



STATE OF MAINE
 DEPARTMENT OF CONSERVATION
 MAINE LAND USE REGULATION COMMISSION
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 COMMISSIONER

TO: Review Agencies and Interested Parties

FROM: Marcia Spencer Famous, Senior Planner
 Planning Division
 (207) 287-4933 *MSF*

DATE: September 28, 2005

SUBJECT: Pre-submission conference, Redington Mountain Windpower, LLC;
 Proposed windfarm in Redington Township, Coplin Plantation, Wyman
 Township, and Carrabassett Valley, Franklin County

The following is a summary of the pre-submission conference held on September 9, 2005 (9:00 am to 12:00 pm), at the first floor conference room 109, Harlow Building, Department of Conservation, Augusta. The meeting was held in accordance with the requirements for a pre-application conference under the Land Use Regulation Commission's (LURC) rules for (D-PD) Planned Development Subdistricts, Section 10.21,G of the Commission's Land Use Districts and Standards; and the Maine Department of Environmental Protection's (DEP) Site Location of Development rules requiring a pre-submission meeting.

Attendees

Agency representatives

Marcia Spencer Famous, LURC
 Catherine Carroll, LURC
 Fred Todd, LURC
 Lisa-kay Keen, DEP
 Dave Rocque, State Soil Scientist
 Bob Marvinney, MGS

Agencies invited but not in attendance

Maine Department of Inland Fisheries & Wildlife
 U.S. Fish and Wildlife Service
 U.S. Army Corps of Engineers



Others

Steve Clark, MATC

Redington Mountain Windpower, LLC

Harley Lee, EEC

Eva Polisner, EEC

Jason Huckaby, EEC

Jeff Thaler, Bernstein Shur Sawyer & Nelson

Steve Pelletier, Woodlot Associates

Al Frick, Frick Associates.

Dave Estey, E-PRO

Terry DeWan, DeWan Associates

Dwight Anderson, DeLucca-Hoffman

John Hanisch

A. Background of meetings held

In January of 2002, a pre-application conference including LURC and DEP staff, as well as the relevant state and federal agencies and some of the interested parties, was held on the Redington Mountain Windpower (RMW) project. Because three years had passed, the meeting on September 9, 2005 was held to update the relevant review agencies and present an overview of the completed application. The memo of the January 2002 pre-application conference is available for reference from LURC, upon request.

On August 22, 2005, a meeting of LURC and DEP staff, consultants representing Endless Energy Corporation (EEC), the Maine Department of Inland Fisheries and Wildlife (IFW), and the U.S. Fish and Wildlife Service (FWS) was held to review the results of EEC's environmental studies (avian, small mammal, RTE species, etc.), and for the wildlife agencies to share preliminary comments on the work.

A pre-submission meeting for the stakeholders and interested parties has been planned for September 28th, 2005, at the Harlow Building, Department of Conservation, Augusta, from 10:00 to 12:00.

B. The following presentations were conducted by Endless Energy Corporation (EEC) and its consultants on the Redington Mountain Windpower (RMW) project.

1. *Project overview and general information on energy production and windpower.*

Harley Lee, EEC

Subjects covered in this presentation included:

- a. Who Endless Energy is, its mission, background and experience
- b. Overview of the country's energy problems

- c. The energy situation in New England and Maine, and wind projects in New England
 - d. Windpower as a part of Maine's energy mix
 - e. Wind resources in Maine
 - f. Current windpower technology
 - g. The Redington Mountain Windpower project: towers, roads, lighting, locations of underground and above ground utility lines, jobs as a result of the project, public opinion surveys, etc.
2. *Permit application contents and format. Eva Polisner and Jason Huckaby, EEC*
A walk-through of how the application is set up was provided, and questions were asked about where various components of the projects proposal are housed. The application has been set up using a checklist based on the DEP's Site Law for the format because of the need to coordinate the reviews by LURC and DEP and the similarity between DEP's Site Law required submissions and the standards in Section 10.26 of LURC's Land Use Districts and Standards. The checklist also incorporates all submissions required under LURC's Section 10.21,G,8, for a (D-PD) Planned Development Subdistrict. A brief discussion about who is on the reviewers' list and the number of electronic and paper copies to be provided followed.
3. *Civil engineering/roads. Dwight Anderson, DeLucca-Hoffman*
The presentation described the existing roads, and the proposed roads on Redington Mountain and Black Nubble Mountain to accommodate the size of the turbines; areas needing road improvement; cut and fill areas; slope; and wetlands and crossings. The proposed impact for road construction has been minimized as follows: various routes were evaluated and the available routes that would affect the fewest wetlands, require the least amount of cut and fill, and have the lowest environmental and visual impact were chosen. The development of all work to be proposed included prior consultation with LURC, DEP, and the State Soil Scientist.

