

Conservation Law Foundation's Response to Champlain Wind, LLC's
Appeal

STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF

CHAMPLAIN WIND, LLC)
KOSSUTH TOWNSHIP, WASHINGTON)
COUNTY, CARROLL PLANTATION,)
PENOBSCOT COUNTY,)
BOWERS WIND PROJECT)
L-25800-24-A-N)
L-25800-TE-B-N)
L-25800-IW-C-N)

RESPONSE OF CONSERVATION LAW FOUNDATION TO
CHAMPLAIN WIND, LLC'S
APPEAL OF DEPARTMENT ORDER
L-25800-24-A-N
L-25800-TE-B-N
L-25800-IW-C-N

Sean Mahoney, Esq.
Conservation Law Foundation
47 Portland St., Suite 4
Portland, ME 04101
(207) 210-6439

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The Conservation Law Foundation (“CLF”) submitted written comment and testimony in support of the application of Champlain Wind LLC to construct a wind energy power project on and in the vicinity of Bowers Mountain (the “Bowers Wind Project” or “BWP. For the reasons set forth below, CLF believes that the Order of the Department of Environmental Protection (the “DEP” or “Department”) denying the Bowers Wind Project (“the Order”) is inconsistent with the intent and the letter of Maine statutory and regulatory requirements governing such projects and submits these comments in support of the applicant’s appeal of that decision. In particular, CLF believes that the Department’s Finding 6, Conclusion A under NRPA, and Conclusion B under Site Law, that the Project does not meet the scenic impact standards for wind energy projects is incorrect and should be reversed by this Board.

INTRODUCTION

In April of 2008—based on the recommendations of the Governor’s Task Force on Wind Power Development (the “Task Force”) and the Task Force’s final report (“Task Force Report”)—the Maine Legislature unanimously passed the Wind Energy Act (“the Act”).¹ The Act was intended to stimulate conditions that would allow Maine to become a leader in developing renewable wind energy while at the same time protecting the quality of place that so many in Maine treasure.² To this end, the Act was crafted to reduce regulatory uncertainty through modified wind energy project review criteria and pre-identified locations deemed appropriate for wind energy development.³

The Department’s denial of the Bowers Wind Project runs contrary to the intent, purpose, and language of the Act. The Applicant sited the project in an area identified by the Legislature for wind energy development. Moreover, the Applicant submitted a plan that

¹ 35-A M.R.S.A. §§ 3401 *et. seq.*

² *Id.* at § 3402; Task Force Report at 8.

³ 35-A M.R.S.A. §§ 3402(2).

complied with the modified visual impact standards of the Act as found by the Department's own expert. The Department's denial of the application is based on a newly created "aggregate visual impact standard" not found in the text of the Act. This decision runs afoul of well-established rules of statutory construction. Moreover, it discourages development of future wind energy projects by permitting the DEP to create new standards sua sponte and in contradiction to clear legislative intent.

CLF submits this response to Champlain Wind's appeal pursuant to Section 24 (C) of the Department's Chapter 2 Rules. In doing so, CLF joins in the legal arguments set forth in the applicant's September 4, 2013 Appeal and provides additional argument below.

STANDARD OF REVIEW

Pursuant to 38 M.R.S.A. § 341-D(4)(A), when the Board is reviewing final license or permit decisions it "is not bound by the commissioner's findings of fact or conclusions of law established by the commissioner," and may "affirm, amend, reverse or remand" that decision.⁴

When interpreting the requirements of a statute, a body such as the Board must first look to the plain meaning of the language to discern the real purpose of the legislation.⁵ The statute should be construed based on the "plain, common, and ordinary meaning of its terms," and by avoiding "absurd, inconsistent, illogical, or unreasonable results."⁶ To discern the plain meaning of the statute, the reviewer takes into account both the statutes' structure and its placement in context to generate a harmonious result.⁷ If there is ambiguity in the plain meaning of the statute, the Board must look beyond that language to the legislative history.⁸

⁴ See also *Concerned Citizens to Save Roxbury v. Board of Environmental Protection*, 2011 ME 39, ¶ 16, A.3d 1263, 1269-70. ("the Board 'is not bound by the Commissioner's findings of fact or conclusions of law.'")

⁵ *Tenants Harbor General Store, LLC v. Dept. of Environmental Protection*, 2011 ME 6, ¶ 9, 10 A.3d 722.

⁶ *Id.*

⁷ *Id.*

⁸ *FPL Energy Maine Hydro LLC v. Dept. of Environmental Protection*, 2007 ME 97 ¶ 12, 926 A.2d 1197.

SUMMARY OF ARGUMENT

The Department's rejection of the BWP application rests solely on its conclusion that the Project creates an unreasonable adverse effect on the scenic character of nine lakes considered Scenic Resources of State or National Significance (SRSNS). The Department's Order may align with the current administration's position on wind energy in general but it is not legally supportable for a number of reasons.

First, the Department's Order fails to recognize that a prior, duly elected Legislature specifically created the expedited permitting areas and the modified visual impact standards to improve the State's regulatory process and promote the siting of wind energy projects.⁹ Those standards have not been changed by any subsequent legislative action.

Second, the Department's Order inappropriately applies the visual impact standards of the Act by creating a new "aggregate visual impact standard." This new aggregate standard directly contradicts the language of the Act and runs contrary to the Act's purpose and intent of reducing the potential for controversy and encouraging wind energy development in expedited permitting areas.

Finally, the Department's Order expressly determined it was "not allowed under the [Act] to balance a project's potential impacts with the project's potential benefits."¹⁰ That determination is expressly contrary to the Act and the requirement that the Department "shall consider" the "expedited wind energy development's purpose and the context of the proposed activity."¹¹ This purpose and context criterion creates a requirement to balance the economic, energy, and environmental benefits of a wind energy project against any visual impact. The Department's decision to disregard this requirement constitutes legal error.

⁹ See 35-A M.R.S.A. §§ 3402, 3451 – 3458.

¹⁰ Order at 28.

¹¹ 35-A M.R.S.A. § 3452(3)(D).

For these reasons, CLF respectfully requests that the Board reverse the Department's decision and grant the Bowers Mountain Project application.

ARGUMENT

I. THE WIND ENERGY ACT

After a lengthy and multi-party stakeholder process and task force, in 2008 the Legislature unanimously passed the Wind Energy Act to encourage the development of renewable energy in Maine and thereby reduce our dependence on increasingly expensive and dirty fossil fuels. Because that Act is still in force today it is worth presenting the Board with the specific language of the Legislative findings in full:

The Legislature finds that it is in the public interest to explore opportunities for and encourage the development, where appropriate, of wind energy production in the State in a manner that is consistent with all state and federal environmental standards and that achieves reliable, cost-effective, sustainable energy production on those sites in the State that will attract investment and permit the development of viable wind energy projects. The Legislature finds that the development of the wind energy potential in the State needs to be integrated into the existing energy supply and transmission systems in a way that achieves system reliability, total capital cost-effectiveness and optimum short-term and long-term benefits to Maine people.

1. Contribution of wind energy development. The Legislature finds and declares that the wind energy resources of the State constitute a valuable indigenous and renewable energy resource and that wind energy development, which is unique in its benefits to and impacts on the natural environment, makes a significant contribution to the general welfare of the citizens of the State for the following reasons:

A. Wind energy is an economically feasible, large-scale energy resource that does not rely on fossil fuel combustion or nuclear fission, thereby displacing electrical energy provided by these other sources and avoiding air pollution, waste disposal problems and hazards to human health from emissions, waste and by-products; consequently, wind energy development may address energy needs while making a significant contribution to achievement of the State's renewable energy and greenhouse gas reduction objectives, including those in Title 38, section 576;

B. At present and increasingly in the future with anticipated technological advances that promise to increase the number of places in the State where grid-scale wind energy development is economically viable, and changes in the electrical power market that favor clean power sources, wind energy

may be used to displace electrical power that is generated from fossil fuel combustion and thus reduce our citizens' dependence on imported oil and natural gas and improve environmental quality and state and regional energy security; and

C. Renewable energy resources within the State and in the Gulf of Maine have the potential, over time, to provide enough energy for the State's homeowners and businesses to reduce their use of oil and liquid petroleum-fueled heating systems by transition to alternative, renewable energy-based heating systems and to reduce their use of petroleum-fueled motor vehicles by transition to electric-powered motor vehicles. Electrification of heating and transportation has potential to increase the State's energy independence, to help stabilize total residential and commercial energy bills and to reduce greenhouse gas emissions.¹²

These findings have not been changed or contravened since the Act was enacted in 2008.

At the same time, the Legislature crafted requirements designed to ensure proper siting of wind turbines to minimize environmental harm, detriment to public health and aesthetic concerns. Specifically, the Legislature found that it:

is in the public interest to reduce the potential for controversy regarding siting of grid-scale wind energy development by expediting development in places where it is most compatible with existing patterns of development and resource values when considered broadly at the landscape level. Accordingly, the Legislature finds that certain aspects of the State's regulatory process for determining the environmental acceptability of wind energy developments should be modified to encourage the siting of wind energy developments in these areas. Such changes include, but are not limited to:

A. Making wind energy development a permitted use within certain parts of the State's unorganized and deorganized areas;

B. Refining certain procedures of the Department of Environmental Protection and the Maine Land Use Planning Commission; and

C. Because the Legislature recognizes that wind turbines are potentially a highly visible feature of the landscape that will have an impact on views, judging the effects of wind energy development on scenic character and existing uses related to scenic character based on whether the development significantly compromises views from a scenic resource of state or national significance such that the development has an unreasonable adverse effect on the scenic character or existing uses related to the scenic character of that resource.

¹² M.R.S.A 35-A §§ 3402(1) (emphasis supplied).

The Legislature further finds that, while wind energy may be developed at many sites with minimal site-specific environmental impacts, wind energy developments may have, in addition to their beneficial environmental effects and potential scenic impacts, specific adverse environmental effects that must be addressed in state permitting decisions pursuant to approval criteria tailored to address issues presented by wind energy development. Nothing in this section is meant to diminish the importance of addressing as appropriate site-specific impacts on natural values, including, but not limited to, wildlife, wildlife habitats and other ecological values.

The Legislature further finds that development of the State's wind energy resources should be undertaken in a manner that ensures significant tangible benefits to the people of the State, including, but not limited to, residents of communities that host wind energy facilities; and that the State should seek to host a substantial amount of wind energy as part of a strategy to reduce greenhouse gas emissions and meet the goals established in the state climate action plan developed pursuant to Title 38, section 577.¹³

These Legislative findings make very clear that the Legislature has considered the costs and benefits of increasing the number of wind energy projects in Maine and devised a statutory regime that addresses those costs and benefits. The language is clear and specific as a general matter and with respect to specific areas, including the expedited permitting areas and the visual impact standard.

A. Expedited Permitting Areas

At the public hearing on the BWP application, CLF and the Maine Renewable Energy Association (“MREA”) presented the pre-filed testimony of two former legislators who were the principle architects of the Act - Senator Phil Bartlett and Representative Stacy Fitts. *See* Exh. A, attached. Both men served on the Governor’s 2007 Task Force on Wind Power Development and both served in the State Legislature that unanimously passed the Wind Energy Act. Both men testified that the Task Force expressly intended that the Legislature establish expedited permitting areas where development of wind power would be encouraged, to send “a clear signal to wind power developers” regarding locations within the state deemed most appropriate for

¹³ *Id.* at § 3402(2).

wind energy development.”¹⁴ As such, to the extent that there is any ambiguity concerning the meaning of the Act, the Board may and should rely upon their testimony to discern legislative intent.

The evidence at hearing established that the applicant sited the Bowers Project within an identified expedited permitting area for wind energy development. Fitts and Bartlett both testified that the area was one determined by the Legislature to be “most compatible with existing patterns of development and resource values when considered from a landscape level.”¹⁵ Moreover, Bartlett and Fitts testified that, although Grand Lake Stream and the surrounding conservation areas were intentionally excluded from the expedited permitting area, Carroll Plantation was *intentionally included* as an expedited area.¹⁶ Finally, Bartlett and Fitts testified that both the Task Force and Legislature understood and contemplated that the turbines located within the expedited area chosen by the applicant would be visible from adjacent excluded areas like Grand Lake Stream. Nonetheless, the Legislature chose to include that area.¹⁷

B. Modified Visual Impact Standard

The Act also modified the visual impact standard for any wind energy project developed in the expedited wind energy areas. As noted above, the primary siting authority must review the evidence and determine whether the proposed “development *significantly* compromises views from a scenic resource of state or national significance such that the development has an *unreasonable* adverse effect on the scenic character or existing uses related to scenic character of

¹⁴ See Exh. A at p. 5.

¹⁵ *Id.*; see also 35-A M.R.S.A. §3402(2).

¹⁶ *Id.* at 5-6.

¹⁷ *Id.*

the scenic resource of state or national significance.”¹⁸ In making that determination, the legislature directed that the primary siting authority shall consider:

- A. The significance of the potentially affected scenic resource of state or national significance;
- B. The existing character of the surrounding area;
- C. The expectations of the typical viewer;
- D. The expedited wind energy development's purpose and the context of the proposed activity;
- E. The extent, nature and duration of potentially affected public uses of the scenic resource of state or national significance and the potential effect of the generating facilities' presence on the public's continued use and enjoyment of the scenic resource of state or national significance; and
- F. The scope and scale of the potential effect of views of the generating facilities on the scenic resource of state or national significance, including but not limited to issues related to the number and extent of turbines visible from the scenic resource of state or national significance, the distance from the scenic resource of state or national significance and the effect of prominent features of the development on the landscape.¹⁹

A finding by the primary siting authority that the development's generating facilities are a highly visible feature in the landscape is not a solely sufficient basis for determination that an expedited wind energy project has an unreasonable adverse effect on the scenic character.²⁰

Maine's Site Development Law similarly provides that, to prevent adverse impact to the environment, the department shall consider the effects of an expedited wind energy development, as defined in Title 35-A, section 3451, on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.²¹

In addition to this very clear language of Legislative intent and direction, Bartlett and Fitts testified that the Legislature intended to create a new visual impact standard for wind energy projects distinct and less restrictive than the traditional Site Law standard that requires a

¹⁸ 35-A M.R.S.A. § 3452(1) (emphasis added).

¹⁹ 35-A M.R.S.A. § 3452(3) (A) – (F).

²⁰ *Id.*

²¹ 38 M.R.S.A. § 484(3)(G).

development to “fit harmoniously into the existing natural environment.”²² Representative Fitts testified at the hearing that, in creating this distinct standard, the Legislature knew that “when you try to site a 300-foot [wind turbine], it virtually made it an impossibility”²³ to comply with the traditional “harmonious fit” test under the Site Law. In other words, the Legislature expressly distinguished wind energy development from other forms of development. As Fitts and Bartlett noted in their prefiled testimony:

The Site Law requires that a development “fit harmoniously into the existing natural environment.” The Wind Energy Act explicitly states that a finding of harmonious fit is unnecessary. The Site Law does not specify areas to be evaluated with respect to scenic impacts. The Wind Energy Act restricted the assessment of visual impacts to an enumerated list of publically-accessible resources of state or national significance. The Site Law does not articulate any Legislative preference for certain types of development. The Wind Energy Act establishes that the State should encourage wind power development and creates specific numerical goals for how much wind power the State should have. The Site Law does not establish any geographical preference for where projects should be located. The Wind Energy Act created the expedited permitting area where a Legislative determination of appropriateness has already been made.²⁴

Finally, the Act has been amended over the past few years but the provisions concerning how to determine whether a proposed wind energy project would have an unreasonable adverse impact have remained the same. This is despite the fact that the current administration has been openly hostile to wind energy in general and this project in particular.

Statement not admitted.

²² *Id.* at 6; *See also* 38 M.R.S.A. § 484(3).

²³ Fitts testimony at 537.

²⁴ Exh. A at 6.

Furthermore, the Governor has manifested opposition to the Bowers Wind Project specifically. In August of 2012, Governor Le Page was presented with a gift from the opponents of the Bowers Wind Project in appreciation of his support of their “fight [against] the installation of wind turbines on Bowers Mountain.”²⁶ Although this or any administration is free to adopt an anti-wind power policy, a policy only has meaning in an adjudicatory proceeding if it has resulted in a change of the governing law for that proceeding.

Statement not admitted.

The Department’s interpretation and application of the Wind Energy Act manifests the clear desire of the LePage Administration to halt wind power projects, but is contrary to the language and intent of the Act. In short, the Department’s denial of the Bowers project is an attempt to carry out the Administration’s anti-wind power policy in the context of an adjudicatory proceeding when the policy is contradicted by the governing statute enacted by the Legislature.

II. THE DEPARTMENT’S AGGREGATE SCENIC IMPACT STANDARD CONTRADICTS THE LANGUAGE OF THE ACT

²⁵ ~~See Department of Environmental and Natural Resources, 2012, 2013, 2014.~~

²⁶ See Leen’s Lodge Spring 2013 Newsletter (Exhibit B).

unreasonable adverse effect on the scenic character of a resource, weighing the benefits of the project against its visual impact. To this point, Representative Fitts further added “you have to take into account the balancing—and that is part of this—the balancing that is required when you consider all of the other aspects of a project and the visual in the same thought process...it’s more about the balancing of the projects against all of those other potential benefits and potential other impacts in your consideration.”³⁴

When considering the purpose and context of a wind energy project, the Department is required to balance the visual impacts of a project with the significant economic, environmental, and energy security benefits the project provides to the State.³⁵ Regarding economic benefits, wind power developments result in both jobs and capital investment.³⁶ Moreover, the landowners who own the majority of the land around the Project—such as the Passamaquoddy Tribe³⁷—have expressed support for the Project due to the benefits it provides both as a revenue source and for its compatibility with the “recreational, conservation, other land uses in the areas.”³⁸ Additionally, in 2010 the Legislature specifically amended the Act so as to create tangible benefits such as tax revenue and other benefit packages for the communities that hosted wind energy projects. P.L. 2009, ch. 642, § A-7. Speaking to how these community benefits should be balanced against the visual impact, Senator Bartlett said “we understand that these [wind turbines] can be seen, we understand that people are not always happy about that, but we think that when it comes down to review, if you’re in an expedited area, if the community wants

³⁴ Fitts Testimony at 599.

³⁵ Pre-Filed Direct Testimony of Philip Bartlett and Stacey Fitts at 3.

³⁶ Task Force Report at 67-69 and Pre-Filed Direct Testimony of Mr. Parker.

³⁷ September 14, 2012 Letter from Tribal Chief, Joseph Socobasin and Tribal Chief, Reuben “Clayton” Cleaves to Commissioner Aho.

³⁸ April 22, 2013 Letter from Tom Colgan to Jessica Damon.

it, there's substantial local benefit, that that should be entitled to a much less stringent review with respect to the visual impacts."³⁹

The Wind Energy Act further requires the Department to balance the energy security benefits of wind projects against their visual impact, as wind energy stabilizes and exerts downward pressure on electricity rates. 35-A M.R.S.A. § 3402(1)(C); Task Force Report at 69.⁴⁰ Ms. Krich spoke to these benefits in her testimony to the Department, illustrating that wind energy—which has almost no marginal costs for production—acts as a price-taker in energy markets and displaces more expensive energy sources, keeping prices low.⁴¹ Wind energy has also been shown to reduce electricity prices, and as Ms. Krich illustrated, ISO-NE has found that if wind energy capacity in the region grows to meet 2021 Renewable Portfolio Standard targets, there would be \$328,000 in annual savings for each megawatt of wind power installed.⁴² The Bowers Project is estimated to produce approximately 157,000 megawatt hours annually, which according to the ISO-NE figures would result in \$17 million dollars in savings per year.⁴³

Finally, the environmental benefits associated with wind energy projects need to be considered when balanced against any visual impacts. The creation of wind power capacity displaces electricity generated using fossil fuels, which in turn reduces harmful emissions of greenhouse gasses and other toxins,⁴⁴ limiting their contributions to both climate change and to

³⁹ Bartlett Testimony at 545.

⁴⁰ These findings are confirmed by both the Maine PUC and the New England's Independent System Operator (ISO-New England). See Maine Public Utilities Commission Review Comments on Bowers Wind Project, Dec. 3, 2012 ("The PUC agrees that wind projects tend to reduce prices in the wholesale markets and contribute to energy diversity and price stability."); ISO-NE 2011 Regional System Plan, Oct. 21, 2011 ("The addition of large-scale wind generation, with its characteristic low operating costs, would reduce wholesale electric energy market revenues for all resources...").

⁴¹ Pre-Filed Direct Testimony of Abigail Krich at 10.

⁴² *Id.* at 14.

⁴³ *Id.*

⁴⁴ Task Force Report at 74-75.

health maladies such as heart disease, cancer, and asthma.⁴⁵ Ms. Krich's testimony demonstrates that if 20% of New England's electricity were supplied by wind it would reduce NO_x emissions by 26%, SO_x emissions by 6%, and CO₂ emissions by 25%.⁴⁶

There is no evidence in the Order issued by the Department that they ever considered the purpose and context criterion required under 35-A M.R.S.A. §3452(3)(D). In fact, the Department concluded that it was not "allowed under the WEA to balance a project's potential scenic impacts with the project's potential benefits."⁴⁷ This oversight to consider one of the six criteria required by the Act to determine the visual impact of the Bowers Project is contrary to the Act's purpose, intent, and language and constitutes legal error.

CONCLUSION

For the foregoing reasons, the CLF respectfully requests that the Board grant the Applicant's appeal and reverse the Department's Order denying the Bowers Wind Project.

Dated: October 10, 2013

/s/ Sean Mahoney
SEAN MAHONEY
CONSERVATION LAW FOUNDATION, INC.
47 Portland Street, Suite 4
Portland, Maine 04101
smahoney@clf.org
207-210-6439

⁴⁵ Pre-Filed Direct Testimony of Philip Bartlett and Stacey Fitts at 4.

⁴⁶ Pre-Filed Direct Testimony of Abigail Krich at 10.

⁴⁷ Order at 26.

Exhibit A

Pre-Filed Direct Testimony of Philip Bartlett and Stacey Fitts

March 15, 2013

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
IN THE MATTER OF

CHAMPLAIN WIND, LLC)	Pre-Filed Direct Testimony of
CARROLL PLT./KOSSUTH TWP.)	Philip Bartlett and Stacey Fitts
PENOBSCOT/WASHINGTON COUNTY)	
#L-25800-24-A-N/#L-25800-TE-B-N)	

Philip Bartlett and Stacey Fitts are submitting this pre-filed direct testimony in support of the Bowers Wind Project. In the interest of efficiency we are filing our written testimony jointly. In our oral presentation we will focus on separate issues to avoid overlap of testimony.

I. QUALIFICATIONS AND BACKGROUND

A. Philip Bartlett

I am an attorney in private practice in Sanford, Maine. My practice focuses on workers' compensation and civil litigation matters. From 2004 to 2012, I served as a Democratic State Senator. During my time in the Senate, I chaired the Joint Standing Committee on Utilities and Energy and the Joint Select Committee on Maine's Energy Future. [I served as Senate Majority Leader from 2008-2010 and served on the Government Oversight, Natural Resources and Labor Committees.]

I was a member of the Governor's Task Force on Wind Power Development and voted along with a unanimous House and Senate to implement the task force's report via the Wind Energy Act. I am a graduate of Tufts University and Harvard University Law School.

B. Stacey Fitts

I am a mechanical engineer employed by Kleinschmidt, where my work focuses on valuation of energy facilities and related infrastructure as well as operational engineering support primarily in the hydroelectric industry. From 2004 to 2012, I served as a Republican state representative. During my time in the House, I served on the Joint Standing Committee on Utilities and Energy and I chaired this committee in the 125th Maine Legislature. I also served on the Joint Standing Committee on Veterans and Legal Affairs during my legislative tenure. Additionally, I served on the Joint Select Committee on Maine's Future Prosperity and the Joint Select Committee on Maine's Energy Future as well as the Corridor Commission which examined the future use of Maine's corridor assets for energy and related activities. I also served on the Joint Select Committee on Regulatory Fairness and Reform that was established by the 125th Legislature to examine Maine's regulatory structures and procedures. I also served on the Ocean Energy Task Force which examined the potential of Maine's offshore assets for energy production.

I was a member of the Governor's Task Force on Wind Power Development and voted along with a unanimous House and Senate to implement the task force's report via the Wind Energy Act. I hold a bachelor of science degree from the Maine Maritime Academy.

II. THE WIND ENERGY ACT

The Legislature enacted "An Act to Implement the Recommendations of the Governor's Task Force on Wind Power Development" (the "Wind Energy Act" or the "Act") in a unanimous, bipartisan vote to promote the development of wind energy in the State. The Act took concrete steps to encourage the development of wind power in areas specifically determined by the Legislature to be appropriate for such development. Moreover, in an effort to achieve aggressive but necessary and beneficial wind energy goals, the Act made specific changes to the regulatory review process to facilitate permitting of such projects. The Bowers Wind Project is in an area determined by the Legislature to be appropriate for wind energy development and is the type of development contemplated by and encouraged under the Wind Energy Act.

On April 11, 2008, the Maine Legislature passed the Wind Energy Act by a vote of 34-0 in the Senate and a vote of 139-0 in the House of Representatives. The Act was passed as emergency legislation that took effect immediately upon enactment. The Act was the result of a comprehensive review of the State's wind power policy and regulatory process undertaken by the Governor's Task Force on Wind Power Development (the "Task Force"), and the recommendations set forth in the final report of the Task Force. See <http://www.maine.gov/doc/mfs/windpower/report.shtml> ("Task Force Report"). The Task Force was created to evaluate wind energy development in Maine and, in particular, to develop recommendations for how Maine could become a leader in wind power development, while protecting Maine's quality of place and natural resources, and delivering meaningful benefits to Maine's economy, environment and citizens. Task Force Report at 5. To that end, the Task Force was specifically charged with evaluating the regulatory process and criteria by which wind power projects were reviewed and identifying barriers to development. Task Force Report, Attach. A (p. 49). Additionally, we were tasked with identifying policy and regulatory changes that would overcome those barriers and facilitate development of wind power in appropriate areas of the State. *Id.*

It is noteworthy that our work began on the heels of a denial by the Land Use Planning Commission (then known as the Land Use Regulation Commission) of the Redington and Black Nubble wind power projects. The projects resulted in significant public input and controversy, and the review process was a challenge to the developer, review agency, and participants. The agency staff recommended approval of the Redington project, although the Commission reversed and voted to deny the project. See March 5, 2008 Decision to Deny Zoning Petition ZP 702 and Preliminary Development Plan at ¶ 17 (giving history of proceedings). The applicant then proposed a revised and smaller project (known as Black Nubble) that was endorsed by some but not all of the State's major environmental organizations. Following an additional public hearing on the revised application, the Commission voted to deny the project. *Id.*

The siting challenges associated with those projects highlighted the uncertainty that existed in the then-existing regulatory structure. Our work on the Task Force was intended to

reduce regulatory uncertainty, clarify and where necessary modify the review criteria, and facilitate development of wind energy projects in appropriate locations. The changes recommended by the Task Force were intended to make the process more predictable and coherent for applicants, decision-makers and the public by, among other things, identifying areas of the state where development of wind power was most appropriate.

The Task Force was composed of 17 members, including state legislators, state regulators (including then-DEP Commissioner David Littell; then-Commissioner of the Department of Conservation, Patrick McGowan; and then- Director of the Governor’s Office of Energy Independence & Security, John Kerry), and representatives of key conservation interests such as the Natural Resources Council of Maine, the Maine Audubon Society and the Maine Appalachian Mountain Club. The Task Force held 12 public meetings over an 8-month period, during which interested citizens and stakeholders had an opportunity to participate. That process culminated in the issuance in February 2008 of the Report of the Governor’s Task Force on Wind Power Development, the substance of which became law with the Legislature’s enactment of the Wind Energy Act two months later.

III. MAINE’S EXPLICIT POLICY ON PROMOTING WIND ENERGY

The passage of the Wind Energy Act was a key policy determination by the Legislature. With the passage of the Act, the Legislature determined that wind energy was a valuable state resource that contributes to the general welfare of the citizens of the State. In order to make that determination concrete, the Act established aggressive goals for the development of wind power generation. In the original passage of the Act, the Legislature stated that there should be 2,000 megawatts of wind energy capacity in the State by the year 2015 and 3,000 megawatts of capacity by the year 2020. P.L. 2007, ch. 661, § A-6. In April 2010, the Legislature revisited and reaffirmed these goals, and additionally increased the goals to include 8,000 megawatts of total capacity by the year 2030, with 5,000 of those megawatts to be located offshore. P.L. 2009, ch. 615, § A-4. The Legislature understood that these were very aggressive goals, and that achieving them required prioritization of wind power development over other competing policies.

The Act explicitly states that in order to meet these goals, it is the State’s policy “to encourage the attraction of appropriately sited development related to wind energy.” 35-A M.R.S.A. § 3404(1).

These goals were put in place because of the Legislature’s recognition that wind energy provides significant economic, environmental, and energy security benefits to the State. With respect to economic benefits, wind power development of course results in jobs and capital investment. Task Force Report at 67-69 and testimony of Mr. Parker. The economic benefits extend beyond construction-related benefits however, and, importantly, accrue to communities that host such projects. In April, 2010, the Wind Energy Act was amended to, among other things, require that projects establish a community benefits package valued at no less than \$4,000 per turbine per year. P.L. 2009, ch. 642, § A-7. Additionally, and as recognized in the Act, local benefits include the significant tax payments that result from these capital-intensive projects.

The importance of economic benefits to communities like Carroll and Kossuth are critical and cannot and should not be overlooked. Carroll and Kossuth are rural and struggling communities. Throughout our years in the Legislature we have heard first hand the challenges faced by such communities. These challenges are particularly acute now, in a time of declining State revenues and drastic budget cuts. Residents in these communities are often forced to choose between heating their homes or placing food on the table. Between buying necessary medicine or keeping the lights on. As Legislators, we have been sensitive to the needs and desires of communities that are often asked to host development that benefits others in Maine but not the host community. Here, there is a win-win in that the Project benefits and is embraced by the local community, at the same time it brings significant benefits to Maine as a State.

In addition to direct economic benefits, adding wind power to the State's mix of energy generation the Wind Energy Act recognizes that it has the effect of stabilizing and exerting downward pressure on electricity rates. 35-A M.R.S.A. § 3402(1)(C); Task Force Report at 69, 76. This conclusion has since been confirmed by both the Maine PUC and the New England's Independent System Operator (ISO-New England), which administers the region's electrical grid. See Maine Public Utilities Commission Review Comments on Bowers Wind Project, Dec. 3, 2012 ("The PUC agrees that wind projects tend to reduce prices in the wholesale markets and contribute to energy diversity and price stability."); ISO-NE 2011 Regional System Plan, Oct. 21, 2011("The addition of large-scale wind generation, with its characteristic low operating costs, would reduce wholesale electric energy market revenues for all resources...").

With respect to environmental benefits, the creation of wind power capacity displaces the need for fossil-fuel electricity generation and thereby reduces harmful emissions of greenhouse gasses and other toxins. See Task Force Report at 74-75 (presentation of former DEP Commissioner David Littell). Again, this conclusion has been subsequently corroborated. For example, according to 2011 testimony from the Maine Center for Disease Control, "Generating energy from wind turbines means less energy generated from foreign oil and coal, both being major contributors to global warming, pollution, and resulting diseases and deaths due to heart disease, cancer, asthma, and other lung diseases. Maine's highest-in-the-nation rates of asthma and cancer are thought to be at least partially due to pollution from our dependence on fossil fuels." Testimony of Dora Ann Mills, MD, MPH, In Opposition to Rule Changes to Made to Maine DEP Chapter 375 Regulations on Wind Turbine Noise, July 7, 2011, at 5. The environmental benefits are discussed more fully in Ms. Krich's testimony.

In short, we are at a critical juncture in planning for the future of the State's energy infrastructure. All forms of development have impacts on the environment and surrounding uses. Wind power, however, has positive environmental and energy benefits, as well as economic benefits. The Legislature adopted the aggressive goals contained in the Wind Energy Act because it recognized that the State cannot wait to diversify its energy portfolio and realize the economic, energy and environmental benefits of wind power generation.

IV. LEGISLATIVE ENCOURAGEMENT OF WIND ENERGY THROUGH SPECIFIC REGULATORY CHANGES

The Wind Energy Act amended the State's regulatory framework in several important ways to encourage the development of wind power capacity. First, the Wind Energy Act established an "expedited permitting area," where the Legislature determined that wind power development was most compatible with existing patterns of development. 35-A M.R.S.A. § 3402(2), 3451(3); P.L. 2007, ch. 661, § C-6. Second, the Wind Energy Act modified the visual impact standard applicable to wind energy developments located within the expedited permitting area. 35-A M.R.S.A. § 3452.

A. Creation of the Expedited Permitting Area

To facilitate development of wind power in appropriate locations, the Task Force recommended that the Legislature establish expedited review areas where development of wind power would be encouraged. Task Force Report at 6. As we noted in our report, by designating areas for expedited review, Maine would be "**sending a clear signal to wind power developers about the areas within the state that appear to be most appropriate for development.**" Task Force Report at 6 (emphasis added). The process for identifying such areas included input from the entirety of the Task Force membership as well as others not on the Task Force. Interestingly, the feedback we received from developers was that it would be preferable to identify those areas in the State where development was essentially off-limits, but the Task Force and the Legislature concluded it was preferable to identify areas where development was appropriate and encourage developers to site projects in those areas.

Specifically, the Wind Energy Act sought to "reduce the potential for controversy regarding the siting of grid-scale wind energy development by expediting development in places where it is most compatible with existing patterns of development and resources values when considered from a landscape level." 35-A M.R.S.A. § 3402(2). The entirety of the organized areas of the State was included in the expedited permitting area, as well as specified areas within the State's unorganized or deorganized areas. 35-A M.R.S.A. § 3451(3); P.L. 2007, ch. 661, § C-6. Importantly, excluded from the expedited permitting area was the undeveloped remote core of LURC jurisdiction, as well as areas that due to their unique ecological or scenic values were not appropriate for wind development. A map showing the portions of the State included in the expedited permitting area is attached as Exhibit C.

The Bowers Project is sited in the expedited permitting area and therefore is in an area where, as a matter of law, wind development has been determined to be "compatible with existing patterns of development and resource values when considered at a landscape level." 35-A M.R.S.A. § 3402(2).¹ We understand and agree that the Downeast Lakes Region, including

¹ A portion of Kossuth Township was added to the expedited permitting area by LUPC pursuant to the process provided for in the Wind Energy Act. Specifically, we understood that the boundaries of the expedited permitting area were necessarily imprecise, and therefore included a provision for adding a place to the expedited permitting area if it was a logical geographic extension of the initially designated expedited permitting area, was important to meeting the State's goals for wind energy development, and would not compromise the principal values and goals of the CLUP. 35-A M.R.S.A. § 3453. Only two of the 16 turbines are in Kossuth, and 14 of the 16 are in Carroll Plantation.

the conservation efforts undertaken by the Downeast Lakes Forestry Partnership, is an important and in some respects unique recreational area and, as a result, wind power in that location was not appropriate. The decision to exclude the Grand Lake Stream and surrounding conservation areas from the expedited permitting area was intentional, **as was the decision to include places beyond those conservation areas, including Carroll Plantation and Kossuth Township.** As Task Force members and as Legislators, we understood that turbines located in the expedited area would be visible from adjacent areas that were excluded from expedited permitting.

B. The Modified Visual Impact Standard

The Wind Energy Act also created a modified visual impact standard to be applied to wind power projects proposed for development in the expedited permitting area. The Legislature recognized that grid-scale wind energy projects can be a highly visible feature of the landscape, and specifically instructed the Department that such visibility is an insufficient basis by itself to support a finding of undue adverse visual impact. 35-A M.R.S.A. § 3452(3). Additionally, among the criteria established to assess whether the visual impact of a wind energy project is reasonable, the Act requires the Department to consider the “purpose and the context of the proposed activity.” 35-A M.R.S.A. § 3452(3)(D). The Bowers Wind Project’s “purpose” is to develop wind power capacity in the State. The Project’s “context” is that it is a step forward toward the State’s as-yet-unmet wind power capacity goals and it is located in the expedited permitting area. Accordingly, when undertaking the balancing that is required to determine whether project visibility “significantly compromises views from a scenic resource of state or national significance such that the development has an unreasonable adverse effect on scenic character or existing uses related to scenic character”, the agency must take into account that the visibility results from a form of development that is encouraged by the State and is necessary to achieve the State’s wind energy goals.

It is also instructive to compare the Wind Energy Act visual impact standard to the traditional Site Law visual impact standard to understand the Legislature’s intent in promoting wind energy through specific regulatory changes. The Site Law standard requires a finding that a development will not “adversely affect scenic character of existing uses.” 38 M.R.S.A. § 484(3). The Wind Energy Act requires a finding that a development will not result in an “unreasonable adverse effect.” 35-A M.R.S.A. § 3452(1). However, the similarity stops there. The Site Law requires that a development “fit harmoniously into the existing natural environment.” The Wind Energy Act explicitly states that a finding of harmonious fit is unnecessary. The Site Law does not specify areas to be evaluated with respect to scenic impacts. The Wind Energy Act restricted the assessment of visual impacts to an enumerated list of publically-accessible resources of state or national significance. The Site Law does not articulate any Legislative preference for certain types of development. The Wind Energy Act establishes that the State should encourage wind power development and creates specific numerical goals for how much wind power the State should have. The Site Law does not establish any geographical preference for where projects should be located. The Wind Energy Act created the expedited permitting area where a Legislative determination of appropriateness has already been made.

The Department's review of the visual impacts of the Bowers Wind Project must be conducted in light of this comprehensive regulatory scheme created to promote development of wind power in the expedited permitting area.

IV. CONCLUSION

We support the Bowers Wind Project. The Project is appropriately sited and will result in important environmental, energy and economic benefits to the State. Although there will be visual impacts to certain lakes in the area, those impacts are not unreasonable, particularly when considered in the context of the Project's substantial benefits. Additionally, visual impacts such as exist here were contemplated under the Wind Energy Act and considered when we delineated areas for expedited permitting. We also believe that the Applicant's decision to reduce the Project size to minimize visual impacts and the Applicant's continued outreach to stakeholders and its commitment to nighttime lighting and other forms of mitigation is exactly the type of behavior we want to encourage.

