



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

MEMORANDUM

TO: The Board of Environmental Protection

FROM: Maria Eggett, Project Manager and Mark Bergeron, Division Director, Division of Land Resource Regulation, Bureau of Land & Water Quality

RE: Appeals filed by Darren W. Lord and Oscar E. Weigang, Jr. of Site Location of Development and Natural Resource Protection Act Permit Approvals for Hancock Wind, LLC, #L-25875-24-A-N/L-25875-TF-B-N

DATE: December 5, 2013

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Statutory and Regulatory References: The applicable statutory and regulatory framework for the issues raised in this appeal are the Site Location of Development Law (Site Law), 38 M.R.S.A. § 481 et seq; Site Location of Development Rules (Chapters 373 and 375); the Maine Wind Energy Act (WEA), 35-A M.R.S.A. §§ 3401-3457. The Site Law contains the standards for financial capacity and the Wind Energy Act contains the requirements for tangible benefits and decommissioning. The Site Law Rules interpret and elaborate on the Site Law criteria, including what constitutes a complete project. The WEA sets forth licensing criteria specific to applications filed for permits for expedited wind energy projects. Procedures for appeals before the Board are outlined in the Department's Rules Concerning the Processing of Applications, Chapter 2 § 24.

Location: The proposed project is located wholly within Hancock County. The turbine portion of this project is proposed to be located in T16 MD and T22 MD. An operations and maintenance (O&M) building is proposed in the Town of Aurora, and a portion of an access road is proposed in Osborn.

Procedural History and Project Description: On January 14, 2013, Hancock Wind, LLC filed applications under the NRPA and the Site Law for a permit for the construction of a 54-megawatt (MW) wind energy development. The proposed development consists of 18 turbines with associated turbine pads, access roads, meteorological towers, and O&M building.

The Department held two public meetings, on March 28, 2013, and June 6, 2013. A draft Order was issued for public comment on July 11, 2013.

In Department Order #L-25875-24-A-N/L-25875-TF-B-N, dated July 22, 2013, the Department approved the applications for the permit for this project.

Timely appeals to the Board were filed on July 31, 2013 by Darren W. Lord and on August 12, 2013 by the Oscar E. Weingang.

Appeal Issues and Discussion:

1. **PHASED DEVELOPMENT:**

In his appeal, Mr. Lord contends that the Hancock Wind project is not a stand-alone project; rather it is Phase 2 of the Bull Hill wind project, a wind project developed by the parent company of the Hancock Wind project. Mr. Lord also contends that a potential third project, Weaver Wind, should be considered as a phase of the Bull Hill wind project. Mr. Lord states that the environmental impacts of all three “phases” should have been considered by the Department at the same time.

The Bull Hill wind project was approved on October 5, 2011 by the Land Use Regulation Commission (LURC) (now the Land Use Planning Commission, or the LUPC). Subsequent to the issuance of that approval, the Legislature transferred permitting authority for grid-scale wind energy developments under the Site Law in unorganized and deorganized areas of the State from the LUPC to the DEP.

In this transfer of jurisdiction (Public Law 2011, Chapter 682 §32) the Legislature specifically reserved to the LUPC the permitting authority for amendments or revisions to a development approved by the LUPC prior to September 1, 2012 unless the proposed revision by itself triggers the Site Law. The proposed Hancock Wind development is large enough on its own to trigger the Site Law, and thus the Department believes it was appropriate for review by the DEP.

During the application review period for Hancock Wind, Mr. Lord contacted the Department and advised staff that First Wind had approached selectmen of Osborn concerning a potential new project. The Department contacted First Wind and requested information on the full extent of its plans for the Hancock Wind project. The applicant responded that future wind energy projects were being considered in the area, however, no transmission options or wind data had been studied to determine viability of any specific site.

The Department recommends that the Board conclude that the Department exercised reasonable diligence when determining if the Hancock Wind project is a phase of one larger development. The Department also recommends that the Board conclude that, given the facts in the record, the Hancock Wind project was appropriately reviewed as a single project.

2. **FINANCIAL CAPACITY:**

Mr. Lord contends that First Wind did not meet the Department's financial capacity requirement. In his appeal, Mr. Lord contends that First Wind has debt of \$500 million, reports a negative cash flow, and was forced to sell 49% of the company to Emera. For these reasons, he believes that First Wind does not have the financial capacity to construct the project.

