

Comments from Rob Gardiner December 6, 2007

Alec,

Thank you for listening to my opinions on your wind task force's efforts. You have an important mission, and I know you have addressed it with energy and skill. You asked me to put my thoughts in writing. In this memo I'll try to capture only my most important points, and please feel free to share them.

First, I should say that in the year that I have been a developer I have not yet encountered any problems at either LURC or DEP. We are still six months away from being ready to submit our first project for DEP review, and our second project, which will be in LURC territory, is only at the earliest stages. Nonetheless, I have learned a few things about the regulatory processes and have developed some strong views.

Assuming that everyone is trying to fulfill the Governor's charge to your task force to facilitate the development of appropriate wind energy in Maine, I think it is most important to identify where there are sticking points that might be improved and where there really are no problems.

In my opinion, the biggest sticking point is visual impact. Under the standard of "fitting harmoniously into the environment", wind is at a serious disadvantage. Because it involves 250' high structures that are usually on high ridges, the visual impacts are significant. However, visual impact is a very subjective matter. Christo is probably very jealous of wind developers--they get to put very large and beautiful kinetic sculptures on prominent sites. Yet we treat wind projects as if they were blights on the landscape. I acknowledge that there are places where wind farms do not belong--Baxter and Acadia Parks, along the 100 mile wilderness section of the Appalachian Trail, and some other special places. After listening to hundreds of people tell me their reactions to seeing wind farms in Quebec, PEI, Pennsylvania, and Europe, I have been amazed how they find them attractive--even beautiful to look at. But under "visual impacts" rules in Maine's regulatory processes, they are presumed guilty of being offensive. This is wrong. An immediate executive order followed by legislation that specifically removes the presumption of negative visual impact from wind farms would go a long way toward setting the stage for balanced regulatory review.

A second element of such executive order and legislation should be to declare that reducing air pollution and greenhouse gas emissions is a public benefit, and that wind farms can make a significant contribution toward a more sensible energy mix for Maine. Therefore, any regulatory agency should accept these positions and not waste time receiving further evidence and debating them. To the extent that regulators are charged with balancing the benefits of any project against the negative impacts, these beneficial aspects should be "a given" for wind farms.

Two years ago, I participated in discussions with Harley Lee about mitigation on his project--this was when I worked for Conservation Law Foundation--and I have heard about negotiations between TransCanada and environmental groups on mitigation at Kibby. Both of these projects were in protection zones, so mitigation may have been appropriate. But in MGN zones and other

places where there are not exceptionally rare habitat impacts, wind farms ought not to be expected to help purchase conservation lands or do other types of mitigation. Wind farm ARE mitigation for our energy consumption habits and for the impacts of fossil fuel consumption. They should not be expected to pay any other fees "in mitigation" when their major impact is so positive. This principle should be recognized in legislation.

I understand that preserving Maine's "quality of place" is an important goal for your task force. I fully accept that having wind farms everywhere might ruin that quality. However, when one understands the relative rarity of economically developable wind sites in Maine, this concern should disappear. I estimate that less than 2% of this state has enough wind to justify development. Most good wind sites are offshore and on high mountains. Offshore sites are not economically developable today or in the near future. Maine's ten highest peaks are already under conservation protection, and because of proximity to the most special sections of the Appalachian Trail many other high mountain sites are inappropriate or hard to develop. Of the remainder, the vast majority are too far from transmission lines to be economic. In short, Maine's "quality of place" can only be affected in a very small way by commercial wind projects, even if one dislikes wind farms. I really do not feel that this issue needs any recommendations. There is no doubt in my mind that the impacts of global climate change are many times more threatening to "quality of place!"

Lastly, I want to address what I understand is the inclination of your task force at this stage of its work: to recommend a reassignment of regulatory responsibility between DEP and LURC and possibly involving the PUC in some way. I fail to see how any change of this type could be of significant benefit. I recognize that LURC feels overwhelmed by the volume of current application with three big wind farms and Plum Creek all at once. This may need attention, but it is a short-term phenomenon. Don't change the rules, provide the necessary resources. The Governor can do that. Perhaps DEP staff can help LURC in the short term. But creating a new agency or shifting responsibilities will, in actuality, make it harder for developers. Now that LURC has had an intensive learning experience with wind power, it should be able to marshal its scarce resources more sensibly and apply them where they are needed most.

I believe that these recommendations for positive changes would make a difference in wind development while protecting the environment and character of Maine. On the other hand, please do not just rearrange government agency responsibilities and think that any meaningful help has been provided.

Thanks for inviting these comments. I would be happy to try to help refine my points if you feel that would help your task force.

Rob Gardiner