The State of Maine is at a crossroads. Our economy is struggling and our regulatory system is universally viewed by business as a significant barrier to development, jobs and growth. Here, we have a developer who has an outstanding track record, who has proposed a project in a location that the Legislature has determined is appropriate for wind power, and who, following concerns about visual impacts, significantly reduced the project and agreed to further measures to mitigate the impact of project visibility. The host community wants this Project. We cannot afford to tell a business that although the Legislature passed a law encouraging development of wind power in this location, they cannot proceed because the turbines may be visible on area lakes. We knew turbines were a highly visible feature of the landscape when we passed the Wind Energy Act and "sent a strong signal to wind power developers" that they should invest in the State and invest in developing wind energy in the expedited area. Maine needs the jobs, and Maine needs the energy and environmental benefits of this Project, and we urge the Department to approve it expeditiously.

We appreciate the Department's time and careful effort in the review of the Bowers Wind Project. We look forward to discussing this Project further with the Department and to answering any questions raised by the hearing officer, Department staff, and the parties to this proceeding.

Date: 3/15/13



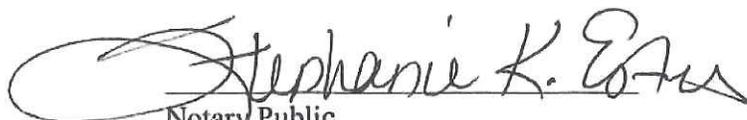
Stacey Fitts

STATE OF MAINE
County of Somerset

Date: March 15, 2013

Personally appeared before me the above named Stacey Fitts, who, being duly sworn, did testify that the foregoing testimony was true and correct to the best of his knowledge and belief.

Before me,



Notary Public

My commission expires: _____

Stephanie K. Estes
Notary Public - Maine
My Commission Expires
July 28, 2017

Date: 3/15/13



Philip Bartlett

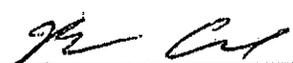
STATE OF MAINE

County of York

Date: 3/15/13

Personally appeared before me the above named Philip Bartlett, who, being duly sworn, did testify that the foregoing testimony was true and correct to the best of his knowledge and belief.

Before me,

 #4156

Notary Public *Attorney*

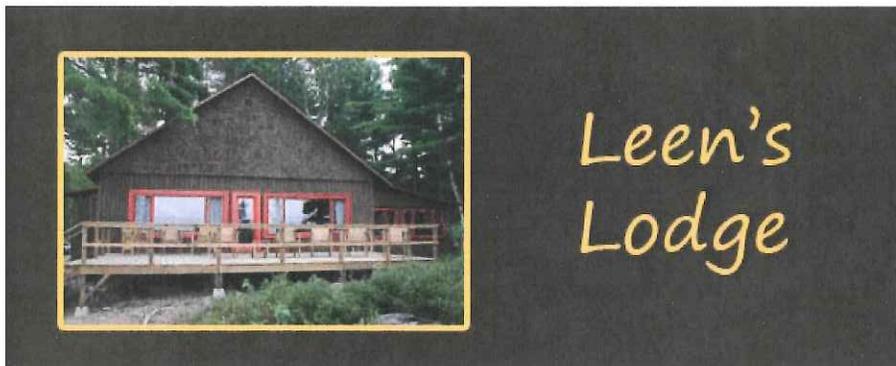
My commission expires: _____

0330

Exhibit B

Leen's Lodge Spring 2013 Newsletter

Spring 2013

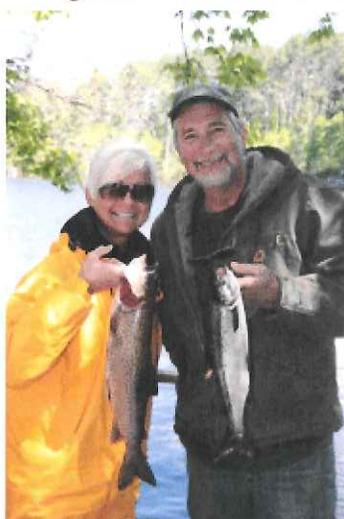


News from Leen's Lodge

www.leenslodge.com

Spring 2013

Greetings From Leen's Lodge



Hello from Leen's Lodge as Cecilia and I prepare for our thirteenth season. We are continuing our e-mail format so that we can reach as many of our guests as possible. In case you want to access the newsletter after you read it for the first time, it will be on our webpage at www.leenslodge.com for your review.

Fishing

The spring salmon and lake trout fishing were very strong this past season. The lake trout population is still very high, and the Maine Fish and Game Department has reduced the size limit for Lake Trout to 14 inches. The change was made in hopes that fishermen would keep small trout more frequently resulting in larger and healthier lake trout and salmon. Salmon caught last spring were

big and healthy with many fish in the 19 to 22 inch range.

St. Croix River

The St. Croix River has continued to be in real hotspot for the fishermen at Leen's Lodge. The St. Croix River has traditionally been a strong autumn location, but this past year it produced all season long. The St. Croix River remains a popular location for our guests, primarily because it is so scenic and abundant in wildlife and fish! The St. Croix River is also a fabulous area for canoeing, and we encourage our guests to paddle the river whenever possible. We most often paddle the river from Vanceboro to Little Falls, and it is a wild and beautiful section. The rapids in that section are typically class II, with Little Falls being the only class III rapid. If any of our guests would like to paddle the St. Croix, please let me know. I'm always looking to spend a day on the St. Croix.

Bloomberg TV

Our August Economist Group was televised again this year by Bloomberg TV. Camp Kotok was the biggest it has ever been this past year. For this event, we engaged the services of 30 local guides. We had many notable guests at this event, including Gov. LePage. Members of the PPDLW were also on-site to present the governor with an award. The Partnership for the Preservation of the



Down East Lakes Watershed (PPDLW) has been helping the local community fight the installation of wind turbines on Bowers Mountain. The governor was presented with a canoe paddle that was made by local guide and canoe builder, Dale Toby, and burned by artisan Debbie MacMichael. A large group of citizens from Grand Lake Stream have been fighting the installation of these wind turbines. They damage our pristine mountain ridges, hurt our wildlife, and make the area less desirable for our visiting guests. We thank Gov. LePage for his support on this very important fight. We would also like to thank David Kotok and members from the Camp Kotok for helping us with the fight against wind turbines. David and members of the Economist Group have always showed their support for Grand Lake Stream, the local guides and the maintenance of the pristine and wild watershed that they enjoy visiting each year.



Dining Room

The dining room had a new facelift this past September. We installed a new steel roof that will protect the dining room for years to come. The red roof can be seen from different locations on the lake, and beckons the West Grand fisherman to return for a beautiful dinner and comfortable lodge.



Wellness Menu



I spent a week this winter at Hippocrates Wellness Center in Florida. I accompanied my sister Cecilia as she continues dealing

with cancer in her life. The message I learned at Hippocrates was the importance of food in our life and the healing properties of living food. As a result of my increased awareness, we will be offering a Wellness Menu for our guests at the lodge.

In addition to our normal menu, each meal will have a vegetarian or vegan option for those wanting a healthier choice. We will be working with local farmers to bring in fresh produce and fruit to make some exciting and healthy offerings each day. Many of our guests have been asking for this option as they change their eating habits toward more vegetables and healthier cooking. Laura has changed her eating habits towards a vegan diet, and is a great example of what healthier eating can do to improve your health and outlook in life. We look forward to seeing you in the Dining Room enjoying a sampling from our new Menu.



As always, Cecilia and I would like to thank all of our guests for their loyalty and patronage. Here is hoping that the winter season brings peace and serenity to you and your family. We look forward to your return to Leen's Lodge.

Leen's 2013 Rates

American Plan includes lodging, breakfast, packed lunch, dinner, and daily maid service.

Regular Season Rates: May 1- July 31 and Sept 1-30

American Plan

\$145 per person per day/ double occupancy*

\$165 per person per day/ single occupancy*

\$165 per person / single night stay*

Children 6-12 pay \$10 per day per year of age*

August Rates: Family Month

American Plan

\$120 per adult per day / double occupancy*

\$70 per day for children 6-15*

Children under 5 stay free

October Rates

American Plan

(October rates reflect high heating costs)

\$165 per person per day/ double occupancy*

\$175 per person per day/ single occupancy*

Housekeeping includes lodging only

Regular Season Rates: May 1- July 31 & Sept. 1- November
Housekeeping

Leen-To Cabin (A Frank Lloyd Wright modeled architecture)

\$400 per day for up to 8 guests. Each additional guest

pays \$50 per night

Cove Cabin

\$250 per night for up to 5 guests. Each additional guest

pays \$50 per night

August Housekeeping Rates:

Leen-To Cabin

\$240 per day for up to 8 guests. Each additional guest

pays \$30 per night

Cove Cabin

\$150 per day for up to 5 guests. Each additional guest pays \$30
per night

Bird Hunting Package (October)

Includes lodging, three meals, Guide Service, taxes and gratuities.

(Guide tip not included)

\$525 per day /double occupancy

\$675 per day / single occupancy

Deposits and Reservations

A \$200 deposit per person payable within 15 days of the date you made the reservation is required to confirm the reservation. All deposits will be credited to the lastnight of your reservation and will be forfeited in case of early departure.

A \$400 deposit per person is required to confirm a bird hunt.

A 10% discount is applied to May and Sept. American Plan Guests

* A 15% gratuity will be added to American Plan rates. Taxes are not included.



Women of GLS



Peter



Mitch Kotok



Blair



Chris Chandor



John and Bill





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Leen's Lodge | PO Box 40 | 368 Bonney Brook Road | Grand Lake Stream | ME | 04637

Exhibit C

Palmer Part II Review, Table 25

March 8, 2013

**Review of the
Bowers Wind Project
Visual Impact Assessment
Part 2: Independent Analysis**

James F. Palmer

Scenic Quality Consultants
Burlington, Vermont

Prepared for
Department of Environmental Protection
Augusta, Maine

March 8, 2013

Upper Sysladobsis Lake	None	None
West Musquash Lake	None	None

Note: These values are from the VIA (LandWorks 2012, Table 1, page 27).

4.9.4 Visual relationship between the project and prominent landscape features. Criterion B described the visible landscape character of the area surrounding the project. The most distinguishing feature of this area is the large number of lakes. However, these lakes are not visually prominent except when one is on them or their shore. In the case of the Bowers Wind Project, the effect related to this indicator is Low for all SRSNS with visibility of turbine hubs..

4.9.5 Summary of Criterion F: Scope and scale of project views. The ratings for the four Criterion F indicators are summarized in Table 25. Again, the general principle of giving each indicator equal weight is followed.

Table 25. Criterion F Indicators and Final Ratings

SRSNS	# Hubs Visible	% Lake Visibility	Nearest Turbine	Prominent Features	Criterion F Rating
Springfield Congregational Church	None	None	None	None	None
Bottle Lake	Low	Low	Medium	Low	Low
Duck Lake	Low	Medium	High	Low	Medium
Horseshoe Lake	None	None	None	None	None
Junior Lake	Low	High	Medium	Low	Medium
Keg Lake	Low	Medium	Medium	Low	Low-Med.
Lombard Lake	None	None	None	None	None
Norway Lake	None	None	None	None	None
Pleasant Lake	Medium	High	High	Low	High-Med.
Pug Lake/Junior Bay	None	Low	Medium	Low	Low
Scraggly Lake	Low	High	Medium	Low	Medium
Shaw Lake	Low	High	Medium	Low	Medium
Sysladobsis Lake	Low	Medium	Medium	Low	Low-Med.
Upper Sysladobsis Lake	None	None	None	None	None
West Musquash Lake	None	None	None	None	None

4.10 Summary of Impacts

4.10.1 Approach for determining Overall Scenic Impact. There are two levels in determining Overall Scenic Impact; the first is for the individual SRSNSs, the second is the Total Scenic Impact to the area within 8 miles of the generation facilities.

Overall Scenic Impact to individual SRSNS. The following rules are used in this analysis.

1. If Criterion F indicates that there is no visibility of blade tips within 3 miles and a turbine hub within 8 miles of a generation facility, then the Overall Scenic Impact for the SRSNS is None.

Maine Renewable Energy Association's Response to the Appeals

Bertocci, Cynthia S

From: Burke, Ruth A
Sent: Thursday, October 10, 2013 4:15 PM
To: Beyer, Jim R; Damon, Jessica; Bertocci, Cynthia S
Subject: FW: Bowers Mountain Wind Project -- MREA comments
Attachments: MREAComments.pdf; Jeremy Payne pre-filed testimony -- Bowers.pdf

From: Jeremy Payne [<mailto:jpayne@renewablemaine.org>]
Sent: Thursday, October 10, 2013 4:08 PM
To: Burke, Ruth A
Subject: Bowers Mountain Wind Project -- MREA comments

Ms. Burke:

Please find attached comments from the Maine Renewable Energy Association in support of the Bowers Mountain Wind Project.

Please let me know if you have any problems opening the attachments.

Thank you.

Best,
Jeremy

Jeremy N. Payne
Executive Director
Maine Renewable Energy Association
PO Box 743
Augusta, ME 04332
207.626.0730 - P
207.626.0200 - F
207.485.4850 - C
jpayne@renewablemaine.org
www.renewablemaine.org

Dear Chair Foley:

On behalf of the Maine Renewable Energy Association (MREA), I am writing to urge the Board of Environmental Protection (BEP) to reverse the Department of Environmental Protection's (DEP) denial of the Bowers Wind Project. The State of Maine is at a crossroads and a positive decision by the BEP on this appeal will send an important message to all businesses that seek to invest in the State that we are, indeed, open for business.

MREA is a professional trade association that represents renewable power producers and suppliers, as well as supporters of the renewable power industry in Maine. MREA was a member of the Governor's Task Force on Wind Power Development, which developed recommendations that formed the basis for the unanimous, bipartisan passage of the Wind Energy Act. We intervened in support of the Bowers Project and participated in the public hearing held by DEP. My Pre-Filed Direct Testimony in support of the Project is attached as Exhibit A.

We have reviewed and adopt by reference the arguments presented by Champlain Wind in its appeal of the DEP's order. Instead of restating those arguments here, we would like to focus on the following two issues. First, the wind industry generally and this project specifically represents a significant economic opportunity for the State and regulatory decisions must take into account those economic benefits. Second, it is critical that all administrative agencies and, in particular the DEP, apply the laws as they are written and in a manner that provides clarity and predictability to those seeking to invest in the State. Not only is the DEP's denial of the Bowers Project at odds with the law and the evidence, but it contravenes these two principles that are essential if the State is going to attract investment.

A. Statewide Economic Benefits Resulting from Wind Development Generally and the Bowers Project Specifically

The direct investment in the State of Maine from wind projects has grown to more than \$1 billion, with greater than \$400 million remaining in Maine. These projects have led to in excess of \$100 million in wages paid to Maine citizens working for well over 300 businesses supported by this new industry. Research by Charles Colgan, PhD, at the Maine Center for Business and Economic Research at the University of Southern Maine, estimates the direct in-state economic impacts of just three wind energy projects'¹ development and construction to be \$863,813 per MW of installed capacity. Of that total, \$681,813 is attributed to Maine-based goods, supplies and services. The remainder, \$182,000 per MW of installed capacity, is attributed to Maine-based labor.²

In addition to the economic benefits described above, each project makes a substantial contribution through payment of taxes and community benefit agreements. The wind industry now pays more than \$6.5 million annually in property taxes alone. These funds help to pay for government services, education, public works and public safety expenditures during a time when statewide economic support to municipalities has declined and our communities are struggling to provide even the most basic services.

The Bowers Project represents an additional \$100 million capital investment in the State. As set forth in the application, the project is estimated to result in \$40 million in construction and supply chain spending, \$10 million in construction and supply chain wages, 100 full-time equivalent direct construction jobs, \$303,291 in estimated annual property tax payments, \$2.8 million community benefits payments, and \$325,000 in additional watershed and trail fund

¹ Kibby, Mars Hill, and Stetson wind farms

² The Employment Impacts of Wind Power Development in Maine 2003-2010, Charles Colgan, PhD; Maine Center for Business and Economic Research; University of Southern Maine.

payments. This investment represents a significant contribution to the State economy and is a critical lifeline for the host communities of Carroll Plantation and Kossuth Township.

Oddly, the DEP chose not to consider the economic benefits of this project or the desire of Carroll Plantation and Kossuth Township to host this project when it evaluated whether the impact of seeing turbines on lakes three to eight miles away was “reasonable.” For the reasons set forth in Champlain Wind’s appeal it was legal error for the DEP not to do so. Additionally, the failure to consider these benefits represents a fundamentally flawed policy that is at odds with the objectives of the Wind Energy Act, the specific intentions of the Maine Legislature, and the desire to attract investment to the State.

B. The Importance of Regulatory Predictability and Clarity

Our members and other businesses have repeatedly cited the importance of regulatory predictability and clarity in attracting and keeping investment in the State. The Wind Energy Act was intended to and has provided clear direction to those seeking to invest in Maine. It identifies locations where wind development is “encouraged,” such as Carroll Plantation, and provides specific standards by which to evaluate such projects. The DEP’s denial of the Bowers Project is based on a new and unsupported interpretation of the Wind Energy Act and departs from established principles of agency action that are necessary to ensure fair and predictable decision making.

First, for the reasons set forth in Champlain Wind’s appeal, there is absolutely no statutory support for the DEP’s novel interpretation that it may deny a project on the basis of aggregated impacts to multiple resources. The DEP agreed with its expert that there was not an unreasonable adverse impact on any individual lake and therefore as a matter of law the scenic impact standard has been met.

Second, The DEP has not previously considered the overall scenic impact on multiple resources and to do so for the first time in the context of an individual application is fundamentally unfair. To my knowledge, in the six prior wind power projects considered by the DEP under the Wind Energy Act there was absolutely no consideration of aggregated impacts. Indeed, in the recent Passadumkeag matter neither the DEP nor the BEP considered the aggregate impact of project visibility on multiple resources but instead evaluated the scenic impact on individual lakes and, based on the finding that there was no unreasonable adverse impact on any individual lake, approved the project.

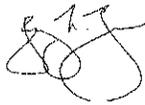
Simply put, applying this new aggregate or cumulative impact standard without appropriate legislative action or, at a minimum administrative rulemaking, is fundamentally unfair, unlawful, and contravenes the need for agencies to act in a manner that provides predictable and clear direction on what the laws require and how they will be applied.

Finally, Champlain Wind revised its project in response to concerns that arose during consideration of the initial and larger project that was considered by the former Land Use Regulation Commission. The Bowers project has been reduced from a 27 turbine to a 16 turbine project. Turbines with greater visibility on more proximate lakes were removed. The project incorporates radar-assisted lighting technology that must be installed prior to construction thereby ensuring that the impacts of night lighting are essentially eliminated. And importantly, Champlain obtained user data consistent with what has been required and formed the basis for approval in other projects. The intercept surveys were not available during consideration of the original project and such information has been a core consideration by the State's scenic expert. The project changes have resulted in a better project and the new information that was not previously available demonstrates that scenic impacts are in line with other projects approved by

the DEP and, importantly, do not represent an unreasonable adverse impact. Notably, Champlain Wind listened to and addressed the concerns expressed over its original project and has demonstrated that its revised project meets the legislatively-mandated scenic impact standard of the Wind Energy Act. We respectfully request that the BEP grant the appeal, find that the scenic impact standard has been met and direct the DEP to draft an order approving the Project.

Thank you for consideration of these comments. Also as an intervenor in the public hearing before the DEP I respectfully request an opportunity to briefly address the BEP when it hears this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Payne', with a stylized flourish at the end.

Jeremy N. Payne

Executive Director, MREA

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
IN THE MATTER OF

CHAMPLAIN WIND, LLC)	Pre-Filed Direct Testimony of
CARROLL PLT./KOSSUTH TWP.)	Jeremy Payne
PENOBSCOT/WASHINGTON COUNTY)	
#L-25800-24-A-N/#L-25800-TE-B-N)	

Jeremy Payne is submitting this pre-filed direct testimony in support of the Bowers Wind Project.

I. QUALIFICATIONS AND BACKGROUND

A. Jeremy Payne

I am the Executive Director of the Maine Renewable Energy Association (“MREA”), a professional trade association based in Augusta. MREA’s members sustainably manufacture clean electricity from biomass, waste-to-energy, wind, tidal, and hydropower. MREA leads the local and statewide policy debate on renewable energy generation in Maine, and works to ensure its efforts are united with those of its member companies. I have been with MREA since 2008, and am active in issues before the Maine Legislature, Public Utilities Commission, and various other regulatory bodies.

II. THE WIND ENERGY ACT

In 2008, The Legislature enacted “An Act to Implement the Recommendations of the Governor’s Task Force on Wind Power Development” (the “Wind Energy Act” or the “Act”) in a unanimous, bipartisan vote to promote the State’s desire to host wind power developments. The Legislature recognized the opportunity to improve our State’s energy security, enhance our clean environment, and grow local and statewide economic benefits.

Due to the unanimous passage of the Act, Maine is recognized as the New England leader of wind energy development. In excess of 300 Maine businesses have completed work on wind projects to date, and that number will continue to grow as more and more projects are constructed and come on-line. The regulatory predictability that the Act created for investors has undoubtedly drawn positive attention on Maine as a worthwhile destination for their investment capital at a time when few industries are seeing any growth.

III. STATEWIDE ECONOMIC BENEFITS

Currently, the State of Maine is host to 435 megawatts of operating wind power projects, which is enough to power approximately 150,000 residences. Conservatively speaking, the total statewide investment has grown to more than \$1 billion, with greater than \$400 million remaining in Maine (excluding the costs of purchasing the towers and turbines). These projects have led to in excess of \$100 million in wages paid to Maine citizens working at the aforementioned 300+ businesses over the last decade. The preceding economic figures do not account for the numerous indirect benefits of wind power development – e.g. expenditures on items like lodging, meals, tools and equipment, entertainment, etc.

As these projects are constructed they offer a lifeline to rural Maine – non-urban areas are where the Act directed projects to be located, and in so doing have introduced tremendous economic growth opportunities for areas that in recent years have seen minimal, if any, commercial investment. In addition, the Maine wind industry owners and operators are often the largest property tax payers in town – in fact, the industry now pays more than \$6.5 million annually in property taxes. These funds help to pay for approved local spending for government services, education, public works (e.g. roads, plowing), and public safety expenditures.

A number of wind developments in concert with their host communities have create Tax Increment Financing (“TIF”) districts – a TIF is a public financing method to help incentivize the siting of developments in a particular town/county while also creating new revenue streams for a host community to employ as they see fit (with the approval of the Maine Department of Economic and Community Development). The following are a few examples of approved TIF-related expenditures: \$500,000 to expand rural broadband access to Unorganized Territory residents to improve access to training and educational opportunities; \$500,000 to enhance tourism visits to recreational areas (e.g. hiking, snowmobiling, bicycling, and cross-country skiing); \$675,000 to acquire a fire truck, and the expansion of the fire department building; \$100,000 to upgrade the town’s publicly-operated boat landing; and \$300,000 for training programs and college scholarships to in-state colleges for residents of the host community.

Overall investment, property taxes paid, and TIF-related approved expenditures are in excess of the minimum statutory requirement of tangible benefits in the amount of \$4,000 per year per turbine.¹ The fact of the matter is the economic benefits from the Maine wind industry are massive – it is difficult to identify a single industry that has invested in this state at the levels we have seen in recent years since the passage of the Act. However, it is imperative that we remember investors are keenly aware of regulatory decisions and how those standards are applied; we must not forget that investors have many other avenues to explore, and we should not give them a reason to seek those out and leave Maine behind.

¹ <http://www.mainelegislature.org/legis/statutes/35-a/title35-Asec3454.html>

IV. CONCLUSION

I support the Bowers Wind Project. The Project offers a substantial investment and economic development opportunity for the state and the host community. This is estimated to be a \$100 million investment when few, if any, industries are looking to Maine to host their investment capital. Should the Department have any questions, I stand ready to be of assistance.

Responses to the Appeals filed by Interested Persons

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& Blasting**

May 3, 2013

Board Chair, Robert Foley
c/o the Board Clerk, Ruth Ann Burke
Maine Board of Environmental Protection
17 State House Station
28 Tyson Drive
Augusta, Maine 04333-0017

Re: Bowers Wind Hearing Comments

Dear Mr. Foley,

This letter is written in support of First Wind's Proposal to build the Bower's Wind Project located in Penobscot County, ME. We believe Maine's economic and energy future is reliant upon our taking advantage of our natural resources. In Maine we have a large wind resource that we should be utilizing for the benefit of the people. We believe the revised project that First Wind has proposed is good for Maine's Energy profile and the economy.

The onset of clean energy development in Maine has allowed us to work on over a dozen renewable energy projects, with upwards of twenty employees working on them at a time when the traditional infrastructure projects (e.g. roads, bridges, commercial developments) have slowed dramatically due to the flagging economy. Wind energy projects have contributed significantly to our company performance during the down economy contributing up to 15% of our revenues in the last four years and at times close to 25% of our backlog. These kinds of percentages allow us to help maintain a consistent and stable workforce that contributes to the local economy.

At Maine Drilling and Blasting we engage early during the permitting process for these projects and continue through construction. These challenging projects provide quality

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Maine 207.582.2338
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& Blasting**

jobs and developmental opportunities for engineers, drillers, blasters, laborers, and rock bolt installation specialists as well as work for rock bolt suppliers, grout suppliers, explosives suppliers, and fuel providers. Additionally, we have invested upwards of a \$1,000,000 in new and used specialty equipment driven by the wind energy market.

If you have any questions regarding my comments feel free please contact me at your convenience at 207-203-1626.

Sincerely,

William A. Scott

William A. Scott, P.E.
Chief Engineer

Burke, Ruth A

C-6

From: twomcgraths@earthlink.net
Sent: Tuesday, September 24, 2013 9:42 AM
To: Bertocci, Cynthia S
Cc: Burke, Ruth A
Subject: BEP question/comment

To: BEP
From: Jill McGrath
Email: twomcgraths@earthlink.net
Other contact info: P.O. Box 757, Princeton, Maine
796-2442

Question or Comment

The survey results need to be contested, the results may be "enhanced" by those earning money from the turbine installations, they are the only beneficiaries. There is a strong negative reaction to those turbines as they severely injure Maine's treasured landscape. Our 21 visitors this summer have been horrified by the sights of the turbines and when they learn that the generated electricity goes to Massachusetts and cannot be stored, they are horrified. Please do not be manipulated by the investors, those of us who cherish all that Maine is (including the beautiful vistas, lakes and forests) hope that you hear us. Please deny any further turbines, their destructive presence in Downeast Maine would cripple our economy and the few jobs that are available in this area, which the turbines would destroy. Sincerely, Jill W. McGrath, a 16 year summer resident of Grand Lake Stream

MAINE AUDUBON

Working to conserve Maine's wildlife and wildlife habitat.

20 Gilsland Farm Road
Falmouth, Maine 04105
207.781.2330
www.maineaudubon.org

October 1, 2013

Robert Foley, Chair
Maine Board of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Dear Mr. Foley:

Maine Audubon is writing to encourage the Board of Environmental Protection (BEP) to overturn the Department of Environmental Protection's denial of the revised Bowers Wind Project proposed by Champlain Wind, LLC, for construction in Carroll Plantation and Kossuth Township, and to instead approve the project.

Maine Audubon works to conserve wildlife and wildlife habitat by engaging people of all ages in education, conservation, and action. Prior to speaking in support of the revised project this spring, we spoke before the Land Use Regulation Commission (LURC) in favor of the initial Bowers project developed in 2011, and before that supported the incorporation of the whole Bowers ridge into the expedited development area so the entire project could be reviewed at one time. We also supported both phases of the nearby Stetson project because they did not present undue adverse impacts to wildlife and wildlife habitat.

Our support is not unconditional. Given the threat to bats the project poses, our testimony included a request for operational curtailment to reduce project impacts on bats.

In assessing potential environmental impacts of wind development, Maine Audubon's decision to support or oppose any given project is guided by five key wildlife considerations. These include impacts to unique natural communities; large blocks of undeveloped habitat; significant wildlife habitat; species of conservation concern (endangered, threatened, special concern or otherwise rare); and bird and bat migration.

Our staff has carefully reviewed the revised Bowers application, and has concluded there are no significant wildlife issues other than the potential impacts to bats that are of concern. We know

very little about how many bats are in Maine, what their demographics are, or how additive mortality might impact populations. A recent "citizen science" initiative undertaken by Maine Audubon in 2012 was unable to document the production of any young bats at more than two dozen maternal colonies. Given steep declines in bat populations throughout other states in the northeast, and with pending state and federal endangered listing for several *Myotis* species, Maine may play a crucial role in providing quality roosting, breeding and migratory habitat. We believe that reducing mortality risk for bats in Maine is critical, especially with the discovery of white-nosed syndrome right here in Maine.

Maine Audubon has been involved with wind resource policy and development since the early 1990s, when the first industrial wind farm was proposed in the Boundary Mountains. Since that time, we have participated in several working groups and task forces, including a Governor's Task Force on Wind Power Development in Maine that was convened in 2007. Throughout our almost 20-year involvement with this emerging industry, we have consistently advocated for rightly-sited wind power development where no undue adverse impacts to wildlife and wildlife habitat result from the construction of roads, pads, and transmission corridors, or from the operation of the turbines themselves.

Given the considerations above, and following DIFW's curtailments guidelines as suggested in the record, we support the Bowers Wind Project as another step toward attaining the State's wind power goals.

We urge the BEP to overturn the DEP's denial of the project and instead approve it. Thank you for your consideration.

Sincerely,



Ted Koffman
Executive Director

Burke, Ruth A

C-8

From: psalm1 tds.net <psalm1@tds.net>
Sent: Tuesday, October 01, 2013 3:32 PM
To: Burke, Ruth A
Subject: Bowers Mountain appeal

10/1/13

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Dear Mr. Foley,

I am aware that First Wind is appealing the denial of the Bowers Mountain project.

As a citizen of Maine, I want to write you to stress the importance of keeping the scenery of Maine intact for future generations. These wind towers are monstrosities on our state's landscape. I moved to Maine 12 years ago with my family in part because the state is so beautiful and there are so many lovely places to enjoy the great outdoors. Unfortunately, industrial wind farms are gradually destroying Maine's beauty. I was reminded of this recently when I took a canoe trip with my brother in Washington County. In the night while camping, I could see the red lights of the huge wind towers of a wind farm situated on a mountain ridge near the remote lake we were on. It made me sick.

Please uphold the previous decision to preserve the scenic value of the Bowers Mountain area and deny the building permit to First Wind. Maine has little left economically, except for tourism and a few others. We should at least be concerned about the economic impact on the area in respect to the tourism industry, not to mention the preservation of the intrinsic value of this wild area that can be kept free from industrial pollution of wind farms.

Thank you for your attention to this matter.

Sincerely,

Sara Alexander
280 Marcho Rd.
Etna, ME 04434

Burke, Ruth A**C-9**

Subject: FW: Att; Mr Robert Foley
Attachments: Letter concerning appeal.txt

From: Vincent Crosby [mailto:2vrcjrlake@gmail.com]
Sent: Tuesday, October 01, 2013 9:17 PM
To: Burke, Ruth A
Subject: Att; Mr Robert Foley

Dear Mr Foley,

My name is Vincent R Crosby. I have written to various departments concerning the Wind turbines on Bower Mountain.

I spend many hours on the waters affected by the building of these turbines. This is a very attractive area and the wilderness that is involved would be spoiled by having these turbines overshadowing the lakes. Anything that interferes with the view is detrimental to the area. I have no interest in favors that have been offered by First Wind to win my approval of their project. I feel that they are just trying to bribe people to get their backing for the project. I feel that this is wrong morally. There are those that would disagree but there are also those that would agree too.

The DEP has worked hard and long with this project and I feel that they were right in their decision , along with LURC's decision earlier to not approve this project.

I strongly ask your support in denying any further action by First wind in persuing this project.

Thank you,

Vincent Crosby
PO box 215
Springfield Maine 04487

Burke, Ruth A

Subject: FW: Bowers mtn. Mr Robert Foley
Attachments: bowers mountain letter.txt

From: Vincent Crosby [mailto:2vrcjrlake@gmail.com]
Sent: Tuesday, October 01, 2013 9:19 PM
To: Burke, Ruth A
Subject: Bowers mtn. Mr Robert Foley

Dear sir,

My name is Vincent Crosby.

I have written many letters in hopes that the Bowers Mountain project will not be allowed to take place. I believe that the quality, scenic and esthetic value will be affected by the building of turbines on Bowers Mountain.

First wind has invested money in this project and went ahead with a lot of work , without having final permission to build. Now they want to have everyone believe that, just because they made a bad business decision, that it should be accepted. If I made decisions like that I would be looking for handouts on the street. Shame on them. I further believe that leasing land to First Wind ,in hopes that it would be sucessful , without final approval, is also bad business. It is known as a "Business Risk". We all know what the word risk means. I spend many hours on the lakes affected by this project. Industrialization is quickly taking away beautiful areas such as this and should be stopped. There are other places where turbines could be built without ruining this area.

The forest industry was alive and successful long before the Bowers Mountain project was even conceived. It will still be sucessful even without the Bowers Mountain turbine project.

I have no problem with the harvesting of lumber in this area. It has taken place long before I was born.

The problem is that the wind turbines will affect this area. Folks do not come to this area to look at turbines looming over the landscape. I am one of those people.I fish this area and see lots of folks canoeing and camping here. We do not want to have a forest service site contaminated by industrialize views.

Lurc and the DEP have studied this project and have denied it twice. They have listened to both sides of the isle and determined , rightfully so, that bowers Mountain is not the right place for the turbines.

Please support their decision and reject the appeal by First Wind.

Thank you ,

Vincent Crosby

PO box 215

Springfield Maine, 04487

Burke, Ruth A

Subject: FW: Att; Mr. Foley
Attachments: statement concerning ATV.txt

From: Vincent Crosby [<mailto:2vrcrlake@gmail.com>]
Sent: Wednesday, October 02, 2013 11:57 AM
To: Burke, Ruth A
Subject: Att; Mr. Foley

Dear Sir,
Please read the attached letter concerning First Wind.
Thank you
Vincent Crosby
P.O. Box 215
Springfield , Maile 04477

To whom it may concern,

There have been articles written that indicate that the Local ATV club is in favor of and recieved monies from First Wind for our support of the Bowers Mountain project.

This is not true.

The club was approached by F.W. and asked if there was anything that they could do to help our club.

We ,as a club,have members that are for the turbines, and also those that are opposed to them. We decided in all fairness to the club members that we should take a neutral position on this matter.

Therefore I feel that this should be brought to your attention because of the false indications that have been made public.

We ,as a club wish to remain neutral.

Thank you ,
Vincent Crosby
P.O. Box 215
Springfield , Maine 04487

Burke, Ruth A**C-10**

From: Lou Cataldo <lou.cataldo@yahoo.com>
Sent: Tuesday, October 01, 2013 9:24 PM
To: Burke, Ruth A
Subject: Bowers Mountain proposed Industrial Wind Project

My name is Louis Cataldo , I am the 1st Selectmen of Grand Lake Stream . I have lived in Grand Lake Stream for 55 years . My family settled in G.L.S . about 1875 . I have been a Registered Master Maine Guide for 37 years, the 4th generation in my family . I strongly oppose the Bowers Mountain industrial wind project . The Grand Lake Stream Economy is based on the beauty of our lakes , streams and forests . Many of the people that come to our area come here just to be in a wilderness setting and enjoy the remoteness that the area provides . Junior Lake , Scraggly Lake and Sysladobsis Lake are some of our most remote Lakes and are very important waters to the Grand Lake Guide . I myself take at least 10 day long fishing trips to each of these lakes every year . Having an Industrial Wind Project on the ridges overlooking these lakes will totally change the way people will feel about recreating on these waters . I use to take my clients fishing on Baskahegan Lake about 15 times per year , now I might go there 2 or 3 times a year after they put the windmills on Stetson Mountain . The people who drive for hours to get to our area to vacation don't want to see heavy industry in the wilderness . I also use to take clients to the Hot Brook Lakes until they put the windmills on the north side of those lakes . I'll never go back there , I pity the people who have camps up there . That use to be a beautiful spot

We are a proud people in G.L.S. , We are proud of our area, the sporting camps and the guides , We have worked hard to keep things beautiful , We work hard to keep our business's going in this tough economy . We are hanging on , but if this Industrial Wind Project happens surely some of us will go out of business and surely all of us will suffer . Please don't over turn the two decisions that were already made on this project . Please don't allow the Down East Lakes Tourist economy to be damaged forever . This is the wrong place to put an Industrial Wind Project . First wind came to us several times to buy our support for this project . We told them we could not sell out , and no amount of money could buy the sky line view on those lakes . What ever good that will come out of this project will be far out weighed by its destruction . Thank you very much ,
Sincerely Yours , Louis Cataldo 1st Selectmen Grand Lake Stream

Karen Bessey Pease
252 Spruce Pond Road, Lexington Twp., ME 04961
(207) 628-2070; (207) 340-0066 roomtomove@tds.net

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Ruth.a.burke@maine.gov

October 1, 2013

Dear Chair Foley,

As a native Mainer who began her life in the Downeast Lakes region, I'm writing to you to ask that you uphold DEP's decision on the Bowers Wind Project and deny First Wind's appeal.

DEP spent months studying First Wind's project application, as did LURC in 2011 and 2012. Both agencies denied the application due to the unreasonable scenic impact the project would have on the Downeast Lakes region. This region contains numerous lakes designated as Resources of State or National Significance (RSNS). These interconnected waterways are the lifeblood of the region. This watershed is unique in that it is accessible to the public but has managed to retain a 'wilderness' feel. There are few remaining jewels such as this, east of the Mississippi.