Under Site Law, applicants are required to demonstrate financial capacity to develop the project in a manner consistent with State environmental standards and with the provisions of Site Law. The Site Law also gives discretion to the Commissioner to issue a permit, with conditions, that the applicant provide evidence of final financial assurance that is suitable to the Department prior to the commencement of construction. In this case the Department found that the applicant's submitted evidence was sufficient for a finding in the permit decision of adequate financial capacity.

As part of the application materials, the applicant submitted its plan detailing financing for the project. The financing is proposed to include First Wind Holdings equity funded from cash balances, bank construction and long-term debt sourced on market terms, tax equity sourced on market terms, and cash contributions from Emera pursuant to its joint venture with First Wind.

Based on this information, the Department determined that the financial assurances provided met the financial capacity standards of 38 M.R.S.A. § 484(1) and Chapter 373 of the Department Rules. As a safeguard, the Department required in the license that, with the exception of the construction of two temporary meteorological towers, prior to the start of construction the applicant submit up-to-date evidence of adequate financial capacity.

The Department recommends that the Board uphold the Department's finding that the applicant demonstrated adequate financial capacity to construct and operate this project.

3. DECOMMISSIONING:

Mr. Lord contends that the permit's requirement of an escrow of \$506,000 to decommission the Hancock Wind project would result in a "grossly underfunded" escrow account. Mr. Lord states the escrow amount should be \$1.8 million for the cleanup and disposal of the turbines.

Mr. Lord did not provide any evidence during the license review process in support of his claim that the applicant's estimate is inaccurate; however, he requests the Board initiate a study of the cost to decommission the Bull Hill project.

The Department determined that the applicant's decommissioning proposal met the applicable standard. The Department's view is that it is acceptable to include salvage value of the towers and turbine components to partially offset the cost of decommissioning the project, and this is contemplated in the Department's submission requirements on the issue of decommissioning. The Department incorporated into the permit requirements the applicant's proposal to re-evaluate the decommissioning costs at the end of years ten and

fifteen to ensure that there are sufficient funds available if the project needs to be dismantled.

The Department recommends that the Board find that the applicant's proposal, with the re-evaluation provision, adequately provides for decommissioning of the project.

4. TANGIBLE BENEFITS:

In his appeal, Mr. Weigang states the Department erred in its finding that the applicant demonstrated that the proposed project will provide significant tangible benefits to the State, host communities and surrounding area pursuant to 35-A M.R.S.A. §3454. Mr. Weigang contends that Hancock is a host community and by law it therefore must receive a community benefits package. Mr. Weigang requests that the Attorney General's Office issue a formal Advisory Opinion as to whether or not Hancock County must receive a community benefits package and asks that the Board remand the project back to the Department to address such an opinion.

With consultation with its counsel in the Attorney General's Office, the Department concluded that the Wind Energy Act does not require an applicant to provide benefits to every host community.

As contemplated by the Wind Energy Act, the Department invited a review of the proposed tangible benefits plan by the State Economist. The State Economist provided comments stating that the tangible benefits appear to meet the criteria established in 35-A M.R.S.A. §3454 and the community benefits package exceeds the minimum statutory requirements.

The Department recommends that the Board find the applicant has met the tangible benefit requirement set forth in the Site Law and the Wind Energy Act.

Department Recommendation: The Department recommends that the Board deny the appellants' appeals and affirm the Department's decision to approve the Hancock Wind project in Department Order # L-25875-24-A-N/L-25875-TF-B-N.

Estimated Time of Presentation: 1 hour



STATE OF MAINE
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DRAFT BOARD ORDER

IN THE MATTER OF

HANCOCK WIND, LLC) SITE LOCATION OF DEVELOPMENT ACT
T16 MD/T22 MD/Aurora) NATURAL RESOURCES PROTECTION ACT
Osborn, Hancock County) WATER QUALITY CERTIFICATION
WIND POWER FACILITY)
L-25875-24-C-Z (Denial of appeal)) FINDINGS OF FACT AND ORDER
L-25875-TF-D-Z (Denial of appeal)) ON APPEAL

Pursuant to the provisions of 38 M.R.S. §§ 341-D (4); 480-A et seq; 481 et seq; 35-A M.R.S. §§ 3401-3457; and Section 401 of the Federal Water Pollution Control Act, the Board of Environmental Protection (Board) considered the appeals of DARREN W. LORD and OSCAR E. WEIGANG, their supportive data, the responses to the appeals, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROCEDURAL HISTORY:

