use Plan (underlined emphasis added):

“G. LAND CONSERVATION (See Chapter 4)

Goal: Encourage the long-term conservation of select areas of the jurisdiction that are particularly representative of its cultural and natural values, including working forests, high-value natural resources and recreational resources.

Policies:

1. Encourage conservation efforts that protect one or more of the following: working forest or farmland; landscape features of statewide, regional or local significance; public access to lakes, rivers or ocean waters; high-value recreational resources; high-value natural resources; and undeveloped, multiple use lands in high-growth areas.

a. In areas distant from population centers and infrastructure, encourage conservation of large, landscape-level areas of the jurisdiction, particularly those that allow continued use of the forest for wood products and recreation. Work cooperatively with landowners and conservation organizations to encourage the designation of large tracts of land with these values for limited or no development.

b. In areas proximate to population centers and infrastructure, encourage targeted conservation that protects high-value natural and recreational resources, open space and rural character.”

Three examples of known candidate elements of these kinds for conservation in this region are winter deer yards (Exhibit 1); multiple-use property offering public river access, community open space, and working forest (Exhibit 2); and areas of prime farmland soils and soils of statewide significance (Exhibit 3).

Adequacy of Conservation Funding

As a preface to the brief discussion that follows, I want to acknowledge that I consider the Tangible Benefits proposals made by Champlain Wind, LLC to be thoughtful in intent, to reflect the interests of the region, and that they are generous in full measure by the standards in statute. While there are needs and opportunities for conservation in the region, it should not be viewed in any way that the current developer should take principal responsibility to correct all the oversights of the past.

At the same time, in a spirit of recognizing that some will see an imbalance between the magnitude of the impact of the development and the magnitude of the offering to balance that impact, and undertaking to set the bar as high as possible for future proposals, I offer the following observations in the unlikely event the thoughtful applicant might be moved to even greater generosity.

Firstly, the value of development easements on a willing seller - willing buyer basis for those properties containing significant farmland soils which will become more and more important in the future as the region becomes dependent on local agricultural productivity because of population increases and the growing cost of transportation, is likely to be in the range of \$1000 to \$5,000 per acre depending upon location. In general these are prime development areas. \$20,000 per year will conserve only limited amounts of the eligible acreage.

Secondly, the value of easements for retention of high timber stocking in mapped and unmapped deer yards has not been adequately calculated based upon the reduction in revenue that will be experienced under current deer yard management standards. Such analyzes are underway in relation to programs being enacted by the 125th Legislature. Some initial estimates range from \$50 to \$100 per acre per year based upon the foregone timber revenue.

Third, land that contains water values and stocked timber will be valued at \$1,000 per acre and up. The initial funding of \$120,000 could be depleted quickly.

Fourth, there will be an expense associated with conducting an initial natural resource inventory and comprehensive management plan.

The wide range of other possible conservation initiatives that include developing water access, supporting local natural resource education, protection of old-growth forest fragments, arranging for payment of local property taxes on conserved property if deemed appropriate, acquisition of public green space for the future of the community, will require careful stewardship and prioritization of the conservation funds that are to be made available.

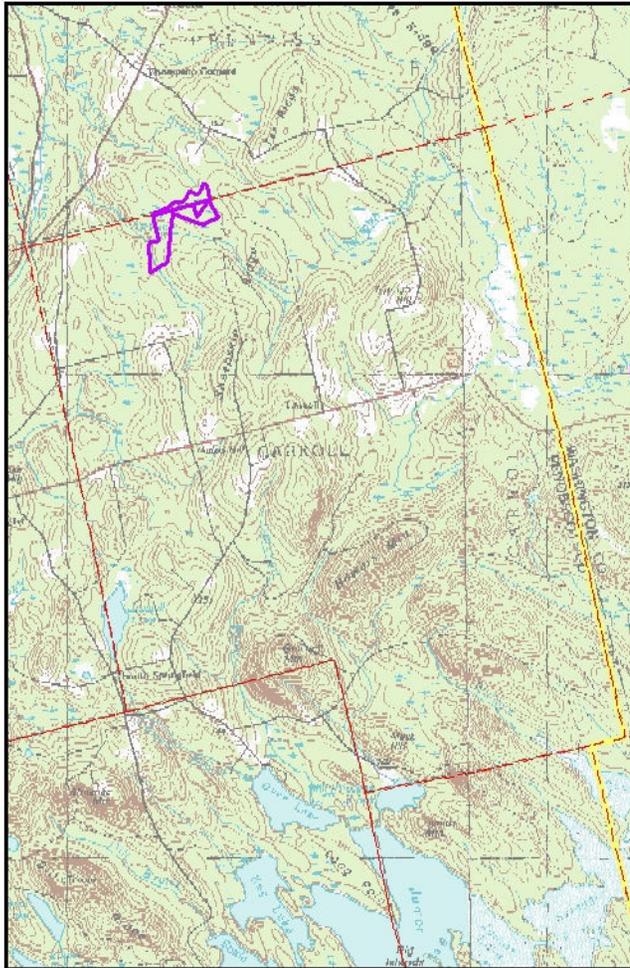
Perhaps incorrectly, it is estimated that the \$5269 in Tangible Benefits per turbine will be produced in 23 hours in a year for the 2.5 MW turbines and 17.5 hours for the 3.0 MW turbines, based upon a 25 % efficiency from wind occurrence and \$.10 KH hr for energy generated. That's 3.8 and 2.9 minutes out of 1440 minutes per day while the turbines stand in the natural vistas.