First Wind's appeal is weak. They are wasting the Board's time and the time and resources of countless Mainers. By listing off the names of organizations which support the project, FW implies that these entities represent some kind of majority or that they carry more weight and importance than citizens do. A careful look at those organizations listed will show BEP that SAM, Maine Audubon and the local ATV clubs all receive significant money from the wind developer. These groups know which side their bread is buttered on and it would be financially detrimental for them to openly oppose the plans of a company which supports them. They are biased entities with financial stakes in the game and as such, their 'support' of FW and its project is tainted.

This is not a game to the people who live, work and recreate in the Downeast Lakes region. As was demonstrated to DEP and LURC, the overwhelming majority of citizens who have testified or written about the Bowers project are opposed to it. They know the value of protecting a resource and an area such as this.

FW claims that DEP didn't fairly balance the negative impacts of the project with its supposed 'energy, environmental and economic' benefits...but DEP did exactly that.

THAT was their job and it is what they spent months studying. They visited the site. They listened to testimony. They read letters such as this. They perused consultants' reports and went over FW's application with a fine tooth comb. DEP has also been educated on the Wind Energy Act and for FW to claim they haven't done their job properly is nothing more than grasping at straws in the hopes they'll pull the long one and convince BEP that they are more versed in what's proper and acceptable than the Agency which is charged with appropriately siting wind facilities.

This battle has been ongoing for four years. Two regulatory agencies have spent this extended period of time studying the project – and both chose to deny the applications submitted to them. It's time First Wind accepted that the Bowers region is inappropriate for grid-scale wind development.

Please vote to uphold DEP's denial of the Bowers project and reject First Wind's appeal.

Thank you for your consideration. Please feel free to contact me with any questions.

Respectfully,

Karen Pease
Lexington Twp., ME

C-12



October 2, 2013

**American Lung Association
of the Northeast**

**LungNE.org
1-800-LUNG USA**

OFFICES:

Connecticut
45 Ash Street
E. Hartford, CT 06108

Maine
122 State Street
Augusta, ME 04330

Massachusetts
460 Totten Pond Road
Suite 400
Waltham, MA 02451

393 Maple Street
Springfield, MA 01105

New Hampshire
1800 Elm Street
Manchester, NH 03104

New York
155 Washington Ave., Suite 210
Albany, New York 12210

21 West 38th Street, 3rd Floor
New York, New York 10018

237 Mamaroneck Ave., Suite 205
White Plains, New York 10605

700 Veterans Memorial Highway
Hauppauge, New York 11788

1595 Elmwood Avenue
Rochester, New York 14620

Rhode Island
260 West Exchange Street
Suite 102B
Providence, RI 02903

Vermont
372 Hurricane Lane
Suite 101
Williston, VT 05495

James R. Beyer
Regional Licensing and Compliance Manager
Division of Land Resources Regulation
Maine Department of Environmental Protection
106 Hogan Road
Bangor, ME 04401

Re: Champlain Wind, LLC

Dear Mr. Beyer,

I am writing to once again express the strong support of the American Lung Association of the Northeast for the Bowers Wind Project as proposed by First Wind and to urge you to reconsider your recent decision concerning this proposal.

Our organization has supported wind power development in Maine for well over a decade and will continue to do so in the future. We have been a strong proponent of other Maine wind projects from Redington and Kibby in western Maine to proposals in Washington County.

While we are not in a position to speak about the positive economic benefits of this project, we certainly can credibly attest to the healthy air benefits that it will provide. Wind power is an important part of an energy strategy that will move us away from fossil fuel and toward clean and renewable energy. In addition to many other benefits that an energy system powered by clean and renewable sources will bring to Maine, the health benefits and avoided medical care costs will be substantial.

Page 2 of 2
October 2, 2013
American Lung Association of the Northeast

Maine has one of the nation's highest rates of asthma. Nearly 10% of all of our residents have this disease. While asthma can be effectively managed by good medical care and an engaged and educated patient, neither the patient nor their health care provider can control outdoor air quality. As the state with the nation's oldest population, there are also many residents who are living with chronic illnesses like heart disease, diabetes and chronic obstructive lung disease (COPD) that are directly impacted by air pollution.

We need to move aggressively to reduce toxic emissions from fossil fuel use in heating, energy production and transportation and create a sustainable approach to assure healthy air will be achieved. The Bowers Wind Project is a major step in the right direction.

We are concerned about the visual impact criteria used in the draft decision to disapprove the Bowers Project. We believe that the application of this criteria could put into jeopardy not only this proposal but future proposals to expand wind power in Maine.

Accordingly, we urge the Department to reconsider its draft decision on this project, apply the existing law and approve the project.

Sincerely,



Edward F. Miller
Senior Vice President, Public Policy
American Lung Association of the Northeast
Augusta, Maine Office

Burke, Ruth A**C-13**

From: Tom Hafer <thafer@stassociates.com>
Sent: Wednesday, October 02, 2013 9:12 PM
To: Burke, Ruth A
Cc: 'Tom Hafer'
Subject: For Mr Robert Foley regarding the First Wind / Bowers Mountain LLC Appeals

Dear Mr Foley

My name is Tom Hafer. I am treasurer of the Stewart Camp LLC which owns the camp at the Thoroughfare between West Grand Lake and Pocumcus Lake. Although our camp is not located directly on the cited lakes we range pretty far and wide in our fishing and canoeing, and we will be directly impacted as shall be related below. The other members of the LLC are my sister, my children, and my cousins and niece who are the direct descendants of Archie Stewart, who originally owned the camp and took us all there as children. I have personally been going to camp nearly every year since 1955. This letter speaks for all of us.

I have written to each of the preceding two groups that adjudicated this matter, and both of them came to the correct conclusion. It seems to me that the will of the local people has been made quite clear in two fair and unbiased proceedings and I am a bit bewildered as to why it is necessary to keep repeating this process, since the facts have not changed.

When I tell people about our camp, they are amazed – no internet, no cellphones, no TV, no newspaper – just as it was when I started coming over almost 60 years ago, and just as it had been for many years before that. There is a stunted tree on a rock nearby that we do not believe has changed in 150 years – yes, our former camp goes go back that far. This is what brings us together each year from Virginia, Massachusetts, North Carolina, Texas, and California. To claim, as in the Bowers appeal, that these lakes do not have a wilderness feel is ludicrous. That is why we come, and it is the one place where the whole family gets together. Losing this feel will diminish the desirability of camp for this group and will subvert our intent of keeping the extended family in touch with one another. And to further claim that the lakes are not really connected makes me wonder how I did my 11-waters-in-1-day canoe trip with my daughter and niece a few years back. We started from our dock and paddled up Pocumcus narrows, pulled into Sysladobsis, paddled up to the top and portaged to Bottle, went up Keg Stream into Keg, then back down Bottle Stream into Junior, down Junior Stream into Norway, pulled over into Pug, then Junior Bay, Grand, and home – tired but happy. And how do they reconcile their opposing contentions that few people use the lakes but they do not have a wilderness feel. In short, the Bowers appeal seems fatuous.

Regarding the First Wind appeal, they claim that the lakes should not be regarded as a whole, and that the scenic impact is limited on each lake individually. The notion that DEP should not consider the overall impact is as ludicrous as claiming that 7 punches in the face are no worse than one. The effect on the region is clearly cumulative. And I believe that one aspect has been severely underweighted – the effect of the red flashing lights at night. These will light up the sky for miles around, far beyond the 7 lakes cited. It will be a huge eyesore. Please look at the night pictures of the existing windfarm over near Lincoln. That alone should convince anyone who sees them. One of the things we do at our camp is to go out and see the stars – one of our group is an astronomer – and actually be able to see the milky way. Our campfires on the beach and our evening dinners on the boat will be ruined by the flashers – we might as well camp at Logan Airport.

I don't want to go on too long, but I believe that both appeals are fatally flawed, that the people have spoken clearly on two occasions, that two councils have reviewed the proposals and correctly rejected them, that nothing material has changed since then, and that BEP should reject these proposals once and for all. All they are trying to do is wear down the opposition; people who have jobs and families and cannot afford to spend a lot of effort however strongly they feel. It is simply wrong.

Thank you

Tom Hafer
 Treasurer, Stewart Camp LLC
 Maine Vacationer since 1955

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Ruth.a.burke@maine.gov

Dear Chair Foley,

I am a resident of Maine whose roots are in the Downeast Lakes region, where my father began his career as a Maine State Game Warden in 1962. I have also been listed as an 'interested person' and have submitted testimony in both the Bowers I and Bowers II application processes.

I am writing today to request that BEP turn down Bowers Mountain LLC's appeal of DEP's decision to deny a permit to First Wind/Champlain Wind. Frankly, Bowers Mountain LLC's appeal is weak and is based on inane assumptions. They do not credit DEP with having the ability to sort fact from fiction. They imply that because the forests in the region are 'working forests', that should give developers carte blanche to industrialize the area.

They compare Baskahegan Lake to the Downeast Lakes, when there is no comparison.

They claim most locals don't use the lakes and they speak disparagingly about Junior Lake because it is stocked with 'invasive species'. Junior Lake is a popular fishing destination and sportsmen from far and near come to Junior to try their luck at catching salmon and togue.

Bowers Mountain LLC quantifies unreasonable scenic impact by the number of supposed 'users' of the lakes, as if scenic impact doesn't matter unless the lakes are overcrowded with tourists. It is the very quality of a 'wilderness feel' (including the fact that they are relatively un-crowded) that makes these lakes – Scenic Resources of State or National Significance – unique and worthy of protecting. That wilderness quality supports many local guides and sporting lodge owners and their employees.

Bowers Mountain LLC also insults those opposed to the project by implying that they are unduly afraid of what will happen if the wind facility is built. I can assure you that locals are perfectly aware of what grid-scale wind turbines are like. The Rollins project and Stetson I and II are within a few miles of the Bowers region and citizens have had sufficient opportunity to discover what types of impacts these facilities produce. If BEP studies the testimonies given to DEP, it will become clear that many more locals oppose the project than support it...and many of those who support it are biased, due to the fact that they have benefitted – or will benefit – financially from the project.

I have been on these lakes. They are peaceful, beautiful and have a pristine feel. I don't recall being impacted by the sound or sight of skidders or feller-forwarders or log trucks.

The fact that the products grown in the surrounding forests have been regularly harvested for two hundred years doesn't make the region 'industrial'. It makes it compatible with the choices made by the citizens and regulatory agencies charged with protecting and preserving what's best about Maine.

Please respect the months of arduous work done by your colleagues in the DEP and uphold their denial decision for the Bowers Wind Project.

Thank you.

Sincerely,

Karen Pease
Lexington Township, Maine

Burke, Ruth A

C-15

From: jack gagnon <jackg@fairpointnet>
Sent: Thursday, October 03, 2013 9:05 AM
To: Burke, Ruth A
Subject: Bowers Mountain Appeals

October 3, 2013

Re: Bowers Mountain Wind Proposal

Robert A. Foley, Chair
 Board of Environmental Protection
 c/o Ruth Ann Burke
 #17 State House Station
 Augusta, ME 04333-0017
Ruth.a.burke@maine.gov

Mr Foley:

My name is Jack Gagnon. I have written numerous emails and letters to LURC and DEP regarding my opposition to the Bowers application. I have devoted a number of my columns in the Northwoods Sporting Journal to the subject, and I have testified against the Bowers Mountain project at public hearings. I live on Duck Lake Road, and I keep a boat docked at Duck Lake. I fish and canoe in Duck Lake and Junior Lake I want to point out some falsehoods and inaccuracies presented by the supporters of this project:

"Because of the noise from chainsaws, diesel generators and harvesters, these lakes can't have a wilderness feel." **FALSE** - The lakes in question do indeed have a wilderness feel. I have spent 13 years fishing on Duck, Scraggly, and Junior Lake. I have never heard any noise of that sort coming from logging operations. They are too far away.

"These lakes are not really connected into a network. Bottle Lake Stream connecting Bottle and Junior is "too shallow for all but the smallest boats most years after August 1st" **FALSE** - Anyone who actually uses Bottle Lake Stream as access to Junior Lake knows that when seasonal water levels are low, all one does is pull up the motor and drift, pole, or row through the stream until it widens in to Junior Lake. I have never seen it "too low to get a boat through." Duck Lake Stream gets much lower than Bottle Lake Stream, and people use it to get in and out of Junior Lake all year. I know. I do it myself. It is also important to note that many canoeists and kayakers use these lakes, and the interconnecting streams, and kayaking/eco-tourism is a rapidly growing tourist industry.

"DEP is supposed to limit their concern to each lake individually and has no right to consider the project's impact on the lake system as a whole." **WRONG** - People thoroughly and often enjoy trekking by boat, kayak, or canoe from Keg Lake into Bottle Lake and from Duck Lake into Junior Lake (and back). The watershed is used as a system, not an individual body of water.

"The lakes are not popular, few people use them, therefore the impact on users must be low.
RIDICULOUS -The tradition of trolling for landlocked salmon and togue is at the heart of century-old Maine tradition. Junior lake is one of the "crown jewels" in the Downeast Watersheds that support these popular Maine native fisheries. Guides bring clients to fish Junior Lake. I live on Duck Lake Road. I witness the parade of boats that are trailered to Duck Lake, then taken down Duck Lake Stream to troll for landlocked salmon and togue in Junior Lake. I also see a steady stream of canoers and kayakers that put in to use Duck Lake Stream as access to to Junior Lake.

"The Project satisfies the scenic impact standard in the Wind Law which states that there must not be "unreasonable scenic impact" ABSURD! How can replacing a distant forested horizon by clearcutting it, and erecting a line of 400 foot industrial towers, that are higher than any other structure in the county, Maine, not be an unreasonable scenic impact??!!!

Please uphold the DEP decision and deny this application. Every review of this wind project by LURC and DEP has reached the same conclusion: **The negative impact of 400 foot wind towers on Maine's cherished Downeast Lakes watershed far exceeds any perceived benefit.**

Thank you for considering *Maine's best interests* in this decision.

Sincerely,

Jack Gagnon - 369 Duck Lake Road - Lakeville, Maine

Bertocci, Cynthia S

From: Burke, Ruth A
Sent: Monday, October 07, 2013 9:28 AM
To: Bertocci, Cynthia S
Subject: FW: Bowers Mountain Project Appeals

Ruth Ann Burke
 Office Specialist II
 Office of the Commissioner
 Maine Department of Environmental Protection
 P-207-287-2811
 F-207-287-2814

From: jack gagnon [mailto:jackg@fairpoint.net]
Sent: Friday, October 04, 2013 9:09 AM
To: Burke, Ruth A
Subject: Bowers Mountain Project Appeals

October 4, 2013

Re: Bowers Mountain Appeals to BEP

Robert A. Foley, Chair
 Board of Environmental Protection
 c/o Ruth Ann Burke
 #17 State House Station
 Augusta, ME 04333-0017
Ruth.a.burke@maine.gov

Mr Foley:

My name is Jack Gagnon. I have already written to you (by email) regarding my opposition to the Bowers application. I want to point out some additional falsehoods and inaccuracies presented by supporters of this industrial development:

First Wind has repeatedly stated in the media that there is overwhelming public support for this project. THIS IS PATENTLY FALSE. The published tally of public opinion of the Bowers Mountain project, including written and oral testimony at the previous hearing, was:

31 Supporting (8.2%)

3 Neutral (0.8%)

345 Against (91.0%)

First Wind points out the following groups when it claims support for the project: The Sportsman's Alliance of Maine, ATV clubs, snowmobile clubs, and Maine Audubon. Any wonder why? First Wind is one of the largest sponsors (cash contributors) to the Sportsman's Alliance of Maine. The ATV clubs, snowmobile clubs, and Maine Audubon have also received cash contributions from First Wind. Except for SAM, (if any of their members actually come here), these groups use trails, not the lakes. The DEP's expert even said he doesn't know where the threshold is between reasonable and unreasonable impact. The impact of this project on the lakes should be determined by those who actually use the lakes, not those who don't, and those whose opinion has been purchased.

The camps on Vinegar Hill have been characterized as already existing visible development. Whatever camps they're describing, they must have spotted them from an airplane! They are not visible from Duck or Junior Lake, nor are the logging operations First Wind would like to cite as development, to justify destruction of the horizon.

Please uphold the DEP decision and deny this application. Every public hearing has revealed a majority of public opposition, and every review of this wind project by LURC and DEP has reached the same conclusion: **The negative impact of 400 foot wind towers on Maine's cherished Downeast Lakes watershed far exceeds any perceived benefit.**

Thank you for considering *Maine's best interests* in this decision.

Sincerely,

Jack Gagnon - 369 Duck Lake Road - Lakeville, Maine

Burke, Ruth A**C-16**

From: Barb&Dan <bmckay@charter.net>
Sent: Thursday, October 03, 2013 9:22 AM
To: Burke, Ruth A
Subject: First Wind/Bowers Mountain

Dear Sir,

Again, I find myself writing yet another letter against First Wind.

My family has enjoyed the silent beauty of Almanac, Getchell, Vinegar and Bowers Mountains from Bottle Lake for over 60 years. Generations have cared and learned from our experiences here on Bottle Lake. We've said NO to First Wind and First Wind has been denied twice, first by LURC, second by DEP. We want what we love to be left as is. By the way, the Maine Audubon spends no time on the lakes, they don't know them. Donations, from First Wind, help them make up their minds to back the project up? Oh yes, as well as the ATV and snowmobile clubs! Again, we want what we love to be left as is.

Thank-you, Barbara LeTourneau

Burke, Ruth A

C-17

From: Tim Pitcher <timmaine@fairpoint.net>
Sent: Thursday, October 03, 2013 10:22 AM
To: Burke, Ruth A
Cc: 'file'
Subject: Bower's Mountai Appeal - Letter from speaker @ Lee Academy Hearing.

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

October 10, 2013 @ 10:21 AM

Dear Board Members,

My name is Timothy Pitcher living on Bottle Lake for the recent seventeen years. I was able to testify at the last hearing held at Lee Academy in Springfield. If it pleases your considerations, I remain staunchly opposed to the creation of an Industrial Scale Wind Farm atop Bower's Mountain. As expressed in my public testimony: "No" means NO!

Sincerely,

Timothy Pitcher
23 Trappers Point Road
Lakeville, Maine 04487

Burke, Ruth A

C-18

From: Richard Washburn <rdwashburn1647@yahoo.com>
Sent: Thursday, October 03, 2013 8:05 AM
To: Burke, Ruth A
Subject: Bowers Wind Machine Denial by DEP

To Whom This May Concern,

I urge you **not** to overturn Maine's DEP ruling and let stand their denial of First Winds request to destroy the scenic beauty and serenity of this special section of Maine known to those who live and recreate in the area as the Grand Lake Stream and Downeast Lake Watershed.

My wife and I are Richard and Donna Washburn. We attended and spoke at the LURC hearing on this subject prior to LURC's denial of First Winds request to build a Wind Machine facility, as a land owner in Lakeville on Duck Lake. We attended the Maine DEP hearings for First Winds request again to build Wind Machines, but this time as a full time resident of Lakeville. Our change of residency was based upon LURC's denial. We spoke to the DEP and the audience at the DEP hearings in an effort to convey the scenic value of this area, not only described by the state of Maine, but also as described by us, as a user of this lake and region resource. The ability to boat from Duck Lake to all of the adjoining lakes in this watershed with the pristine views and serenity must be enjoyed to experience the uniqueness. Only then would one come to understand why a Wind Machine facility makes absolutely no sense. We are shocked to learn this project continues to be an issue especially with the overwhelming public support **not** to support the request of First Wind to destroy the scenic and natural beauty of this area.

In reviewing the reasons for appeal of the DEP's decision, I am amazed at the falsehoods that First Wind and Bowers LLC continue to put forth. One falsehood as an example continues to stand out to me as First Wind tried to address the scenic impact issue at the DEP hearings. They indicated they were pursuing radar controlled red strobe lights that would turn on when aircraft approached their 400' to 500' towers but they had not heard back from the supplier or FAA yet. Little did they know I was in the audience who had worked his entire career in the R&D / Manufacture of radar components and systems supplied to defense and commercial applications. Commercial applications that would need approval by the FAA. First Wind attempted to sell this technology as a means of addressing the scenic value problem they have. As someone who has spent his career in the engineering and manufacture of radar components and systems, I can say why they have not heard from the supplier or FAA. That is because the technology requiring design, testing, manufacture and finally approval by the FAA will take at least a decade or more prior to even going before the FAA, if at all. First Winds reference to this out of the blue technology was mentioned as a means of deceit, at the very least.

LURC and DEP's professional staff spent many, many hours listening and evaluating the impact that this Wind Machine facility would have on the Downeast Lakes Region. Outside of a minority who stand to monetarily benefit, the public and facts pertaining to the integrity of the scenic value have convinced two governing bodies of Maine not to support First Wind. I strongly urge you as well to let stand the DEP ruling. In doing so you will let stand the natural beauty of this area left by the last ice age. The natural beauty that most other states cannot boast and why people dream of living, visiting and recreating in this area known as the Grand Lake Stream and Down East Lakes Watershed. Allow First Wind to construct their wind towers along RT 95 but do not allow them to ruin the the natural scenic value Maine has been fortunate to have and specifically to the region in question.

Thank you for taking my communication and your consideration in this matter.
Sincerely,

Richard and Donna Washburn
Lakeville, Maine

October 4, 2013

Maine Board of Environmental Protection
Board Chair, Robert Foley
c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you in regards to the Bowers Wind Project appeal of the Maine Department of Environmental Protection denial of its permit. The continued development of the Maine wind industry is important to our local environment, economy and our company, Sackett & Brake Survey, Inc.

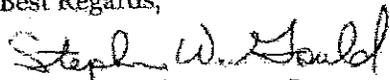
Sackett & Brake Survey, Inc. is a multi-disciplinary surveying, consulting forestry and land use consulting firm with 20 years of business experience. Sackett & Brake Survey employs 10 people with approximate revenues of \$560K.

Sackett & Brake Survey has had the opportunity to work on the Kibby Mt. project where they were project surveyors, performed all layouts for the limits of construction and completed topographic surveys.

Through their involvement in the wind industry, Sackett & Brake Survey was able to hire project-specific employees and purchase new equipment. Sackett & Brake Survey employees also gained expertise working in mountainous terrain.

Sackett & Brake Survey, Inc. has gained opportunities in other markets through their work in the wind industry. Sackett & Brake Survey, Inc. looks forward to providing their services to the wind energy industry in the future. These opportunities can continue to be realized by the permitting of well sited wind projects like the Bower Wind Project. I hope you will give project favorable consideration for the clean energy and economic benefits it brings to the State of Maine.

Best Regards,


Sackett & Brake Survey, Inc.
Stephen Gould
Swg2318@gmail.com
25 Lakewood Road
Madison, ME 04950
(207) 474-6223

October 4, 2013

Maine Board of Environmental Protection
Board Chair, Robert Foley
c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you in regards to the Bowers Wind Project appeal of the Maine Department of Environmental Protection denial of its permit. The continued development of the Maine wind industry is important to our local environment, economy and our company, R.M. Beaumont Corp.

R.M. Beaumont Corp. is an engineering firm that specializes in the development of prototype-stage devices, systems and structures across a multitude of industries and disciplines. R.M. Beaumont Corp. employs six people and is located in Brunswick.

RBC has been involved in a number of wind and ocean energy projects within and beyond the state. RBC has been involved in all of Ocean Renewable Power Company's projects including the tidal energy project located in Eastport, ME. RBC provides services including structural work, technology design, instrumentation, developing monitoring packages and data acquisition.

RBC has also been a part of the University of Maine's offshore VoltturnUS project providing site work and instrumentation including the design of barge systems, data connection services and power cables.

Through their relationship with ORCP, RBC has been able to expand their business, maintain new employees and build relationships with other companies in related markets. RBC has a strong presence in Downeast Maine, with our support of local energy companies there and employees being former residents of the area. RBC is extremely happy about the opportunity to support another energy project in an area we are so welcomed into and familiar with.

R.M. Beaumont Corp. can attribute their company growth to renewable energy markets and are hopeful about opportunities for future growth through Maine ocean and wind energy markets. These opportunities can continue to be realized by the permitting of well sited wind projects like the Bower Wind Project. I hope you will give project favorable consideration for the clean energy and economic benefits it brings to the State of Maine.

Best Regards,

R.M. Beaumont Corp.
Patrick Pottle
Patrick.pottle@rmbeaumontcorp.com
14 Maine Street, Suite 207
Brunswick, ME 04011
(207) 406-2597



AERIAL SURVEY & PHOTO, INC.

AERIAL PHOTOGRAPHY, PHOTOGRAMMETRY, SCANNING,
DIGITAL ORTHOPHOTOGRAPHY, AERIAL PHOTO MOSAICS,
OBLIQUES, REPRODUCTIONS, PROPERTY MAPPING, TAX MAP
UPDATING, DIGITAL MAPPING, GIS

October 4, 2013

C-21

Maine Board of Environmental Protection
Board Chair, Robert Foley
c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you in regards to the Bowers Wind Project appeal of the Maine Department of Environmental Protection denial of its permit. The continued development of the Maine wind industry is important to our local environment, economy and our company, Aerial Survey & Photo.

Aerial Survey & Photo, Inc. provides high quality aerial photography, survey, and mapping services to a wide range of private, professional, government, and industrial clients. Services include all phases of photogrammetry, including professional services in photographic reproductions, control survey, topographic and planimetric mapping, orthophotography, digital data collection, G.I.S., volume determinations and consulting services.

Aerial Survey & Photo employs six people with annual revenues of approximately \$600K. Aerial Survey & Photo has been involved in a number of wind power projects in Maine including Mars Hill, Oak Field, Stetson 1&2, BullHill, Bingham, Passadumkeag, Kibby 2, and Redington. Through their relationship with developer First Wind, Aerial Survey & Photo has also had the opportunity to provide services for wind projects in Hawaii, New York and Vermont.

Since 2005 the wind industry has become Aerial Survey & Photo's largest client. The growth of the wind industry has developed during a time when municipal projects have rapidly declined. As a result, the wind industry has allowed Aerial Survey & Photo to maintain their revenues and employees during a difficult shift in the economy.

Wind industry technology demands have also allowed Aerial Survey & Photo to increase their technology and knowledge base with the inclusion of LIDAR systems. Aerial Survey & Photo has also been able to provide unique solutions such as photogrammetry for wind energy clients.

Aerial Survey & Photo continues to be eager to provide their valuable services to the Maine wind energy market. These opportunities can be realized by the permitting of well sited wind projects like the Bower Wind Project. I hope you will give the project favorable consideration for the clean energy and economic benefits it brings to the State of Maine.

Best Regards,

Aerial Survey & Photo, Inc.
Rod Stevens
rod@aerialsurveyandphoto.com
546 Airport Rd. PO Box 659
Norridgewock, ME 04957
(207) 634-2006

Burke, Ruth A**C-22**

From: info@thepineslodge.com
Sent: Friday, October 04, 2013 11:07 AM
To: Burke, Ruth A
Cc: gary@ppdlw.org
Subject: Bowers Mountain BEP Appeal

Attention Mr. Foley,

As one who took the time to testify at the Spring hearing of DEP in Lee, I feel it imperative that I write to express my hopes that BEP will find prior hearings and decisions from LURC, initially, and DEP subsequently, will be upheld. It has been exhaustively proven that unreasonable adverse effects would be inflicted to the scenic character and existing uses related to the scenic character of the very unique water bodies of the region.

My sporting camp on nearby Sysladobsis Lake relies on this irreplaceable scenic character to continue in business. As a master guide, utilizing Junior and Scraggly lakes would no longer be desirable to my clients as has been the case. They have expressed personally these views to me.

Scenic character is important. It is what Maine and specifically, my sporting camp, promote. Please uphold all the hard work and fairness that LURC and DEP exerted in extensive hearings. The scenic impact standard was indeed applied as set forth by the Wind Energy Act.

Steven Norris, The Pines Lodge and Camps

Burke, Ruth A

C-23

From: Nadianichols <nadianichols@aol.com>
Sent: Friday, October 04, 2013 1:54 PM
To: Burke, Ruth A
Subject: Robert Foley/Bowers Mountain

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Ruth.a.burke@maine.gov

October 3, 2013

Dear Mr. Foley,

I submitted a letter on the second Bowers Mountain appeal and am writing again to ask that you please uphold the decision made by the DEP. This energy project would have an unreasonable adverse effect on both the scenic character and traditional and existing uses of the seven lakes listed; Keg, Bottle, Duck, Shaw, Scraggly, Junior and Pleasant. As a registered Maine master guide, I'm following the traditions of my father and grandfather, both Maine master guides, in striving to protect and preserve an iconic and highly valued watershed in the Down East lakes region. My grandfather use to fly his plane to Grand Lake Stream to partake of world class fishing and to engage the services of some of the best guides in Maine when he needed extra help at his sporting camps on Birch Island in Holeb Pond. I fished these same lakes with my father when I was old enough to cast a fly. These are wonderful, unspoiled waters with fine fisheries and their wilderness character should be fiercely protected for future generations.

Maine's future depends on tourism, not pulp wood and not wind turbines. The Rollins and Stetson wind developments have shown us all what industrial scale development can do to Maine's cherished viewsheds. The enormous economic benefits of tourism cannot be overstated. Nobody comes into the Maine woods and Down East Lakes region to see power plants. Paint them whatever color you want, they're still enormous industrial machines that dominate the landscape both day and night. Placing these machines in one of Maine's most scenic viewsheds creates an adverse and unreasonable scenic impact.

Both LURC and the DEP deliberated very carefully before making their decision. They made the right one with regards to this proposed industrial scale development, and it should be respected.

Thank you for your consideration of my comments.

Sincerely,

Penelope R. Gray
Registered Maine Master Guide
Harraseeket Inn
162 Main Street
Freeport, Maine 04032
207-865-9377

Burke, Ruth A

C-24

From: Terry Kiser <Terry@underwoodelectric.co>
Sent: Friday, October 04, 2013 3:09 PM
To: Burke, Ruth A
Subject: Bowers Wind

Maine Board of Environmental Protection
Board Chair, Robert Foley

c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you in regards to the Bowers Wind Project appeal of the Maine Department of Environmental Protection denial of its permit. The continued development of the Maine wind industry is important to our local environment, economy and our company, Underwood Electric.

Underwood Electric has designed, constructed and installed electrical systems for commercial, institutional and agricultural clients throughout Maine since 1976. Underwood Electric employs approximately 35 people and is located in Mapleton.

Underwood Electric has had the opportunity to do construction work on a number of Maine projects such as Mars Hill, Stetson I and Bull Hill providing services such as substation construction, cabling, grounding and tower hookups. Through their relationship with developer First Wind, Underwood Electric has completed service work on all First Wind projects.

Underwood Electric has had the opportunity to expand their expertise in high voltage circuits and fiber optics. Underwood Electric has seen an increase in revenues from their involvement in the wind industry and has been able to train new employees for specific service work.

Underwood Electric has enjoyed the work provided by the wind industry and is hopeful that next year will bring more projects to start in the state of Maine. These opportunities can continue to be realized by the permitting of well sited wind projects like the Bowers Wind Project. I hope you will give this project favorable consideration for the clean energy and economic benefits it brings to the State of Maine.

Best Regards,

Underwood Electric
Terry Kiser
Terry@underwoodelectric.co
655 Mapleton Road
Mapleton, ME 04757
(207) 764-0040

Robert A. Foley, Chair
Board of Environmental
Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

David R. Darrow
5610 W. Butler Dr.
Chandler, AZ 85226
drdpi@cox.net
480-699-7149

Dear Mr. Foley,

I write to implore you to deny the appeals of Champlain Wind, LLC and Bowers Mountain, LLC to reverse the denial of permitting for their Bowers Mtn. Wind Power Project by BEP approved by commissioner Aho.

As was made abundantly clear in the detailed analysis performed by Staff, not to mention the detailed decision issue by LURC denying the previous larger version of this project, the scenic degradation visited on the outstanding lakes in the exclusion zone would eviscerate the ability of locals and visitors alike to enjoy the pristine, wilderness character of them that has been remarked upon by notable people across the 20th. Century. Even one grid-scale windmill is enough to destroy the very powerful illusion of true wilderness. Everybody in the area seems to get this except for those who've been promised direct compensation for supporting it.

As someone who has owned property on West Grand Lake and participated in the local tourism based economy all of my adult life, I say with some certainty that this project would wipe away all the sporting camps and Maine Guides, and strangle the rapidly growing economic infant of eco-tourism in its crib. All for an enormous eyesore that will create few real jobs or economic activity, and, according to the DOE, would be marginally productive as a power generator.

Please do the only sensible thing and deny these nonsense appeals.

Sincerely,

David R. Darrow

October 5, 2013

Dear Mr. Foley,

Thank you for taking the time to read this letter. Our names are Bob & Peggy McDaniel. We have written letters to LURC and DEP in regards to the Bowers Mountain Project. We believe that the BEP should honor the DEP decision.

We continue to enjoy the many lakes in this region. We fish, kayak, and boat on Pleasant, Scraggly, Junior Bottle and Keag Lakes.

We believe that the "user survey" proved that there would be an "unreasonable scenic impact on the character and use" of these lakes.

Please do what is right for these lakes.

Respectfully

Bob + Peggy McDaniel

Burke, Ruth A**C-27**

From: Barbara Durkin <bjdurk@aol.com>
Sent: Saturday, October 05, 2013 3:43 PM
To: Burke, Ruth A
Subject: Please deny Bowers Wind project--again, to preserve what lures tourists to ME

October 5, 2013

Robert A. Foley, Chair Board of Environmental Protection c/o Ruth Ann Burke #17 State House Station Augusta, ME
 04333-0017

Dear Mr. Foley:

I am a resident of Massachusetts and a frequent visitor to Maine. The attraction for me as a tourist is the unspoiled and scenic beauty that would be destroyed by First Wind Bowers wind project. I was very relieved to learn that the Bowers' project was denied by the ME DEP that demonstrated vision by their actions taken to protect and preserve the environmental integrity of your Scenic Resource Lakes. It does not surprise me that the hedge-fund-backed First Wind has appealed the DEP decision. While I'm surprised that First Wind did not repeat their strategy used in Rhode Island as DeepWater Wind following the Narragansett Town Council's denial of their bid for a cable landing at the Narragansett Town Beach. DeepWater Wind came back using a false name for their company borrowed from National Grid, without permission from National Grid, in an attempt to gain permission to land their cable at another beach in Narragansett, RI. After public outcry, this project permit application for DeepWater Wind was withdrawn.

Maine's tourist industry would be further harmed by First Wind that builds wind projects that fail to produce energy, yet developers continue to collect public subsidies, if Bowers Wind appeal is successful. It is tragic, in my view, that this Boston-based wind developer has not been investigated by the Massachusetts Attorney General as they have been previously in New York. I have identified First Wind business practices that should preclude them from gaining permits to build wind projects in the U.S. to the U.S. House Ways and Means Committee. It amazes me that UPC First Wind affiliates' criminality in the wind sector, criminal energy market conspiracy, has not attracted negative attention sufficient to put them out of business.

Please review this evidence regarding First Wind business practices that must not be ignored if the public and environmental interests are the policy drivers:

http://waysandmeans.house.gov/uploadedfiles/barbara_durkin.pdf

In Hawaii, First Wind constructed the "Kahuku" wind project with a \$117 million dollar loan backed by the public. This project has also failed to produce energy, yet developers continue to benefit by public subsidies.

'Lawsuit: Kahuku Windfarm May Never Get its Turbines Repaired'

<http://www.hawaiifreepress.com/ArticlesMain/tabid/56/articleType/ArticleView/articleId/8191/Lawsuit-Kahuku-Windfarm-May-Never-Get-its-Turbines-Repaired.aspx>

There is only one reason why wind energy developers continue in their destructive path. The public is forced to fund their plundering. Please don't allow First Wind Bowers Wind project to destroy your Scenic Resource Lakes region, and harm your tourism industry. First Wind's appeal must be denied if ME wants to lure tourists like me to return to the splendor of your wild and unspoiled places that recharge our spirits.

Sincerely,

Barbara Durkin
48 Moore Lane
Northboro, MA 01532

Peter Fisher
67 Deer Run, Lakeville, ME
04487
10/5/13

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Ruth.a.burke@maine.gov

I am writing in opposition to the two appeals recently filed regarding the Bowers Mountain II application filed by Champlain Wind. I have previously written to the record of the review processes of both Bowers I and Bowers II.

I regard the two applications to be relatively identical regarding the Scenic Impact on the Downeast Lake System. I feel that, following a most extensive, thorough and fair-handed review, the independent findings resulting in a DEP denial simply reinforced and upheld the unanimous denial of the LURC. I have closely followed the entire process for several years and have read the testimonies, procedural records, the appeals filings and all the responses. I understand the changes that Champlain Wind proposed in the second application. However, the reduced number of turbines failed to convince the DEP that the Visual Impact on these uniquely inter-connected lakes would be inappropriate.

Regarding the appeal of the Bowers Mountain LLC, I find almost every point they make to be absurd. Both LURC and DEP did an extensive site survey to the region. I canoe, boat or kayak these lakes most days of the open water season. There is virtually no evidence of disturbing noise from forest harvesting. This region is as close to wilderness as one can imagine. Logging roads, clearcuts, yarding areas are not visible from any shoreline. I have ridden my ATV often around the Vinegar Hill area. I find it hard to believe that there are 40 "homes" in the area. I know of possibly 2 buildings at which the owners attempt to spend part of the winter months. Most of the property owners have trucked in pre-fab camps or trailers and use these as hunting camps or occasional getaways. The roads are very rough and certainly seasonal. First wind had promised the Vinegar Hill Lot owners association \$5000 a year for 20 years if they supported the turbine application.

The majority of the land in question was purchased with prior knowledge of a wind turbine project. This speculative purchase should not guarantee the speculator the right to win at his gamble. The forest remains a working forest as does the over 350,000 acres of the Downeast Lakes Land Trust. There are no new restrictions to this property; there is simply not an additional annual income the investors and owners had gambled on obtaining from wind developers.

The opposition to this project is not that of a few disgruntled lot owners. If that were so, the opposition to these projects would not have been twice successful at presenting a valid argument against the applicant.