On January 14, 2013, Hancock Wind, LLC filed a Site Location of Development Act (Site Law) and a Natural Resources Protection Act (NRPA) application with the Department for a permit for the construction of a wind energy development with 18 turbines. The project site is located in T16 MD, T22 MD, Aurora, and Osborn. The Department held the first of two public meetings in Aurora on March 28, 2013, to receive comments on the proposed project. A second public meeting, chaired by the Department's Commissioner, was held on June 6, 2013. A draft Department order was issued on July 11, 2013, for public comment. The Department approved the applications in Department Order #L-25875-24-A-N/L-25875-TF-B-N, dated July 22, 2013.

On July 31, 2013, Darren Lord filed a timely appeal of the Department's decision to the Board. Mr. Lord requested that the Board reverse the Department approval and deny the Site Law and NRPA permit applications. Mr. Lord also requested an investigation into meetings with Osborn Plantation officials concerning a potential Weaver Wind project, the decommissioning of the existing Bull Hill Wind Project (Bull Hill), and a financial audit of First Wind and its subsidiaries.

On August 12, 2013, Oscar Weigang filed a timely appeal of the Department's decision to the Board. Mr. Weigang requested that the Board obtain a formal written opinion from the Attorney General's Office (AG) concerning the community benefits package. Mr. Weigang also requested that the Board vacate the Department approval and remand the project to the

Commissioner for further action consistent with any AG opinion issued in response to his request.

2. STANDING:

In his appeal, Mr. Lord states that he owns property on Spectacle Pond in Osborn and he has been negatively impacted by the wind project at Bull Hill.

Mr. Weigang provided comments during the licensing process about the issue of Hancock County receiving a community benefit package and he spoke at the second public meeting. He states he is a resident of Hancock County.

The Board finds that both appellants, Mr. Lord and Mr. Weigang, have demonstrated they are aggrieved persons as defined in Chapter 2 § 1(B) and may bring these appeals before the Board.

3. PROJECT DESCRIPTION:

The applicant proposes to construct a wind energy development consisting of 18 turbines. This project qualifies as an expedited wind energy development as defined in the Wind Energy Act (WEA) (35-A M.R.S. §3451(4)) because of its size and its location within an expedited wind zone. The area of land proposed to be used for the generating facility portion of the project is located on property currently used for commercial forestry operations. The site contains logging roads, some of which will be upgraded and used for project access. The proposed project overall includes 30.04 acres of impervious and developed area. The development of the O&M building will result in approximately 0.6 acre of impervious area. The proposed project will use roads constructed for the nearby Bull Hill and will lease a portion of the Bull Hill substation. The project consists of the following:

- 1) Wind Turbines. The applicant proposes to construct 18 turbines, either Vestas V112 or Siemens 3.0-113. Either would be 3.0-megawatt (MW) turbines, for a total of 54 MW of generation capacity. Each Vesta turbine would have a 94-meter tall (approximately 308 feet) tower with a total height of 150 meters (492 feet) to the tip of a fully extended blade. Each Siemens turbine would have a 99.5-meter tall (approximately 326 feet) tower with a total height of 156 meters (approximately 512 feet) to the tip of a fully extended blade. The turbines will be located on Schoppe Ridge in T22 MD and an unnamed ridge in T16 MD.
- 2) Turbine Pads. The turbines will be constructed on 18 pads. The total impervious area associated with the turbine pads is 8.52 acres.
- 3) Access Roads and Crane Path. The applicant proposes 24-foot wide access roads and a 39.5-foot wide crane path. Some existing logging roads will be utilized to

minimize environmental impacts. The total impervious area associated with the linear portion of the project is 20.79 acres.

- 4) Electrical Collector Substation and O&M Building. The applicant proposes to direct all power generated by the Hancock Wind project to the existing electrical substation located at the Bull Hill project. A substation addition will be constructed as part of the Hancock Wind project on an existing pad within the Bull Hill project to accommodate the new flow. Also proposed for the Hancock Wind project is an O&M building in the town of Aurora. The total new impervious area associated with the electrical substation and the O&M building is 0.73 acre.
- 5) Meteorological Towers. The applicant is proposing to construct two permanent meteorological towers on the site to monitor turbine performance. Up to a total of five temporary meteorological towers are proposed for the project. Up to three temporary met towers, not to exceed 105 meters tall, will be placed on turbine pads and removed prior to commercial operation. Two additional 60-meter temporary meteorological towers on metal base plates are also proposed.