Considerations for handling surface and subsurface drainage were discussed when Dave Rocque asked how storm water would be handled. It was requested that the erosion/sedimentation control measures proposed be specific the locations where they would be used. Dave Rocque also asked if roads to access the utility lines, both for construction and for maintenance, were included in the application. How the towers would be installed was also discussed.

4. *Soils: Al Frick, Albert Frick Associates*

Mr. Frick has consulted with Dave Rocque on this project for eleven years, and Class B high intensity soils mapping has been done. Mr. Frick also prepared the septic system design for the maintenance building. A primary focus of the soils work has been to interface the soil characteristics with DeLucca-Hoffman's "tool box" approach to erosion control for road construction. Site-specific erosion

control practices have been developed. Mr. Frick recognizes Dave Rocque's concerns for underflow layers and dispersion of flow. The approach is to assure there would not be concentrated channels of runoff formed. Other factors considered include: soil stoniness, slope/gradient (interfacing slope concerns with erosion control measures; fragile mountain soils, and addressing issues for re-vegetation.

Dave Rocque mentioned his concern for high mountain soils, and recommended the use of wood chips or bark mulch in lieu of conservation mix as a better alternative for high areas. Grinding brush and stumps, and re-using the wood in place instead of using stumps dumps, to the extent possible, was discussed.

5. *Visual assessment. Terry DeWan, T.J. DeWan Associates*

A summary of the work done to assess the visual impact of the project was presented. DEP's Chapter 315 methodology for scenic impact was used, but he also addressed LURC's Chapter 10 requirements. Key points discussed were locations where the project would be visible from up to a distance of approximately 15 miles, types of viewpoints (roads, waterbodies, Appalachian Trail, etc) the project would be visible from, design and layout considerations that have been incorporated to minimize the visual impact, and coordination with EEC wildlife consultant to reduce visual impacts while not increasing adverse affects on wildlife. A summary of the fieldwork done during the assessment was provided. Visual simulations were presented, and the results of surveys of public opinion conducted by EEC were also discussed.

6. *Wildlife and wetland assessment. Steve Pelletier, Woodlot Alternatives*

A summary of the environmental work completed since 1993 was presented. All work was conducted in consultation with LURC, DEP, IFW, and FWS. Work completed included spring and fall avian migratory and breeding bird surveys, small mammals, wetlands, evaluation of plant communities, and TRE species searches. An in-depth presentation was provided to IFW and FWS staff on August 22nd to allow for a more detailed discussion of the study results (see Section A, above). Bat surveys, a concern that has recently been identified for some windpower projects, are being conducted in 2005. Total wetland impacts would be less than one acre, including indirect (cutting) impacts: approximately 7600 square feet would be direct wetland impact (alteration or fill). The site was ecologically characterized as a working forest, because much of it has been harvested heavily. Habitat for Bicknell's Thrush was a primary focus. Management and habitat protection provisions have been made for habitat of the one rare small mammal found in the site vicinity, the Northern Bog Lemming.

7. *Electrical design/utility lines. David Estey, E-PRO Engineering*

E-PRO worked on four segments of the distribution system, and the fifth, connecting the project to the grid, was done in Central Maine Power's Phase I

study. EEC has also been working with ISO-New England (ISO-NE) on this project. The presentation covered the locations of the proposed utility lines, both in the unorganized townships and in Carrabassett Valley. A description of the above and below ground portions of the lines, the size of the lines up to the proposed substation, and the size of the line to the existing Bigelow substation on Route 16/27 was presented. The size of the utility line corridors, clearing, and title-right-interest were also discussed. Legally acceptable variations of the size of the corridors and the amount of clearing required for maintenance were explored. Dave Rocque asked about access to the utility line corridors, and asked if the work, especially on steep slopes, would be done under frozen or saturated conditions.