I use these unique waters almost daily and have no idea what Bowers Mt. LLC is referring to as being "stocked with invasive species". There is a healthy population of togue, salmon, perch and small mouth bass in this lake. It is regularly fished and the guides from Grand Lake Stream have adamantly testified to their use of these lakes throughout the fishing season. Many come through the stream into Junior Lake and many more trailer their sports to Scraggly Lake landing by way of the Amazon Road.

Bowers Mountain LLC's appeal is nothing more than whining about not getting the additional profit they had gambled on and is filled with untruths and misrepresentations.

As to the appeal by First Wind, it is evident that First Wind spends tens of thousands of dollars to secure support from community entities and state and national organizations. They are the primary supporter of the local snowmobile club's impressive projects and annually offer a free lunch to those looking for a snowmobile ride with food at its terminus. They are one of the biggest donators to the Maine Audubon Society, the Maine Public Broadcasting Network, the Maine Sportsman's Alliance and most of the other groups that muster public support when called upon. The local ATV club remains neutral due to the membership's varying opinion regarding wind turbine.

The concept that the DEP did not fairly balance the scenic impact on these lakes with the project's "significant energy, environmental and economic benefits" is also absurd. The significant energy production is yet to be demonstrated. The detriment to the unique ecological state of the region would be the construction of these turbines and the roads and blasting required to do so.

The BEP should be aware of what has been referred to as "the donut". Looking at the map of the expedited wind development areas, one clearly sees that the entirety of the shorelines of the Downeast Lakes is excluded from being designated as an expedited area other than the township of Carroll, where the applicant found an in. A sound argument exist that this inclusion of Carroll as an expedited region could have been an oversight and certainly the exclusion of nearly the entirety of the lakes region from being designated as an expedited region would indicate the Downeast Lakes Region was considered to have a unique value worthy of preservation.

Many months of extensive testimony and evidence has resulted in two denials of First Wind's applications. To think that the massive endeavors by these committees were somehow flawed would be an injustice to the extensive effort by Maine's citizen review processes.

I respectfully implore you to uphold the findings of the DEP and let the permit denial stand.

Respectfully Peter Fisher

Burke, Ruth A

C-29

From: D Lamy <dmrlamy@gmail.com>
Sent: Sunday, October 06, 2013 3:16 PM
To: Burke, Ruth A
Subject: APPEALS - First Wind and Bowers Mountain LLC

Dear Chair of BEP:

Our names are Richard Lamy and Donna Lamy and we have written previous letters to LURC and to the DEP regarding First Wind's Bowers Mountain application for turbines and the unreasonable adverse effect on the scenic character of the lake systems in the Junior Lake, Scraggly Lake, Shaw Lake, Pleasant Lake, Duck Lake, Bottle Lake and Keg Lake areas. The scenic impact of turbines would be catastrophic for these lake areas. Kayaking, canoeing, boating, fishing and the wonderful enjoyment these lakes bring to all who use them would be forever destroyed by the installation of turbines along the edges of the lake system.

We frequently use these lakes and we feel it is extremely important to preserve these areas. We respectfully request that the decision to deny this project by both LURC and the DEP be upheld by BEP. Their decision to deny the project was a result of many months of study of this project and the impact it would have on these lakes. We believe their decision to deny this project is correct and should be upheld by BEP. Please uphold the DEP's decision to deny First Wind's Bowers Mountain application. Please deny the First Wind and the Bowers Mountain LLC appeals. We ask you to protect the peaceful wilderness that these lakes share along with the enjoyment these pristine lakes bring to the men, women and children to use these lakes and to do what will be good for Maine.

Sincerely,
Richard Lamy and Donna Lamy
Lakeville

Burke, Ruth A

C-30

From: Roman Hrycun <romanh@frontiernet.net>
Sent: Sunday, October 06, 2013 7:09 PM
To: Burke, Ruth A
Subject: Bowers Wind Project Appeal

Dear Chairman Foley:

I am writing in response to the First Wind appeal of the DEP's decision to deny permitting for the Bowers Wind Project. I had previously written to the DEP and would like to reiterate my position and opinions regarding this project as a half-year resident in the town of Lakeville and frequent boating enthusiast on the lakes affected by this project. The draw to this region for me and my neighbors was the scenic concentration of lakes, wilderness and undeveloped vistas. Wind projects certainly have their place in today's search for renewable energy, but to site them in a pristine lakes region betrays Maine's scenic legacy, a state resource that is neither renewable nor replaceable once disrupted. Wind towers should be clustered on open land that once had been intensively developed like farmland or clear-cut logging tracts. Tourism provides Maine a very tangible and renewable resource. This area's attraction is the scenic landscape that represents, perhaps, the last vestiges of wilderness in the lower 48 states. Wind towers rising significantly above ridge lines certainly do not enhance this wilderness character. I feel the DEP correctly viewed their impact as "unreasonable".

The appeal further cites that various groups support wind tower development in this and comparable areas around the state. The validity of this argument is undermined by the blatant monetary sponsorship by First Wind of various regional organizations for the sole purpose of eliciting support. My appeal and that of my neighbors comes from a love of these scenic resources that deserve protection and preservation for the next generation. Any economic benefits derived from a wind project here pale in comparison to the current recreational usage of any one of the lakes and the supporting infrastructure that would be affected. In short, Maine's scenic legacy should not be for sale for limited economic benefit.

One last counterpoint to one of the appeal arguments that the region is not truly "wilderness" due to the extensive logging that takes place. The true area in question is the immediate vicinity of the following lakes: Junior, Grand, Scraggly, Pleasant, Sysladobsis, Keg and Bottle, not the large area cited in the appeal. Logging is not the issue here. Responsible logging is one of Maine's economic pillars and is an integral part of a renewable and healthy forest. The logging roads and trails provide access to sportsmen, hikers and outdoor enthusiasts. Logging is sustainable without the intrusion of a wind project.

In conclusion, I feel that the assessments of two independent agencies: LURC and DEP came to the same conclusion in their denial of the Bowers Wind Project. I urge you to take their extensive research into consideration. The scenic impact of this project to the lakes region is a tangible detractor on the area's continued use of this resource as an attraction to promote the local economy.

Thank you for your consideration,
Roman Hrycun

Mr. Robert A. Foley
Board of Environmental Protection
c/o Ruth Ann Burke
17 State House Station
Augusta, Maine 04333-0017

Wallace H. Lindahl
2192 Main Road
Carroll Plantation, ME 04487
207-738-4052
Oct. 7, 2013

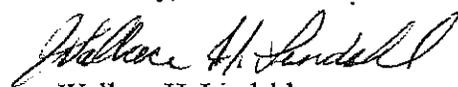
Sir: My name is Wallace H. Lindahl and I have written in opposition to the Bowers Mountain Wind Project. I also spoke against the project at Lee Academy in Lee, Me this Spring at the public hearings.

In my opposition to this project, I spoke about my living directly across from Bowers Mountain in Carroll Plantation. My daily view would be directly ruined by this project. But I also spend time on the lakes and thoroughly enjoy the remote feeling anyone can get from being on these various lakes. This reinvigorating joy of seeing the trees and lakes with the barest amount of man's disturbance is necessary, even essential to revive the human spirit. Maine as a state has a number of areas that allow this spirit to reawaken one, but not another like this area because of the connection of so many lakes. Where can anyone go in this world go without seeing the destruction of our natural beauty? Where in Maine can we go to get away from it all! If there is no limit to mans greed, is it OK to destroy all the beauty in our state?

Those who want this project all have something to gain. Materially or financially and they have no problem lying to get their way. Our state doesn't need to cater to the wants of those who want to destroy its beauty for their own gain and our loss.

I urge you to consider what I've written and what is at stake for our state and the future generations that will live in, or will come to our beautiful state for vacations. May it always be called vacation land and not wind mill land!

Sincerely,



Wallace H. Lindahl

13 Old Kelley Ave
Orono, ME 04473

October 7, 2013

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

SUBJECT: Bowers Mountain Wind Project

Dear Chair Foley:

My husband and I own a camp on the south end of Junior Lake, within the 8 mile radius of the Bowers Project, where all the remote camps are off the grid. We use the connected lakes extensively for kayaking, canoeing, fishing (summer & winter—plenty of salmon and togue!), bird watching, cross country skiing, snowshoeing, and hosting numerous visitors from all over the US who enjoy the wilderness-like quality of the area. As an example, our nieces and nephews from Connecticut, friends from California, and Son's family from Albany look forward to trading their hectic urban lives for the rustic oil lamps and outhouse of our Junior Lake camp. **I previously wrote a letter to the DEP protesting siting of wind towers in this Downeast Lakes watershed and testified at the public hearing in Lee, Maine on March 30-April 1, 2013.** Attached is my DEP testimony.

I argue again that Bowers Mountain, sitting in the view shed of eight connected lakes that are ranked *Scenic Resources of State or National Significance (SRSNS)*, is not appropriate for a wind project siting. When LURC reviewed the Bowers I application, it was turned down on the basis that the Bowers Project would present an "unreasonable adverse effect." After a lengthy review of the evidence, DEP also found that the Bowers II Project would have an unreasonable adverse effect on the scenic character and existing uses related to scenic character. **The DEP decision should be upheld.** Neither the First Wind nor the Bowers Mountain LLC appeal has merit.

First Wind Appeal

First Wind's appeal argues that the project does not have "unreasonable scenic impact" on the character or existing uses of those lakes. They are dead wrong. Evaluating scenic impact is not a "science." Even the DEP expert on scenic impact, Dr. Palmer, admitted that he cannot identify accurately the threshold between "reasonable" and "unreasonable" scenic impact, because it can't be measured quantitatively, it must be experienced qualitatively. Sixteen turbines that are half the height of the small mountains on which they stand, with three rotating blades demanding the sightseer's attention during the day, and two blinking lights on every other tower glaring on the sky

and reflecting on the water, *do* create unreasonable scenic impact on the lakes' character and uses. The user surveys clearly support my claim.

Further, First Wind touts support from ATV and snowmobile clubs. First Wind has made their access roads available to these clubs and provided donations for trail improvements and hosted "ride-ins" to wind farm sites. It is not surprising that ATV and Snowmobile clubs support First Wind. However, many ATV and Snowmobile riders use a state network of trails. They pass through the Downeast Lakes area on route to another destination. For example, one winter evening my husband provided shelter in our Junior Lake camp to four snowmobile riders from Abbott, Maine who were trying to follow the interstate trail system on their way to Lincoln for lodging and got lost too late in the evening to make it safely to their destination. They were using a trail system that goes primarily through the woods or along roads which is where my husband met them. They were passing through, not using the area in any way "related to scenic character." Additionally, all the groomed snowmobile trails in the Lakeville area follow logging and camp roads, and have nothing to do with lakes.

First Wind also touts support from various environmental groups, all of whom follow a *national* agenda committed to lowering CO2 emissions and preventing climate change. Many of the environmental groups also received donations from First Wind. However, these environmental organizations are for wind farms wherever sited, regardless of their effect on the scenic character and uses of *Maine* lakes, not to mention *Maine's* mountains, environment, and the *Maine* tourist economy dependent on scenic vistas. These environmental groups did not investigate the **unique case of the Downeast Lakes Watershed** with its eight lakes classed by Maine as *Scenic Resources of State or National Significance*. I discount their support entirely, as should the BEP. Being for wind farms on an ideological basis is as suspect as being *against* wind farms on an ideological basis. Neither extreme is worthy.

Bowers Mountain LLC Appeal

Bowers Mountain LLC argues that logging in the Downeast Lakes Watershed is "development," and it detracts from the area's scenic value. I argue that logging is not "development," like a Plum Creek resort or a wind farm; logging is a historic part of the Maine environment, and it does not detract from the wilderness-like experience or scenic character. If the presence of logging is the test for siting a wind project, then nearly every mile of Maine (and New England) should be fair game for wind projects.

Many recreational areas in Maine are surrounded by working forest, and most people don't consider them developed: Baxter, Moosehead, the Allagash come to mind. Even though the Allagash waterway has the word wilderness in its title, it is really wilderness-like. There is no wilderness in the pure sense left in most of the US. Even the Allagash Wilderness Waterway is surrounded by working forest. Everywhere in Maine you will find this historic evidence of logging, and in fact, *because* of logging we have access to many remote and undeveloped areas in Maine, like the Downeast Lakes Watershed.

In addition, while the south east shore of Junior Lake is a working forest, all we see from our canoe is unbroken woods, because the law forbids logging within 250' of the shore. So, the only evidence of a working forest that is visible from the water is the cutting on the slopes. A harvested forest blends in with the slope, leaving the ridge line in full view. Plus, it grows back green. A harvested slope does not stick up above the ridge line 460' (475' to a blade tip) twirling and blinking, with the blue sky or stars as a back drop.

In Conclusion

Luckily, because of Maine's stringent laws regulating building in the unorganized territories, when we are paddling at the south end of Junior Lake, we do not see any of the other off-the-grid camps until we are on top of them; they are set back and shielded by trees. And this was as Maine intended, at least until the 2008 wind law subverted the effort to preserve the wilderness-like character and uses of the Unorganized Territories. It is inconceivable that under current Land Use Planning Commission regulations, in order to preserve the scenic and undeveloped character of lakes in the Downeast Lakes Watershed, regular Mainers cannot change camp dimensions or add a small shed on the lake front property without a lengthy permit process; yet, permits are "expedited" for building 460' towers (475' to blade tips) within full view from lakes considered SRSNS.

First Wind and Bowers Mountain LLC have both argued that we lake users are against wind turbines only because we are *afraid* of how they *will* look. That's ridiculous. We know how they will look, because we drive by both the Stetson and Rollins wind projects on the way to Junior Lake. As the DEP discovered during their many months of study and their visits to the lakes, this area *is* remote and undeveloped, and it *should* be preserved from the adverse and incongruous visual impact of industrial wind power.

The only way users of lakes in the Unorganized Territories can have any voice on the siting of wind farms is through our State environmental agencies and the process of hearings and appeals. LURC and DEP heard us. I'm depending on BEP to hear my voice, too. Please uphold the DEP decision. It is the right thing to do for the scenic character and existing uses of the remote and undeveloped Downeast Lakes Watershed.

Sincerely,



Paula F. Moore

My 3 minute testimony

Deputy Commissioner Silvestri, DEP Staff, Assistant Attorney General Mills:

My name is Paula Moore. I'm a resident of Orono, and my husband and I own a camp on Junior Lake, within the 8 mile radius of the Bowers Project. I feel strongly that the Downeast Lakes region is not an appropriate siting for an industrial wind farm.

I will address evaluation criteria B., C., E., and F. from the 2008 Wind Law. Specifically, I address the role of logging operations as ill conceived criteria for determining the scenic character of the Downeast Lakes area.

Everywhere in Maine you will find evidence of logging; it has been the backbone of Maine's economy for centuries. In fact, *because* of logging we have access to many remote and undeveloped areas in Maine, and many recreational areas in Maine are accessible only because lumbering operations preceded them: Baxter, Moosehead, the Allagash come to mind. Furthermore, these popular and well visited areas of Maine are still surrounded by working forest. Seeing a working forest does not diminish a visitor's sense of being in a remote and undeveloped area.

While the south east shore of Junior Lake is a working forest, all we see from our canoe is unbroken woods because the law forbids logging within 250' of the shore. So, the only evidence of a working forest that is visible from the water is the cutting on the distant slopes. A harvested forest blends in with the slope, leaving the ridge line in full view. Plus, it grows back green. A harvested slope does not stick up above the ridge line 460', twirling and blinking, with the blue sky as a back drop.

Luckily, because of Maine's stringent laws regulating building in the unorganized territories, when we are paddling at the south end of Junior Lake, we do not see any other camps until we are on top of them; they are set back and shielded by trees. And this was as Maine intended, at least until the 2008 wind law subverted the effort to preserve the wilderness-like character of the unorganized territories. It is inconceivable that under current Land Use regulations, in order to preserve the scenic and undeveloped character of Junior Lake, we cannot change the windows on our camp or add a small shed without a permit; yet, the 2008 wind law expedites permitting of 460' towers in full view from the lake.

Paula Moore, 13 Old Kelley Ave, Orono 04473, 866-3545

In conclusion, logging is not "development, like a resort or wind farm;" it is a natural part of the Maine environment, and it does not detract from the wilderness-like experience. If the presence of logging is the test for siting a wind project, then nearly every mile of Maine will be wind projects.

DEP is the only agency that can preserve the scenic and undeveloped character of this unique cluster of Downeast Lakes from the adverse and incongruous visual impact of industrial wind power. Thank you. I appreciate having this opportunity to speak to you.

RECEIVED
MAINE DEP

2013 OCT 29 AM 9:01

306 Osgood Rd.
Carroll Plantation ME 04487

October 7, 2013

Dear Chair Foley:

I am the Clerk of Carroll Plantation and I am writing on behalf of Carroll Plantation residents to express our frustration with DEP's decision to deny the Bowers Project. I've attached my prior letter to the DEP in support of the Bowers Project and won't repeat it here, but hope you will read it as it talks in more detail about who we are, why we care, and why we hope you will care about what happens to the people in Carroll Plantation.

Carroll Plantation is the largest of the two host communities for the Bowers Project and we hope to have 14 of its 16 turbines located within our town. We are a community of mostly retired people like myself, who worked in the mills, schools or logging industry. No one has much money here, but we band together, help one another, and struggle to get by. We care about our community and its future and for that reason we want the Bowers Project to move forward. This is literally a once in a lifetime opportunity for our community. At our last town meeting, we discussed the fact that if the wind farm does not move forward, we will have to seriously consider deorganization. The Plantation simply cannot keep afloat financially.

We were told that DEP cares a lot about whether the local community supports a project. So in addition to a Town vote to support the project, we took the time to put together a petition in support of the project, which 69 full-time residents and 46 non-resident landowners signed. This is a huge show of support in a community where we consider it a good year if 30 people attend our Annual Meeting. We Submitted the petition to the DEP, I sent in a letter on behalf of the Plantation, and I testified at the public hearing. So did other residents from Carroll Plantation. Unfortunately, it appears to have fallen on deaf ears because the DEP's decision doesn't take into account that the host communities want this project. Where in the decision does the DEP talk about what matters to Carroll Plantation and Kossuth Township? Where does the DEP talk about the needs, concerns and desires of the host communities? What happened to the principle of local control? I looked and could not find any discussion by DEP about our needs and why we want this Project.

We know what turbines look like because we can see the Stetson turbines 7 or 8 miles away from many places in our town. In fact, I can see them from my driveway. I can also see the Rollins Project from the same spot. The people here go about their business and hunt, fish, ride ATVs and snowmobiles in sight of the turbines. The DEP seems to have chosen to ignore the experience of the people who actually have experience around wind turbines in favor of a small group of folks who live

on the lakes to the south or in a town 18 miles away.

We understand some people don't like looking at turbines, but the vast majority have no problem with them. In this case, we believe that the majority view and the opinion of the community who will be most impacted should be considered.

We know that Augusta is not going to come to our economic rescue and we don't expect them to. But at the same time, we don't expect Augusta to say no to a form of economic development that we want, that is crucial for our continued existence, and that is a form of development encouraged by the Legislature. What is the point of saying "Maine is open for business" and then denying a \$100 million dollar project in a community that already lives in site of a wind farm and wants and needs this economic opportunity? As I said earlier, this is a once in a lifetime opportunity for our community and I really hope that the BEP will pay attention to and make a decision that reflects the interests of the people who will actually see these turbines year round and not just while on vacation from some other place where they can make a living and support their families. We need to take care of our own. I sincerely hope you will approve this project.

Finally, I know you are busy, but if you and your board need any information I can give, please feel free to contact me. I will come and speak to you and the board.

Thank you for considering these comments.

Sincerely,

A handwritten signature in cursive script that reads "Anita Duerr".

Anita Duerr

306 Osgood Rd.
Carroll Plantation ME 04487
November 19, 2012

Ms. Patricia Aho
Commissioner
Maine Department of Environmental Protection
17 State House Station
28 Tyson Drive
Augusta, ME 04333

Dear Commissioner Aho,

I am writing to let you know that Carroll Plantation wants to see the Bowers Mountain Wind Farm go through. I have attached a Petition that has the signatures of 69 full time residents as well as 46 non-resident landowners. We consider it a good year if we get 30 people to our Annual Meeting each year, this is a huge show of support for the wind farm.

We took the time to get this petition signed because of our bad experience in the LURC process. I went to the hearings and it was clear that LURC was far more concerned about out of state camp owners who come to Maine for a few weeks each summer than they were about how this project could help folks in Carroll Plantation many of whom have been here of generations. In all the discussions that I listened to, there was not a single comment from a commissioner about Carroll Plantation. I am hoping that the DEP process will be different. I understand you will have meetings also, but given the hostility of the meetings for those of us who were there, I don't expect a lot of residents will show up for more meetings. I wanted you to know about Carroll Plantation and hope you will consider us and our interests in this project.

Let me tell you some thing about the Plantation:

Some of the families are living on land that their ancestors owned before the Plantation was incorporated. The Flynn's are living on an original Land Grant given to the Bishop family, of which Mrs. Flynn is one. The Bates are living on land that belonged to the Steven's family, who were founding fathers. Mrs. Bates was a Stevens. I am living on land that belonged to my grandfather. He came here in 1907. I raised my children there. Many of us grew up together and went to a one or two room school. The Plantation office is located in one of those schools. We all try to take care of each other but it is getting harder and harder to do given our financial situation.

At one time we were a thriving community with farms and 7 schools, but the Great Depression hit and never left. World War II took a lot of people off the farms and they never returned. Then in the 1960's changing government regulations eventually drove all the dairy farms out of business. We had 4 working dairy farms. Now we don't have a single business left in town.

Now the community is mainly retired folks like myself and either worked in the mills, schools or the logging industry. Nobody has a lot of money and many people are struggling to just get by.

Our biggest challenge is roads and education. We have 12 miles of dirt road and 2 miles of paved, which we have tried to band-aid to the best of our ability. The 2 miles of paved road is in sad shape. It is estimated it will take \$250,000 to put it in shape. We now spend about \$35,000 and it is never enough. Snow Removal on our roads cost \$69,000. Education subside dropped from \$117,000 to \$34,000 this year, because of the transmission lines valuation. The statute that governs TIF rules left out plantations. Here we are on the losing end again.

Tree Growth Tax Law has only hurt the Plantation. More and more people are taking advantage of it and that puts the burden on the rest of us. In 2009 our mil rate was \$23 per thousand. That year the Transmission Lines saved us because there are 4 miles of lines from the Stetson Project. We pinned a copy of the check to the wall in the office. It felt like a windfall. Of course, now we are paying the price. This year's mil rate will go right back up.

Most of us are on a fixed income and the math simply does not work when taxes go up. Some people have to choose between medicine and taxes.

We know what we are getting into with a wind farm. Stetson is to the east of us and Rawlins is to the west. In fact, both can be seen from Route 6. I would be surprised if there is anyone who has not made the trip to see the turbines up close. Most people actually like seeing them because they are interested in what they are doing on different days. The rest of the people have simply stopped noticing them and are not bothered at all. Visitors from "away" always ask to be shown the turbines. I understand some may be afraid of what the turbines will look like, but our actual experience is that they have no impact on our daily lives. That is why some many residents and major landowners in town have signed the petition, we are getting economic benefits that are sorely needed and we have no problem with the view.

The State must have passed the law in favor of wind farms for a reason and they must have known you would be able to see these turbines once they were built. We, along with Kossuth, are the host communities and are telling you and anyone else that will listen that we want to see this project go forward.

Sincerely,



Anita Duerr, Clerk

Burke, Ruth A**C-34**

From: Mike <zeus52@207me.com>
Sent: Monday, October 07, 2013 9:50 PM
To: Burke, Ruth A
Subject: Just say NO.....please!!!!!!

Dear BEP and Chair Foley

I have attended public hearings, written emails, carefully researched the claims and all related info concerning the Bowers Mtn. wind project. It is my considered opinion this windsprawl project is a detriment to the Downeast Lakes region. I support the PPDLW in opposing this development.

If the BEP overturns the DEP (and LURC's) denial of a permit and allows the developers to blast, drill, and otherwise allow the development of industrial grid scale windsprawl in this valuable ecosystem, I will not fish, paddle, camp, recreate or visit near here again. I will be forced to go elsewhere. After Big Rock was impacted by the Mars Hill windsprawl, I have not returned to ski this great little area. Now I hear they have gone bankrupt. Is there a link is to the wind turbines shutting it down by driving people away? Last year was a good snow year and Big Rock should have had a good season. I believe the turbines played a major role in keeping skiers away. Is this proof that turbines harm local businesses? The Downeast Lakes deserve protection and I hope you send the developers packing. Please uphold the denial of the windsprawl permit and deny the appeal.

I have read both appeals to the DEP denial and I found them full of contradictions and misleading statements. The supporters have all received monetary compensation. It is surprising to me that so called clean energy anti oil wind developers would curry favor with snowsledders and ATVers. There are already trails for these groups. How much have they been promised for their support? How desperate are the wind developers to solicit support from this group which is ideologically opposed to them? Or could they not be the "clean green energy" answer but another corporate schemer willing to do anything to have their way, even if it means bribing the other side? Why do both appeals paint the area as a logged over working forest devoid of ecological value, making it OK to desecrate the land and sky with their turbines? One would think the entire region was a cacophony of chain saws, tree harvesters and wood chippers with logging roads everywhere. This is far from the real picture and an exaggeration. The loggers could stand to cut less and remove their roads, but forests regenerate even if the timberland owners allow sloppy practices. Maine needs large areas like the East Woods to supplement the North Woods as undeveloped or lightly developed habitat. Deforestation is a worldwide concern and Maine could show the way protecting areas such as the Downeast Lakes region.

The appeals claim the timberland owners are so generous in allowing access to their lands and use of their roads, but this omits the fact that they are well compensated with tax breaks like the tree growth program which is contingent on allowing public access. With many other tax breaks, recreational users are making up for the taxes the big landowners do not pay with their own taxes being higher. Landowners are not allowing access out of the goodness of their hearts as the appeals make it sound.

The developers will claim an area is lightly used and is therefor not worthy of protection. They will claim another area is highly used and is therefor not wilderness so not worthy of protection. Any area is OK for the wind industry even Maine with 89% of the country having better wind potential. Connecticut has higher average winds but they have banned windsprawl from their hills, trying to satisfy their renewable mandate with wind energy from Maine, many miles away. This industry bears close scrutiny and I hope the BEP and DEP are up to the task.

Both appeals make the same mistake of claiming the Maine legislature passed the expedited wind law, as if it received vigorous debate and research before passing. They are attempting to mislead by not revealing that the "emergency clause" tactic was employed to PREVENT the legislature from thoroughly investigating, and most never read the bill before voting, by their own admission. Even as it stands, the wind law was passed with 389 ft. tall turbines as the accepted height. Now mysteriously, the developers want the old wind law to apply to their new 572 ft. tall and to even taller turbines in the works. How is this acceptable to anyone whose duty is to protect the Maine outdoors?

Property rights are mentioned in both appeals, conveniently omitting any property rights from the opposing side. It is not just the big landowners who have rights, but people who have invested large sums of money in their camps and do not want their value to drop to zero. It is people who make their living in the old traditional way with guiding who have rights. Property rights should not extend hundreds of feet into the air where they detract from others property values. With the Mars Hill debacle of 19 lawsuits settled and 1 pending in the Maine Supreme Court. it would seem prudent to investigate. As the settlements have gag orders, it would take legal action to open these cases and find out what the real life impacts of wind development are. Property values plummet. People can't sleep. It is imperative the state find the truth before any more wind turbines are erected or permits granted.

There is no arguing the lakes are within the 8 mile protected zone. The developer SHOULD have known better than to ever begin their plans for windsprawl. The Downeast Lakes are a significant resource with state and national importance, exactly the lakes the "Maine 's Finest Lakes " assessment wanted to protect. There is no controversy there. The cumulative impacts are huge and are rightly considered. It is not like the developer only wants to erect 1 turbine hidden behind a pine tree.

Please use whatever means you have to and deny these appeals, and thank you for protecting an important part of the Maine outdoors.

Mike DiCenso
Kim DiCenso
56 Taylor St.
Lincoln, ME 04457
207 794 2107



C-35

To: Maine Board of Environmental Protection
 From: Scott T. Lever, Esq., Associated General Contractors of Maine
 Date: Thursday, October 10, 2013
 Subject: Bowers Wind Project Appeal

On behalf of the Associated General Contractors of Maine and its membership, I respectfully submit this letter to the Maine Board of Environmental Protection to voice our support of a decision to over turn Maine Department of Environmental Protection's denial of Natural Resource Protection Act permit Department Order #L-25800-24-A-N and Site Location of Development law permit Department Order #L-25800-TE-B-N, and to instruct Maine DEP to issue an approval order. It is still the position of AGC Maine that Maine DEP's approval of Champlain Wind, LLC's application for the project known as the Bowers Wind Project will provide numerous benefits to Maine and it's people. For the reasons outlined below, AGC Maine requests that this decision be overturned and an approval order be issued.

It is our position that projects like this, which create jobs and pump needed investment into Maine's struggling economy, are exactly what our state needs. Furthermore, Maine-produced wind energy will help diversify our energy portfolio, reducing our exposure to price volatility and lowering our dependence on foreign oil, while at the same time eliminating harmful pollution and emissions caused by energy production from other sources. Not only will this project create hundreds construction jobs in an industry that employs 5,500 less people than it did in 2006, it will also create thousands of dollars of revenue and income for two of Maine's rural towns, it's small businesses, and it's residents for years to come.

It is AGC Maine's understanding that the original application for this project was denied due to pristine water, the visual impact rule, and infringement on Native American property rights. It is also our understanding that the newly proposed project has reduced the number of turbines from 27 to 16 and the land rights issue is currently resolved. The new application also includes moving and reconfiguring the turbines, the use of more efficient turbines, and the creation of a watershed fund.

After reviewing Maine DEP's most recent denial of the project, AGC Maine contends that allowing this dangerous precedent to be set will undoubtedly create an uncertainty for companies looking to bring multi-million dollar renewable energy projects such as this one to our State. It is our opinion that by aggregating the eight lakes deemed Scenic Resources of State or National Significance into one, Maine DEP has created a new visual impact standard that does not currently exist in law. This type of arbitrary rule making by the Department, if allowed to proliferate, could have the effect of chilling the State's business climate and further slowing down an already sluggish economic recovery. And this could not have come at a worse time, while other states around the country are welcoming projects like this one as a way to diversify and enhance their



energy portfolios. If an approval order is issued, this project has the potential to greatly benefit our construction industry, our energy portfolio, our citizens, our economy, and our State.

As far as the completeness of the application is concerned, and as noted in State Economist Amanda Rector's letter to Jessica Damon dated November 20, 2012, Champlain Wind, LCC has provided the documentation necessary for the approval of a permit application for an expedited wind energy development. This documentation includes the following information:

- The project is estimated to create 100 full-time equivalent jobs during development and construction, hired locally whenever possible, with three to five permanent employees post-construction to operate and maintain the facility.
- The project's estimated annual generation of wind energy is approximately 157,000 MWh.
- Projected property tax payments are estimated at \$303,291.00 per year, with \$15,933.00 per year being paid to Kossuth Township, Washington County, and \$287,358.00 to Carroll Plantation, Penobscot County.
- The project will include a sizeable community benefits package, including but not limited to community benefit agreement payments, valued at no less than \$4,000.00 per year per wind turbine, averaged over a 20-year period. The package exceeds the minimum statutory requirements.
- A \$300,000.00 Watershed Recreational Tourism and Conservation Fund will be created.
- \$25,000.00 in seed money will be provided for the "Ride the Wind" Maine snowmobile wind farm trail.
- Champlain Wind, LLC's parent company, First Wind, will provide the traditional outreach programs and support for the host communities of Carroll Plantation and Kossuth Township.
- This project will help Maine avoid the emission of 66,000 tons of CO₂, 70 tons of NO_x, and 190 tons of SO₂ annually.

There are a number of additional benefits Mainers will receive, aside from what is statutorily required. Let me begin by discussing what First Wind has already done for our state during the development, construction and now operation of four wind projects in Maine. According to Matt Kearns, Vice President of Northeast Business Development for First Wind, the wind industry as a whole has invested more than \$1 billion in Maine over the last few years. The economic benefits created by First Wind's four wind projects alone are very impressive:

- \$125,000,000 spent with Maine-based companies during development and construction.
- \$40,000,000+ in tax payments to host communities over the next 30 years.
- 1,000+ people have worked on these projects during development and construction.
- 40+ continuous full-time jobs created in Maine since 2004.



Associated General Contractors of Maine agcmaine.org

In reference to the Bowers Wind Project specifically, Kearns said, "This is a \$100 million dollar project that would be located in rural Maine and has the potential to put nearly 100 Maine companies and hundreds of Mainers to work during the construction phase, with several permanent positions for the life of the project." Additionally, each new wind power project attracts private investment into Maine's economy. Kossuth Township and Carroll Plantation will receive economic benefits in the form of tax revenues and a community benefits package, while local businesses will increase sales from the influx of workers to the area. A recent petition in support of the project was signed by 112 of the 144 total residents of Carroll Plantation. It is clear that the residents of these towns welcome the increased local spending and community benefits that accompany a project like the Bowers Wind Project.

On top of these local and statewide economic benefits, wind power offers a clean, cost-efficient alternative to other forms of energy production used in our state. The federal government provides incentives for wind power development because it is an inexhaustible, clean, safe and reliable method for generating electricity. This added energy independence comes hand in hand with the avoidance of air quality and carbon emission problems created by burning fossil fuels. By reducing emissions, wind power is not only good for the environment and climate change, but it will also help increase the health of Mainers by lowering incidences of diseases such as cancer and especially asthma, a disease in which Maine's population has one of the highest rates in the nation.

In conclusion, AGC Maine strongly urges the Board to overturn Maine DEP's denial of the Bowers Wind Project and instruct them to issue an approval order of the above referenced permit applications. There is strong evidence to support the fact that this proposal fully complies with existing state law. Furthermore, it should be clear that the significant benefits to the State and our people that will be created by this wind project - be it job creation, energy independence, stimulation of local and state economies, or the environmental and health benefits created - far outweigh what this newly created visual impact standard aims to protect, if anything. Thank you for your time.

Respectfully submitted,

Scott T. Lever, Esq.

Scott T. Lever, Esq.
Chief Legal Officer
AGC Maine

Burke, Ruth A

C-36

From: Dave Campbell <dcampbell@inspec.com>
Sent: Monday, October 07, 2013 8:17 AM
To: Burke, Ruth A
Subject: First Wind Appeal - Downeast Lakes Region

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Dear Mr. Foley,

My name is David Campbell and I'm an Architect in Minnesota and an Adjunct Professor at the University of Minnesota. I've written to two other Maine authorities already opposing First Wind's plan to build a wind project within view of the Downeast Lakes Region. I understand the most recent denial has been appealed. I ask that you do not grant the appeal.

Over the past 10 years I've visited the Downeast Lakes eight times. I travel all that distance to enjoy a remarkable resource that provides outstanding fishing and relaxation. Living in the city there's no better tonic than to spend a week or two in the woods, paddling and/or motoring from lake to lake, fishing or simply appreciating the scenery and wildlife. I understand there are some cabins on the shorelines but as far as I'm concerned, it feels like I'm in a wilderness paradise. I regularly fish Bottle, Keg, Junior, Scraggly, Horseshoe, Norway, West Grand and Pocumcus Lakes. They are all gems.

Minnesota has its Boundary Waters Canoe Area that is jealously protected from development, as it should be. But the Downeast Lakes provide a rare combination of wilderness with public access. If you protect this region from development now, in the future its value to Maine will only rise. If you let a developer build 460' tall wind turbines overlooking this precious lake system you will shatter the wilderness feeling that attracts me to Maine.

Please uphold the previous decisions and deny a permit for this blight on the landscape known as the Bowers Wind Project.

Respectfully,

David Campbell AIA, RWC, GRP
Senior Architect / Supervisor / Firm Associate

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Alice McKay Barnett

Robert A. Foley, Chair Board of Environmental Protection c/o Ruth Ann Burke #17 State House Station
Augusta, ME 04333-0017

Bowers Mountain WIND Project comment.

I have commented on the visual impacts of Grid scale Wind on this project before.



There is a cumulative visual impact of every Grid scale Wind project. Each hill you drive over you see these monsters grow taller and taller. Tourists that drive from Southern New England to Grand Lake Stream will be greeted by industrialism NOT Scenic By Ways.

Thank You,

Alice McKay Barnett

P.O.Box 588

Carthage, Maine 04224

Burke, Ruth A

C-38

From: Lincoln G. Clark <lcvt@myfairpoint.net>
Sent: Monday, October 07, 2013 12:46 PM
To: Burke, Ruth A.
Subject: Bowers Mountain Wind Project - NO
Attachments: Bowers Mtn ltr 2.130424.doc; Bower Mtn 120312.doc

Dear Ms. Burke:

I have written past letters and I've run out of really new things to say, except please deny any further attempts to erect wind towers on the ridges to the north of Downeast Lakes Region. It seems we just get this behind us and suddenly there is a new attempt to build the towers. Doesn't no mean no in Maine?

If I had a bit more time I'd work on a brand new letter but my daughter is getting married in a couple of days and things are a bit hectic here. Next July 11 my entire family will be at the Pines on Sysladobsis Lake, including my new son-in-law, for our 50th wedding anniversary. Sure will be nice if the view we all see that day will remain pristine forever.

Previous letter attached.

Thanks and sincerely,

Lincoln G. Clark
998 North Road
Bethel, VT 05032
802-234-5582

March 13, 2012

Frederick W. Todd, Project Planner
Land Use Regulation Commission
22 State House Station
Augusta, Maine 04333

Re: Bowers Wind Project DP#4889

Dear Mr. Todd:

Our family has been visiting the Pines on Sysladobsis Lake regularly for several weeks a year since the late 1930s when Cliff and Marion Lewis first bought the property and with successive owners since. We just introduced the fourth generation, ages one and four, to the Pines this past summer. We come to fish and spend each day on the water either at Dobsis or one of the nearby lakes and ponds.

