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February 17, 2016

Jessica Damon  
Project Manager  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333-0017

RE: Number Nine Wind Farm

Dear Ms. Damon:

On behalf of Maine Audubon and our supporters, we are writing to share some of our concerns regarding the Number Nine Wind Farm as proposed. As background, our organizations support wind power and are eager to find projects that are sited, designed and operated in a way to minimize impacts to high value natural resources.

#### High Value Resources

We note that the proposed project location is in Canada lynx critical habitat, a first nation-wide. No other wind project nationally has been proposed in Canada lynx critical habitat. With the precedent setting nature of the proposal, we expect that USFWS would hold the project to a high standard.

The project area also includes Atlantic salmon streams, significant vernal pools, inland wading bird and waterfowl habitat, brook trout, migratory birds and bats, deer wintering areas, a great blue heron rookery, and potentially northern bog lemmings.

#### Share Wildlife Agency Concerns

In reviewing the application, we examined the comments submitted by the Maine Department of Inland Fisheries and Wildlife (DIFW). We have also met with the DIFW and the U.S. Fish and Wildlife Service (USFWS) regarding their comments and concerns.

We strongly urge the Department of Environmental Protection (DEP) to give full consideration to the concerns of DIFW and USFWS and shared by us.

#### Failure to Respond to Concerns

An overall comment is that we find it unfortunate that the applicant appears to not have taken DIFW's comments with sufficient regard when developing its application. From our perspective, projects that address wildlife agency concerns are more easily approved.

#### Avoid, Minimize and Mitigate

Applications should be designed to avoid impacts to protected natural resources, minimize unavoidable impacts, and then mitigate for remaining impacts. A fundamental flaw in the project, as proposed, is a failure to avoid and minimize impacts to protected natural resources.

#### Curtailment

Given the precarious nature of bats in Maine, the fact that we have three listed bats species in Maine and the proven effectiveness of curtailment, we support DIFW's recommendation:

Minimum operational practices for a facility of this magnitude would entail: All the proposed turbines operate only at cut-in wind speeds exceeding 6.5 meters per second each night (from at least ½ hour before sunset to at least ½ hour after sunrise) during the period April 20 – October 15. Cut-in speeds are determined based on mean wind speeds measured at hub heights of a turbine over a 10-minute interval. Turbines will be feathered during these low wind periods to minimize risks of bat mortality. These cut-in speeds are independent of ambient air temperature. DIFW Comments 11-16-15 p. 7.

#### Size and Number of Turbines

It's our understanding that both agencies would very much like to see a smaller number of potentially taller turbines in order to avoid and reduce direct and indirect habitat loss and mortality. The agencies are willing to see larger turbines if there are fewer. Given the abundance of natural resource values in the project location, an outstanding question is why the applicant is not expounding upon why it won't make this change.

#### Great blue heron rookery

We support DIFW's recommendation that String M be eliminated due to the impact on the great blue heron, a species of special concern. According to DIFW, it's an actively expanding rookery and impacts to it should be avoided.

#### Deer wintering areas

According to DIFW, the applicant has not demonstrated efforts to avoid and minimize impacts to deer wintering areas. We urge the DEP to require the applicant to demonstrate efforts to avoid and minimize the deer wintering areas, and, if necessary, offer appropriate mitigation for unavoidable impacts.

#### Cold water fisheries

In our experience, other wind projects, including Bingham, have gone to great lengths to avoid and minimize impacts to cold water streams. Such efforts have included careful pole placement,

sufficient buffers, and feathering of vegetation to minimize temperature changes. These efforts are not sufficiently evident in the application. We support DIFW's recommendation:

Therefore, if a modified project design were to be considered, MDIFW recommends that the 100-foot buffer be maintained along *all* streams, including intermittent and ephemeral streams, within the Project area. To be effective, these 100-foot buffers should be measured from the upland edge of stream or associated fringe and floodplain wetlands. As proposed, however, without the protection of 100-foot buffers at all streams the quality of fisheries and habitat in these watersheds will be impaired. DIFW Comments 11-16-15 p. 12.

DIFW also comments on the insufficient mitigation and the appropriate standards for new stream crossings. We support these as well.

#### Critical habitat for Canada lynx

This is the first wind project to be proposed in Canada lynx critical habitat nationwide. As such, we expect it to meet a high bar. It's our understanding that the applicant's snow tracking survey identified 85 lynx tracks. Due to the high number of tracks, we understand that USFWS requested that the applicant conduct additional studies including a telemetry study during preconstruction, during construction, and post construction/operation to gather more information about the lynx population on site yet the applicant is not conducting such additional studies or included such studies in its application.

From our understanding, the project will result in the direct loss of lynx habitat, decrease the value of the existing habitat, fragment existing habitat, and likely will result in the loss of lynx through vehicle collisions and displacement during denning season. We strongly recommend that these important studies be conducted and that the DEP consider Canada lynx critical habitat and USFWS's concerns in its review of the application.

#### Significant vernal pools

We concur with DIFW that insufficient information has been provided so we are unable to comment other than to say these are important resources that will require avoidance, minimization and mitigation as well.

#### Threatened Species

Brook floater and yellow lampmussel are both threatened species in Maine. We support DIFW's recommendations:

If a modified project design were to be considered, we would recommend that riparian buffers remain intact to at least 100-feet wide at the Bridal Path crossings of the East and West Branches of the Mattawamkeag River. Within these 100-foot buffers: only capable species >8-10 feet tall would be cut (i.e., no other vegetation is cut); herbicide use would not be allowed; avoid and minimize pole placement; prohibit equipment in the stream channels (i.e., must cross on temporary bridges). DIFW Comments 11-16-15 p. 15.

DIFW is also concerned that an additional state threatened species, the northern bog lemming, may also be present on the project site. Focused surveys have been recommended to document the presence or absence of the species in the project area. Such surveys have yet to be conducted. Furthermore, USFWS has recently announced that it is beginning its process of considering adding the northern bog lemming to the federal Endangered Species List. Once surveys are conducted, and if the species is found to be present DIFW will have recommendations on how to proceed.

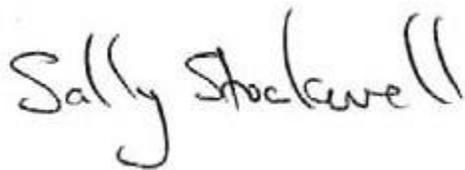
#### Post Monitoring Recommendations

We support DIFW's recommendations regarding post construction monitoring.

#### Conclusion

Our organizations support wind power that is properly sited, designed and operated. Having met with the wildlife agencies, we think that there is a path forward for approval of this project but not as proposed. We urge DEP to take the agencies comments seriously and let the applicant know that the application is unacceptable as proposed. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Sally Stockwell". The signature is written in a cursive, slightly slanted style.

Interim Executive Director

CC: Applicant

Department of Inland Fisheries and Wildlife  
U.S. Fish and Wildlife Service