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State of Maine
Department of Conservation
Maine Land Use Regulation Commission

Monday, May 16, 2011

Volume I of III

First Wind - Blue Sky East LLC/Bull Hill
Development Permit for Wind Energy

In the Matter of
Pending Development Permit Application DP 4886

Held at Ramada Inn
251 High Street, Ellsworth, Maine

Don Thompson & Associates
Court Reporters

1 (This hearing was taken before Angella D. Clukey,
2 Notary Public, at the Ramada Inn, 251 High Street,
3 Ellsworth, Maine, on Monday, May 16, 2011, beginning at
4 6:11 p.m.)

5 * * * * *

6 MS. HILTON: Good evening, ladies and gentlemen. I
7 would like to open the meeting tonight. We're here to hear
8 from you all. We've got a -- this is a public hearing on
9 Development Permit DP 4886, which is Blue Sky East, LLC's,
10 Bull Hill wind power project in Hancock County.

11 Let me start by introducing myself. My name is Gwen
12 Hilton and I am the LURC commission chair and presiding
13 officer for this hearing. I'm going to have the
14 commissioners -- the other LURC commissioners and staff
15 introduce themselves. Starting on my right here, go ahead,
16 Sally.

17 MR. FARRAND: Good evening and welcome. My name is
18 Sally Farrand and I live in Beaver Cove.

19 MR. SCHAEFER: Steve Schaefer, Grand Lake Stream.

20 MS. MILLS: Amy Mills from the AG's office.

21 MS. HILTON: Gwen Hilton from Starks.

22 MS. CARROLL: Good evening. My name is Catherine
23 Carroll, commission staff director.

24 MR. LAVERTY: I'm Ed Laverty from Medford, Maine.

25 MR. NADEAU: Jim Nadeau, Winterville Plantation.

1 MR. MURPHY: I'm Don Murphy, project planner.

2 MS. HORN OLSEN: Samantha Horn Olsen, planning division
3 manager.

4 MR. PALMER: Jim Palmer, scenic expert.

5 MS. HILTON: And I guess -- we also have Karen
6 Bolstridge, regional representative, over at sign-in and
7 Scott Perrow who is recording this session.

8 And I have an opening statement here to read. This
9 evening's hearing is being held pursuant to the provisions
10 of 12 MRSA Section 685-B. The hearing will be conducted in
11 accordance with the Administrative Procedures Act and
12 Chapter 5 of the Commission's rules for the conduct of
13 public hearings.

14 Today's hearing is being held to receive testimony on
15 the matter of Development Permit DP 4886 submitted by Blue
16 Sky East, LLC to construct a 34-megawatt wind energy
17 development in T16 MD, Hancock County. The proposed wind
18 energy development would consist of 19 1.8-megawatt wind
19 turbines, up to three meteorological towers, an underground
20 electrical collection system, access roads, a substation
21 and an operations and maintenance building.

22 The purpose of this public hearing is to allow the
23 public to present direct testimony and evidence as to
24 whether the development proposal meets the criteria for
25 approval as specified in 12 MRSA Section 685-B(4) and 4-B

1 of the Commission statutes and the Commission's land use
2 districts and standards.

3 Those wishing to testify should sign up on the sheets,
4 which have been placed on the table inside the door at the
5 hall here. If you haven't done so and you want to testify,
6 please do so. All witnesses must be sworn and will be
7 required before they give testimony to state for the record
8 their name, residence, business or professional
9 affiliation, the nature of their interest in the hearing
10 and whether or not they represent another individual, firm
11 or other legal entity for the purpose of the hearing.

12 In addition to being transcribed, we will be recording
13 the proceedings. So I request that you speak clearly.
14 Also, our transcriber here -- if you're name is -- last
15 name is a little unusual, it would be very helpful if you
16 spelled it for her.

17 All questions and testimony must be relevant to the
18 Commission's criteria for approval of this proposal.
19 Irrelevant or unduly repetitious material or questions will
20 be excluded. The record of this hearing will remain open
21 for a period of 14 days until Tuesday, May 31st to receive
22 written statements from the interested public and for an
23 additional seven days until Tuesday, June 7th for the
24 purpose of receiving rebuttal comments. No additional
25 evidence or testimony will be allowed into the record after

1 the closing of the record.

2 Persons attending this hearing who wish to be notified
3 of the final action taken by the Commission as a result of
4 this hearing may leave their names and addresses with our
5 staff. I'd also like to mention that any witnesses who
6 pre-filed testimony relating to any topic on behalf of a
7 party in this matter is not permitted to testify at either
8 of the public hearings. And so that would be anybody who's
9 going to be testifying during the -- the daytime session
10 tomorrow.

11 At this time I would like to swear in any witnesses who
12 plan to testify this evening. So if you think you're going
13 to be testifying, would you please stand up and raise your
14 right hand? Do you promise to tell the whole truth and
15 nothing but the truth?

16 AUDIENCE MEMBERS: I do.

17 MS. HILTON: Okay. Thank you very much. And don't
18 forget, if you want to testify, you do need to sign in.
19 And we have -- we'll be calling out the names once we get
20 to that -- that part of our agenda tonight.

21 What we're going to do before that is have the staff
22 make a statement and provide the administrative history and
23 submitting the file to the record. I guess who's -- who's
24 going to be doing that? Don?

25 MR. MURPHY: Yes. Okay. My name is Don Murphy, I'm

1 the LURC project planner for this application at the
2 commission office in Augusta. And I will begin by
3 presenting a short administrative history of this
4 Development Permit DP 4886.

5 On February 4th, 2011 an application was submitted by
6 Blue Sky East, LLC. And it is for a grid scale wind energy
7 development to be located wholly in T16 MD, and that's in
8 Hancock County, and it was accepted for processing.

