



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
106 HOGAN ROAD, SUITE 8  
BANGOR, MAINE 04401

PAUL R. LEPAGE  
GOVERNOR

August 31, 2016

RE: Substantive Review, Carroll Plantation  
Petition to Remove Carroll from the Expedited Permitting Area for Wind Energy Development  
Second Procedural Order

Dear Interested Persons:

The Land Use Planning Commission has completed the second procedural order for the substantive review of the petition to remove Carroll Plantation from the expedited permitting area for wind energy development. A copy of the procedural order is attached. An electronic copy will also be posted on our website. You can access the webpage using the following address:

[http://www.maine.gov/dacf/lupc/projects/wind\\_expedited\\_area/windexpedited\\_carrollplt\\_substantivereview.html](http://www.maine.gov/dacf/lupc/projects/wind_expedited_area/windexpedited_carrollplt_substantivereview.html)

If you have any questions, please do not hesitate to contact me. I can be reached during normal business hours, at phone number 207-941-4593 and by e-mail at [stacie.r.beyer@maine.gov](mailto:stacie.r.beyer@maine.gov).

Sincerely,

A handwritten signature in black ink that reads "SR Beyer".

Stacie Beyer  
Land Use Planning Commission  
Chief Planner



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0022

**Memorandum and Order**

**Second Procedural Order**

**In the Matter of the  
Substantive Review of the Petition to Remove Carroll Plantation  
from the Expedited Permitting Area for Wind Energy Development**

**Hearing Location and Schedule**

**August 31, 2016**

**Background**

In accordance with “*An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission*,” [Public Law 2015, Ch. 265] (effective January 1, 2016), on January 4, 2016, a petition to remove Carroll Plantation, located in Penobscot County, ME, from the expedited area for permitting of wind energy development was submitted to the Land Use Planning Commission (“the Commission”). On February 22, 2016, a request for a substantive review of the petition was submitted to the Commission. Substantive review involves consideration of two statutory criteria, both of which must be met during the substantive review process to remove a place from the expedited area.

*Criterion A.* The proposed removal will not have an unreasonable adverse effect on the State’s ability to meet the state goals for wind energy development in [Title 35-A] section 3404, subsection 2, paragraph C.

*Criterion B.* The proposed removal is consistent with the principal values and the goals in the comprehensive land use plan adopted by the Maine Land Use Planning Commission pursuant to Title 12, section 685-C.

As determined by the Commission on March 9, 2016, the substantive review process also includes holding a public hearing. On June 24, 2016, the “*First Procedural Order in the Matter of the Substantive Review of the Petition to Remove Carroll Plantation from the Expedited Permitting Area for Wind Energy Development*” was issued by the Commission, establishing the pre-hearing submission deadline of August 3, 2016, and the date for the public hearing as September 28, 2016. Oral testimony may be presented at the public hearing and/or written comments submitted to the file. The final date for submittal of public

comments is October 10, 2016 at 11:59 PM, and rebuttal of comments may be submitted until October 17, 2016 at 11:59 PM. The record will close on October 17, 2016.

The petition, request for substantive review, and additional information related to the removal of Carroll Plantation from the expedited area may be found on the Commission's website at:

[http://www.maine.gov/dacf/lupc/projects/wind\\_expedited\\_area/windexpedited\\_carrollplt\\_substantivereview.html](http://www.maine.gov/dacf/lupc/projects/wind_expedited_area/windexpedited_carrollplt_substantivereview.html)

### **Public Hearing Location and Schedule**

This Second Procedural Order provides the public hearing location, time and schedule.

The public hearing for the petition to remove Carroll Plantation from the expedited permitting area will be held after the Commission's regular monthly business meeting on September 28, 2016, at the Waterfront Event Center, 8 Prince Street, Lincoln, and will start at 5:30 PM.

The persons requesting substantive review (Requestors) and the Petition Circulator (Circulator) will each be allowed 30 minutes to present testimony to the Commission. The Requestors will present first, followed by the Circulator. The Requestors may reserve up to 5 minutes of their allotted time to rebut testimony of the Circulator following the Circulator's testimony.

The schedule for the hearing is as follows:

- 5:30 PM - Opening statements by the Presiding Officer and LUPC staff
- 5:45 to 6:15 - Presentation by the Requestors (up to 5 minutes may be reserved for rebuttal after the presentation by the Circulator)
- 6:15 to 6:45 - Presentation by the Circulator
- 6:45 - Public testimony
- Closing statement by the Presiding Officer

### **Public Hearing Rules and Procedures**

A public hearing convened by the Commission regarding the removal of a specified area from the Expedited Area for Wind Energy Development is subject to the Commission's Chapter 5 '*Rules for the Conduct of Public Hearings*' as applicable to public hearings on rulemaking, except as provided in Title 35-A, Section 3454-A.

During the hearing, interested persons and members of the public offering testimony may be asked questions by the Commission and staff. Interested persons, including the Circulators and Requestors, may not cross-examine the public or each other, but may ask for clarification through the Presiding Officer.

In addition, the Presiding Officer may limit the length of any interested person or member of the public's testimony in order to expedite the hearing, and eliminate redundant or irrelevant testimony.

### **Commission Decision**

The Commission will deliberate and make a determination on this proposed rulemaking at a subsequent business meeting following the close of the record. The agenda for the meeting and the staff memo for the deliberation may be viewed on the Commission's web site when it becomes available 5 to 7 days before the Commission meeting at:

[http://www.maine.gov/dacf/lupc/projects/wind\\_expedited\\_area/windexpedited\\_carrollplt\\_substantivereview.html](http://www.maine.gov/dacf/lupc/projects/wind_expedited_area/windexpedited_carrollplt_substantivereview.html)

All information, and written comments or rebuttal relating to this matter may be directed to Stacie Beyer, Chief Planner, by mail or email.

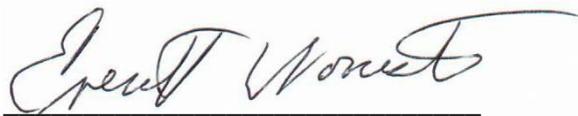
Stacie R. Beyer  
Maine Land Use Planning Commission  
106 Hogan Road, Suite 8  
Bangor, ME 04401  
[Stacie.R.Beyer@maine.gov](mailto:Stacie.R.Beyer@maine.gov)

Questions or requests to be added to the notice list for this petition may also be directed to Stacie Beyer by phone at (207) 941-4593.

This memorandum and order is issued by the Presiding Officer pursuant to the Commission's Chapter 5 Rules for the Conduct of Public Hearings.

DATED AT AUGUSTA, MAINE THIS 31th DAY OF August, 2016

By:

A handwritten signature in cursive script, reading "Everett Worcester", written over a horizontal line.

Everett Worcester, Presiding Officer