We drive hours to visit the Pines because of our familiarity with the surrounding area and its unspoiled forests and waters and the joy of leaving shore in the morning and seeing nothing but a handful of other fisherman for an entire day. The prospect of having that beauty permanently scarred by a mass of turbines towering over the northern horizon with no offsetting redeeming value other than filling the pockets of the investors in First Wind to us is unacceptable. Living in Vermont we are already familiar with First Wind and its tactics. And history seems to be repeating itself with their antics concerning the Bowers Mountain project. We get the towers, they get the money and the generated power goes elsewhere.

Wouldn't all our lives be so much easier if we could deal with everything that didn't go our way by just saying:

Just kidding, that was only a practice run so don't make your final decision until I have time to go back, manipulate the playing field, change what I'm saying to something I think you'll like better, try to wear down the other fellow and then try again when I think I might have a better chance to fool you into agreeing with me? And as long as I have deep enough pockets and lots of lawyers, and the prospect of easy government money waiting for me, why not?

I guess my response is that it just isn't right and I'd like to believe that others wouldn't be fooled any more than I am.

Lincoln G. Clark
998 North Road
Bethel, VT 05032
802-234-5582
lcvt@myfairpoint.net

Lincoln G. Clark

998 North Road
Bethel, VT 05032
lcvt@myfairpoint.net
802-234-5582

April 24, 2013

Re: Bowers Wind Project
Jessica Damon
Dept. of Environmental Protection
106 Hogan Road
Bangor, ME 04401

Dear Ms. Damon:

It was just over 13 months ago that I wrote my first letter opposing the construction of wind towers on Bowers Mountain and it appears I was very prophetic in my comments about deep corporate pockets and attempts to wear the opposition to this pending environmental tragedy down by repeatedly bringing back appeals. I have attached a copy of that letter for your review.

To, summarize what I said a year ago is that my family, now the fourth generation, has been visiting the Pines on Sysladobsis Lake continuously since the late thirties. We fish, we walk, we swim, we kayak and we daily gaze from our cabins at the natural beauty to the north up the lake. How anyone would want to destroy that extraordinary vista with Erector Sets is beyond me.

We have the windmill issue here too in Vermont. Our townspeople are rising up in arms about the out-of-state developers getting rich on Federal money and leaving scenic carnage in their wake. Bills are currently before the Legislature to implement a three-year moratorium. The broad consensus is that not only are windmills a blight on the pristine ridgelines now but, in the future when that challenged technology is no longer the fad of the year, how will we get the old towers removed? I understand that it is deemed inappropriate for me to comment on the efficacy of wind power or the actual benefits to those that have to see them but let it be noted that I have had to bite my tongue, or is it keyboard.

I wish I could attend the hearings in Lee but I am due at a conference here at Vermont Technical College that same day. I wonder if this year the construction workers will leave enough room for some of the truly impacted parties to get into the hearing room. Funny about that, I wonder why all those construction folk will be going to the meeting?

Sincerely,

Lincoln G. Clark

Attachment

Burke, Ruth A

C-39

From: Linda King <sempermater@me.com>
Sent: Monday, October 07, 2013 3:19 PM
To: Burke, Ruth A
Cc: Linda King
Subject: Bowers Wind Project Appeal

Linda King

89 Lower Road

Lakeville, ME 04487

403-207-0770

sempermater@me.com

October 7, 2013

Robert A. Foley

Chair

Board of Environmental Protection

#17 State House Station

Augusta, ME 04333-0017

Dear Sir:

I am writing once again to express my concern regarding the Bowers Mountain LLC appeal, having written to the DEP hearing on the proposed second Bowers application. My husband and I have just returned from Switzerland this summer to enjoy our new camp on Lower Pug Lake.

Last year we decided to buy a camp in Maine. We took a month and drove through the state of Maine trying to find a property that would allow us to bring our children and grandchildren together in a wonderful natural setting where we could enjoy being together. It is not easy to find an area that is both pristine and accessible.

Our statewide search finally led us to Pug Lake. What a wonderful discovery! Here was nature at its best. Moose grazing down the road, owls hooting, loons calling out to each other and beautiful stars hanging brilliantly in the dark sky at night. Our children and grandchildren could explore to their hearts content. Canoeing, kayaking, swimming and fishing! And the quiet sound of nature without man-made distractions beckoned, winds rustling in the pines, water lapping on the shore, red squirrels scolding intruders, beavers swimming sedately down the lake as if nothing in the world could bother them. Our family loves it!

We have had friends and family flying into Bangor or driving from Colorado, Georgia, Kentucky, Iowa, Canada, Connecticut, Texas and Massachusetts all drawn by this wonderful unspoiled natural environment that can rarely be found these days. And they enjoyed it so much that they are booking now for the coming summer! Our youngest son spent his last two weeks of leave here in August before heading to Afghanistan. He told me how much he enjoyed the quiet and serenity of the place. This is what we hoped for. This is Maine at its best, the way life should be.

Prior to finding our dream cottage on Pug Lake, we were shown lake properties in the Lincoln area. However we declined to buy any of them because we could see windmills on the horizon. They detracted so much from what we were trying to accomplish for our family. We didn't want to have high towers constantly turning, flashing in the night, jutting up far above the horizon. We needed a place of rest and recreation, away from industrial wind farms. Even in Switzerland, windmills are not allowed as they destroy the natural beauty of the mountains. The Swiss value their tourist industry and are determined to maintain it for the future. Maine also has to preserve scenic areas such as the lakes and land found in the proposed Bowers Wind project for future generations. Areas like this are at a premium. When we saw what had been done around Lincoln, we were appalled. It is so destructive of the peace and beauty that we all need to recoup from the stresses, noise and demands of modern life. Maine has to look after its greatest treasures and the area of proposed windmill development is one of the jewels in Maine's crown. That is why we bought our camp on Pug Lake. It is a heritage that should not be lost to a windmill project.

Thank you,

Linda King

Burke, Ruth A**C-40**

From: Steve Perry <sperry@sargent-corp.com>
Sent: Monday, October 07, 2013 5:12 PM
To: Burke, Ruth A
Subject: Comments on Bowers Wind appeal

October 7, 2013

Maine Board of Environmental Protection
 Attn: Robert Foley, Board Chair
 C/O Ruth Ann Burk, Board Clerk
 17 State House Station
 28 Tyson Drive
 Augusta, ME 04333

Chairman Foley:

Since 1926, the Sargent family has been involved in the construction business in Maine. Today, the Sargent Corporation employs hundreds of Mainers on a diverse range of projects. Over the last several years, Sargent Corporation has been very actively involved in construction related to wind energy production in Maine and New England. In fact, we've constructed the civil infrastructure (access roads and crane pads) for roughly 90% of all the wind projects in New England, including most here in Maine.

These projects are an incredibly important part of Maine's economy. It is our hope – and the hope of our hundreds of employees – that Maine can continue to attract these investments to our state. In order to do that, and to continue to grow this part of our economy, the state needs to fairly and consistently apply regulations. Sadly, that has not been the case with the proposed Bowers Mountain Project. The decision to reject this proposal is a departure from previous regulation and simply isn't supported by Maine law.

This project would bring enormous economic benefit to the state, as well as the community immediately surrounding it. Our company has seen the positive impact that responsible wind energy projects have on communities and on the hundreds of Maine workers who are employed on each of them.

We have the expertise and the workforce to continue this work in Maine, and we hope to have the opportunity. However, if thoughtful, responsible companies – companies like First Wind and others – can't rely on a fair and consistent regulatory environment in Maine, we fear they will take their business, with all its economic benefits, to other states. We have a lot of employees and families who are hoping that won't happen.

The Bowers Mountain Project would bring badly needed tangible benefits to the community, while improving Maine's energy independence and helping the environment. Furthermore – like other wind energy companies we've worked with, First Wind has gone the extra mile to address the concerns of the local community and ensure impressive economic benefits stay in Maine.

I'm writing to you on behalf of Sargent employees and their families who are eager to continue working on wind energy projects in their own backyard. We hope that you will approve this project, paving the way for the hundreds of jobs that will come with it and ensuring the healthy future of this growing part of Maine's economy.

Respectfully,





Stephen E. Perry
Business Development
SARGENT CORPORATION
378 Bennoch Road
Stillwater, Maine 04489
www.sargent-corp.com
Direct line 207-817-7571
Fax 207-827-3148
Cell 207-944-0368

*Sargent Corporation is an Equal Opportunity, Affirmative Action Employer
Women and Minorities are encouraged to apply*

Burke, Ruth A

C-41

From: McLaughlin, Ellen <ewmclaug@samford.edu>
Sent: Monday, October 07, 2013 6:27 PM
To: Burke, Ruth A
Cc: McLaughlin, Ellen
Subject: Bower's Mountain Wind Turbine

October 5, 2013

Robert A. Foley, Chair
 Board of Environmental Protection
 c/o Ruth Ann Burke Ruth.a.burke@maine.gov
 #17 State House Station
 Augusta, Maine 04333-0017

Dear Mr. Foley,

I have written several letters to the Department of Environmental Protection (DEP) opposing the construction of wind turbines on Bower' Mountain in the Down East Lakes watershed. Now I am submitting a letter to the Board of Environmental Protection.

I have been a summer resident in the Down East Lakes watershed region since 1952. I have canoed, kayaked, rowed, fished, sailed and boated on these lakes. Even as a child as we trolled with our Dad from lake to lake I was impressed by the loveliness of the hill and mountain scenery as seen from our vessel. When the Down East Lakes watershed region was designated "a scenic area of state and national significance", the landscape at that time was still beautiful and the feeling of wilderness was apparent. This summer (2013) as I kayaked from lake to lake, the scenery and vistas were just as gorgeous and untouched as they were in 1952.

These 50+ story turbines would be intrusive and unwelcome and would detract from my enjoyment of the wilderness and recreational experiences provided by the Down East Lakes watershed area. Also, in some States, there are special lake places that are ideal for the restoration and refreshment of the mind and soul and need to be protected. This region in Maine is one of them. My friends and family who have visited and boated in this area agree with me.

The Department of Environmental Protection unanimously denied the First Wind permit. Please deny this appeal so that my little nieces and nephews will not have to look at the rusting hulks of turbines 50 years from now as they kayak and canoe these lakes in the future.

Sincerely,

Ellen W. McLaughlin

ewmclaug@samford.edu

Summer

96 Windy Shores
 Lakeville, Maine 04487
 207 738 4138

Winter

5604 12th Ave. South
 Birmingham, AL 35222
 205 595-0806

Burke, Ruth A

C-42

Subject: FW: My objection to your development.

From: toolanmichael@gmail.com [mailto:toolanmichael@gmail.com] On Behalf Of Michael Toolan
Sent: Monday, October 07, 2013 7:51 PM
To: Burke, Ruth A
Subject: My objection to your development.

Robert A. Foley, Chair

*Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, Maine 04333-0017*

October 5th. 2013

Dear Mr. Foley,

I would like it to go on record that I am opposed

*to the construction of wind turbines on Bower's Mountain
in the Down East Lakes Watershed. I have
previously wrote a letter to the Department of Environmental Protection
and will continue to oppose this development.*

I have visited the Down East Lakes region and I have boated and canoed on these lakes.

*While on the water my enjoyment of the scenery, beauty of the landscape and wilderness
experience would be severely affected by the visual presence of these 50 story turbines.*

*Im from Ireland and can assure you that I and others in Ireland are watching this
development proposal.*

Sincerely,

Michael Toolan

Michael Toolan
14 Armstrong Walk,
Coolock,
Dublin 5
Ireland

Burke, Ruth A**C-43**

From: Tici Conant <kona@maine.rr.com>
Sent: Monday, October 07, 2013 9:15 PM
To: Burke, Ruth A
Subject: Bower's Mountain wind project appeals

This letter is to Robert A. Foley, Chair of the Board of Environmental Protection:

Hello, my name is Tici Conant and I have written e-mails to DEP regarding the Bowers wind project application, and also spoke at the public hearing this spring at Lee Academy.

Regarding the appeals of First Wind and The Bowers Mountain LLC to DEP's denial of this project:

- Determining unreasonable scenic impact on these lakes is in the eyes of the beholder. Those of us that use these beautiful lakes seem best suited to determine this. It is only when you are out on these lakes boating, fishing, canoeing, or kayaking that the unreasonable scenic impact can truly be seen and understood. I believe that DEP listened to us, which is evidenced in their decision.
- I have owned a non-waterfront camp in Lakeville with my husband for 6 years, and consider this to be beneficial because we use many of the lakes (Junior, Bottle, Scraggly, Keg, Duck) and are continually adding new lakes to our outings. Pleasant Lake being one that is on our list. 8 years prior to the purchase of our camp, we would come to this area to visit friends and enjoy time on all of these lakes. Because most of the lakes interconnect, we spend time on several each time we go out boating, fishing or kayaking for day use and on overnight camping trips to the remote sites. We use our our camp year round and enjoy cross-country skiing and ice fishing on the same lakes.
- Wilderness is also in the eyes of the beholder. When I'm out on these lakes I hear no chainsaws and logging equipment, and no logging trucks traveling the roads. Compared to other areas of Maine, this area DOES have a wilderness feel.

If the Bowers Mountain wind project is approved and goes forward, it will definitely have an enormous impact on my enjoyment and use of these lakes. Looking at wind turbines on the surrounding hills would be very discouraging.

DEP has put a great amount of time and energy into learning about these lakes and the impact this project would have, and concluded that it should be denied, as did LURC. I'm writing to ask you to please deny these appeals of the Bowers Wind project denial.

Thank you for your time.

Tici Conant
 205 Valley Road
 Raymond, ME

10/7/13

To: Robert A. Foley, Chair
Board of Environmental Protection
C/O Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Dear Mr. Foley,

My name is Tracy Allen. Prior to moving to Georgia in 2010, my husband and I lived on the Brown Road in Carroll Plantation for 15 years and still have a family home on Junior Lake in Lakeville, ME. I had written a letter to the DEP on 11/11/12 requesting that the DEP deny First Winds permit for an industrial wind project on Bower's Mountain and am writing to you today to ask that you, the BEP, respect the hard work, reasoning and decision that the DEP (And previously LURC) made regarding the industrial wind project put forth by First Wind.

We spent hours on these lakes when we lived in Maine – using them for swimming, boating, kayaking, & fishing during the spring, summer and fall & cross country skiing and ice fishing during the winter. We continue to use and appreciate these lakes during the summer. I am most familiar with Junior Lake but have traversed them all. One of the most amazing things about this chain of lakes is that the combination of lands in conservation and, with the exception being Bottle lake, the stringent building restrictions have prevented houses from being built within 100 feet of the shoreline. This combination works together to give this chain of lakes the feeling of being remote and 'untouched'. In fact, on Junior, Keg, Pleasant, Shaw and Duck lakes at least one shore is devoid of lights/ buildings – enhancing that feeling of being on a remote lake

Even though there is logging present on many of the acres surrounding the lakes; there are strict rules that prevent logging to be done near the shoreline. As a result, the sound of logging equipment is rare and the harvested land is not visible from the water itself; preserving the feeling of being on a remote body of water.

My favorite place on Junior is the South beach – when you sit on the beach looking down the length of Junior; you get the feeling that you are in a bowl, ringed by mountains – Bowers Mountain being forefront in that line of view. I can guarantee that there are other people out-enjoying the lake on any given day but on many days my husband and I would get the feeling that we were on a remote, untouched lake and were alone in enjoying this vision. It is truly an amazing lake and view. Having 460 foot towers on Bower's would destroy that feeling of 'untouched wilderness' and I guarantee would ruin the beauty that is the Downeast Chain of lakes.

These monstrosities will be even worse at night – as the dark skies (perfect for watching stars) will be ruined by the line red flashing lights on the towers. (I will be upfront and let you know that we can already see one tower from the lakes, but unlike Almanac Mountain which has one tower with a steady red light – this will be a long line of flashing red lights – which will be far more distracting than the single tower on Almanac) We experienced this distraction/light pollution first hand with Steston I & II; on a trail that my husband had cut on our property in Carroll Plantation. Being in a place where there is no

light pollution is an amazing, and rare, find these days and something that should be respected, appreciated and held onto.

Please respect the decision that the DEP came to regarding the negative impact this industrial wind project would have on this chain of lakes. To erect these towers on Bower's Mountain will ruin the wilderness that we love about this region/ chain of lakes.

Thank you very much:

Tracy Allen
17 Barna Road
Lakeville, ME 04487

PO Box 765
Mineral Bluff, GA 30559

Burke, Ruth A**C-45**

From: Valerie Aponik <aponikv@gmail.com>
Sent: Tuesday, October 08, 2013 8:41 AM
To: Burke, Ruth A
Cc: Peter Fisher
Subject: Wind Project

October 8, 2013
Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

I am writing to express my continuing wish that we not put windmills on Bowers Mt., Maine. The Lake network is one of our most pristine wilderness areas in Maine. This is a big part of the business of promoting the Maine brand. Although difficult to quantify—this is one of Maine's economic engines. I personally use this area for my work as an artist.

The windmills on the mtn, with their visual impact, and night lighting will affect large area of this wilderness. I urge you to hold to the many rulings against the project.

Thank you for your consideration.

Valerie Aponik

Great Wass Studio

Beals, Maine 04611

www.aponikart.com

Burke, Ruth A**C-46**

From: Jerry Hamza <jeroldhamza@gmail.com>
Sent: Tuesday, October 08, 2013 10:29 AM
To: Burke, Ruth A
Subject: First Wind's appeal

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333

Dear Mr. Foley,

I am writing with regard to First Wind's appeal of the DEP's recent decision to deny the Bowers Wind project. I wrote a letter in opposition when First Wind proposed the project to LURC. I wrote a letter in opposition when First Wind proposed the project to DEP. I'm now writing in opposition to First Wind's appeal. Frankly I'm getting tired of writing letters about this project!

I fish all over the world. I've been coming to this area for many years to enjoy fishing in a natural setting. A few years back I moved here full time. There's something very special about this place that's hard to describe. The natural surroundings. People who care about the land. And look out for each other.

Even though I live here, I hire one of our Maine Guides about half the time. That comes to about 60 times a year. I enjoy fishing for Landlocked Salmon and Smallmouth Bass.

I understand First Wind says Guides don't bring their sports farther north than Junior Bay. Baloney! I often fish in the northern end of our waters. Junior Bay, Junior Stream, Junior Lake, Scraggly Lake are all gorgeous and unspoiled. And the fishing is outstanding. To allow First Wind to desecrate this gem of a resource by putting up 465' tall steel windmills would be sacrilege. The Downeast Lakes Region is like a money machine for the State. As other states develop their natural lands, Maine's natural areas will only increase in value.

Please honor the work and wisdom exercised by LURC and DEP. Let the Bowers denial decision stand. Please. For Maine's future.

Sincerely,
Jerry Hamza

Maine Board of Environmental Protection
Attn: Robert Foley, Board Chair
C/O Ruth Ann Burk, Board Clerk
17 State House Station
28 Tyson Drive
Augusta, ME 04333

Mr. Foley:

On behalf of the International Brotherhood of Electrical Workers, I am writing to express my continued support for First Wind's revised application for the Bowers Mountain Wind project. I hope the Board will consider all the facts and ultimately support this important project.

I make my living as an electrician, and I can't emphasize enough how important projects like this are to workers like me. I spent nearly 1000 hours in the classroom and over 8000 hours on the job to earn my journeyman's license. I want put it to work on electrical projects that are ready now. As the economy slowed during the so-called Great Recession, one of the few sectors breaking ground on new projects was wind. While tradespeople in my industry have struggled to find work, wind energy projects have been a vital source of good-paying jobs throughout our state. This project can be another source of economic benefit. Don't make us wait for this work.

Thanks to the investment and interest of wind energy companies like First Wind, IBEW brothers and sisters in Maine have gained expertise in this expanding construction field. We're ready to get to work building more wind towers in Maine; we're just waiting for these projects to be approved. There simply isn't enough construction happening in Maine for us to be turning away good-paying jobs in a growing industry like wind energy. We rely on private companies like First Wind investing in Maine to keep us employed.

Maine has an opportunity to continue to expand its energy portfolio and include more stable, Maine-based energy production. This kind of "local" energy production is less susceptible to shifts in national and international markets, bolsters our state's energy independence and provides the kind of stability in cost businesses look for when building new facilities.

As an electrical construction worker, I've been involved with lots of large-scale construction in Maine over the years. That construction, including wind energy, has benefitted from a mostly stable regulatory structure. The Maine Department of Environmental Protection should apply the same standards that have been applied to previous projects to this project.

Finally, we should be looking for companies who are willing to invest in construction in Maine, but who are sensitive to local stakeholders; First Wind is exactly that kind of company. First Wind has demonstrated a willingness to listen to, and work with, the people of Maine and in the communities where it hopes to invest. Skilled craftspeople in Maine are ready to get to work. We urge you to reconsider and support this project.

Respectfully,

Scott W. Cuddy

Chairman
Robert A. Foley
Board of Environmental Protection
c/o Roth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Upper Pond, October 6th 2013/Re

Dear Mr. Chairman Foley,

My name is Rainer Egle and I own a Camp in the Lincoln area that has been badly damaged by First Winds Rollins project. We find seclusion in the Grand Lake area where nature still is beautiful. I did write an e-mail to Ms. Damon on April 10th in support of DEP to deny any wind industry in the Down East area.

Please allow me to explain why in my humble opinion wind industry should not be allowed in the wonderful Maine woods.

1. *Scenic impact*

We call – and they really are – the lakes scenic. We must keep it that way. Our own camp is located on Upper Pond in Lincoln. 22 turbines are seen from our doorstep. When we exit the camp, most of the time something is in motion and our eyes immediately focus on that. In earlier times it was the beaver, moose crossing the lake, the eagle circling or just the loons. These days it is always the turbines. Your eyes are drawn in that direction. No chances to avoid.

Not even at night there is peace. I've enclosed a picture. The blinking lights are a real nuisance.

Please do not let industry dominate the scenery, but wilderness.

2. *Forestry vs. tourist economy*

Yes, it would be great (from the point of tourists) if only wilderness would be out there. But we're no hypocrits, we read newspapers, use paper napkins, household papers and others. Yes we know they have to come from trees. We are in Maine long enough to remember the old clear-cut way of doing forestry. We also know that the state regulated this industry to be much more eco-friendly and therefore more compatible with tourism.

Please use the same tourism-compatibility factor on industry permissions as well.

Gaby & Rainer Egle, 316 Pierce Webber Rd., PO Box 79, Lincoln, ME 04457 USA
+001 207 403 0417, rainer.egle@mac.com

3. *Infrastructure for logging: Logging roads*

Logging roads are built into an area shortly used and then over the next 20 to 30 years are taken back from nature. It hurts when they are made but soon they are taken back. Industrial use of an area on the other side will have to be kept over the whole period of its use. So we will see the turbines and the roads going up to them for the next 15 to 20 years.

By looking at the vast and enduring destruction of the area by blasting, concrete bases, use of chemicals :

Forestry and wind industry cannot be compared.

4. *Revenues*

Many guides, local shops, even the big shops as L.L. Bean and Cablas make a nice dollar from the many in- and out-of-staters travelling into the well known Down East area to enjoy the remoteness feeling you only can get if you are "out there". If you turn those areas into industrial zones where does that money go? BTW taxes will raise again substantially here in Lincoln, in the shade of the turbines.

Keep the dollars here in Maine; allow only soft use of the environment.

5. *Learn from the projects, accept decisions*

LURC has decided that wind industry in this area would be a bad idea. DEP has decided that wind industry in this area would be a bad idea. We, the people on lakes in Burlington, Lee and Lincoln have learned it the hard way, how bad wind industry is for recreational areas.

Please hold up the decisions that wind industry is incompatible with recreational use of land.

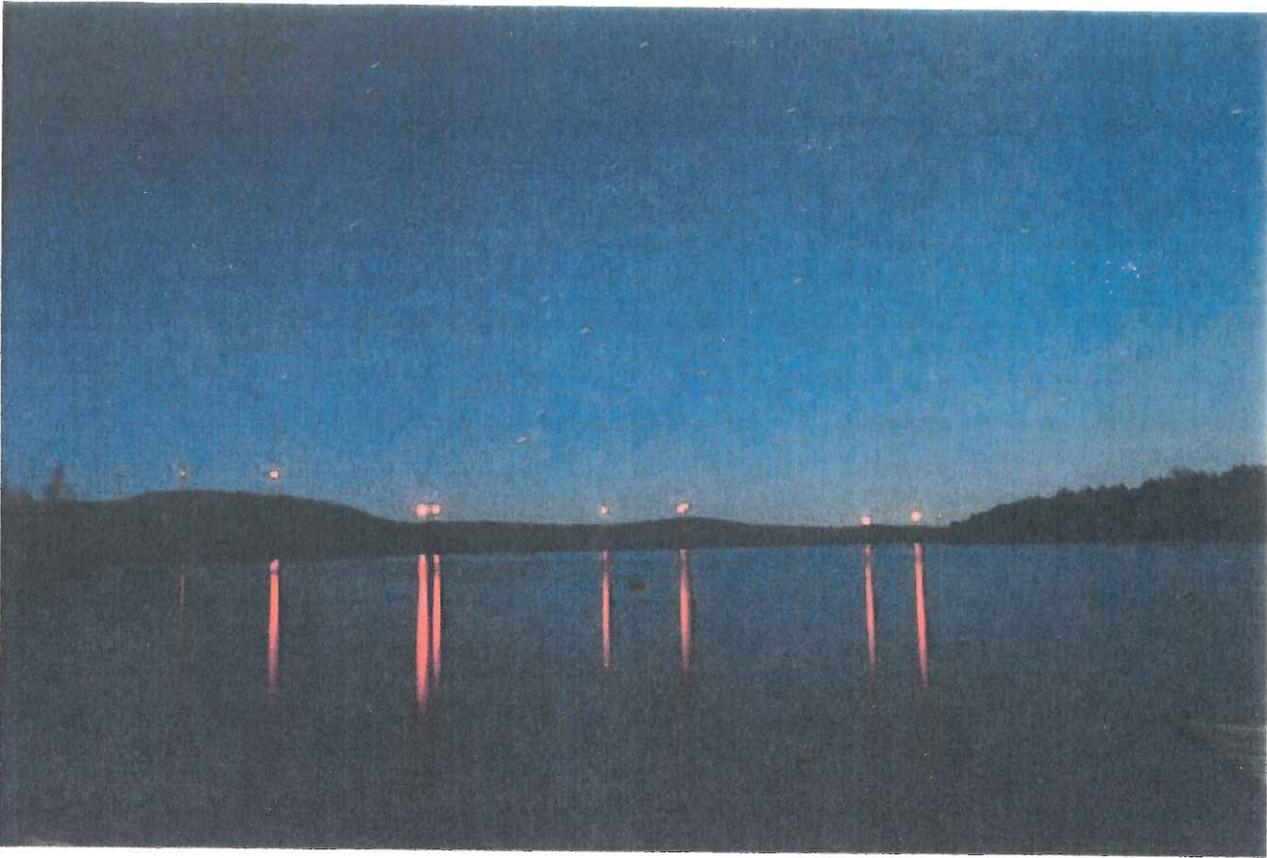
Please Mr. Chairman, follow up with the decisions already in place and deny any further development of wind industry for the Champlain Wind project.

Thank you very much for your time and devotion for keeping the beauty of Maine intact.

Best regards,



Rainer M. Egle



Rainer Egle, Upper Pond, 316 Pierce Webber Rd, Lincoln, ME 04457

Response by Rainer Egle to Appeals of Department Order

Additional photos not admitted to the record.

0433

Gaby Egle, 316 Pierce Webber Rd., PO Box 79, Lincoln, ME 04457 USA
+001 207 403 0417, gabyegle@yahoo.com

C-49

Chairman
Robert A Foley
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Upper Pond, October 8th 2013/Re

Dear Mr. Chairman Foley

My husband and I are from Switzerland and have been coming to Maine for more than 20 years. We own a place on Upper Pond in Lincoln ME now facing 22 wind turbines. We've been in contact with the DEP/BEP several times concerning the Rollins Mountain Wind Project and the wind farm on Bowers Mountain.

We were so grateful for the decisions by LURC and DEP denying the Bowers Wind-Project so that the Downeast Lakes region would not have to experience the same fate as we had to in the Lincoln-Lakes area. Hundreds of people spoke up against the Bowers Mountain project because they felt that what they were about to loose was more than First Wind would tell them. They are right. Only if you have to live with wind turbines day in and day out, you become to realize what this really means. Even without heavy noise emission or flickering, with the turbines in the distance, they become part of your life:

In the morning their reflection cut far across the beautiful, quiet lake. They stick through the fog, they illuminate clouds. If you go out on the water they're always there. Comment by First Wind: "...and if you don't like to look at them just turn around." That's right, partly, because the reflections are still there, right were your fishing lure lies, between every island, around every turn.

They can be seen inside the house, reflecting even in every window facing away from the turbines. At sunset they get illuminated by the last sunlight, sticking pinkish into the landscape like spears and finally at night, instead of stargazing, you stare at red blinking lights. We've always enjoyed very much being on either Junior, Bottle or Pleasant Lake. We would really hate to see the same happening there of what we've experienced here on the Lincoln Lakes. I included some pictures to visualize what I just wrote about.

Gaby Egle, 316 Pierce Webber Rd., PO Box 79, Lincoln, ME 04457 USA
+001 207 403 0417, gabyegle@yahoo.com

First Wind is not telling the whole story about the visible impact of such a project, also they don't live with it. The feeling, the scenic beauty and the character of a whole region will be changed with it.

We tend to remember things by its look. Hopefully generations to come the Down-East Lake region will be remember for its beauty, its remoteness its undeveloped shores, its uniqueness and not for the lakes with the wind turbines.

Thank you very much Mr. Chairman for your time and devotion to keep Maine the place it must remain.

Sincerely,

Gaby Egle

Response by Gaby Egle to Appeals of Department Order

Additional photos not admitted to the record.

Burke, Ruth A

C-50

From: Peter Fisher <juniorlake@gmail.com>
Sent: Tuesday, October 08, 2013 1:28 PM
To: Burke, Ruth A
Subject: Bowers Mountain

Mary Jane Fisher
67 Deer Run
Lakeville, ME
04487
10/8/13

Robert A. Foley, Chair
Board of Environmental Protection
#17 State House Station
Augusta, ME 04333-0017

Dear Mr. Foley,

I am writing to you today concerning the recent appeals of the DEP's decision to deny the Bowers Wind Project proposed by Champlain Wind.

When my husband and I first came to this area we were so impressed with the wild character, beautiful views, and the incredible number of lakes that can be accessed from each of the lakes including Pleasant Lake, Scraggly Lake, Junior Lake, Shaw Lake, Duck Lake, Bottle Lake and Keg Lake. As a user of this watershed I am opposed to the project based on the scenic quality and unique connectivity of these lakes. This summer and fall my husband and I spent numerous hours each week out on these lakes. I feel fortunate each time I kayak, swim, picnic and boat in this area. We have the unique opportunity to go from Junior Lake to Duck and Bottle Lakes through the streams that lead us there. We can, and do, boat to Scraggly. We frequently go up Junior Stream to West Grand Lake and Grand Lake Stream. Our guests are always amazed by the pristine wilderness and the views from these lakes. Many days we would take friends and neighbors out for a boat ride ending at the south end of Junior Lake and look north toward Bowers Mountain. To say that 500 foot turbines would not have a negative impact on this view is irresponsible. It would, in my opinion, ruin the scenic quality of this region. Boating into Scraggly Lake through the stream is also an amazing trip. There are few camps and the pristine views and solitude are unique. Again, looking at looming 500 foot turbines would unquestionably change the character of this precious place. During the August meteor showers my husband and I, along with guests, went out onto Junior Lake to view

the meteor showers. Red blinking lights to the north would have had a negative impact on this activity as well. Just this past week we went out onto our dock one night looking north toward Bowers and saw the northern lights. Red blinking lights on the top of 500 foot towers would have certainly destroyed this opportunity.

I have been following the process closely, beginning with the first application brought before LURC. At that time I wrote in opposition to the first proposed project. I attended nearly all of the hearings and heard the testimony. The commissioners did not make their decision lightly and declined the project based on the scenic impact the 27 turbines would have on this precious resource. I also wrote when the second project, with 16 turbines, was proposed. Again, DEP listened to the people attending the hearing, took into account letters, testimony, and user surveys. From all of these, DEP felt there is no doubt that there will be an unreasonable scenic impact on the character of these lakes. I appreciate the time all of these people put into their decisions. Both were lengthy processes. It is my hope that BEP will come to the same conclusion and uphold the decision of DEP. The character of these lakes and this precious resource depend on it.

Mary Jane Fisher

Burke, Ruth A

C-51

From: Kevin <mainlymaine@fairpoint.net>
Sent: Tuesday, October 08, 2013 5:16 PM
To: Burke, Ruth A
Subject: Bowers Mt. project additional comments

Robert A. Foley, Chair
 Board of Environmental Protection
 c/o Ruth Ann Burke
 #17 State House Station
 Augusta, ME 04333-0017

I'm writing to encourage BEP to turn down the two appeals that have been filed by the land owner and the project developer for the Bowers Mt. wind power project. My family and I are year round residents of Lakeville, ME and have resided on the shore of Junior Lake for the past 12 years. Our home is located approximately 4 miles from the proposed project site and we will experience a direct visual impact 24/7/365. This impact will be severe, in that our property faces directly at every single turbine in the project. Based on the language of the Wind Energy Act it would certainly constitute an *unreasonable scenic impact* on our property and for our traditional uses of the watershed. We fish year round (open water and ice); we ride our ATVs all over these lakes in the winter months; we routinely enjoy taking relatives and other visitors out on the lakes by boat to watch loons, eagles, kingfishers, moose and other wildlife that inhabit this watershed; we also get a kick from watching these same visitors' mouths drop open as they view the expanse and depth of the starscape at night. In recent years we have come to love kayaking these waters and several times a year we do one of the "loop" day trips in our kayaks. Our favorite is Junior Lake, to "the carry" to Keg Lake, across the full length of Keg and into Keg Stream that leads to Bottle Lake, across the length of Bottle Lake and down into Bottle Lake Stream which brings us back to Junior Lake where we explore the islands that surround Boyce Cove on Junior lake. The impact of the turbines is cumulative as they would be visible from all three lakes in this traditional canoe/kayak loop trip.

If it's late spring thru early fall, we usually stop to watch the eaglets in their nests on both Bottle Island and an unnamed island on Junior Lake. The Junior Lake nest has had a successful hatching each of the past 6-7 years, most often producing two eaglets. We spent untold hours drifting off shore watching the antics of this eagle family. There are at least two established and routinely used eagles nests on Junior Lake, and usually 1-2 on the adjoining Scraggly Lake.

We also venture onto these lakes to go fiddlehead and blueberry picking. We have two grand children that visit once or twice a year with their mom and dad. They live in Queens, NY so it's extraordinary fun exposing them to lake swimming, fishing, bird and animal watching, and more. Whether it's those uses and experiences or something as simple as taking our boat to one of the islands on Scraggly Lake to cook hot dogs and smores on a stick, I can only hope that their trips to this watershed instill in them the love of the outdoors that my father shared with me so many years ago.

This industrial energy project will have such a significant impact on the wilderness quality of this watershed that it will change it irreversibly and permanently to a degree that will cause us to put our home on the market if this project is ever approved, as others have already done due to the threat of this project being approved over the past 3+ years. We've lived in several states as far west as Colorado, due to career moves over the years, and we intentionally and with great deliberation chose to spend our last 20 or so years on this earth in Maine on this specific watershed. If we had wanted to live and recreate in the shadows of industrial energy projects of any type, we could have chosen New Jersey or any one of a number of other states.

Mr. Foley, our family has been personally involved in giving testimony at each of the public hearings previously granted by both LURC and the DEP. We've been involved with a citizen's grass roots conservation group (Partnership for the Preservation of the Downeast Lakes Watershed - PPDW) since its inception. We have raised money to support this group through personal donations as well as organizing and participating in numerous fund raising barbecues, silent auctions, T-shirt sales, and other means of raising money for the defense of this watershed from both the Bowers 1 and Bowers 2 iterations of applications by the developer First Wind LLC.

We watched through the many, many months of preparation, reviews, and deliberations that LURC undertook on Bowers 1. The LURC Commissioners voted unanimously to deny this permit, even after giving the applicant an additional significant amount of time to come up with changes to the siting of these turbines. The developer waited until the last hour of the last day of this extension to admit that they couldn't mitigate the unreasonable scenic impact of the project that LURC ruled on.

We also have been very involved with defending the watershed against the second iteration of the application, which is the one that DEP found to also have a scenic impact that was determined to be unreasonable in their eyes. I might mention that both LURC and DEP personally took tours of this watershed and viewed for themselves what is at stake here and both entities denied their respective applications. Between LURC and DEP, they've reviewed literally thousands of pages of testimony and hundreds of exhibits, and each agency sat through 2-3 days of public hearings only to come to the same conclusion - that this project should not be built on the proposed site as it would cause undue negative impact on this special watershed. This included both the unreasonable scenic impact on individual users of these lakes "of statewide or national significance" as well as the locally owned and operated businesses that depend on the wilderness character of this watershed to provide customers /clients for their guiding, lodging, dining, and ancillary support businesses. The well being of this semi-remote area has been driven by a sporting based recreational economy since the first guides and lodges made their living here over 150 years ago. While the lodges tend to change hands every 20 or so years, many of the guides who work this watershed are 3rd and even 4th generation guides. They should not be forced to abandon their traditional way of making a living because an out of state developer wants to overshadow the lakes with 48 story tall industrial wind turbine structures that will ruin the wilderness character of the viewscape around this watershed.