4. BASIS FOR APPEALS:

Mr. Lord objects to the Department's treatment of the Hancock Wind facility as a single and complete project; he argues that the proposed Hancock Wind facility, the existing Bull Hill facility and a potential third project, Weaver Wind, should have been reviewed as one project. The second basis for Mr. Lord's appeal is his assertion that the applicant failed to demonstrate adequate financial capacity to comply with Department standards. His third argument is that the escrow amount for decommissioning is underfunded and the Department should not have found that the applicant's proposal will adequately provide for decommissioning.

Mr. Weigang's appeal is based on his argument that because Hancock County did not receive a community benefit package the Department erred in concluding that the proposed project will provide significant tangible benefits to the State, host communities and surrounding area pursuant to 35-A M.R.S. §3454.

5. REMEDY REQUESTED:

Mr. Lord requests that the Board reverse the Department approval and deny the Site Law and NRPA permit applications. Mr. Lord also requests an investigation into meetings between the applicant and the selectmen of Osborn Plantation concerning the potential Weaver Wind project, a financial audit of First Wind and its subsidiaries and that the Bull Hill project be decommissioned.

Mr. Weigang requests that the Board solicit a formal written opinion from the Attorney General's Office concerning the issue he raises with regard to the Wind Energy Act's

requirement for a community benefits package. Mr. Weigang requests that the Board vacate the Department approval and remand the project to the Commissioner for further action in accord with such an opinion from the Attorney General's Office.

6. DISCUSSION AND FINDINGS:

A. PHASED DEVELOPMENT:

In his appeal, Mr. Lord contends that the Hancock Wind project is not a stand-alone project, instead it is Phase 2 of the Bull Hill wind project, another wind project developed by the parent company of the Hancock Wind project. Mr. Lord further contends that a potential future project, Weaver Wind, should also be considered a phase of the Bull Hill project. Mr. Lord states that the environmental impacts of all three "phases" should have been considered by the Department at the same time.

The Bull Hill wind project was approved on October 5, 2011 by the Land Use Regulation Commission (LURC) (now the Land Use Planning Commission, or the LUPC). Subsequently, Public Law 2011, Chapter 682, effective September 1, 2012, transferred permitting authority for grid-scale wind energy developments under the Site Law in unorganized and deorganized areas of the State from the LUPC to the DEP.

Chapter 682 specifically reserves to the LUPC the permitting authority for amendments or revisions to a development approved by the LUPC prior to September 1, 2012 unless the proposed revision by itself triggers the Site Law. Because Hancock Wind is large enough on its own to trigger the Site Law (by virtue of creating more than three acres of impervious area), under Chapter 682 it was not considered an amendment to the approved Bull Hill project and was not be considered a second phase. The Department conferred with the LUPC on the permitting jurisdiction of the Hancock Wind project before the application was received and the two agencies agreed the Department would be the appropriate permitting authority for the Hancock Wind project. Given the size of the Hancock project, that this is a different legal entity proposing the Hancock development, and the language of the statute regarding jurisdiction, the Board finds that a new permit application and a decision licensing the Hancock project independently is appropriate.

During the application review process the Department reviewed the cumulative visual impacts of both the Hancock Wind project in light of the existence of impacts from the Bull Hill project. On May 14, 2013, Department staff conducted a site visit to several of the Scenic Resources of State or National Significance including the summit of Tunk Mountain. At this time, the Bull Hill project construction had been completed. It was possible to compare the existing view with what those same views would look like following the construction of the Hancock Wind project through the use of photosimulations. Thus, while the Hancock Wind project was not considered as an addition to the Bull Hill project, the total impacts of the two projects were in fact considered in the analysis of whether the Hancock Wind project met the statutory criteria.