C. Questions and answers

EEC was asked to explain what role does FERC, PUC, and ISO-NE play in this project. Catherine Carroll asked questions about several issues of concern for review of the application: (1) what is the feasibility in Maine for additional power generation, given the currently limited transmission capability connecting Maine with the New England grid; (2) how does the applicant propose to decommission the project, including funding, if such an activity becomes necessary in the future; (3) has EEC been working with the Public Utilities Commission; and (4) does EEC propose to put any land into conservation?

EEC responded that it has been working on this project with CMP and ISO-NE for a number of years. ISO-NE oversees the process, makes sure there is adequate capacity to make sure the grid will behave properly. ISO-NE and CMP determine if there is room on the grid. EEC has been in the ISO-NE queue for a number of years, but other developers presently approaching LURC may or may not be in the queue. PUC has received directives from the legislature to study wind energy and has issued at least one report. FERC makes the rules for transmission systems, ISO-NE administers the rules. CMP did a system impact (Phase I or "stability") study years ago to assess the connection of this project to the grid. CMP completed and ISO-NE approved an updated "Steady State Analysis" in March of 2005 for the 90MW wind farm. By year-end CMP expects the Stability portion of the study to be complete.

EEC recognizes that there is limited transmission capability to get power out of Maine. EEC has a power marketer who is also looking at options for selling the power in-state. EEC explained that for transmission of power out-of-state, there are two issues: getting onto the grid within Maine, and getting the power out of Maine. EEC would sell its power to a marketer, who then has the responsibility to get the power out of Maine, or to sell within Maine. One of EEC's original reasons for choosing the Redington Township site was because it had adequate transmission capacity for a wind farm.

In respect to mitigation/decommissioning, for a wind farm the operating cost is low because most of the cost is up front for construction. Also, there is every incentive to replace turbines when they wear out rather than abandon them. The Kenetech project was not abandoned because it was very valuable - there was a bidding war after Enron went bankrupt. EEC recognizes that under the (D-PD) Planned Development Subdistrict rules, management plans are required.

EEC owns approximately 1000 acres. They are putting effort into conservation, but not this specific site. EEC has been working on conservation efforts elsewhere.

D. Administrative requirements

A brief discussion followed about administrative requirements and projected timelines, with EEC stating that it hopes to submit the application to LURC in approximately two weeks. The submittal to DEP would be sometime after September 16th. Due to the late hour, it was decided that LURC staff would compile the known and projected timelines and administrative requirements in this memo for distribution to the applicant, review agencies, and interested parties. Section E presents the tentative schedule for submission to LURC and DEP, known dates, and various administrative requirements. At this time, the schedule is tentative, and likely to change.

E. The administrative requirements and processing timeline, to the extent they are known, are based on LURC's Section 10.21.G and DEP's Site Law, as well as LURC and DEP standard permit review practices.

- 1 The applicant intends to submit the application electronically as a CD for convenience, except where a paper copy will be required or requested. The number of copies of the permit application needed are: (a) paper copies - 6; and (2) electronic copies - 29.

Once accepted for processing and sent out for review, the application will also be posted to LURC's website to facilitate access by interested parties. Paper copies will be available for review by the public at LURC's Augusta and Rangeley offices by appointment.

2. Agency and interested parties reviewers list

LURC - 2 paper (one for Rangeley office) and 3 electronic
DEP - 1 paper and 1 electronic
DEP/DMW, Art McLaughlin
DEP/DEA, John Hopek/Tom Danielson
Franklin County Commissioners - 1 paper (for public access)
Town of Carrabassett Valley - 1 paper
Dave Rocque - 1 paper (requested)
Maine Geologic Survey, Bob Marvinney