In any case, we are truly offered a positive opportunity in our region on our watch, in accord with the observations of Theodore Roosevelt whose visit to our state is commemorated at Bible Point to our north: *"I ask you to profit from the mistakes made elsewhere, and so handle natural resources that you leave your land as a heritage to your children, increased and not impaired in permanent value."*

I support the conservation proposals with gratitude.



Deer Wintering Areas in Carroll Plt.



- Piping Plover / Least Tern Nesting, Feeding, & Brood-rearing Area
- Roseate Tern Nesting Area
- Deer Winter Area
- Inland Waterfowl / Wading Bird Habitat
- Tidal Waterfowl / Wading Bird Habitat
- Seabird Nesting Island
- Shorebird Area
- Significant Vernal Pool
- Endangered, Threatened, & Special Concern Species Habitat
- Township Boundary
- County

0 0.8 1.6 2.4 3.2 Miles

1 = 100,000

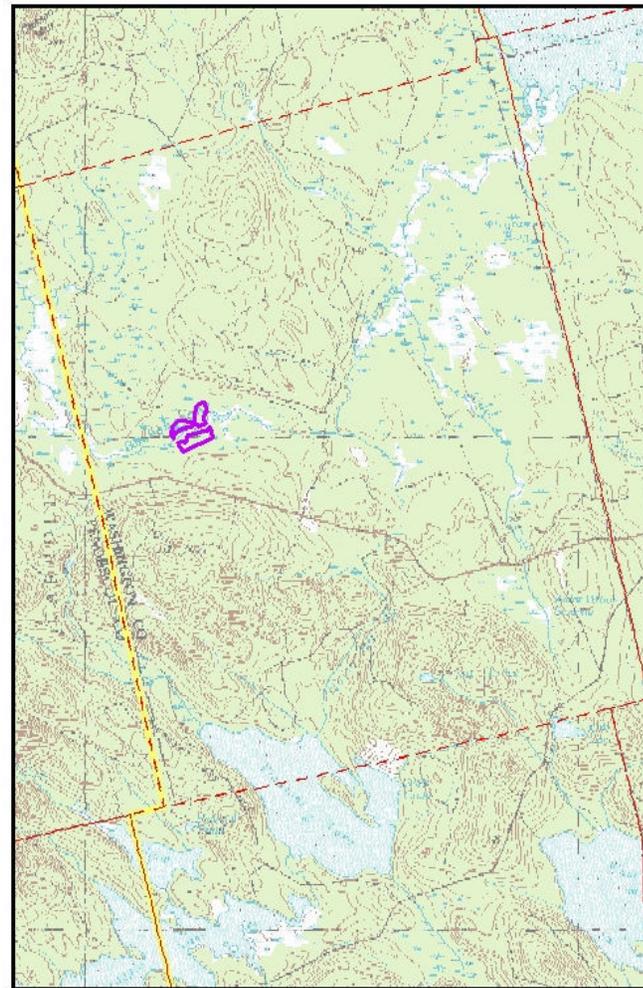
UTM Projection, Zone 19N, NAD83