During the application review period for Hancock Wind, Mr. Lord contacted the Department and advised staff that First Wind had approached the selectmen of Osborn Plantation concerning a new wind energy project. The Department visited the Osborn office and requested to view any plans concerning the future wind energy project; however, none were present in the office at the time of the visit. The Department contacted First Wind and inquired about the full extent of the Hancock Wind project. The applicant responded that future wind energy projects were being considered in the area, however, no transmission options or wind data had been studied to determine viability of any specific site. Based on this information, the Department determined that nearby possible future expansions or projects were too preliminary to require the applicant obtain Department approval of a potential future expansion or project together with the Hancock project at that point in time.

Selectmen from the Town of Osborn filed a response to the appeal on August 28, 2013. In the response, the Selectmen deny private meetings were held with the applicant concerning the Weaver Wind project. The Selectmen also refute Mr. Lord's account of a conversation between Mr. Lord and Selectman Waterman.

The Hancock Wind project is of sufficient size by itself to meet the threshold for review under the Site Law and Wind Energy Act. The Board finds that the Department exercised reasonable diligence when requesting information on the applicant's plans for a future nearby wind energy development, to determine if the Hancock Wind project should be considered as part of a phased development. The question of whether the applicant has met with any officials of the Town of Osborn, and the circumstances of such a meeting, is not a matter for the Board to determine. The Board finds that the Department was not legally required to postpone review of the Hancock Project until First Wind had gathered information, analyzed it, and made a determination whether to proceed with a nearby expansion or other project.

Based on the facts present in this case concerning the sequence of development, the legal entities conducting the development, the timing of the information available, and the other evidence in the record, the Board finds that the Department properly reviewed the Hancock Wind project as a single project under the applicable Site Law, NRPA and Wind Energy Act standards.

B. FINANCIAL CAPACITY:

Mr. Lord contends that First Wind did not meet the Department's financial capacity requirement. Mr. Lord states that "First Wind Holdings received a \$117 million loan guarantee in March of 2010. First Wind withdrew its initial public offering in October of 2010, due to a lack of investor demand." He alleges, citing a newspaper article, that investors have shied away from the company because of significant debt and negative cash flow. He further asserts that First Wind sold 49% of its company to Emera "to stave off bankruptcy."

Under 38 M.R.S. § 484(1) of the Site Law, the Department requires applicants demonstrate financial capacity to develop the project in a manner consistent with State environmental standards and with the provisions of Site Law. However, 38 M.R.S. § 484(1) gives discretion to the Commissioner to issue a permit with a condition which allows an applicant to provide evidence of final financial assurance that is suitable to the Department after the issuance of a permit, but prior to the commencement of construction.

As part of the application materials, the applicant submitted its plan detailing financing for the project. The financing is proposed to include First Wind Holdings equity funded from cash balances, bank construction and long-term debt sourced on market terms, tax equity sourced on market terms, and cash contributions from Emera pursuant to its joint venture with First Wind. As part of the application, the applicant included an estimate of project costs, a letter of financing commitment, a consolidated balance sheet, and a certificate of good standing from the Maine Secretary of State.

In its response to the appeal, the applicant states that First Wind owns and operates five wind power facilities in Maine. The applicant also notes that the Department Order requires they submit final financial capacity information prior to the commencement of construction. The applicant argues that the Department properly concluded it has financial capacity to develop the project.

While the Department found that the evidence submitted on financial assurance met the financial capacity standards of 38 M.R.S. § 484(1) and Chapter 373 of the Department Rules, as a safeguard, the Department required that with the exception of the construction of two temporary meteorological towers, prior to the start of construction the applicant must submit up-to-date and final evidence of financial capacity. The Board finds that the evidence submitted by the applicant demonstrated adequate financial capacity to construct and operate the development consistent with State environmental standards and the provisions of the Site Law.

C. DECOMMISSIONING:

Mr. Lord contends that the Department-approved escrow amount of \$506,000 to decommission the Hancock Wind project would result in a decommissioning that would be “grossly underfunded.” Mr. Lord states that the amount equals \$28,000 per turbine and that the cost would be closer to \$100,000 per turbine so the escrow amount for decommissioning should be \$1.8 million in order to cover the cleanup and disposal of the turbines. During the Department’s consideration of the application, Mr. Lord did not provide any evidence with regard to the applicant’s estimate for decommissioning costs. In his appeal, Mr. Lord requests that the Board initiate a study of the expected cost to decommission the Bull Hill project.

The applicant provided an estimated cost of decommissioning, details on financial assurance and site restoration funds, and narratives on the decommissioning and site restoration process. The estimated decommissioning costs were prepared by the James Sewall Company.