Most of the above addresses the developer/applicant's appeal. In looking at the appeal of one of the landowners involved in this project, (Bowers Mountain LLC) it appears that their whole case is built around convincing you that because there is a working forest in this area, that the area somehow has lost all of its wilderness appeal. That because there are logging roads in the area, that somehow that equates to some type of urban atmosphere. This appeal was obviously hastily prepared and it tries to tout facts that were totally disproven in both the LURC and DEP reviews. They assert that there are 40 house on Vinegar Hill, when in fact the true number is 5 or 6. In my final attempt to discredit that appeal I would ask that you view the attached photos that were taken by a pilot acquaintance of mine from Lincoln just a week or so ago. Do you see signs of mass housing development? Do you see signs of massive forest harvesting that would ruin the views from the lakes in this watershed? No, of course you don't. These pictures totally disprove many of the assertions made by the land owners legal representation in their appeal.

<https://picasaweb.google.com/101554457531034815464/DowneastGrandLakesSeptember272013>

In closing, our family suggests to you that the project in question has already been thoroughly vetted and reviewed by LURC and denied unanimously. This latest application has been vetted and reviewed thoroughly by DEP, and denied outright. It's time to deliver a clear message to the developer that this IS NOT a suitable location for an industrial energy project and that the applicant is wasting this state's agencies' time and money by continuing to beat a dead horse. This is one case

where seemingly unlimited corporate funds for legal battles should not overrule local shareholders, business owners, and common sense, nor should it overrule denials by both LURC and DEP.

Respectfully,

Kevin and Marie Gurall and family
Lakeville, ME.

Burke, Ruth A**C-52**

From: Gary Conant <conantgary@gmail.com>
Sent: Tuesday, October 08, 2013 8:53 PM
To: Burke, Ruth A
Subject: Bowers Mountain wind project

Chairman Foley,

My name is Gary Conant. I live in Raymond, Maine and my wife and I own a camp in Lakeville that is not on the water. We spend time on all of the area lakes.

I have previously written a letter to DEP and spoke at the public hearing on the Bowers project at Lee Academy.

I'm writing in regard to the appeals, of First Wind and the Bowers Mountain, LLC, to DEP's denial of the project.

During my 57 years, I have lived in both the Winthrop and Sebago lakes regions. Why would a person with easy access to these waters, travel 200 miles one way, every month, just to spend time on lakes of another region? Because they are different. They feel different in the personal space they provide, while you are on the lakes, and they LOOK different. The vast majority of the shorelines on the lakes that would be in the view shed of the turbines is undeveloped.

My wife and I have spent hundreds of hours fishing, kayaking, camping, swimming, cross-country skiing and ice fishing on Bottle, Keg, Junior, Scraggly and Duck Lakes. The fact is, when you are boating or paddling, you constantly focus on landmarks on the shoreline to hold your bearing. If the most prominent landmarks by day are numerous turbines that are hundreds of feet tall, or blinking red lights during twilight and darkness, those are the lasting impressions of those trips.

After spending months studying the visual effects of the Bowers Mountain project, both LURC and DEP came to the conclusion that this region, with its vast interconnecting lake system, was not an area suitable for industrial wind projects and the visual blight they inflict on Maine's beautiful ridges. It has become painfully obvious to me that approval of wind turbines on the hills and mountains overlooking these lakes means they will be approved everywhere in the northern half of the State.

Please help preserve the wilderness feel these lakes provide so future generations can experience the joy and wonder that my wife and I have.

Thank you for your time,

Gary Conant

Maine Drilling & Blasting

October 8, 2013

Maine Board of Environmental Protection
 Attn: Robert Foley, Board Chair
 C/O Ruth Ann Burk, Board Clerk
 17 State House Station
 28 Tyson Drive
 Augusta, ME 04333

Chairman Foley:

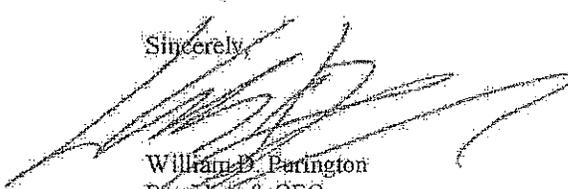
For almost a half-century, Maine Drilling & Blasting has been drilling and blasting in Maine. We've worked on everything from sewers to ski trails. More recently, we have been a leading provider of drilling and blasting services related to building more than a dozen wind energy projects in New England. We've also installed over 2,000 rock anchors for many of these same wind towers in Maine and New England. We have watched as this industry has expanded in Maine and employed hundreds of people in good-paying jobs.

Wind energy is a vital and growing part of Maine's economy, and we're hoping it's here to stay. Unfortunately, the recent decision to reject the proposed Bowers Mountain Project poses a threat not only to this project, but to the future of Maine's growing wind energy economy. This project was rejected based on a new "standard" that has not been applied to past projects and is not supported by Maine law. If Maine won't fairly and consistently apply existing regulations to new construction, these companies will find other states and communities where they can invest their funds. MD&B and our employees hope that won't happen. We hope this project will be approved and that Maine's wind energy industry can continue to grow, creating more jobs and more economic opportunity in our state.

MD&B has worked on many wind energy projects in Maine, and they have all had impressive economic benefits for the local community. Bowers Mountain is another such project. This project will create jobs, improve Maine's energy independence and deliver extensive economic benefits to the region. We've seen how First Wind -- and other responsible companies -- work to make sure that local voices are heard and that these projects have the greatest positive impact possible. This is likely part of the reason that the Bowers Mountain Project is supported by so many local community groups, as well as the County Commissioners.

Our employees are relying on the continued growth of wind energy in Maine. On their behalf, I ask you to please approve the Bowers Mountain Wind Project. Doing otherwise poses a threat to this vital and growing industry in Maine.

Sincerely,



William D. Parlington
 President & CEO

Maine Drilling & Blasting, Inc.
 P.O. Box 1140
 423 Brunswick Avenue
 Gardiner, ME 04345
 207.582.2338
 207.582.8794 FAX

Divisional Offices
 Connecticut 860.242.7419
 Maine 207.582.2338
 Massachusetts/RI 508.478.0273
 New Hampshire 603.647.0299
 New York 518.632.9170
 Pennsylvania 800.422.4927
 Vermont 802.479.3341

Karen Benbrook
90063 Troy Rd.
Enterprise, OR
97828
10/8/13

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Ruth.a.burke@maine.gov

I am writing once again to register my opinion that the BEP should uphold the findings of the DEP in regard to First Wind's (Champlain Wind's) application for the Bowers Mountain Project. The extensive evidence presented to the DEP by both sides of the issue was thoroughly evaluated. Hearings allowed all interested parties to present their opinions and facts. DEP members visited the region in question for a first-hand experience.

The fact that adverse scenic impact was found to be a decisive issue seems to be reinforced by the fact that LURC had come to the same conclusion after an equally extensive examination. Surveys completed by the applicant were found to reinforce the opposition's claims.

I raised my two sons in Maine and we spend as much time there as possible. I have repeatedly visited this wonderful chain of lakes and just recently returned from the area. The lakes provide an experience to canoeist, boaters and fishermen that cannot be rivaled to my knowledge anywhere in the state. The views are virtually unbroken by human impact. There is no evidence of forestry activities even though the region remains a working forest. The landowners would continue to be able to utilize the forests as they have for decades.

There are many lakes and ridges in the state of Maine and there may be justification for alternative energy sources to be placed on some of these ridges. However, the Downeast Lakes are a rare gem whose value the state should recognize and preserve.

I hope the BEP will recognize the expertise of the DEP and stand by the work they have done.

Thank you for your work.

Karen Benbrook

Daniel P. Remian

C-55

640 Pleasant Point Road ♦ Cushing, ME 04563
207-354-0714 ♦ E-mail: n7cd@gwi.net

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

October 8, 2013

Re: Appeals by Champlain Wind LLC and Bowers Mountain LLC.

Dear Chairman Foley,

I have provided oral and written testimony to both LURC and DEP in opposition to the Bowers Mountain Wind Project. I am requesting that the Board uphold the DEP decision and dismiss both appeals before you.

I am a resident of Cushing in Knox County. I am an engineer with over 55 cumulative years as the chair of Planning Boards, Zoning Commissions, Airport Commissions, Wetlands Commissions and Conservation Commissions in three New England states. Presently I serve as chair of the Planning Board and Board of Assessor for the Town of Cushing.

If you had the time to thoroughly investigate the information submitted for these appeals, you would find misrepresentations, irrelevant information and information that is overstated and tends to mislead.

The appeals reference the flawed Wind Act many times and the "significant energy, environmental and economic benefits" that have not been proven. Permits should be granted on scientifically proven benefits and not on presumed benefits. Based on the years of experience we have with wind energy, the benefits have not been realized for the citizens or ratepayers of Maine.

After spending many years on the lakes of northern and western Maine, we chose the Down East Lakes Region and own property on Lake Sysladobsis. We selected this area over lakes in the Moosehead and western parts of Maine because of the wilderness feel and low use that we experienced which was similar to our experience in northern Maine. Wind farms in this area will ruin such experiences for many residents and visitors. This is not a properly sited industrial wind farm. These sites would be off limits if it were not for the special laws offered the wind industry alone.

Ms. Browne expounds on the consensus of supporters of the Bowers Project and endorsements by various clubs and associations but fails to relate that many if not most of those listed have received financial donations or incentives. It is difficult to speak against your gift horse.

Ms. Browne continually addresses bills introduced to undo the Act that have been rejected by the Legislature. She fails to mention that the bills were to modify and not undo the Act and that they were not given any debate in committee or the Legislature. She does not mention that the Legislature has a report with 25 recommendations that could repair the Wind Act. She also fails to mention that several members of the Energy Committee had known conflicts of interest with their association with the wind industry.

Daniel P. Remian

Re: Appeals by Champlain Wind LLC and Bowers Mountain LLC.

October 8, 2013

Page two

Ms. Browne also fails to disclose that she was a member of the not so transparent Task Force or that her husband, Rep. John Hink was a member of that EUT Committee. That, of course, would have had no bearing on the fate of those bills.

She speaks of experts as if the DEP must abide by expert opinions when the Wind Act refers to outside reviewers and not experts.

While Connecticut continues its 2011 ban on wind turbines, it is bidding on electricity from 10 proposed wind farms in **Maine**. A very recent BDN article has the following quotes from a member of a Portland energy sector law firm, "it's very hard to site a new project in Connecticut, it's much less difficult in Maine", "Maine has a more permissive siting culture". Are we going to continue to degrade our landscape to keep Connecticut and Massachusetts pristine? Will we not know what we have lost until it is gone?

The DEP should be commended for providing hearings and allowing facts to surface and also for a very thorough review.

This appeal should deal only with the DEP process and not irrelevant information that will waste additional BEP and DEP time. Compromises are not part of the process. Due process for the applicant has been stretched to the limit. It is time the citizens of Maine received due process.

Please uphold the DEP denial and dismiss both appeals.

Board of Directors

Shirley Erickson
Chair
 Maine Educational
 Loan Authority

Susan Corbett
Vice Chair
 Axiom Technologies

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Representative Joyce Maker
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Sheridan Smith
 Border Electric

Chris Snowdeal
 CES Engineers/Surveyors

Robert Tyler
 Indian Township Planning
 & Economic Development

Ex-Officio
 Senator David Burns
 Washington County
 Legislative Delegation

Chris Gardner
 Washington County
 Commissioners

October 9, 2013

Maine Board of Environmental Protection
 Attn: Robert Foley, Board Chair
 C/O Ruth Ann Burk, Board Clerk
 17 State House Station
 28 Tyson Drive
 Augusta, ME 04333

Mr. Foley:

As the executive director of the Sunrise County Economic Council (SCEC), I have worked alongside business, community, and nonprofit leaders to energize Washington County's economy since 2006. During that time, energy related projects have played a fundamental role in Down East Maine's economy, fueling job creation and increased investment opportunities locally, regionally, and statewide.

In Washington County, we're proud of our recent history of supporting innovative energy projects including CNG (natural gas), tidal and wind power, and biomass. Energy diversification is a key industry by itself, and is also essential in attracting new businesses and investors who understand and embrace our rapidly evolving natural resources economy.

We're excited about our future in Washington County, grateful for the economic opportunity created by wind energy projects, and eager to see this industry expand here and throughout our great state. However, that growth won't be possible unless investors and businesses can count on clear, consistent application of Maine's regulations concerning new wind farm construction. Such has not been the case with the Bowers Mountain Project, which has been subjected to a new "visual standard" that has neither been applied to previous applications, nor clearly defined in Maine statute.

This decision jeopardizes future investment both by wind energy companies themselves, and by the many small businesses across Maine that rely on these types of investments to create and retain quality jobs. Denying First Wind's appeal would be terrible news for the economy in Washington County and around the state; it would certainly send a strong message of uncertainty to future investors and entrepreneurs who wish to responsibly leverage our natural resources, balancing the need for environmental controls and economic opportunities.

First Wind has worked with community stakeholders, including local and county officials, to ensure extensive and meaningful financial benefits for the community. This project will mean lower property taxes and other significant benefits for the region. That's just one of the reasons it has the support of Carroll Plantation, Kossuth Township, and from the Passamaquoddy Tribe.

Therefore, on behalf of the Sunrise County Economic Council, I ask you to support the Bowers Mountain Project by granting First Wind's appeal.

Sincerely,



Harold Clossey
 Executive Director



Burke, Ruth A

C-57

From: jessoak@aol.com
Sent: Wednesday, October 09, 2013 3:42 AM
To: Burke, Ruth A
Subject: To: Robert A. Foley, Chair Board of Environmental Protection

Dear Robert,

I would like to express my support for the DEP's denial of the Bowers Wind Project and tell the Board of Environmental Protection that I believe the Bowers Wind project would have an unreasonably adverse scenic impact, and would negatively affect my enjoyment and use of the eight Scenic Resource Lakes.

Thank you for your time,

Jessica Gray

Burke, Ruth A**C-58**

From: Dick Mally <dick@campbailey.com>
Sent: Wednesday, October 09, 2013 4:13 AM
To: Burke, Ruth A
Cc: garycam99@verizon.net
Subject: Comments on the First Wind Appeal to the Bowers Mountain Wind Project

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Dear Mr. Foley and Board Members,

My name is Dick Mally and I live on Duck Lake and Junior Lake with my wife Wanda. As I mentioned in previous correspondence to DEP about the Bowers application, Wanda and I moved here from Virginia in 2004. With our current main residence on Duck Lake and a camp on Junior Lake that we rent, we considered ourselves very fortunate to have the opportunity to move away from the big city life where the horizons were redefined by manmade structures. But for us the potential impacts of the Bowers Mountain Wind Project is clearly in the category of "unreasonable scenic impact". I have no desire to experience a redefined skyline when I go open water or ice fishing on Junior Lake or when I cross the frozen lakes on my daily hikes in the winter time.

As mentioned above, we have a camp on our property adjoining Junior Lake and rented the camp to sportsmen and vacationers since 2005. We had a growing number of returning clients until about the time news broke of the potential Wind Project on Bowers Mountain. Since then we have experienced several of our customers making statements like "...we've enjoyed ourselves here over the past years but feel it's time to look elsewhere." Due to reduced reservations, we've decided to not bother keeping the camp open this winter for potential ice fishing and/or snow sledding and to sell the property. While there is no quantitative data to link the declining occupancy status to the potential Bowers Mountain project, it does seem to be more than a coincidence given so many other variables have not changed. I understand the value of surveys and studies. But I also understand how their outcome can be biased by wording, timing, or targeted audience. For us the potential impacts of the Bowers Mountain Project seem real and personal.

The DEP spent considerable time studying this project and the impacts on the lakes. I believe their findings and decision to deny this project are correct and supportable. The Bowers Mountain Project has now been denied by both LURC and DEP. I find no information in the First Wind appeal that would be considered credible or substantial to support reversing those decisions. I support those decisions and ask the Board to support the previous decisions and deny the First Wind appeal.

As a sportsman and property owner, I extend my thanks and appreciation to DEP for the time, effort, and considerations given to this important decision regarding the Bowers Mountain Project.

Best Regards,

Dick Mally
28 Bailey Lane
Springfield, ME 04487

207-738-2373

October 9, 2013

Robert A. Foley, Chair
Board of Environmental Protection
17 State House Station
Augusta, ME 04333

Chairman Foley,

I am writing to express my interest in the two appeals filed in the Bowers Mt. Wind Project matter.

As an interested person, I submitted testimony regarding the Bowers Mt. Project to the Department of Environmental Protection and also gave oral testimony in Lee, Maine on April 30, 2013.

My comments were directed primarily at the issue of the unreasonably adverse scenic impact that the project poses to the affected resources.

Appeal by Champlain Wind, LLC.

As you know, this was the appellant's second attempt to acquire a permit for a project in this region, having been denied for a similar project by the Land Use Regulation Commission. Though they were certainly aware of the scenic sensitivity of this region, they chose to roll the dice again.

The written appeal includes a great deal of information that has little relevance to the reasons for which the permit was denied. Some of this information would not stand up to a simple examination of the facts. Because most of these items will never be questioned during the course of this appeal (time doesn't allow it and it's not pertinent anyway), I hope that the Board will simply ignore that information that does not have a direct connection to the subject of the appeal.

Champlain Wind LLC makes four arguments in its appeal:

1. *"The Wind Energy Act is intended to promote wind development in Maine."*

It has, and this appellant has been a repeat beneficiary of its lowered standards for adverse scenic impact by successfully obtaining permits for other wind projects. But, the Wind Energy Act (WEA) was never intended to *guarantee* the approval of wind projects proposed under its terms. If that were the case, there would be little reason for a robust regulatory review.

The WEA is not an entitlement program. Contrary to what some have implied, the WEA does not provide a zone where wind development permit approvals are assured. A review of the applicable statute and the Task Force report on which it

was based reveal that it created a zone where the review process was to be *different*, but not *certain* in its outcome.

Within this argument, Champlain Wind has attempted to alter reality to serve its needs.

For instance, its characterization of the creation of the expedited permitting zone as an open and publicly collaborative process is a view promoted mostly by the industry and its advocates. In 2012, a legislatively directed review of Maine's expedited wind permitting experience was completed. Posing the possibility of redoing the work of the original Wind Task Force, impartial expert and former Maine Public Advocate, Stephen Ward, stated objectively in the report:

“...this would amount to re-doing the work of the 2007 Wind Energy Task Force that, largely behind closed doors, assembled the original criteria for expedited permitting and its listing of scenic features. The benefit of a public process for moving forward with new wind siting criteria is that it could confer an element of legitimacy that, to date, the expedited permitting process seemingly has lacked. To do so, the process for designating a revised Expedited Permitting Area would have to be considerably more transparent to public review and comment than was the case in 2007, in the opinion of many observers.” (Emphasis added.) [“Maine Wind Assessment 2012, A Report”. S. Cole, S. Ward, R. Fagan.]

2. ***“The evidence establishes that the project meets the act’s scenic standard.”***
The evidence is subject to interpretation and perspective. The determination of whether or not the evidence shows that a wind project meets the statutory scenic standard was delegated to the Department, not the applicant. Champlain Wind concedes in its appeal that the standard is “inherently subjective”. Volumes can probably be written on the futility of trying to create an iron clad standard for those things that are inherently subjective, but that’s the hand that the Department and the public were dealt.

If there is a failure in the use of the statutory standard for scenic impact, it is a failure of statute, not the Department. Subjectivity, by definition, almost assures some degree of inconsistency. In light of what they have to work with, the Department seems to have done a commendable job in their attempt to apply objectivity to that which defies objectivity.

It should also be noted by the Board that several of the organizations cited in the appeal as supporters of the Bowers Mt. Project are also on record as recipients of significant corporate donations from the appellant. The Board should weigh this conflict of interest, as it’s not unreasonable to believe that some of these groups’ support might stem from a sense of loyalty to a substantial corporate benefactor.

3. *"The Department failed to consider the objectives of the Wind Energy Act or undertake the balancing that the act expressly requires when assessing scenic impacts."*

Champlain Wind focuses on Criterion D of the scenic impact standard, the same standard that it characterized in its appeal as "inherently subjective." Consequently, Criterion D is open to some interpretation and its exact meaning will be different to each person reading it. In fact, using a reasonable interpretation based on the statutory language itself, one party might be able to demonstrate that the Bowers Project would have been a failure in fulfilling the purpose and context of a wind energy development. Just as easily, the appellant can claim the opposite. It all depends on the definition of "purpose and context" and how the party performing the analysis weights the various factors.

Note: Criterion D in Section 3452 of Title 35-A was the subject of my oral testimony to the Department at one of the Bowers Project public comment sessions. I have attached my draft of that testimony to be the bottom of this letter.

Champlain Wind overstates the importance of Maine's statutory wind capacity goals. As has been said many times before, they're goals, not quotas. The Legislature did not include any statutory consequence for not meeting the goals. Clearly, they placed a higher priority on protecting the State's resources than on meeting arbitrary, albeit significant, goals.

Citing the Department's comment on balancing impacts and benefits, the appellant seems to be attempting to capitalize on what appears to be a small instance of unfortunate wording in the Department's denial narrative. It's not the smoking gun that Champlain Wind is attempting to portray.

Of additional interest is the appellant's criticism of the Department for not giving sufficient consideration to the "rights and interests" of area residents and property owners supportive of the Bowers Project. Apparently, they want only the "rights and interests" of residents and property owners supportive of their project to be given this special consideration.

It's a curious criticism, however, since the law does not expressly allow the Department to consider the interests of affected residents and property owners unless those interests pertain to some specific review criterion included in the law.

4. *"The Department is not permitted to aggregate scenic impacts, which was the sole basis for its denial of the Bowers Project."*

Ironically, the application submitted by Champlain Wind includes a scenic impact survey, conducted under its direction by Kleinschmidt, which aggregates user responses on several of the subject lakes. The results of the aggregated surveys provided to the Department by Champlain Wind were even cited in the Department's scenic review statement. So, while the appellant opines that the Department was wrong in considering more than one SRSNS at a time, their own

application seems to endorse such aggregation. This raises significant questions about the foundation for the appellant's argument or its sincerity.

For the sake of argument, if the Department did aggregate scenic lakes in its visual impact review, wasn't the appellant a willing partner in this exercise by providing aggregated scenic data in the first place? If the appellant truly holds that aggregation of scenic resources is not allowed under the law, why did it use aggregated scenic survey results in its own visual impact assessment?

The appellant makes much fuss over the lack of an *s* at the end of the word, *resource*; in fact, it is the sole basis for this argument in the appeal. A review of the same section of the law reveals that the Legislature also tells the siting authority to consider the "expectations of the typical *viewer*" – not *viewers*; no *s*. However, we don't argue that the Legislature meant for the siting authority to consider the expectations of just *one* typical viewer. That would be unreasonable.

Appeal by Bowers Mountain, LLC.

The appeal argument submitted by Bowers Mountain LLC seems an attempt to revisit settled matters not relevant to the criteria upon which the permit was denied. I hope that the Board will summarily dismiss the extraneous information contained within this appeal.

In conclusion, it appears the Department has applied the statutory criteria satisfactorily. Visual impact assessments are unavoidably subjective, even in the opinion of Champlain Wind. While statute lists the criteria by which the Department will make its final determination, it does not stipulate a methodology that the Department must employ in gathering, analyzing or reviewing information to fulfill its task. Moreover, despite its inherent subjectivity, the Legislature gave the Department sole responsibility for making this inherently subjective call.

The reasoning for denial of the most recent permit request has been well articulated by the Department. The appellants' dissatisfaction with the outcome is not sufficient reason to prolong the regulatory process.

I respectfully request that the Board dismiss both appeals.

Thank you for your service.

Sincerely,

Alan Michka
Lexington Township, Maine
(207) 628-2014
armichka@207me.com

Testimony of Alan Michka before the Department of Environmental Protection
Bowers Mt. Wind Project proposal – April 29, 2013

April 29, 2013

Maine Department of Environmental Protection

Re Proposed Bowers Mt. Wind Project

Testimony of Alan Michka of Lexington Township, Maine

Good evening.

I want to address, specifically, scenic evaluation criterion D under *Section 3452, Determination of effect on scenic character and related existing uses.*

Criterion D requires that in making its determination on scenic impact, the Department must consider the “purpose” of the project and the “context” of the proposed activity.

Unfortunately, the law does not define specifically what the purpose of the project is or in what context the proposed activity is occurring for the purpose of making your determination.

If we look to the Wind Energy Act for clues as to the purpose for building a wind energy project, the Act says it should achieve reliable energy production. Last year, First Wind's projects in Maine achieved less than a 25% overall capacity factor, well below what they have projected and very far below the 37% capacity factor they have predicted in this application. Either their projects cannot be reliably expected to produce the energy they're telling us that they will, or their methods for predicting energy output are not reliable, or the information in their application is not reliable.

The wind energy Act says its intent is to have “viable wind energy projects.” With regard to capacity factor, Former Representative Stacey Fitts, who has submitted expert testimony in this case, stated in a 2009 article, “For most commercial wind turbines the figure has to be 30 percent or more to be feasible.” If Mr. Fitts' expert opinion is right, how many years can First Wind operate with years like last year and still be financially viable?

The Wind Energy Act says that projects should achieve cost-effective energy production. However, First Wind is currently hurrying to get construction started on this and other projects to take advantage of taxpayer-funded subsidies that could disappear at the end of the year. Like other wind development companies, they've expressed a reliance on the Production Tax Credit as well as other policy and statutory devices that have to be maintained, apparently indefinitely, to keep their operations cost competitive.

The Wind Energy Act suggests that wind projects “may be used” to “reduce our citizens' dependence on imported oil and natural gas”. The Bowers wind project will produce electricity that, for all intents and purposes, will displace only natural gas derived electricity. Only a small fraction of New England's electricity is produced with oil, about six-tenths of one percent. And this project is so insignificant in the larger scheme of New

England electricity generation, that its scale alone means that its displacement of natural gas will be largely inconsequential.

The Wind Energy Act suggests that a wind project's intent is to improve environmental quality. The 48 MW Bowers Mt. project, even at its unlikely capacity factor of 37% would reduce fossil fuel criteria pollutant emissions in New England by less than three one-thousandths of one percent.

The Wind Energy Act suggests that a wind project's intent is to reduce greenhouse gas emissions. The Bowers project, again, at its very hopeful 37% capacity factor would reduce New England CO₂ emissions by less than four one-hundredths of one percent.

In a location such as the one we're addressing today, it's presumed that the project does not fit harmoniously into the existing natural environment. It's also presumed that it has an adverse scenic impact on its surroundings. The legal question is, does it have an *unreasonable* adverse impact when considering the purpose of the project or the context of the proposed activity.

In making a Section 3452 determination, if the *purpose* of the Bowers Mt. wind project is to be a financially **viable** operation, that **reliably** produces **cost-effective** energy, that **meaningfully reduces our dependence on imported oil and natural gas**, while making significant **reductions in the emissions of greenhouse gases or other air pollutants**, then the Bowers Mt. project appears to have little purpose, and on balance, the dramatic scenic impact that this project will have is certainly *unreasonably* adverse.

Burke, Ruth A

C-60

From: Steve Thurston <thurston.steve@gmail.com>
Sent: Wednesday, October 09, 2013 9:40 AM
To: Burke, Ruth A
Subject: Appeal of the Bowers Wind Project

Robert A. Foley, Chair Board of Environmental Protection c/o Ruth Ann Burke

#17 State House Station Augusta, ME 04333-0017

Dear Commissioner Foley,

The Wind Energy Act (WEA) voted by the Maine Legislature in 2008 specifically calls for protection of Scenic Resources of State/National Significance (SRSNS).

The Downeast Lakes region contains no less than 9 SRSNS which would be affected by the presence of sixteen nearly five hundred feet high industrial wind turbines. In its decision to deny the project, the Department concluded that,

"the generating facilities portion of the project would have an unreasonable adverse effect on the scenic character and the existing uses related to the scenic character of the nine SRSNS listed above."

The Department complied with both the letter and intent of the WEA in its decision to deny this project. Indeed, if this project does not meet the test of unreasonable scenic impact described in the WEA, what other location within the expedited permit area could possibly meet test? The WEA purposefully created a mechanism for protecting SRSNS. The Department did a careful and thorough analysis of the record in its determination. Please uphold the decision of the Department. They did their job well.

Respectfully submitted,
Steve Thurston
52 Sunset Cove Rd
Roxbury Pond, ME



6 Ashley Drive
1st Floor
Scarborough, ME 04074

207.879.1930 PHONE
207.879.9293 FAX

www.trcsolutions.com

October 9, 2013

Maine Board of Environmental Protection
Board Chair, Robert Foley
c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you in regard to the appeal of the Maine Department of Environmental Protection's denial of the Bowers Wind Project permit. The continued development of the Maine wind industry is important to our local environment, economy and our company, TRC.

TRC is a national engineering, consulting and construction management firm with 2,400 technical professionals and support personnel at more than 70 offices throughout the U.S., with locations in Augusta, South Portland, Scarborough and Ellsworth. TRC provides integrated services to the energy, environmental and infrastructure markets.

TRC has been providing services to the wind industry including permitting, construction compliance, and electrical and civil engineering. TRC has had the opportunity to work on Maine projects such as the Kibby Project, where we developed unique erosion control and wetland mitigation strategies that have since been frequently utilized. TRC is also involved in out of state wind projects that have utilized the expertise and services of Maine employees.

TRC remains optimistic about future opportunities to work in the Maine wind energy markets. These opportunities can continue to be realized by the permitting of well-sited wind projects like the Bowers Wind Project. I hope you will give the project favorable consideration given the need to balance the limited environmental impacts of the revised project with the clean energy and economic benefits it brings to the State of Maine.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven J. Wallace', written over a horizontal line.

Steven J. Wallace
Senior Project Manager
TRC Environmental Corporation

Burke, Ruth A

C-62

From: James Monroe <jcmonroe@maine.rr.com>
Sent: Wednesday, October 09, 2013 12:53 PM
To: Burke, Ruth A
Cc: pw@mainewindindustry.com
Subject: Bowers Wind Project

Greetings Ms Burke,

Both as a person and as company we support the Bower Wind Project. I can say there are others which may be questionable, however, this one meets the strict criteria we apply when considering to support or not support. The project does not seem overly offensive, the locals support it, environmental concerns seem minimal & it is one more cog in the wheel in the necessary conversion to non-polluting renewable energy.

James Monroe, Pres.
Blue Water Dynamos/SMD *Engineering Excellence Under Water* www.smd.co.uk
Ph 207-657-2330 USA
e-mail jcmonroe@maine.rr.com

ACME LAND SURVEYING, LLC

Professional Land Surveyors • Professional Foresters

108 Fairbanks Rd., Suite 5
Farmington, ME 04938
Telephone 207 778-4081
Fax 207 778-4081

Email: info@acmelandsurveying.com
Web: www.acmelandsurveying.com

October 9, 2013

Maine Board of Environmental Protection
Board Chair, Robert Foley
c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you in regards to the Bowers Wind Project appeal of the Maine Department of Environmental Protection denial of its permit. The continued development of the Maine wind industry is important to our local environment, economy and our company, Acme Land Surveying

Acme Land Surveying provides survey grade GPS and Total Station property surveys, Topography, Mortgage Loan Inspections, Elevation Certificates & LOMAs, deed research, subdivision plans and forest management. Acme Land Surveying employe 10 people with approximate revenues of \$500K.

Acme has had the opportunity to work a number of Maine projects including the Kibby Mt. and Saddleback projects.

Wind power has become a significant opportunity for Acme Land Surveying. During years when wind project contracts were available, Acme has seen their revenues expand by 10-20%.

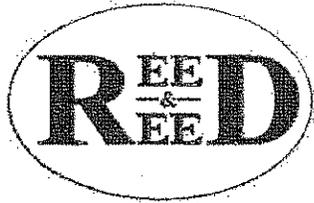
Wind projects have also encouraged the company to make investments in advanced technology including the purchase of an additional \$30,000 GPS surveying system. The company has also gained new valuable experience driven by the challenges to serve the industry with GPS and advanced computer technology. Employee skill growth and learning has also responded to that challenge.

Acme Surveying has been pleased with the increase work from wind projects and remains eager to continue to serve the growing Maine wind energy market.

These opportunities can be realized by the permitting of well sited wind projects like the Bower Wind Project. I hope you will give project favorable consideration for the clean energy and economic benefits it brings to the State of Maine.

Best Regards,

ACME LAND SURVEYING LLC
Erik Lochmann
info@acmelandsurveying.com
108 Fairbanks Rd. - Suite 5
Farmington, ME04938



C-64



PO Box 370, Woolwich, Maine 04579

Tel: 207.443.9747

Fax: 207.443.2792

www.reed-reed.com

October 9, 2013

Robert Foley
Chairman, Maine Board of Environmental Protection
17 State House Station
28 Tyson Drive
Augusta, ME 04333-0017

Re: Bowers Wind Project Appeal of Commissioner's Decision

Dear Chairman Foley:

Since 1928, Reed & Reed has been working on construction projects in Maine. For the last decade, we've invested significant financial resources to bringing wind energy projects to life. As a Maine-owned company that's been here for four generations, we have lots of experience in the process of getting things built in Maine, from regulations to breaking ground, to cutting the ribbon.

One of the most important elements in attracting and keeping industry in Maine is the fair and consistent application of regulations around new construction. Unfortunately, the recent DEP decision to reject the Bowers Mountain Project creates a new set of standards for construction that aren't supported by any law. I believe this is a grave mistake that needs to be rectified.

My company has extensive experience in wind energy development, having built more than 275 turbines in New England, including many here in Maine. In the process, we've employed hundreds of people on each of these projects. Our supply chain includes hundreds of Maine businesses.

We are committed to continued work in this industry because it helps Maine's economy and creates jobs, in addition to increasing our energy independence. However, the recent decision by the Maine Department of Environmental Protection could jeopardize future development by creating unpredictable regulatory hurdles which encourage investors to look for other, more predictable venues to invest their capital and create incremental economic impacts.

Reed & Reed knows firsthand that Maine's wind energy industry has been an important source of economic development and much needed revenue for host communities. We have found the wind energy community to be willing and eager to ensure that local voices are heard during development of these facilities.

The Bowers Mountain Project – like other responsible wind energy projects – will deliver real economic benefits to the community. While some may *speculate* about negative impacts on recreation, we know with *complete certainty* the positive economic benefits wind projects create. In fact, as we've seen with other wind energy projects, Bowers Mountain is slated to bring lower property taxes to the region and deliver other significant financial support.

I write to you on behalf of hundreds of men and women who are ready to enthusiastically continue working on projects like these in Maine, and I urge you to approve the Bowers Wind Project to continue the expansion of this vital part of Maine's economy and signal investors that they can rely on Maine's laws and regulatory policies to be fairly and consistently applied.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jackson A. Parker', with a stylized flourish at the end.

Jackson A. Parker
President & CEO

October 9, 2013

Maine Board of Environmental Protection
Attn: Robert Foley, Board Chair
C/O Ruth Ann Burk, Board Clerk
17 State House Station
28 Tyson Drive
Augusta, ME 04333

Subject: Support of the Cost-Effective, Clean Energy, Bowers Mountain Wind Project

Dear Mr. Foley:

S. W. Cole Engineering, Inc., has been providing geotechnical, environmental and materials testing services in Maine and the rest of New England since 1979. Our 90-person team spreads across eight offices and provides many services to energy markets, such as design and construction testing for utility projects, substations, oil and natural gas pipelines, and clean energy projects like wind, tidal, and hydropower.

We have been fortunate to work with First Wind and in-state contractors on a number of Maine-based wind power projects. These wind projects have allowed us to grow our experience and suite of services. More importantly, it has helped us keep roughly 15 people employed on wind work over the last 8 years. These projects mean jobs and employment to us. If not for the investment of the wind project developers, we likely would not have been able to keep these people on staff, potentially affecting 15 Maine families. All of the employees we have working on these wind projects are from Maine.

As we work with various Clients in various regions, one concern we always hear from our developer clients is the importance of predictable and reasonable application of the site laws. The quickest and easiest way to steer investment capital away from Maine is to make our rules unclear. Project development is a risky endeavor at best – we must not create additional roadblocks for investors to clear just to consider investing in Maine. Maine is competing for investment dollars; we need those dollars in this State. Right now, there is no other industry that rivals wind power development relative to investment dollars in the Construction industry. Maine and Maine's people have benefitted by wind power development and we are well positioned to continue to benefit from our burgeoning wind power industry.

After rigorous studies and redesign work, this project is well sited. We urge the Board to take a fresh look at the Bowers Mountain Wind Project and ensure that the Legislature's regulations are being closely adhered to. We believe the Bowers project is a good example of how wind project development should be done in Maine, and we wholeheartedly support the approval of the Bowers Wind Mountain Project.

Thank you for your consideration.

Respectfully,



Paul Kohler P.E.
President & CEO
S.W. Cole Engineering, Inc.

Burke, Ruth A

C-66

From: Maureen Cook <maurtcook@hotmail.com>
Sent: Wednesday, October 09, 2013 5:16 PM
To: Burke, Ruth A
Subject: Bower's Mountain Wind Turbines

Robert A.Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke (ruth.a.burke@maine.gov)
#17 State House Station
Augusta, Maine 04333-0017

Dear Mr. Foley:

I have previously written to the Department of Environmental Protection regarding the construction of wind turbines on Bower's Mountain in the Down East Lakes Watershed. Having visited that region ten times since 1990 and planning another trip next year, I am familiar with the pristine loveliness of the lakes, framed by the surrounding mountains. Therefore, I oppose the construction of turbines on the tops of the mountains.

I have canoed, kayaked, and motor boated in that chain of lakes many times. Of all the wonderful experiences one can participate in during a visit to Maine, my favorite is to canoe out into one of the lakes alone, sit in the bottom of the canoe, and listen to the lap of water, the breeze in the trees, the loons, and other birds, and watch how the movement of clouds and sun change the water and the mountains. I watch the mountains transition from pale gray behind a sheer curtain of haze to nearly black when the sun is blocked by the heavier clouds; and then sparkle like emeralds after rain; and settle into a plush dark hue of aquamarine. There are times when the panorama is actually all of these at one time across the heights.

To sit in the canoe surrounded by such a natural arena is rare and precious. How awful to ruin it with man-made gigantic turbines—killers of the beauty, the birds, and the quiet with their alien whine, vibration, and hulking presence overshadowing this beautiful natural arena to be found in few other places besides Maine.