73 Cobb Road
 Enfield, ME 04493
 Voice: (207) 732-4132
 Fax: (207) 732-4405
 February 28, 2011



Deer Wintering Areas in Kossuth



- Piping Plover / Least Tern Nesting, Feeding, & Brood-rearing Area
- Roseate Tern Nesting Area
- Deer Winter Area
- Inland Waterfowl / Wading Bird Habitat
- Tidal Waterfowl / Wading Bird Habitat
- Seabird Nesting Island
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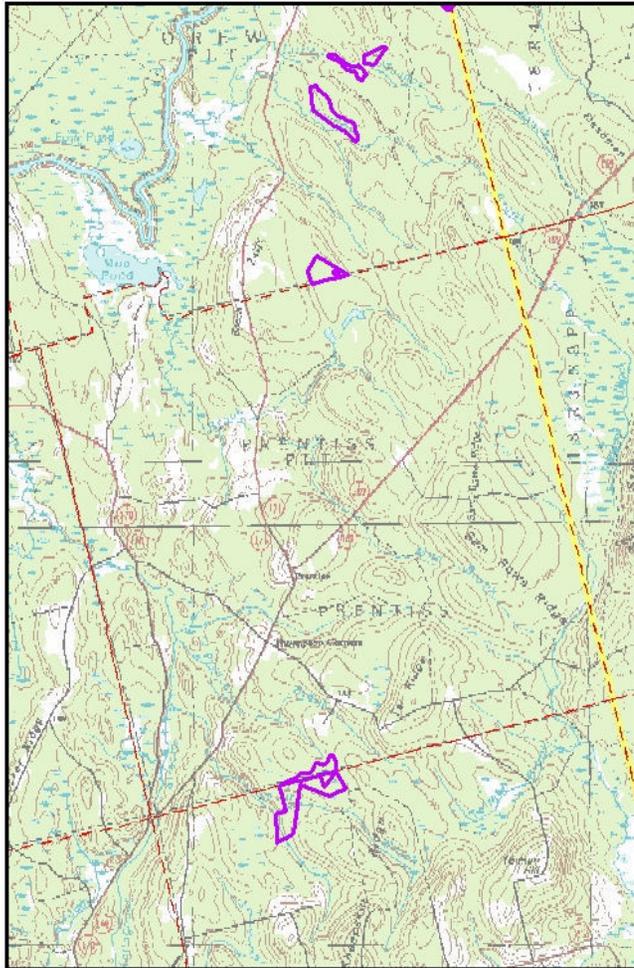
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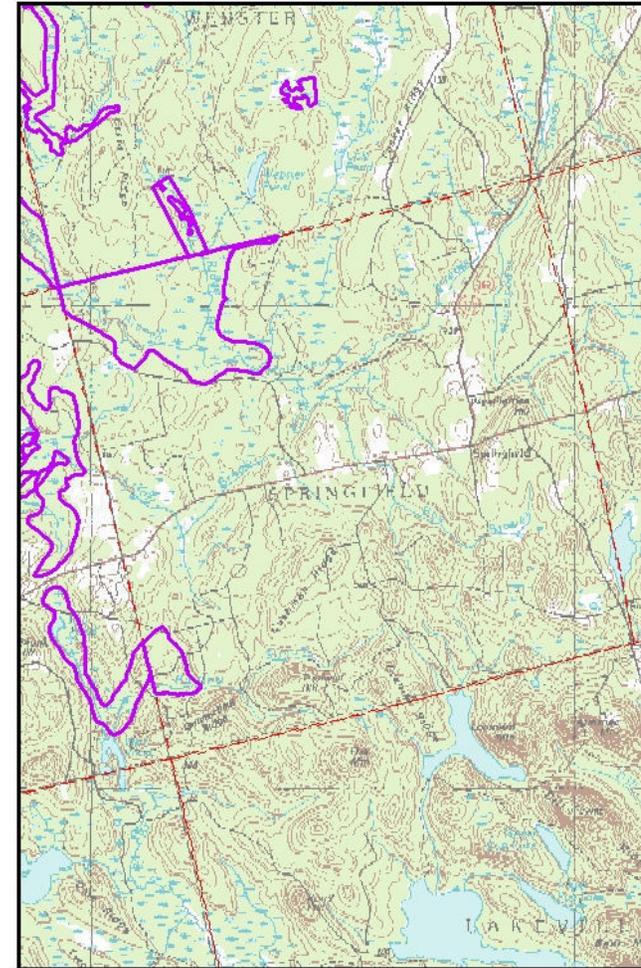


Deer Wintering Areas in Prentiss



- Piping Plover / Least Tern Nesting, Feeding, & Brood-rearing Area
- Roseate Tern Nesting Area
- Deer Winter Area
- Inland Waterfowl / Wading Bird Habitat
- Tidal Waterfowl / Wading Bird Habitat
- Seabird Nesting Island
- Shorebird Area
- Significant Vernal Pool
- Endangered, Threatened, & Special Concern Species Habitat
- Township Boundary
- County

