

EXHIBIT 5

Lynne A. Williams, Esq.

13 Albert Meadow, Bar Harbor, Maine 04609

Tel: (207) 266-6327 Fax: (207) 669-8347 E-mail: LWILLIAMSLAW@earthblink.net

February 16, 2009

Commissioner David Littell
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

RE: Record Hill Wind LLC application

Dear Commissioner Littell:

I have been a legal advisor to the Concerned Citizens to Save Roxbury (CCSR), an association of landowners and residents in Roxbury and environs. I am submitting this letter as my input regarding the pending application by Record Hill Wind LLC for a permit for an industrial wind farm in Roxbury. It is my understanding that there is a public meeting on this issue scheduled for February 18, 2009, and I am submitting this letter as my written testimony.

Thank you for scheduling a public meeting on this application, although I do disagree with your contention that there is no credible conflicting technical information regarding licensing criteria relevant to this application. I urge you and your staff to pay careful attention to the written and oral testimony and comments that are submitted, because the more that we all learn about the impacts of wind turbines, on individuals, wildlife and communities, the more we need to slow down and not rush into a technology that can have dire consequences for our state. Remember, asbestos seemed a good idea at the beginning.

Most importantly, however, I wish to convey the grave concerns that I have with the newly enacted statute's definition of "tangible benefit." 35-A M.R.S.A. §3451 defines tangible benefit as

environmental or economic improvements attributable to the construction, operation and maintenance of an expedited wind energy development, including but not limited to: construction-related employment; local purchase of materials; employment in operations and maintenance; reduced property taxes; reduced electrical rates; natural resource conservation; performance of

construction, operations and maintenance activities by trained, qualified and licensed workers in accordance with Title 32, chapter 17 and other applicable laws; or other comparable benefits, with particular attention to assurance of such benefits to the host community to the extent practicable and affected neighboring communities.

The statute goes on to state “the primary siting authority shall *presume* that an expedited wind energy development provides energy and emissions-related benefits described in section 3402 and shall make additional findings regarding other tangible benefits provided by the development.” [emphasis added] *Presume?* This statute is mandating that the DEP make a presumption that is entirely one-sided and, in my opinion, requires it to violate it’s own regulations that apply to the review of development applications. A presumption of tangible benefits, including but not limited to those “benefits” enumerated in 35-A M.R.S.A. §3451, fails to take into account – no, forbids the DEP from taking into account – the cost side of the equation. That is, what are the costs of those “tangible benefits” that are enumerated in the statute?

In fairness to the DEP, I realize that this is the statute that now must guide your decisions. However, I implore you to look very closely at all aspects of this, and other, wind power applications. It is my opinion that at the very least, the “Tangible Benefits” clause in this ordinance is open to challenge and we fully intend to file a legal challenge if and when a permit is issued under 35-A M.R.S.A. §3451.

Thank you for your consideration of my comments.

Sincerely,

/s/Lynne A. Williams