Thank you for allowing this input.

Maureen Cook
maurtcook@hotmail.com
Birmingham, AL 35222

Burke, Ruth A**C-67**

From: Posner, Marc <mposner@edc.org>
Sent: Wednesday, October 09, 2013 6:42 PM
To: Burke, Ruth A
Subject: Bowers Wind Project

Marc Posner
157R Summer St Apt 14
Somerville, MA 02143

October 9, 2013

Robert A Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Dear Mr. Foley,

I have previously written to both the Land Use and Regulatory Commission (LURC) and the Maine Department of Environmental Protection (DEP) to express my opposition to the Bowers Wind project. I was recently disappointed to learn that this project was still being considered. I visit Junior Lake 3-4 times a year and enjoy recreating on it as well as some of its neighbors, including Scraggly Lake, Duck Lake, Bottle Lake, and Keg Lake, as well as in the surrounding woodlands. I pass some wind turbines in Lincoln on my way to Junior Lake and think that any similar industrial structures on the ridges surrounding these lakes will be extremely detrimental to the scenery as viewed from the lakes and the surrounding woodlands. As I said in previous letters, I live in a city that is home to wind turbines. I have no objection to wind turbines in industrial areas. But placing turbines where they can be seen from these lakes is akin to placing them in national parks – they will really distract from the feeling of being in the wilderness – which is the primary motivation for people like myself to visit this area. I urge you to uphold the decision of both the LURC and DEP and prevent this project from infringing on the natural beauty of this area.

Sincerely,

Marc Posner



Burke, Ruth A**C-68**

From: Elizabeth Stevens <eastevensnow@gmail.com>
Sent: Wednesday, October 09, 2013 6:57 PM
To: Burke, Ruth A
Subject: DEP correct in findings on Bowers Wind Project

Elizabeth A. Stevens
43 Parkview Avenue
Bangor, Maine 04401

October 9, 2013

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Dear Mr. Foley,

I had submitted a letter of comment on the second Bowers Wind project application in order to ask the DEP to disallow it. This region of the state is my ancestral home. Though I live in Bangor, Maine at this time, I have visited Pleasant Lake, Junior Lake, Duck Lake and Bottle Lake both as a youth, and as an adult. Kindly be advised that I would feel a sense of personal loss if this beautiful, natural area were to be destroyed.

I believe that the DEP was correct in finding that the Bowers Wind project would have an unreasonable, adverse effect on the scenic character of many of the lakes in that region of the State. I hope that you will agree for the sake of we citizens, who live in, or love to visit this area of Maine.

Thank you for your consideration of my words.

Sincerely, Elizabeth A. Stevens

Burke, Ruth A**C-69**

From: gooseisland2@myfairpoint.net
Sent: Wednesday, October 09, 2013 8:06 PM
To: Burke, Ruth A
Subject: Bowers Mountain/First Wind appeal

To: Robert Foley, Chair,BEP

I would like to add my voice to those citizens who strongly agree with the recent decisions of LURC and the DEP in rejecting the application of First Wind and it's subsidiaries and assigns to construct an industrial wind farm atop Bowers Mountain, overlooking- in fact looming over- the spectacular Downeast Lakes system. I have spent countless hours since the early 70's enjoying the hunting; ruffed grouse and bear, and fishing , particularly on Junior and Scraggly lakes, where the skilled angler does well fishing for salmon and togue, and anyone, including my grandchildren, who come from afar with my children, catch batches of white perch and bass. In all the time and hundreds of hours I have enjoyed this pristine lake system I have NEVER heard commercial woods operations, nor seen the results of their work from either Junior, Scraggly, or West Grand Lakes. The many regulations that have been in effect for decades have largely mitigated the sensory affects of these activities. These regulations have also imposed visual and setback restrictions upon anyone who builds on the shores of these unique bodies of water. This is not Sebago Lake. Clearly these Downeast Lakes are a unique resource, both from a cultural and visual perspective, and deserve to be protected from this proposed industrial development in one of the most scenic situations in the State of Maine, and in fact the Northeast United States. Thank You for the consideration of my comments, Gary A. Chard, Monroe and Lakeville, Maine

Burke, Ruth A**C-70**

From: Wendi Carlon-Wolfe <wcowolfe620@msn.com>
Sent: Wednesday, October 09, 2013 8:35 PM
To: Burke, Ruth A
Subject: Stop First Wind, Support the DEP denial of First Wind's application

October 9, 2013

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Dear Chairman Foley,

I am a resident of New Jersey, but have been spending my summers in the pristine Bottle Lake area of Maine since 2006. Although I live within forty miles of the New Jersey beaches, it is the natural unspoiled beauty and incredible fishing opportunities of this area that keep me coming back year after year.

Our family and friends spend some seven weeks each summer fishing and kayaking on Bottle Lake, Junior Lake, Scraggly and Sysladobsis. We frequently spend our days boating from Bottle Lake to Junior Lake to Scraggly. This is the only area we have ever visited where we can spend an entire day on three pristine bodies of water without ever having to take our boat out of the water.

During our summer stays, we also support the local economy by shopping local and attending local events. We frequent the area restaurants and have used local contractors to remodel and update our camp.

I have written to the DEP on several occasions as an interested party regarding the Bowers Mountain Wind Project. Neither of the appeals from First Wind and Bowers Mountain LLC have any merit. The DEP spent many months studying the area and the lakes. They correctly denied the Bowers Mountain Wind project recognizing that the project would indeed have an unreasonable scenic impact on both the character of the lakes and the existing use of those lakes. I urge you to uphold the decision of the DEP and insure that this area remains an unspoiled natural treasure.

Sincerely,

Wendi Carlon-Wolfe
1527 East Walnut Road
Vineland, New Jersey 08361
Phone (856) 691-3193
wcowolfe620@msn.com

Burke, Ruth A**C-71**

From: jtalcott <jtal58909@aol.com>
Sent: Wednesday, October 09, 2013 8:37 PM
To: Burke, Ruth A
Subject: Bowers Mountain Project; Mr. Robert A. Foley, Chair BEP

Sir:

States, counties, cities, towns, and villages have various limits as to what may not be built. Height, intended use, appropriate placement and visual impact are but a few of the criteria used when judging whether a project should be approved or disapproved. I believe three of these four criteria may be considered inclusively as one in the Bowers Mountain Project. Height, appropriate placement and visual impact are all as one when considering the building of these wind structures in a sparsely inhabited northeastern forest environment. Do these structures enhance or even belong in a natural setting such as proposed placement would put them? Can we hope that the mountains, forests, lakes and streams will be more visually appealing because of their construction and placement or can we conclude that they will become an eyesore that consumes our view forever, remembering what we had once cherished. Ask the residents of Lincoln as they now gaze over Mattanawcook Pond viewing the unsightly lineup atop Rollins Mountain.

Our family owns property within the eight mile radius of the Bowers Mountain Project. This very picturesque area of Maine will be indelibly impacted by the visual degradation that will result if the Bowers Mountain Project is allowed to move forward. We came to this area for its' beauty and the resultant tranquility that these lakes and forests have represented to us for the years we have spent living and recreating here. Though a "working forest" there is very little everyday evidence, audibly or visually, save for the occasional drone of a chainsaw or the rare muffled sound of skidders and trucks, noises not heard constantly or loudly and generally not viewable. The cuts and removal of timber are seen on the mountainsides sometimes but within months blend back in with the surrounding areas restored by nature to their original condition within years, not to be noted again until the next cut. The same case can not be made for mountaintop blasting, clearing and complete defoliation of large areas of forest, erection of towers larger than the "Statue of Liberty" on the tops of these mountains the visual impact of which can never be erased nor will it EVER return to it's wild state . We personally use all of the lakes, Bottle, Keg, Sysladobsis, Duck, Scraggly, Shaw, Pleasant ,and Junior and their adjacent lands during all four seasons for the pursuit of the various outdoor sports to include motorized sports and firmly believe our own enjoyment as well as that of other visitors will be greatly diminished if these wind towers are built and the view is transformed into an industrial megalopolis. The views from our property on top of Bear Mountain in Lakeville will be spoiled by day for the stark white structures with their spinning blades seven miles distant and by night obscuring the black sky with its resident gleaming white stars that we have enjoyed for so many years all for the intrusion of the red flashing lights souring the sky and emanating from these giant industrial structures.

Our area adjacent to the "Expedited Wind Development Zone" where Bowers lies was classified by LURC as "a scenic resource of state or national significance" and was excluded by LURC and the then Governors Wind Task Force as such from wind development. The towers proposed to be erected atop Bowers Mountain and Dill Hill are tall enough that they will encroach upon the view area surrounding not only the project area within the eight mile radius and the included parts of the excluded areas but WELL beyond. This in essence will render the LURC and Governors Task Force decisions and designations MOOT! This was NOT the original intention as these decisions and designations were made to ensure that present and future generations would be able to enjoy this area with its' unique visuals and beauty that Mother Earth has provided us with as we interact with nature upon the mountains, valleys, lakes, streams, and forests. Limiting our opportunities to enjoy nature as it was intended by building visually unsightly, out of place, industrial monstrosities can only afford to make us less a part and more of a destroyer of all things natural. Please help to preserve these unique places. Please support the DEP decision and deny the Bowers Mountain Project.

Thank you for your consideration.

James M. Talcott
 Chae Talcott

83 Colonial Street
East Northport, New York 11731

242 Sys Road
Lakeville, Maine 04487

516 398-6280

Burke, Ruth A**C-72**

From: Wendi Carlton-Wolfe <wcwolfe620@msn.com>
Sent: Wednesday, October 09, 2013 8:46 PM
To: Burke, Ruth A
Subject: Deny the Bowers Mountain Wind Project

October 9, 2013

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Dear Chairman Foley,

I am an avid fisherman and outdoor enthusiast. I have spent several years traveling all over the United States in search of the perfect area to fish and enjoy the great outdoors. In 2006, I discovered the Bottle Lake area of Maine. Despite living in New Jersey, this area is my summer "home". My family and friends spend some seven weeks each summer fishing, kayaking, swimming and hiking in and around Bottle Lake, Junior Lake, Scraggly and Sysladobsis.

First Wind's proposed wind project would destroy the natural beauty of the area and have a profoundly negative impact on the use and character of these pristine lakes.

I have written to the DEP on several occasions as an interested party regarding the Bowers Mountain Wind Project. Neither of the appeals from First Wind and Bowers Mountain LLC have any merit. The DEP spent many months studying the area and the lakes. They correctly denied the Bowers Mountain Wind project. I urge you to uphold the decision of the DEP and insure that this area remains an unspoiled natural treasure.

Sincerely,

Ken Wolfe

Burke, Ruth A**C-73**

From: Paul Rudershausen <pjruders@ncsu.edu>
Sent: Wednesday, October 09, 2013 8:54 PM
To: Burke, Ruth A
Subject: appeal of Bowers Mtn. wind turbine project

10/9/13

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Dear Mr. Foley,

This letter to you is in regards to First Wind's appeal of the the denial of the Bowers Mountain project application.

I have repeatedly stressed to your agency that wind turbines on Bowers Mountains would adversely impact the scenic beauty of one of the most beautiful sections of your state. In denying First Wind's project you have agreed with me: Bowers Mountain is no place for ugly towers! It is not worth risking world-class views from the 'downeast chain of lakes!'

Please uphold your previous decision to preserve the scenic value of this downeast chain of lakes region. Please once again deny First Wind application! The scenic beauty of Maine is too priceless a treasure to risk losing over this needless wind project.

Thank you.

Sincerely,

Paul Rudershausen, Landowner in Carroll Plt., ME
303 College Circle
Morehead City, NC 28557

Burke, Ruth A

C-74

From: Donald Moore <donz3006@gmail.com>
Sent: Wednesday, October 09, 2013 9:00 PM
To: Burke, Ruth A
Cc: Donald Moore
Subject: Bowers Mountain Wind Permit Appeal

13 Old Kelley Avenue

Orono, Maine 04473

October 8, 2013

Robert A. Foley, Chairman

Board of Environmental Protection

c/o Ruth Ann Burke

#17 State House Station

Augusta, ME 04333-0017

Dear Chair Foley,

I previously wrote a letter to the DEP protesting the siting of wind towers in the Downeast Lakes Watershed and testified at the public hearing in Lee, Maine on April 30 – May 1, 2013.

My family settled Ellsworth Maine in 1705. I reside in Orono, Maine. I am 72 years old. I first visited Downeast Lakes in 1971 when a new friend invited me to fish the watershed that is now threatened with industrialization. We frequently boated from Bottle Lake, down Bottle Stream, across Junior Lake, down Junior Stream and into West Grand Lake. I was astounded by the remoteness, low development, incredible beauty and low density of people on and around the lakes. The Downeast Lakes immediately became my destination based on the remote character and extensive number of interconnected lakes.

Today, this same trip has changed little! There are four new secluded camps on Bottle Stream. The southwest shore of Junior has forty acre lots with 600' shore frontage and camps have generous setbacks and not visible unless one is close and directly facing. The northwest shore is similar, though some lots tend to be smaller in acreage and some camps are visible but not intrusive. There are about eight original camps at the Duck Lake Stream Cove area nearly the age of my camp. The entire east shore of Junior and extending through to the entire southeast shore of Scraggly is in conservation and on the entire northwest shore of Scraggly there are only four camps visible! There are four free campsites open to the public on Scraggley.

In 1974 I was able to buy a camp and the lot with a turn of the century old log, wood cutters cabin on Junior Lake that required boat access from Bottle Lake, about six miles by water or nine miles by dirt road. The last mile was a walk through woods to the cabin. Today, after the Indian Land Claim of 1980's I have a marginal dirt road, but remain *off the grid*, as is the majority of the watershed shoreline of the Downeast Lakes! I know Maine watersheds; the next closest similar *remote, undeveloped* watershed with interconnecting large lakes and streams is the Allagash Wilderness Waterway in northern Maine.

First Wind Appeal

FW claims that DEP must agree with their hired expert, Dr. Palmer who is the scenic consultant for the DEP. However, Dr. Palmer gave the nine lakes a 67% higher scenic rating than did First Wind's expert from Land Works. Dr. Palmer made the point that Scenic impact is subjective. The Department must strive for objectivity with subject information, they did that when considering Dr. Palmers ideas and various studies, but he's not the law.

The law governing scenic impact is based on the best available methods, recognizing that defining scenic impact carries some subjectivity, *but* has many more objective components, which when considered together comprise an additional objective factor. Consider, why identify the lakes "interconnected? Or why is it important to identify the size of a lake or the size of the watershed, or the number of lakes affected? But then seek an appeal based on the Department's reference to the nine lakes as a whole, as a *single* factor, one of many factors? I believe a reasonable person would conclude, the more significant lakes in question the more severe the potential harm. In addition the lakes are an interconnected passageway, each lake with unique characteristics, and that the over all size of the waterway is necessary for a canoe expedition, or to have the unique thrill of discovery, or aloneness, or self-sufficiency, the feeling of accomplishment, etc. How can a boy or girl, father or mother, or scout leader experience that without an area the size of the Downeast Lakes!

FW asserts that the DEP had no right to lump the nine lakes together. Each lake in the view shed was considered individually and each carries an outstanding or significant rating. The law addresses the importance of an individual lake or pond, each carries enough weight for a potential permit denial. Consider the Passadumkeag wind park denial, it is based on a single pond!

One can only speculate why FW wants to appeal their denial since each lake in the Downeast Lakes watershed is classified as Significant or Outstanding and each lakes alone could be sufficient for a denial. It is true that not every lake in the Downeast watershed has the same rating, but they all are rated as significant or outstanding and logic would conclude that the more of something, the higher rating the system as a whole might have. Nowhere in the law does it say a view shed consisting of more than one classified lake can't be considered together a factor. The law does address the fact that there is an element of subjectivity in the evaluation process, and supporting objective evidence from various sources or types might differ with each case being considered on its own merit and uniqueness. The nine Downeast Lakes is such a situation the law has attempted to allow for protection!

First Wind's efforts to construct industrial wind farms in Maine did not face strong opposition until now. The lack of opposition is largely due to the people being caught unaware by the "emergency" legislation, passed quietly, effectively giving industrial wind farm construction a jumpstart. The people of Maine were ill informed or prepared to grasp the magnitude of industrial wind farms' tower sizes and the enormous damage to the environment they cause. Further, people affected by the construction remain noticeably unprepared for the high level of legal argumentation from industrial wind executives and their battery of lawyers from the largest law firms in the State of Maine. Clearly, it is easy to see why FW is continuing with an appeal to the BEP, banking on exhausting and out spending the citizens of Maine.

Bowers Mt. LLC (BM LLC)

BM LLC argues in their appeal that Bottle Stream is *not* navigable late summer. I traveled that route for over 20 years after I bought the camp on Junior in 1974. I know the stream very well, and from the time the lakes are ice-free to freeze-up, the stream is navigable by small to medium boat and motor. The first large corner in the stream out of Bottle Lake becomes low water in the fall, but passable. For example, I had to stop and pull up the motor to run shallow. One fall, I had to pole the boat (push with my oar) about 20 feet before using my motor again.

BM LLC claims the lakes are not interconnected. Most of the lakes are connected by a stream or shallow water that is navigable under motor power. Some lakes are accessible by stopping the motor, lifting it up and polling or wadding into the next lake. Canoeists often portage their canoe a few hundred feet to the next lake. The longest portage is about 800' from Scraggly to **Shaw Lake**, which I did with my son when he was 6 years old. We portaged an 18' aluminum canoe loaded with camping gear the short distance into Shaw Lake, (my weight 145#). It was claimed in the appeal that Shaw is *not* accessible! It is.

BM LLC claims Maine guides don't use the lakes! My friend is a guide at Leens Lodge on West Grand Lake. He brings sports to Scraggly, Junior and other lakes on the northern end of the water shed. Guides traditionally offer trips for sight seeing and fishing for their sports to *Junior West Grand Lake*, the original name given to this water body.

BM LLC claims those who are opposed to the project are acting out of misplaced fear. Well, I am fearful of loosing one of the most beautiful bodies of water in Maine to industrial wind development. We all have a responsibility to protect our natural resources. Bowers Mountain

will dominate over nine very important lakes. These nine Downeast lakes are a rare jewel and protected by law, classified as "Resources of State or National Significance."

BM LLC claims the hills and mountains are developed with visible houses in the view shed, 40 of which are on Vinegar Hill. In fact, only two houses are visible on the hills and mountains over looking Junior Lake, and they are not on Vinegar Hill! The entire view shed, other than the 2 scant distant houses, is forested hills and mountains with large open water views, glacial rock studded shorelines, abundant wildlife, and uninterrupted, mature hard and softwoods trees!

BM LLC claims the view shed is a working forest with noisy chain saws, skidders, logging roads and State highways. In the 42 years I have been on Junior Lake, I can say I rarely heard logging operations or other noise. However, the Passamaquoddy logging operation behind us two summers ago within hearing range ended and all is quiet and will be for about 20 years when the forest might be ready for another harvest. Distant operations are not heard, nor can I see roads or clear cuts.

Two agencies have now denied FW a permit. After several years of analysis, debate, scrutiny of the law, testimony of consultants and a lot of money spent, it is time to say no more debate and rule to uphold the DEP decision to deny!

Sincerely,

Donald E. Moore

don44@roadrunner.com

Burke, Ruth A**C-75**

From: Lois Cook <driftin143@aol.com>
Sent: Wednesday, October 09, 2013 11:40 PM
To: Burke, Ruth A
Subject: Bowers Mountain wind project

I have previously written to the DEP about my opposition to turbines being built on Bowers Mountain in the Down East Lakes Watershed.

I have always enjoyed kayaking, motor boating, swimming and canoeing on Bottle, Keg, Junior, Grand and all of the other lakes in this area for many decades. Their natural 'wildness' is the reason we (family and friends) come here. They are the 'needed back to nature' to nourish our souls. It is quiet, peaceful and beautiful on the lakes.

I know the visual impact of wind turbines will RUIN the scenic beauty of this heaven on earth. The DEP spent a lot of time studying this project and the lakes and their decision and LURC's is correct to DENY this project.

First Wind should accept these denials and stop bullying us—we will not give up on preserving the scenic beauty of our lakes.

Thank you for your consideration.

Sincerely,
Lois Cook
1331 Briard St.
Wantagh, NY 11793

Burke, Ruth A**C-76**

From: Tammy Lane <tlane@zwi.net>
Sent: Thursday, October 10, 2013 6:14 AM
To: Burke, Ruth A
Subject: Bowers Mountain industrial wind project

Robert A. Foley, Chair
 Board of Environmental Protection
 c/o Ruth Ann Burke
 #17 State House Station
 Augusta, ME 04333-0017

I'm writing to ask the BEP to tell you that LURC and DEP did not err in their assessment of the visual impact of this the Bowers project. The Project will severely impact the scenic vistas on the protected lakes in the view shed. My family and have been enjoying the area lakes for over 25 years and could think of nothing worse for the area than 450 ' foot turbines on the ridges above the lakes. My wife and I kayak the lakes and enjoy watching the eagles who nest on Junior, Scraggly and Keg lakes as well as the loons ,ducks and geese which now have grown in numbers on the lakes. When you are on the water you routinely here nothing but the wind through the pine trees. Both of our children have grown up on the lakes and when coming home from college in Ohio or Florida the first place they want to go is to the lake. This is the most important reason to protect the lakes from industrial sprawl. Deny the appeal for future generations to enjoy the natural peace and beauty of the lakes region. Let my children's children enjoy what they have enjoyed swimming , paddling , campfires , star gazing which includes being able to see the Milkyway galaxy. You can't see the Milkyway from even Southern Maine anymore due to the light pollution. Let future generations enjoy the natural surroundings and the sounds of nature not turbines. This a chance to preserve an area for future generations that is why the Bowers appeal should be denied.

Former Governor Baldacci gave you the reason to deny the appeal himself on August 14th, 2010 while he was standing on Route 17 in Township D overlooking Mooselookmeguntic Lake and the Bemis Mountain range. He was quoted in the Lewiston Sun Journal with the following statement: "It's all about that view" and he added, "That view says Maine. It gives people an inspiration and it's going to be that way forever". (www.sunjournal.com/franklinstory/89348). That view that Governor Baldacci was taking in is principally excluded from the expedited wind zone. The area in the Kossuth expansion also includes a very similar view but from a different part of the state. My point here is that the view shed must have been a principle discussion point in excluding areas from the expedited zone. The Downeast Lakes Region was excluded from the expedited zone and I would argue that it was done to protect the view shed from the ridges and to protect the view shed from the outstanding or significant Great Ponds and Lakes associated with those ridges (Commission's Wildlands Lake Assessment 1986/1987). I will hope that you take the Governor's position that, "it's all about that view".

Sincerely

Eric and Tammy Lane
 Children- Jenna and Cailean Lane

Burke, Ruth A**C-77**

From: GNS <gernish@yahoo.com>
Sent: Thursday, October 10, 2013 9:13 AM
To: Burke, Ruth A
Subject: Bowers Wind Project

To Maine BEP.



RE: Bowers Wind Project by First Wind et al
 10/10/2013

To whom it may concern:

The DEP decision to deny the Bowers Project was reached after proper assessment of facts , not paid off support from groups making money to support it like Audubon . This pristine area will be ruined for those that utilize it , as they know it.

As a resident in the Rollins wind project area, the impacts have been significant.

Many camps are now for sale, and some unsaleable;is this a reasonable impact of a wind project?

Recreational properties purchased for their family enjoyment of natural beauty, are now forever changed in a negative manner for most.

As it was clearly stated that the line between "reasonable and unreasonable" impact is subjective, one would expect that the local residents who overwhelmingly oppose this project take precedent over occasional recreators like ATV clubs, who see this world through a visor and helmet, immune from the damage these projects create.

Perhaps all visitors should wear this gear,then indeed there would be no damage.

For the rest of us, who have seen and live with the daily damage from industrial wind, the least we can expect is for BEP to do their due diligence, listen to what DEP has found to be real impacts, and leave their political ideologies outside this room.

Damages are real, impacts will be for generations to this area of unique beauty, that should be preserved from the ravages of wind.

There have been significant environmental impacts from Rollins, Mars Hill and Stetson projects recently completed in this same general area.

It is time for the BEP to remove its ideological green helmets and visors, and decide this issue based on appropriate review as was done by the Department of Environmental Protection of Maine.

Uphold the DEP decision to deny Bowers.

Reason from objectivity, not political ideology please.

Dr. Gary Steinberg
 Lincoln , Maine

Have a Happy and Healthy Day. 

Burke, Ruth A**C-78**

From: Bill Follett <bill.follett@sgurrenergy.com>
Sent: Thursday, October 10, 2013 9:34 AM
To: Burke, Ruth A
Subject: Bowers Mountain Project

Mr. Foley and members of the BEP board,

I am writing in reference to the Bowers Mountain Project.

I respect the DEP's thorough review of the project and note that Champlain Wind has demonstrated a willingness to work with area residents to modify the project based on their concerns.

I do question a decision that allows the largely subjective data gathered regarding the perceived visual impact of 16 wind turbines as the sole reason to deny an otherwise fully compliant application. The context of the decision is puzzling when the area is analyzed from a broader perspective and the current and historical impact of industrial forest operations are considered.

While no project is perfect, I would expect that the BEP would vote to overturn the DEP decision and support the will of the year round residents of the area communities and allow the project to move forward.

The net benefit of the project including electricity price stabilization, avoidance of fossil fuel emissions and economic impact to the community I believe outweighs the visual impact. Please vote to reverse the DEP ruling and allow the Bower Mountain Project to proceed.

Respectfully,

Bill Follett

Bill Follett
Sgurr Energy
Bill.follett@sgurrenergy.com
Desk 207 699 5593
Mobile 207 807 5489

Bill Follett
Principal Consultant

Direct Dial : +1 207 699 5593
Office : +1 207 699 5592
Cell: +1 207 807 5489

SgurrEnergy, Inc
350 Commercial Street
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www.sgurrenergy.com

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Burke, Ruth A**C-79**

From: Jeannine and Ken <kojo@fairpoint.net>
Sent: Thursday, October 10, 2013 9:35 AM
To: Burke, Ruth A
Subject: DEP's Decision to Deny Wind Turbines on Bowers Mtn.

Hello,

I'm writing this for me and my husband asking that you not reverse DEP'S decision to deny First's Winds permit for wind turbines on Bowers Mountain.

Nothing has changed regarding the scenic impact the towers will have on the Downeast lakes region. Unless you have experienced the region, you are at a disadvantage to fully appreciate the uniqueness of the area. Progress is no longer slowly reducing the number of areas of natural beauty, but is reducing these at an ever increasing rate. Please consider the overall impact these changes have, on not only the Downeast lakes region but on all of the still natural beauty of the great state of Maine.

Sincerely,
Jeannine and Kenneth Ouellette

Burke, Ruth A**C-80**

From: Annette Bossler (MIC) <abossler@maine-intl-consulting.com>
Sent: Thursday, October 10, 2013 9:51 AM
To: Burke, Ruth A
Subject: Bowers Wind Hearing Comments

Maine Board of Environmental Protection
 Board Chair, Robert Foley
 c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you with regards to the Bowers Wind Project appeal to the Maine Department of Environmental Protection denial of its permit. The continued development of the Maine wind industry is important to our local environment as well as our economy. The impact of climate change on the Maine economy such as our fisheries and lobster industry is becoming increasingly apparent. What we experienced last year re. the lobster industry is likely going to be the new normal. Supporters of 'cheap energy' are in denial of the fact that by adding in the costs of climate change on health and the environment, increased damage through severe weather events resulting in higher insurance bills etc., conventional power generation with fossil fuels is not cheap. Add to that the latest data from the U.S. Department of Energy and their July 2013 study, it is clear that conventional, fossil fuel based power generation is not the sole answer. Especially lack of sufficient cooling water is going to be a major factor. That not only affects the US Southwest but also the Midatlantic and New England States as the Connecticut example in that report shows. See <http://breakingenergy.com/2013/07/22/doe-examines-climate-change-impact-on-energy-sector/>

Maine is blessed with abundant wind resources. Wind power does not require cooling water and does not discharge hazardous substances and pollutants into the environment. What that means we know from e.g. the high mercury levels in Maine lakes from Ohio's coal fired power plants. We are able to sell wind power into other states as the latest PPAs from MA and CT show. Opponents who are against exporting wind power or building wind power in Maine for export of energy ignore the fact that Maine has always been an exporter: of wood, of seafood, of granite, in the past of ice before refrigeration, etc. Exporting clean, renewable wind power is a good fit for Maine and reflects our exporting heritage.

I represent Main(e) International Consulting LLC. We are one of the many small and midsize firms in Maine that have been involved in the continued growth of the Maine wind industry. It has become an important sector in the Maine economy.

First Wind has shown a great deal of civic responsibility through the process of listening to and working with key stake holders to revise the over al project to better fit with the environment.

Our company is proud to be part of the development of new sustainable energy solutions for the United States and are hopeful for the opportunity to continue to work with a growing wind energy sector. These opportunities can be realized by the permitting of well sited wind projects like the Bower Wind Project. I hope you will give project favorable consideration for the clean energy and economic benefits it brings to the State of Maine.

Best Regards,

Annette Bossler

Main(e) International Consulting LLC

32 Blueberry Lane

Bremen ME 04551

USA

Phone +1 207 529 2291

Email abossler@maine-intl-consulting.com

Web www.maine-intl-consulting.com

This e-mail is intended only for the expressed use of the addressed recipient. Any use or forwarding of information without the sender's consent may be considered illegal.

Annette Bossler

Seth Ellis
90063 Troy Rd.
Enterprise, OR
97828

10/10/13

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017
Ruth.a.burke@maine.gov

My name is Seth Ellis. I was born and grew up in Maine and spent my summers on Maine lakes. I'm currently a licensed fishing guide and captain in Ninilchik, Alaska, but am still able to visit my family camp in Lowell, Maine. I also spend time on Junior Lake and the chain of lakes that are certainly accessible throughout the summer and fall seasons.

I have expressed my opinions previously as to the industrial wind turbines being placed on Maine's wilderness shorelines and rejoiced at the DEP's decision, as was LURC's, to deny First Wind its permit.

This chain of lakes is unique among other lakes in Maine. They are easily navigated from one to another and offer a full range of fishing opportunities. The assertion that the lakes are full of invasive species is comical. As we've traveled through the lakes, there is absolutely no visual or auidial evidence of the forestry practices that occur within the shoreline or the fantastic mountain views. This chain of interconnected lakes is unique to those of Maine that I have experienced. Certainly they come closest to the wilderness regions of Alaska.

I hope that the BEP would realize that LURC and DEP have fully explored the data on these lakes as well as having completed an actual site survey and that they will choose to let the DEP findings stand.

Thanks for any consideration,

Seth Ellis

Burke, Ruth A**C-82**

From: Kathryn Walsh Roseberry <zulutime@roadrunner.com>
Sent: Thursday, October 10, 2013 10:34 AM
To: Burke, Ruth A
Subject: Downeast Lakes Region

Dear Mr. Foley,

I am writing, having first addressed the DEP, to express my hope that the BEP will uphold the decision to turn down the First Wind project on Bowers Mountain due to the adverse scenic impact. I am one of the many fortunate people that have experienced the beauty and grandeur of these lakes. It takes only moments, when out on the water, to realize what a special place this is and how important it is to keep for generations to come.

I appreciate all of your thought and consideration of this matter and hope that you will save this area for today and the future.

Kathryn Walsh Roseberry

KWR



**SIERRA
CLUB**
FOUNDED 1892

Maine Chapter

44 Oak Street, Suite 301, Portland, ME 04101

Phone: (207) 761-5616

<http://maine.sierraclub.org>

C-83

Maine Board of Environmental Protection
Attn: Robert Foley, Board Chair
% Ruth Ann Burke, Board Clerk
17 State House Station
28 Tyson Drive
Augusta, ME 04333

Mr. Foley:

Sierra Club Maine knows that ensuring a clean energy future and protecting Maine's greatest natural resource - our environment - means working simultaneously on two tracks of promoting energy efficiency across all sectors and scaling up the production of and use of cleaner, renewable energy sources.

As a state that relies heavily on fossil fuels like oil and natural gas, Maine has a tremendous amount to gain from these strategies. However, central to our support for cleaner, renewable energy sources - like wind - is our belief that such projects must be responsibly planned, sited, and built to reduce the impact on the environment and Maine's diverse and delicate ecosystems. So, while developing alternative energy sources is essential to securing Maine's clean energy future, this development must occur in a way that minimizes the impact on our environment.

First Wind's Bowers Mountain Project is exactly that kind of alternative energy proposal. Not only will it help our environment by creating renewable, cleaner energy, but it's also a thoughtful plan on site that our organization believes strikes the right balance. In addition to the environmental benefits, this project will also create important green jobs here in Maine, and deliver significant benefits to the local economy.

We join numerous other groups and governmental jurisdictions in supporting this project, including the Maine Audubon Society, the American Lung Association, Conservation Law Foundation, Environment Maine, Sportsman's Alliance of Maine, the Maine Snowmobile Association, Carroll Plantation, Kossuth, and the Passamaquoddy Tribe.

In the Bowers Mountain Project, Maine has a great opportunity to encourage a major investment in our state that will help our economy and put us on the path to a clean energy future.

For all of the reasons state above, Sierra Club Maine urges you to support the Bowers Mountain Project.

Sincerely,

Glen Brand
Chapter Director

Burke, Ruth A

C-84

From: Donna Davidge <amrita@mindspring.com>
Sent: Thursday, October 10, 2013 11:16 AM
To: Burke, Ruth A
Subject: Public Comment on Bowers Mountain

My name is Donna Sewall Davidge- I not only submitted a letter but also testified in person at the DEP public hearing on the Bowers Project-

I observed first hand at the meeting that there are far more people opposed to the Bowers Project. The BEP needs to uphold this decision,

At our State Supreme Court hearing for Oakfield, Juliet Brown, who represents First Wind, even acknowledged that scenic impact is a very subjective and therefore challenging argument to define. The poor argument that few people use these lakes is exactly why they should be preserved, for the pristine value and unpopulated natural habitat that those opposing the project realize are the true longterm value of this area and these eight lakes. Before the expedited law the State was fully behind this preservation. The lakes involved in the Oakfield Project also are not full of coastal tourists but rather with a number of people who visit annually, own property and run businesses on and near these lakes, which was overlooked wrongly by the BEP and DEP and should NOT be overlooked in the Bowers case.

Anyone who receives monies from First Wind as a sponsor should not morally or legally be considered a viable part of the argument. The fact that National Audobon opposes wind power and that the State Audobon, which receives monies from First Wind, supports wind power points to the invalidation of their arguments in Maine. Same for NRCM. and more..

Those opposed are not afraid of what they think will happen, They are opposing the wind turbines for what they KNOW will happen based on research on other sites like Mars Hill and Lincoln that already have wind turbines that disturb the scenery, wildlife and more.

As First Wind did with the historic and, up until NOW, preserved for future generations Lakes Mattawamkeag and Pleasant Lake whose scenic, unpopulated and historic value in impacting Theodore Roosevelt's conservation consciousness, they are completely generating false information about the impacts their projects will have at Bowers as they did with Oakfield.

THE BEP should UPHOLD the DEP decision and do what is good for Maine not States that are smart enough to not put up their own turbines but be willing to ruin other States like ours for short-term and uncertain gains. Wind power has not proven effective enough in any way on our ridges to ruin some of our most scenic untouched areas with destructive industrialization; I suggest yo look at the recorded output for the UMPI turbine to see how these things really work (or do not). The short term financial gains claimed by First Wind and others are simply not proven or beneficial.

Please do the right thing and set the proper precedent here. Thank you.

Respectfully,
Donna Sewall Davidge
PO Box 254
Island Falls Maine
04747

CIANBRO

Cianbro Corporation

October 10, 2013

Jim Beyer
 Department of Environmental Protection
 Eastern Maine Regional Office
 106 Hogan Road
Jim.r.beyer@maine.gov

Re: Bowers Mtn Wind Appeal Hearing

Dear Mr. Beyer:

As the General Manager of Cianbro's Wind Energy Services, I am writing to ask the Maine Board of Environmental Protection (BEP) to ensure that it delivers its decision based on the Maine Wind Energy Act legislation and the associated statute.

Our Team Members have worked on a variety of Maine energy projects over the nearly 70 year history of our Employee Owned Company. These projects include hydro, natural gas & biomass generation facilities as well as oil, gas and electrical transmission. Most recently we have had a significant portion our team engaged in the wind sector.

Cianbro has been working on wind projects throughout the northeast for the last five years. In 2012 alone, we had over 200 team members employed in this field that included new projects as well as ongoing maintenance & repair of these facilities. We continue to work with potential investors and developers helping them with all aspects of project development to attract them to the State of Maine.

As we look forward and continue to partner with investors, developers, subcontractors and suppliers in Maine and beyond to put hard working and highly skilled Maine people to work, it is essential that the regulatory landscape and project permitting process remain predictable. We urge the Board to review the permit application in strict compliance with the language included in the "Maine Wind Energy Act of 2008" and the associated permit requirements. This methodical and predictable process will send a clear message that the State of Maine remains a predictable environment in which investors can depend on, and Maine can benefit from appropriate development.

Thank you for your good work and consideration.

Very truly yours,

CIANBRO CORPORATION



W. Parker Hadlock
 General Manager, Wind Energy Services

Cc: Robert Foley
 Chairman, Maine Board of Environmental Protection

7 OCEAN STREET, 2ND FLOOR, SOUTH PORTLAND, ME 04106 | (207) 518-9388 | (207) 518-9395 (FAX) | www.cianbro.com

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EQUAL OPPORTUNITY EMPLOYER

Martha W. Marchut

C-86

640 Pleasant Point Road
Cushing, ME 04563

207-354-0714
mwm617@gwi.net

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

October 10, 2013

Dear Chair Foley:

I am a resident of Cushing, Maine and I own a camp on Lake Sysladobsis in Lakeville, Maine. I provided testimony at both the first and second Bowers Mountain application hearings.

I am writing to ask that you support DEP's decision to deny a permit to Champlain Wind, LLC.