Aside from the statements made in Mr. Lord's appeal, which do not have an underpinning in evidence in the record, the applicant's submitted evidence on decommissioning costs are the only estimates of those costs in the record. Given the detail of those estimates and the applicant's experience in the field, the Board finds the applicant's estimates to be credible. The Board finds that it is reasonable to include salvage value of the towers and turbine components to partially offset the cost of decommissioning the project, as allowed in the Department's submission requirements for decommissioning. The Department Order's requirement that the applicant reevaluate decommissioning costs at the end of years ten and fifteen to ensure that there are sufficient funds available when the project is dismantled provides a safeguard if such costs or salvage value were to change. On this basis, the Board finds that the applicant provided adequate information on decommissioning and the escrow required in the Department's Order sufficiently provides for the applicant's funding of decommissioning.

D. TANGIBLE BENEFITS:

As part of a demonstration of tangible benefits, an applicant must establish a community benefit package which includes community benefit agreement payments. In his appeal, Mr. Weigang argues that the Department erred in its finding that the applicant demonstrated that the proposed project will provide significant tangible benefits to the State, host communities, and surrounding area pursuant to 35-A M.R.S. §3454, provided that annual payments are made to the towns of Osborn, Waltham, and Eastbrook. Mr. Weigang contends that Hancock County should be designated a host community by law.

During the Department's processing of the application and in his appeal, Mr. Weigang argues that Hancock County is legally required to be included in the applicant's community benefits package. In consultation with the Attorney General's office, the Department determined that the applicant is not required to provide benefits to every host community.

Pursuant to the Wind Energy Act a county in which the generating facilities (the turbines) are located is a host community when the turbines are located in a township. However, the Act also expressly allows an applicant to choose, for the purpose of providing specific tangible benefits, a municipality proximate to the location of when, as in this case, those facilities are located within the State's unorganized or deorganized areas. The Act requires that the total community benefit package be valued at no less than \$4,000 per year. The applicant in this case selected three nearby municipalities, Osborn, Waltham and Eastbrook, all in Hancock County, which thereby qualified them as host communities. The applicant established a package that divided payments among

those three host communities. The statute does not state that all entities that qualify as a host community must be included in the community benefit package.

As a customary part of the Department's analysis, the applicant's proposed tangible benefits plan was also reviewed by the State Economist. The State Economist provided her assessment that the tangible benefits meet the criteria established in 35-A M.R.S. §3454 and the community benefits package exceeds the minimum statutory requirements.

Based on the location of the proposed development in T16 MD, T22 MD, Osborn, and Aurora, and the provisions of the Wind Energy Act as discussed above, the Board concludes that the applicant has met the requirements with regard to the provision of community benefits. The Board finds that the proposed project will provide significant tangible benefits in accordance with 38 M.R.S. §484(10) and 35-A M.R.S. §3454.

E. OTHER REQUESTED ACTIONS:

Mr. Lord's request that the Board order the decommissioning of the Bull Hill development is not within the Board's authority in the context of this appeal. With respect to Mr. Lord's request that the Board conduct or order a financial audit of First Wind the Board is without jurisdiction to take such an action.

7. CONCLUSIONS:

Based on the above findings, the Board concludes that:

1. The appellants filed timely appeals.
2. The licensee's proposal to construct an 18 turbine wind energy development, known as the Hancock Wind Project, in T16 MD, T22 MD, Osborn, and Aurora, meets the criteria for a permit pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-A et seq; the Site Location of Development Act, 38 M.R.S. § 481 et seq; the Wind Energy Act, 35-A M.R.S. §§ 3401-3457, and Section 401 of the Federal Water Pollution Control Act.

THEREFORE, the Board AFFIRMS Department Order #L-25875-24-A-N/L-25875-TF-B-N approving the application of HANCOCK WIND, LLC to construct a wind energy development in T16 MD, T22 MD, Aurora, and Osborn, Maine and DENIES the appeals of DARREN W. LORD and OSCAR E. WEIGANG.

DONE AND DATED AT AUGUSTA, MAINE, THIS _____ DAY OF _____, 2013.

L-25875-24-C-Z/L-25875-TF-D-Z
BOARD OF ENVIRONMENTAL PROTECTION

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By: _____
Robert A. Foley, Chair

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