Deer Wintering Areas in Springfield



- Piping Plover / Least Tern Nesting, Feeding, & Brood-rearing Area
- Roseate Tern Nesting Area
- Deer Winter Area
- Inland Waterfowl / Wading Bird Habitat
- Tidal Waterfowl / Wading Bird Habitat
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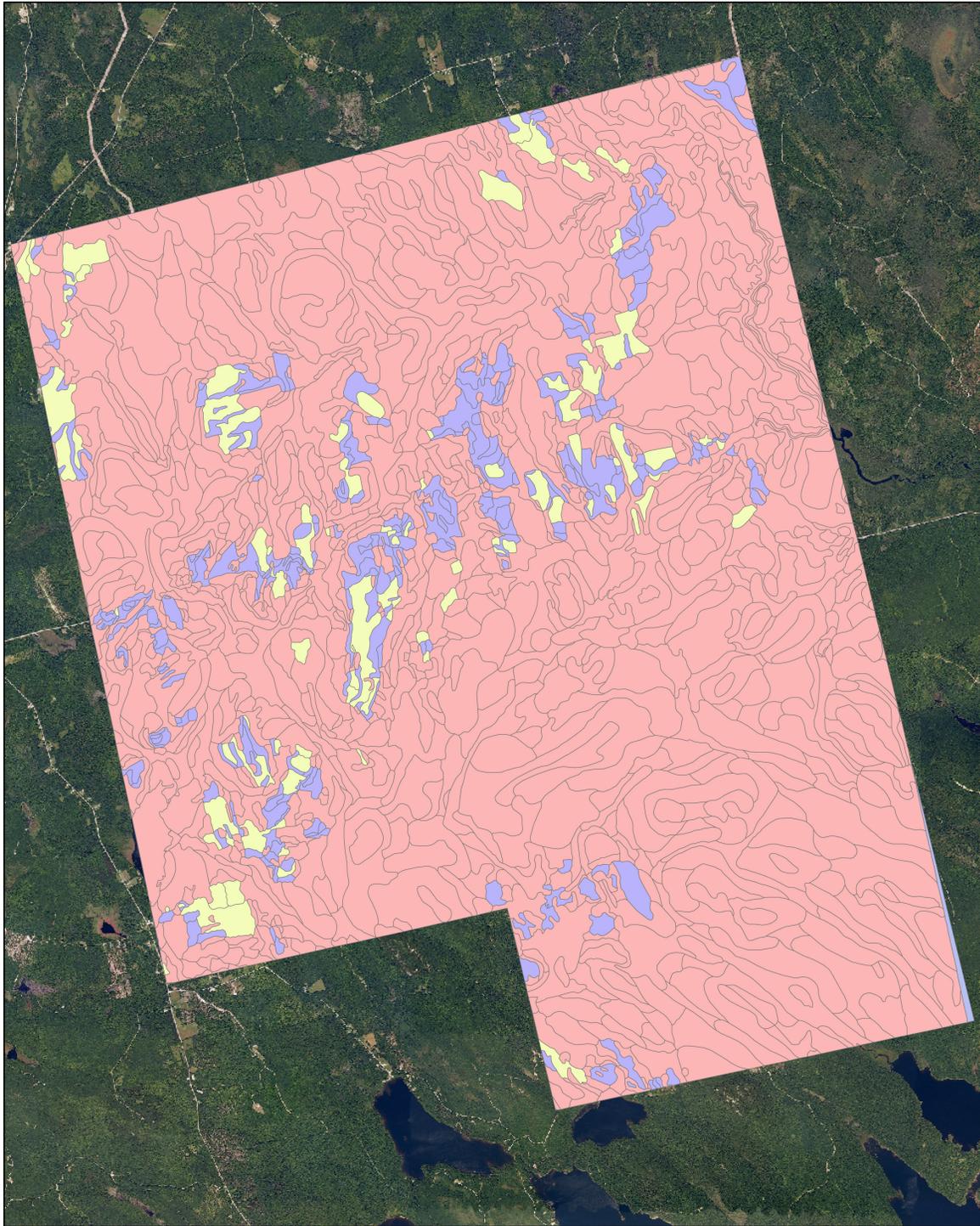
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Exhibit 2

Example of multiple-use Carroll Plantation property offering public river access, community open space, working forest and unique natural area forest fen and bog.





Legend

Soils Map

-  All areas are prime farmland
-  Farmland of statewide importance
-  Not prime farmland
-  Township Polygon



Carroll Plantation Soils Map