MDIFW, Steve Timpano, Tom Hodgman, Kim Morris, Forrest Bonney,
Chuck Hulse, Bob Cordes
USFWS, Larry Miller
MDOT, Planning
Carrabassett Valley Planning Board, John Diller
U.S. Navy, Capt. Womack (attn: Kari S. Moore)
ACOE, Jay Clement
MHPC, Art Speiss
MNAP, Molly Docherty
Franklin County SWCD
AMC, David Publicover
ATC, J.T. Horn
MATC, Donald Stack
NRCM, Peter Didisheim/Brownie Calson
Maine Audubon, Kevin Carley/Jenn Burns/Jody Jones
Conservation Law Foundation, Rob Gardiner
RLHT, Nancy Perlson
Dain and Vera Trafton

Other interested parties

NPS, Don Owen and Pam Underhill
College of the Atlantic, Steve Katonah
FAA, Bill Cronan
TNC, Barbara Vickery
PUC, Beth Nagusky
PUC, Marjorie McLaughlin/Mitch Tannenbaum
Larry Warren
Saddleback Ski Resort
Sugarloaf Ski Resort

3. *Land Use Regulation Commission (LURC): Petition to rezone to a (D-PD) Planned Development Subdistrict and application for Preliminary Development Plan*
- a. Submission of the petition/application is planned by the end of September.
 - b. September 28th : Meeting for stakeholders and interested parties.
 - c. Within 45 days of receiving the petition/application, LURC staff will take the request for a public hearing to the Commission to formally request the public hearing. Under Section 10.21,G, of LURC's Land Use Districts and Standards, a public hearing is required for a proposal to rezone to a (D-PD) Planned Development Subdistrict. The exact date of the public hearing may or may not be set when the Commission hears the request.
 - d. After the application is submitted, staff will review it for completeness. The applicant will be notified in writing when the application has been deemed complete.
 - e. Once accepted, LURC will send the application out for review, giving 45 days for comments to be submitted. Additional time for applicant

responses to agency review comments and subsequent agency review may be needed. [Note: LURC and DEP intend to consolidate their reviewers' lists and coordinate the review periods to the extent possible.]

- f. A public hearing will be held in the vicinity of the proposed project.
- g. Requests for intervenor status will be considered by the Commission at one or more of the regular monthly Commission meetings.
- h. After the intervenors have been identified, a pre-hearing conference date will be set.
- i. After the public hearing record closes, the Commission has 90 days to make a decision on the petition/application.
If the petition /application is approved, the applicant has 18 months to submit a request for the Final Development Plan, which then is taken to the Commission for decision within 90 days of submittal of a complete application. This time period may be extended if good cause can be shown.

4. *Maine Department of Environmental Protection: Site Location of Development permit application*

- a. As required under the Site Location rules, a public information meeting was held in the Town of Carrabassett Valley on September 14th.
- b. Submission of the application to DEP is expected to be sometime after September 16th.
- c. After submission, DEP has 15 working days to accept the application.
- d. Once accepted, DEP will send the application out for review, giving 45 days for comments to be submitted.
- e. Once accepted, DEP has 185 days to make a decision.
- f. If additional information is found to be necessary during the review period, the applicant will have 30 days to respond.
- g. Once additional information is received, an additional 30 days for review will be allowed.
- h. The process will be repeated until agency sign-off has been established.
- i. A final decision on the proposal will be made by staff. [Note: DEP is not anticipating that the Board of Environmental Protection will take jurisdiction.]

cc: Harley Lee, EEC
Jeff Thaler, Bernstein Shur
Catherine Carroll, LURC
Lisa-kay Keen, DEP
Dave Rocque, MDA
Bob Marvinney, MGS
Steve Timpano, IFW
Jay Clement, U.S. Army Corps of Engineers
Larry Miller, USFWS/Old Town
Peter Didisheim, NRCM

David Publicover, AMC
Donald Stack, MATC
Steve Clark, MATC
J.T. Horn, ATC
Kevin Carley, Maine Audubon
Rob Gardiner, Conservation Law Foundation
Beth Nagusky, PUC
Mitch Tannenbaum/Marjorie McLaughlin, PUC
Dain and Vera Trafton
Kari S. Moore, U.S. Navy/Brunswick
Franklin County Commissioners
Town of Carrabassett Valley
Carrabassett Valley Planning Board