Champlain Wind asserts that the proposed project will create no unreasonable scenic impact. Sixteen turbines standing 459 feet high are planned. These will be visible, in varying numbers, from nine lakes, contributing to sequential visual impact, the impression that they're everywhere (including the illusion that there are multiple projects) because these turbines will be seen over and over again as one travels from lake to lake.

Bowers Mountain, LLC has stated that the area where the turbines will be located is a working forest and that for this reason, the area cannot be considered to provide a wilderness experience. These lakes are remote and pristine and there is little or no experience of lumbering activities when one is on the lakes. In addition, the fact that lumbering occurs in the area does not justify the degradation of the lakes that the wind turbines would create.

Nine of the lakes that are within eight miles of the proposed wind farm have been designated to be of outstanding or significant scenic value. As such, they offer visitors to Maine a unique vacation experience. Many users of the lakes have expressed their opposition to the proposed project. It's hard to see how it makes sense to allow a project that will have such a clearly negative impact on the tourist economy, especially in a part of the state that has so few other income opportunities.

One key reason that Maine is such a popular tourist destination is because of its relatively unspoiled natural beauty, something that we need to work hard to protect. Please honor the thorough assessment completed by DEP and uphold their decision to deny this project.

Sincerely,
Martha Marchut

Burke, Ruth A

C-87

From: Greenland Cove Cabins <gccabins@pwless.net>
Sent: Thursday, October 10, 2013 12:22 PM
To: Burke, Ruth A
Subject: Bowers wind project

Dear Mr Robert Foley

My name is Weston Lord, native of Ogunquit, and present owner of Greenland Cove Cabins, a sporting lodge, located in the "Downeast watershed" in the Danforth region.

I testified at the second Bowers mountain wind project hearing in Lee, Maine. My testimony centered on how industrial wind, on the mountains surrounding this beautiful watershed, in Eastern Maine, will threaten the economy of this region. Many of my customers have expressed to me, that "if these windfarms are going to be everywhere we go, when we visit, we will not be back, it takes away our sense of place, the reason we come to this region."

Please confirm the findings of Maine's LURC and DEP and deny First Winds appeal.

Thank You for your time,

Weston Lord
Greenland Cove Cabins

October 10, 2013

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

To the Board of Environmental Protection:

My name is Bradbury Blake and I am writing to you as someone who has provided both verbal and written testimony in the proceedings regarding the application to develop the wind energy project at Bowers Mountain proposed by Champlain Wind, LLC. I wish to comment on the appeal by Champlain Wind, LLC and Douglas E. Humphrey and Bowers Mountain, LLC of the decision by the State of Maine Department of Environmental Protection, dated August 5, 2013.

I was born and raised in Lincoln, Maine. I spent many days as a youngster at a camp on Bottle Lake and one of the greatest experiences of my young life was venturing beyond that small lake into the vast, interconnected region of the larger lakes: Junior, Keg, Scraggly, and Upper & Lower Sysladobsis. I have always been amazed at the region's unspoiled grandeur when viewed from Almanac Mountain. Later, as an adult, I have returned to the region many times when at my family's camp in nearby Lee. Just two weeks ago, I flew over the region and was, once again, awe struck by the beauty of this unique lakes region. I know the region well; thus, my perspective is as valid as any hired "expert" regarding scenic values and the impact of utility scale wind turbines on the region's ridges.

While there are many aspects of utility scale wind projects that are arguable, the DEP decision followed the previous LURC decision regarding a similar project proposal for the same site in finding that the scenic impact of the proposed project within the 8 mile zone is too great to allow its development. I believe this is a wise application of the testimony presented to the standards written into PL 661, the statute that incorporates an "Expedited Wind Permitting Process". There simply are places that encompass natural resources of such high value and unique scenic resources that are so substantial that intrusion of large machines into the region and its viewshed is incongruous with the values of the region, out of scale, and out of place. The Downeast Grand Lake Region is such a place.

The Bowers Mountain Project, as proposed, has a tremendous negative impact on the eight scenic lakes located within the 8 miles scenic impact zone. These lakes such as Junior, Scraggly, Pleasant, Sysladobsis, Keg and Bottle, are the eastern part of the region known as the Downeast Grand Lakes. This region is a national treasure, so remote that it has, to date, little development, which makes it unique in the eastern United States. So highly valued are these lakes that efforts between landowners, the Downeast Lakes Land Trust, and other groups have created a partnership that balances the goals of maintaining a viable timber industry with protection of miles of shoreline and tens of thousands of acres from development.

Robert A. Foley, p. 2

In many other states or countries, a vast, high quality natural resource like the Downeast Grand lakes would be set aside as a park or preserve. Contrast Canada's Kejimikujik National Park in Nova Scotia with the Downeast Grand lakes. This park is centered around Kejimikujik Lake, at 6,499 acres, less than half the size of West Grand Lake (14,467 acres) and far less than half the size of the contiguous lakes west of West Grand Lake that are directly impacted by the Bowers Mountain project. Kejimikujik, described as "Incorporating an area of approximately 145 square miles, Kejimikujik Park is a land of numerous lakes – many of them dotted with islands – of tumbling streams, and of rocky landscapes having a background of coniferous and hardwood forests. Kejimikujik lake is about five miles long and three miles wide." Seems like a description of the scenic and natural resources in Maine that would be unduly injured by the construction of large wind turbines on Bowers Mountain.

In addition, Kejimikujik was designated as a Dark Sky Preserve in 2010 by the Royal Astronomical Society of Canada as part of their Dark Sky Preserve Program. From the park's website: "As a DSP, Kejimikujik is committed to protecting the nighttime environment from the effects of artificial lighting. Protecting the dark skylines of Kejimikujik benefits stargazers as well as wildlife. Studies have shown that many of the biological and behavioral activities of plants, animals and insects that rely on night darkness to forage, breed and navigate are adversely affected by light pollution." Having visited Kejimikujik twice and knowing the Downeast Grand Lakes intimately by having grown up in the area, I can assure you that Maine's Downeast Grand Lakes far surpass this Canadian national park in grandeur, splendor, natural resources, fisheries, and wildlife. The turbines on Bowers Mountain, with their flashing aviation lights will intrude on the incredible spectacles of the dark skies and the aurora borealis.

If the Canadian government can designate Kejimikujik for the total protection of national park status, the least we, the citizens of Maine, can do is protect the vast, unique natural resource of high quality lakes known as the Downeast Grand Lakes from the intrusion of utility scale wind turbines. I ask that the Board of Environmental Protection, acting in the best interests of Maine citizens and Maine's vaunted "Quality of Place" uphold the decision of the DEP to deny the application of Champlain Wind, LLC by denying the appeal of the two appellants. We must not degrade the natural treasure of the Downeast Grand lakes that has been bestowed on our beautiful state. Thank you.

Sincerely,



3 Hearn Road
Scarborough, Maine 04704

Burke, Ruth A**C-89**

From: leonard murphy 2 <murphyleonard88@yahoo.com>
Sent: Thursday, October 10, 2013 12:09 PM
To: Burke, Ruth A
Cc: gernish@yahoo.com; tlandthrip@yahoo.com
Subject: Opposition to the Bowers wind project, Lenny Murphy!

Good day, my name is Lenny Murphy phone no.746-9212 address, 90 Energy Lane Woodville Maine 04457

I have already submit testimony both live and in writing, emails, I am a interest party and a disabled veteran who is not happy about most of our hill tops being flattened where we already produce 125% of our power needs! I will keep it short and only hit the high points! As I stated several times, the subsidized projects that do not pay the people back is taxation without representation, unconstitutional in every sense of the law! It is your duty to turn the project down on this one issue alone! The project in question has been turned down twice, as you know, for good reasons! Please do not forsake the people in The State by allowing the project, like a smelly dump you can't let powerful people do what they want to harm the areas around their properties! If they had a long term project that was justifiable and they had a way to get the power out of state, which they do not, then and only then should the project go forward with a loan and not our dollars that we do not have to give to the powerful from away! They want 65 generators near Medway and 400 towers near Bridgewater, Maine and there is no way to get any more power out of state at this time according to The DEP! And The State of Ct. has no way of bringing extra electricity to their people?! As far as I know The Rollins project in Lincoln and Stetson 1 and 2 are not sending any power out of state either because of the bottleneck in Orrington! Is that what they call green power, green with our monies?!

The project is truly a unreasonably adverse scenic impact and after the Lurc ruling, against the project, the Lurc officer asked the official from first wind what in the hell were you thinking trying to justify the project in such a protected area, he had no response!! Of course the so-called reason why they keep bringing the project forward is because they are paid to look the other way no matter how many people are harmed and no matter how much they diminish our constitutional rights and increase our National Debt! Like pursuit of happiness and taxation without representation and freedom of speech etc., etc.! Please send The People of Maine a positive message that we are a part of the environment and need protection from those that just see Maine as a needy, remote, piece of pie for them to divid up between themselves ! And now that Bangor Hydro, a Canadian company, has bought 49% of First Wind doesn't that make a conflict of interest where a company has control over transmitting and producing power?! Also by turning down the project you will help stop the curf and unusual treatment of first wind employees who have to work on mountain tops in Maine in the winter at a big cost to our federal government and the other employees that work almost 24 hours a day to bring all of the projects forward before they loose their free moneys for The Federal government, and by looking at some of their eyes they are apparently staying high as a kite to keep up the pase imposed on them by their apparently uncaring superiors!! And who is suppling their drugs, first wind?! Every dollar that does not pay down the national debt incurs even more interest on the debt that we can not afford, so send Washington a message!

Now that you know that the project is taxation without representation, against the U. S A. laws, it is your legal duty to turn the project down or you will be in violation because of what was established after WW!! when The Nurinburge Trials stated that gov. officials can be held accountable for knowingly braking the law! Maine's wind energy laws are not lawful when they take our freedom of speech away and several other rights as well! Truly yours, Lenny Murphy
 10/10/13

Burke, Ruth A

From: leonard murphy 2 <murphyleonard88@yahoo.com>
Sent: Thursday, October 10, 2013 2:01 PM
To: Burke, Ruth A
Cc: gernish@yahoo.com; johnsongordon@rogers.com; tlandthrip@yahoo.com
Subject: Lenny Murphy, in opposition to the Bowers project!

Good day again, I Lenny Murphy, would like to add a few more comments to my earlier testimony today in opposition to the Bowers project! First I would like to say for the record that The DEP is not responsible for dividing The State in half as lawyer Dean Beaupain accused The DEP of doing if they did not approve the project! Nothing can be further from the truth; Dean used all his college taught controlling tricks as a lawyer to dictate the conversation, testimony! He said it is a commercial area it is not, it is zoned for rural and residential use only!! It is Dean and First Wind and Dean's clients, all have moneys at stake which is a conflict of interest, that are dividing The State in half with their conspiracy to bring the projects forward in secrecy in the communities affected! There were 19 families settled with in Mars Hills by First Wind because of the pressure wave pushed upon the families from the generators along with the noise being made from the generators, and the devaluation of the property! Pressure waves cause concussion like side effects and not just deafening their hearing!! First Wind's experts are getting paid to distort the truth and should be held accountable for their half truthful settlements, like the noise from the generators at a level of 4 is like being in a quiet library, what a whopping lie that is!! One more point about our rights in America! It is true that our government is of, by, and for the people, as you are a part of our government please act in favor of the people that you are working to protect!

Lenny Murphy 90 Energy Lane, Woodville, Maine 04457 phone no. 746-9212

October 10, 2013

Maine Board of Environmental Protection
Board Chair, Robert Foley
c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you in regards to the Bowers Wind Project appeal of the Maine Department of Environmental Protection denial of its permit. The continued development of the Maine wind industry is important to our local environment, economy and our company, Larkin Enterprises, Inc.

Larkin Enterprises, Inc. supplies technical and support personnel on a contract basis to some of the leading firms in the power generation and utility industries – both within the United States and around the globe

Larkin has 8 employees in Maine, 40 employees nationally, and has annual revenues of approximately \$10 million. Larkin has provided labor resource management for projects across the country, local community wind projects and the Kibby Mountain project in Maine. Larkin is a good example of a local company that has used their expertise as an export commodity to bring income back for Maine employees.

The wind energy sector has improved Larkin's service portfolio diversity. As a result, the wind energy market has created a higher level of consistency of work for their employees. The opportunity has also allowed Larkin employees to gain additional skills in construction methods and high altitude safety. Wind energy projects create opportunities to work with new pools of employees and local communities through involvement in projects, such as offering local internships. The identification of new workforce development pathways has led to constructive relationships with institutes like the Northern Maine Community College. This dynamic is typically not seen in other industry sectors.

Larkin is proud to be involved in a new energy development industry. The people you meet, the new ideas developed each day on how to improve development makes this an exciting industry to be involved in. These opportunities can continue to be realized by the permitting of well sited wind projects like the Bower Wind Project. I hope you will give project favorable consideration for the clean energy and economic benefits it brings to the State of Maine.

Best Regards,

Mike Ireland
mike@larkinent.com
Larkin Enterprises
PO Box 405
317 W. Broadway
Lincoln, ME 04457
(207) 794-8700

Burke, Ruth A

C-91

From: sherwats2 <sherwats2@wildblue.net>
Sent: Thursday, October 10, 2013 2:32 PM
To: Burke, Ruth A
Subject: Fw: Bowers WindProject , comment for BEP

please Ruth , this is my edited letter , substitute for the first one
 thank you
 Monique Aniel

From: sherwats2
Sent: Thursday, October 10, 2013 2:22 PM
To: Ruth.a.burke@maine.gov
Subject: Bowers WindProject , comment for BEP

Dear Commissioner Foley,

Soon you will decide on the appeal of the denial of the Bowers Wind project.
 I would like to bring two points which I believe clearly indicate why such an appeal should be denied :

1. Scenic appreciation and the Wind Energy Act

In the very complex and subjective matter of assessment of the scenic effect of wind turbines on the adjacent landscape, your decision in this case should be unequivocal. In their decision to deny the permit, the DEP simply acted according to the letter of the law. The WEA voted by the legislature in 2008 requires the protection of Scenic Resources of State and National Significance (SRSNS).

The Downeast Lakes region contains no less than 9 SRSNS which would be adversely impacted by sixteen 500 feet steel turbines .

The DEP writes that: "the generating facilities portion of the project would have an unreasonable adverse effect on the scenic character and the existing uses related to the scenic character of the nine SRSNS listed above. This finding is not based on the fact that the project would be highly visible, but rather on the evidence in the record that demonstrate that the great ponds within eight mile have a great scenic significance ."

The law was written with clear provisions for protecting significant scenic resources. The DEP applied the law to protect not one or two, but NINE Scenic Resources of STATE and NATIONAL SIGNIFICANCE.

2. Objective vs subjective value of the opinion of expert landscape architects:

In their appeal the developer mentions several times the opinion of James Palmer as an authority figure in assessing that turbines will not have a unreasonably adverse effect on any of the great ponds impacted by the wind project.

I was present at the Oakfield BEP appeal in April 2012 , and listened to James Palmer suggest that the BEP pushes the legislature to give some guidance in the assessment of what constitutes unreasonable versus reasonable effect of turbines on the landscape. I did some research on the

subject and found this quote from James Palmer in an analysis written by Catherine Johnson, NRCM staff member in April 2010, in testimony on the Kibby Wind project:

"James F. Palmer, who prepared a visual impact analysis for LURC during the Plum Creek proceeding, put it thus:

There are well-developed professional procedures for evaluating the elements that are thought to determine scenic quality and to contribute to scenic impacts (e.g. Smardon et al. 1988, USDA Forest Service 1995). These procedures are grounded in professional experience, and have been accepted by the courts (Smardon and Karp, 1993). However the reliability of these procedures is not well-established through empirical evaluation. *What research exists suggests that the reliability of professional assessments is comparable to, but not higher than public assessments of scenic quality.* (Palmer and Hoffman 2001, Ribe et al. 2002). (5) [Emphasis provided.]

This admission by Palmer clearly demonstrates the limitations of professional assessment. In this case the public assessment and the finding by the Department of Environmental Protection that the Bowers Mountain Wind project would have an unreasonably adverse impact has been unequivocal and should neutralize if not surmount the opinion of Mr. Palmer.

Respectfully .

Monique Aniel

Citizens Task Force on Wind Power co-chairperson



October 10, 2013

Maine Board of Environmental Protection
Board Chair, Robert Foley
c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you in regards to the Bowers Wind Project appeal of the Maine Department of Environmental Protection denial of its permit. I represent an organization of Maine companies that provide services to the wind and ocean energy industries in Maine.

The Maine wind energy resource represents a major opportunity to reduce carbon emissions while providing energy to New England homes and businesses. The overall environment is greatly improved by the addition of wind energy in Maine.

In addition, Maine benefits directly from the investment and job creation associated with wind energy. We now have Maine companies working from almost all sectors employed in the wind industry. In fact, the growth of the local industry has created an industry cluster of technological expertise that is now in demand throughout the world. I ask you to refer to the attached document that illustrates the fact that 41% of wind related revenues now come from outside Maine.

However, we would not have that revenue if not for the creation and continued growth of a domestic industry. As a result of the local development, every dollar invested in Maine wind projects yields \$1.80 for the Maine economy.

I must stress, these opportunities can continue to be realized only if we have a local industry. Permitting of well sited wind projects like the Bower Wind Project is necessary to continue the existence of our local clean energy economy. I hope you will give project favorable consideration for the clean energy and economic benefits it brings to the State of Maine.

Best Regards,

Paul Williamson,
Director and Industry Coordinator
Maine Ocean & Wind Industry Initiative
PO Box 129
511 Congress Street
Portland, Maine, 04112
207-242-3521
pw@mainewindindustry.com
www.mainewindindustry.com

WIND AND OCEAN ENERGY: ECONOMIC IMPACT IN MAINE

Maine's abundant natural wind and ocean resources are economic drivers and position the state as a leader in renewable energy. Local development of technology and expertise throughout the supply chain are creating exportable expertise and services.

\$547 M	Total Annual Company Revenues
\$337 M	Total Revenues generated by W&O
59%	Percent of work performed in Maine
41%	Percent of work performed outside of Maine
3659	Total company employees in Maine
959	Employees active in W&O
35%	Percent of employee time devoted to W&O

*MOW/E2Tech Fall 2012 Survey. Data represents 49 companies responding from a sample of 120 Maine companies participating in W&O projects. The actual economic and job impacts are likely much higher.

- ## WIND & OCEAN ENERGY IN MAINE
- Creates and maintains jobs in Maine.
 - Attracts revenues and investment to Maine.
 - Takes advantage of Maine's strong natural resources.
 - Develops local expertise in a variety of sectors, including:
 - Composite materials
 - Construction
 - Crane & rigging services
 - Development, Operation & Maintenance
 - Engineering
 - Environmental & permitting services
 - Insurance & legal services
 - Management
 - Manufacturing, machining & fabrication
 - Marine trades
 - Marketing
 - Research & development
 - Transportation
 - Warehousing and secure storage

Maine's natural resources develop and support human resources and local expertise that are growing in demand as export products to active national and international markets. Local professional and technical expertise in the wind and ocean energy sector helps generate income for Maine companies and their employees.



Wind energy projects have afforded us the opportunity to put a good number of talented Maine people to work over the span of the last few years. We see the move toward renewable energy technology as a positive step toward sustainable job creation as well as energy independence.

Scott Cram
Operations Manager
Larkin Enterprises, Inc.
Lincoln, Maine

WIND & OCEAN ENERGY IS A KEY ECONOMIC DRIVER THAT CREATES LOCAL JOBS AND ATTRACTS INVESTMENT TO MAINE.

The growth of the Maine wind energy industry has provided new economic activity for landowners and across the construction and service industries during a period of economic uncertainty. Wind power has also become a stable partner for rural Maine communities with limited opportunities for new investment. First Wind alone in 2012 invested \$150 million in Maine, supporting 1,000 construction jobs and bringing nearly \$2 million per year in tax revenue for Maine towns.

Mars Hill, Maine. Photo courtesy of First Wind.

Maine is a global leader in tidal energy—expertise that is exportable around the world. Statewide benefits include jobs and ongoing skill creation within the workforce, new opportunities for young people, and advancement in university research and development. Since 2007, ORPC has spent \$2.1 million, \$1.5M of which has gone directly to Washington County. We work with over 65 Maine contractors and are helping to create or retain more than 100 jobs statewide.

John Estlin
Vice President, Project Development
Great Renewable Power Company
Portland, Maine

Installation of TideGen™ Power System at Cobscook Bay, Maine. Photo courtesy of ORPC.



MAINE
S T A T E
CHAMBER
of
COMMERCE

C-93

Maine Board of Environmental Protection
Attn: Robert Foley, Board Chair
C/O Ruth Ann Burk, Board Clerk
17 State House Station
28 Tyson Drive
Augusta, ME 04333

The voice of Maine business

Mr. Foley:

On behalf of the Maine State Chamber of Commerce, I would like to express our ongoing support for the Bowers Mountain Wind Project in Carroll Plantation and Kossuth Township.

At the Chamber we have been thrilled at the outgrowth of wind power projects and their vital support for hundreds of Maine businesses. The countless benefits the industry has provided during the last 10 years have in many cases meant the difference between employees receiving paychecks, or receiving disappointing news of layoffs.

The Wind Energy Act provided necessary guidance to landowners and developers that certain areas of the site were appropriate locations for their projects and capital. We strongly support these business signals, as that is often what has been missing when companies consider Maine for their investment. Importantly, just having the Act itself exist in statute is not enough – what is paramount is a reasonable, consistent, and predictable application of the Act itself.

We recognize the balancing act that regulators must manage accounting for both the economic benefits and the environmental impacts from any type of development, including wind energy projects. It is evident to us that the applicant, First Wind, has taken great pains to respond to concerns raised with its original application, and has gone out of its way to offer a revised project which very clearly meets the regulatory requirements as required by State law.

Further, Bowers Wind is a great example of responsible development offering a real lifeline to an area of rural Maine that is far too often overlooked and undervalued.

Again, the Chamber strongly supports the Bowers Mountain Wind Project, and we encourage the Board's members to look favorably upon the appeal before it and allow this \$100 million investment to move forward and support our local and state economies at a time when we need it the most.

Thank you for your consideration.

Respectfully,



Dana Connors
President
Maine State Chamber of Commerce

HARMAC REBAR AND STEEL CORPORATION™

C-94



A Division of A.H. Harris & Sons, Inc.

October 10, 2013

Maine Board of Environmental Protection
Board Chair, Robert Foley
c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you in regards to the Bowers Wind Project appeal of the Maine Department of Environmental Protection denial of its permit. The continued development of the Maine wind industry is important to our local environment, economy, and our company, HarMac Rebar & Steel.

HarMac Rebar & Steel is located in Fryeburg, ME and is a part of AH Harris & Sons Inc. HarMac specializes in providing steel reinforcing packages to the construction industry. We employ approximately 60 here at our Fryeburg facility.

HarMac has provided reinforcing steel for nearly all the wind projects in Maine, wind projects in other New England states, and has provided product to projects as far away as Spain and Texas. Therefore, we feel we are a major provider to the Northeast wind energy industry.

HarMac provides services to major industry sectors, wind energy being one of them. At times, HarMac has reached maximum capacity while providing fabricated rebar products to the wind industry. In part, this work has allowed HarMac to expand our facility in recent years. However, the political uncertainty during 2012 also showed a reduction in business as fewer wind projects were constructed in 2013. HarMac is hoping for an industry rebound in 2014 to be reflected by continued growth.

While HarMac has been able to provide wind industry solutions, such as improved steel installation procedures, the wind industry fits well with our business plan of providing top quality competitive steel reinforcing products for foundation systems. The wind industry has been a successful growth market for HarMac and we look forward to the potential of continued growth in years to come. These future opportunities can continue to be realized by the permitting of well sited wind projects including Bower Wind Project. I hope you will give the referenced project favorable consideration for the clean energy and economic benefits it brings to the State of Maine.

Best Regards,

Patrick L Maillett
Executive Vice President
pat.maillet@ahharris.com

Robert A. Foley, Chair
Board of Environmental Protection
c/o Ruth Ann Burke
#17 State House Station
Augusta, ME 04333-0017

Oct 10, 2013

Re; Bowers Wind Project Appeal

Dear Chairman Foley,

My Name is Layton Day. My wife, Lorri and I are property owners on Junior Lake and have supported the denial of permitting for the Bowers Mountain wind project through letters to LURC and other means. I am writing with great concern over the appeal of the DEP's decision to deny the Bowers Mountain project that is now in your hands.

I'm in hopes of convincing you that the previous decisions by both LURC and the DEP to deny permitting were correct and substantiated through expert testimony and landowner outcry that this wind project would have a negative scenic impact of the area. First Wind, and Bowers Mountain LLC choose to use propaganda and false statements in their appeals in an attempt to convince you otherwise.

My wife and I spend a great amount of time roaming the shores and waterways of the Downeast Lakes Region and last weekend was no exception. Saturday we took an ATV ride to Vinegar Hill and hiked around to top enjoying the foliage and wildness of the area. While there, no less than 8 others were doing the same thing. Sunday we cruised the lakes before pulling the boat for the season. I'm amazed at how few camps and homes are visible from the middle of Junior Lake knowing how many there actually are. This is a direct result of the guidelines and restrictions that were set up to protect the scenic beauty that is being threatened by this wind project. This region is under attack by corporations that have no interest in keeping this area one of the most pristine in the state.

We drive through Lincoln on our way to Junior and I'm disturbed by the view as I drive up to the stop light at W. Broadway and Main Street. We look out across Mattanawcook Pond to a hillside that used to be pristine and the envy of many towns across our state. Now that hillside is covered with wind turbines and that view is damaged forever. Please do not allow this to happen to the Downeast Lakes Region.

I urge you to uphold the DEP's decision to deny this wind project and do what's right this State, not what brings cheap electricity to the people of Rhode Island. (reference Bangor Daily News article 10-10-2013)

Respectfully yours,

Layton and Lorri Day
27 Mill rd
Corinth, Me. 04427

Soon to be

0506

70 Boyce cove rd
Lakeville, Me 04487

Michael Bond
P.O. Box 189
Winthrop, ME 04364
(207) 377-3000 bondma@cs.com

October 10, 2013

Robert A. Foley, Chair
Board of Environmental Protection
#17 State House Station
Augusta, ME 04333-0017
By email to: Ruth.a.burke@maine.gov

RE: Bowers Mountain industrial wind project

Dear Mr. Foley and Board members,

Much of the work which has led to ratings of visual significance was developed in the 1970s and 1980s by the landscape architecture and planning firm of Eckbo Dean Austin & Williams (EDAW). I was a Senior Associate at EDAW, and served as project manager of a variety of visual studies. We did numerous analyses for utilities on visual values and on the potential visual impacts of transmission lines and power plants, and for many other major clients on the visual impacts of clearcuts, road construction, and other human alterations of the landscape.

From this experience it is clear that Bowers Mountain is a world-class visual resource, certainly one of national significance, and that this world- or national-class scenic value would be entirely ruined by the proposed industrial wind project.

Bowers Mountain is highly visible from a number of extraordinarily beautiful and highly valued lakes with scenic resources of state or national significance. It is a rare surviving example of a near-wilderness eastern woodland peak encircled by glaciated lakes – a visual resource of which almost none now remain in the United States.

One of the greatest visual benefits for these lakes is clearly the Mountain itself. To paddle across Pleasant, Duck, Scraggly or Keg Lakes before sunrise and to watch the Mountain's

reflection expand across the lightening water is to experience sublime and inestimable beauty – one that will turn the heart of nearly anyone who sees it.

One of the worst impacts of the proposed industrial turbines is one visual scale, as is shown below:

Not Admitted

It would be a crime to steal this beautiful experience from many thousands of people by covering the Mountain with 27 enormous wailing towers reaching into the sky like War of the Worlds monsters that are almost the height of the Mountain itself seen from the lakes.

It would be a catastrophe of scale – this long, lovely mountain pinned down by a wall of the 3rd-tallest structures in New England. To look up at a view like the one below would totally destroy this experience (these turbine towers will be five times the height of a High Voltage transmission tower):

The Mountain is not only an essential visual resource for its necklace of lakes. It is also a significant visual resource from many surrounding ridges and peaks. It has generally been shown that ridgetop industrial wind projects have a highly negative visual impact even when seen from points over twenty miles away. As public opinion continues to grow more and more opposed to industrial wind projects, these visual negative perceptions are bound to increase, and thus will increase determination of negative visual impact.

A proof of the visual impacts of a wind project is the fact that it lowers property values even at some distance from the project. This is because wind turbines are highly negatively perceived in terms of visual value by the average person. This is why fewer prospective home buyers choose homes within the viewshed of an industrial wind project. In the case of recreationists, who are specifically seeking a non-industrial visual setting, the impact of wind projects is even greater. This is the reason for the sharp drop in tourism when industrial wind projects are constructed.

Other wind projects in Maine, and wind projects everywhere, result in visually destructive clearing in addition to the construction of towers 50 to 60 stories high (see below)

Not Admitted

Thus the visual impacts of the proposed industrial wind project on Bowers Mountain will not only be devastating to its lakes and lakeshores, and not only to many specific observation points beyond them, but also to many individual areas up to twenty or more miles away. And this negative visual impact will include not only the daytime destruction of a nationally significant visual resource by a huge industrial zone, but the added night impact of the red strobe lights blinding all the nearby skies.

The night sky as seen from atop Bowers is almost solid white with stars and galaxies. From Bowers you can see not only the Northern Lights and the Milky Way but so many stars and galaxies – some thousands of light years away – that you can't count them all.

There are few places in the eastern US where we can still see the stars like this. If the Bowers industrial wind project is constructed, this now-rare and irreplaceable visual resource will also be lost.

Below is an example of the ridge-blasting done by First Wind at another devastated Maine ridgeline at Mars Hill:

Not Admitted

People come by the thousands from all over the world to see this magnificent, unique place, and it is this scenic value that drives the regional economy and which will also be destroyed by this project. It appears today in a wilderness state, and the forest practices of the area are sufficient that logging roads are not even visible.

To get a sense of the scale of a wind turbine tower that is *smaller* than those proposed for Bowers Mountain:

Not Admitted

To destroy these magnificent visual resources for a project that will not lower greenhouse gas production or fossil fuel use, and that will deliver less than 8% of its promised power, but will enrich out-of-state energy companies and investment banks by adding significantly to our national debt, is to wrong the people of both Maine and the nation.

After this in-depth development of visual resource ratings, I went on in my career to serve as advisor to over 70 of the world's largest utilities and energy companies, and then as President and CEO of an international energy company. These years of experience have reaffirmed for me the significance of accurate visual resource analysis. It is essential – in terms of the protection of nationally significant visual resources – that a magnificent and irreplaceable visual resource like Bowers Mountain not be destroyed.

I think that what kept my ancestors in Maine for over 300 years is simply that it's so damn beautiful. One can anywhere on the lakes around Bowers or up the Mountain or any of the nearby peaks or on the turnouts of nearby roads and what you see is people with cameras, people just standing there – entranced by the beauty of the place.

We Americans have few places in the eastern United States with the visual significance of Bowers Mountain and its necklace of lakes. Do not take it from us, and from the world.

Sincerely,

Michael Bond

Response by Michael Bond to Appeals of Department Order

Photographs and illustrative exhibits not admitted to the record.

Burke, Ruth A**C-97**

From: mail@looncovecottage.com
Sent: Thursday, October 10, 2013 3:56 PM
To: Burke, Ruth A
Cc: garyam99@verizon.net
Subject: RE: PPDW Update -- IMPORTANT FOLLOW UP

We are Freda and David Parker, and we first set foot on the landing at Bottle Lake in 1950. We and our family have boated, kyaked, canoed, fished, and hunted all the seven lakes since. We have previously written letters to LURC and DEP and attended heangs, particularly the Bowers application. Our home is on Bottle Lake year round.

We have previously, refuted First Wind in our e-mails. However, our deep concern is the misinformation First Wind has stated about the scenic value of these seven lakes. No subjective evaluation is real. One must be on the water over many years of invasive use to know the scenic character and uses of these lakes. They are a treasure and the scenic impact must be felt on the water or on the ice. There is no way any wind mills should be allowed any where around these lakes. Please insure the project is stopped in its tracks once and forever.

----- Original Message -----

Subject: PPDW Update -- IMPORTANT FOLLOW UP
From: Gary <gary@ppdlw.org>
Date: Wed, October 02, 2013 10:34 am
To: undisclosed-recipients;

MAINE SNOWMOBILE ASSOCIATION, INC

C-98

PO Box 80, Augusta, Maine 04332 • 205 Church Hill Road, Augusta Maine 04330
Tel 207-622-6983 • Fax 207-622-7669 • msa@mesnow.com • mesnow.com

Maine Board of Environmental Protection
Attn: Robert Foley, Board Chair
% Ruth Ann Burke, Board Clerk
17 State House Station
28 Tyson Drive
Augusta, ME 04333

Dear Mr Foley,

On behalf of the members of the Maine Snowmobile Association, we urge you to support the Bowers Mountain Wind Project.

In addition to being a big benefit for Maine's economy, wind energy projects are a source of enjoyment and revenue for snowmobile clubs and the industries (like hotels and restaurants) that are supported by snowmobile riders.

Already, hundreds of riders a year participate at ride-ins at existing wind energy facilities in Maine. Though some worry about the "visual impact" of wind turbines in Maine, I can tell you that there are a lot of snowmobilers who not only don't mind but actually seek out views of the turbines we already have here in Maine. Ride-ins like the annual one at the Stetson Mountain wind farm attract hundreds of riders every year, and success stories like this are not uncommon from other ride-in events around the state.

Included in the Bowers Mountain Project proposal – in addition to hundreds of thousands of dollars in other economic benefits – is a significant investment in Maine's Wind Farm Snowmobile Trail Fund. This is on top of the huge boost a project like this will provide to the economy through the hundreds of people it will employ and the new business it will generate in the area, especially during construction. Donations from the Wind Farm Snowmobile Trail Fund have allowed local clubs to upgrade their infrastructure and in turn enhance riding opportunities in the area. Those improvements in turn fuel the growth of local businesses that benefit from snowmobiling.

Snowmobile riders love the Maine woods. We ride to connect with nature and enjoy all that Maine has to offer. We believe that the development of wind projects like Bowers Mountain are consistent with those beliefs and will help our economy grow and make sure that future generations of snowmobilers have great trails to enjoy in Maine.



This is a good proposal that can help Maine's economy, create jobs, increase our energy independence and is good for Maine snowmobilers. On behalf of our thousands of members in Maine, we encourage you to support the Bowers Mountain Project.

Respectfully,

A handwritten signature in black ink, appearing to read "Bob Meyers". The signature is fluid and cursive, with the first name "Bob" being more prominent than the last name "Meyers".

Bob Meyers
Executive Director



Maine Board of Environmental Protection
Attn: Robert Foley, Board Chair
C/O Ruth Ann Burk, Board Clerk
17 State House Station
28 Tyson Drive
Augusta, ME 04333

October 10, 2013

Dear Mr. Foley:

I am writing to express Environment Maine's strong support for the Bowers Mountain Project. This project is exactly the sort of responsible clean energy development our state should be encouraging to protect our environment and accelerate the transition to clean energy.

Environment Maine is a citizen-based environmental advocacy organization with more than 17,000 current members and supporters. We strongly support renewable energy because of the multitude of environmental benefits—wind energy reduces air and water pollution from burning fossil fuels. Already, wind power in Maine avoids as much carbon pollution as is emitted annually by 79,000 cars, according to a recent report we released earlier this year.

In April 2013, we were proud to submit to the Maine Department of Environmental Protection a petition signed by 1,250 citizens in support of the Bowers project, including 1,185 Mainers. We are confident that the project is appropriately, and many of our members view wind turbines as a sign of progress and would not at all object to seeing turbines while pursuing outdoor activities in Maine.

Environment Maine strongly believes in ensuring that local voices are heard and the concerns are addressed in planning for the development of wind energy; First Wind has certainly done that with this project. The end result is an excellent proposal that makes good use of previously developed land with minimal environmental and visual impacts. Additionally, the project can help Maine continue to be a leader in generating clean renewable energy and growing the green economy.

It is a testament to how strong a proposal this project is that it has earned the support of numerous state and local organizations, including five environmental and health organizations (Environment Maine, Maine Audubon, American Lung Association, and the Conservation Law Foundation) and Carroll Plantation, Kossuth as well as from the Passamaquoddy Tribe.

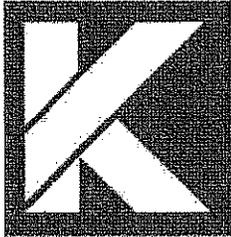
On behalf of our thousands of members in the state, Environment Maine urges the Maine Board of Environmental Protection to support the Bowers Mountain Project.

Sincerely,

Emily Figdor, Director

Custom Composites Fabricator For Industry

C-100

**KENWAY
CORPORATION**

681 Riverside Drive
Augusta, Maine
04330-9714
(207) 622-6229
Fax (207) 622-6611

info@kenway.com
www.kenway.com

October 10, 2013

Maine Board of Environmental Protection
Board Chair, Robert Foley
c/o Ruth Ann Burke
ruth.a.burke@maine.gov

Dear Chairman Foley,

I am writing to you in regards to the Bowers Wind Project appeal of the Maine Department of Environmental Protection denial of its permit. The continued development of the Maine wind industry is important to our local environment and economy.

Kenway Corporation is among the many small and midsize firms in Maine that have been involved in the continued growth of the Maine wind industry. It has become an important sector in the Maine economy and is generating good paying Maine jobs.

First Wind has shown a strong civic responsibility through the process by listening to and working with key stake holders so that the overall project may better blend with environmental considerations.

Kenway is proud to be part of the development of new sustainable energy solutions for the United States generally and for Maine specifically. Ongoing support for projects like the Bowers Wind Project that combine environmental sensitivity and sustainability along with economic develop and job creation for our residents should be a priority for Maine.

These opportunities can be realized by the permitting of well sited wind projects like the Bower Wind Project. I hope you will give project favorable consideration for the clean energy and economic benefits it brings to the State of Maine.

Sincerely,

Ian D. Kopp
President/COO