9 This proposed wind energy development project will be
10 located within the expedited permitting area for wind
11 energy development. The proposed Bull Hill wind project
12 would be located on Bull Hill and Heifer Hill and would
13 consist of 19 wind turbines, the access roads the chair was
14 referring to, underground collector lines, a substation and
15 an operations and maintenance building and up to three
16 permanent met towers.

17 The project would connect to the New England electrical
18 grid using an existing transmission line that runs through
19 the parcel. The proposal will be described more fully by
20 the applicant. And that's coming up. State agency review
21 comments that were submitted for this application were by
22 the State soil scientist; the Department of Inland
23 Fisheries & Wildlife; Department of Environmental
24 Protection; Maine Historic Preservation Commission.
25 Comments were also submitted by LURC's third-party peer

1 reviewers on scenic and sound assessments.

2 On March 2nd, 2011 the Commission approved holding this
3 public hearing and granted intervenor status to three
4 parties: The Concerned Citizens of Rural Hancock County;
5 the Hancock County Commission; and the Natural Resources
6 Council of Maine. NRCM, Natural Resources Council of
7 Maine, has since withdrawn their intervenor status and will
8 not participate during the daytime portion of the -- of
9 these proceedings. The Hancock County Commissioners are
10 participating as a governmental agency.

11 I will now enter the list of materials into the file
12 and -- into the record as Exhibit 7D. And we have those
13 here and they include the items I described. Thank you.

14 MS. HILTON: Thank you, Don. Next the applicant is
15 going to present the project.

16 MR. BARNS: Good evening. I'm Brooke Barns from
17 Stantec Consulting in Topsham. Stantec did the
18 environmental assessments for this project as well as
19 putting the application together. And I'd like to just
20 briefly introduce the Bull Hill project to you.

21 As has been stated, it's a wind power project located
22 in T16, east of Eastbrook. The application was accepted by
23 LURC as complete in February of this year. But that
24 acceptance as complete is really the culmination of years
25 of effort that brought it to the point of being ready for

1 your consideration. When a developer is evaluating a
2 location to put potential wind power, they call it
3 prospecting; looking at things that are important to the
4 success of a project and are going to make it feasible.
5 It's a combination of what's the nature of the land
6 ownership, what's the proximity of the area to
7 transmission, what are the existing conditions on the
8 ground, natural resource conditions, as well as topographic
9 conditions, and, of course, the wind resource?

10 In this particular location which is illustrated here,
11 the land ownership is a single ownership, H.C. Haynes.
12 It's a low elevation site ranging from 450 feet on Heifer
13 Hill to 624 feet up on Bull Hill where you -- some of you
14 were today on the tour. There's a transmission line -- an
15 existing transmission line with sufficient capacity to take
16 this project that runs right through the middle of the
17 area. As far as existing conditions, it's a heavily
18 harvested commercial forest with a significant number of
19 existing permanent access roads.

20 And, finally, the crucial wind data. There's two years
21 of wind data which has proven this site to be a very good
22 wind resource with a consistent wind direction. Once that
23 prospecting is complete and those kind of desktop analyses
24 look like a site is going to be a valuable location and a
25 good location to pursue, then the studies begin.

1 And I think of the studies in -- of two types. One is
2 the natural resource studies and the other are cultural
3 type studies. Natural resource studies are the things that
4 my company is most familiar with and many of you may be as
5 well. It's evaluating things like wetlands and vernal
6 pools and rare plants, it's doing avian rapture and bat
7 studies for a couple of seasons. You saw it today -- some
8 of you that went out you saw our radar that we used to look
9 at avian passage. It's soils mapping to determine what
10 kinds of soils there are on the site. It's storm water run
11 off calculations, it's an analysis of phosphorus that might
12 be generated by the impervious areas on the site. Those
13 are the kind of natural resource things which are -- take
14 time and are accomplished over a year or so in order to
15 build the application that you have in front of you.

16 As for cultural things, it's historic evaluations,
17 which include looking at potential archeological areas as
18 well as historic architecture. You saw the Eastbrook
19 Baptist Church today on the national registry. Also what I
20 put in the cultural bucket are things like shadow flicker,
21 an analysis is done of potential impact of shadow flicker,
22 and a sound analysis to determine what -- the sound will be
23 generated from the project and where the impacts might be.

24 All of those studies, both natural and cultural, are
25 rolled together and resulted in the two volumes that you

1 have in front of you. Some of the highlights of this
2 particular project, as has been stated, it's 19 turbines,
3 they are Vestas V100 turbines with 1.8 megawatts of
4 potential generation for each turbine, which translates
5 into a total generating nameplate capacity for the project
6 of 34 megawatts. Actual generation will be less depending
7 on wind speed. And the overall height of the turbines is
8 476 feet.

9 There's a direct connection to the transmission line.
10 There's no need for a transmission line here. The
11 collector line, which is going to take the power from each
12 of the turbines and bring it to the centrally located
13 substation that's illustrated there, is going to go
14 underground, in the roads. So that avoids the need for
15 clearing and wetland impacts and vernal pool impacts that
16 are usually associated with transmission lines.

17 And that's, to my mind, from where I work in an
18 environmental consulting company, one of the best parts of
19 this project is we end up with zero wetland impact and zero
20 vernal pool impact.

21 I believe that the project is very well conceived and
22 well designed. I look forward to presenting the project in
23 more detail to you tomorrow during the regular hearing
24 portion of it. And I do appreciate the time that you're
25 all taking here in the next day and a half and over the

1 time to follow to carefully evaluate the project. Thanks
2 very much.

3 MS. HILTON: Thank you. Now, I guess we're ready to
4 hear from you folks. And I just want to remind you when
5 you come up to testify to state your name and residence,
6 business or professional affiliation, the nature of your
7 interest in the hearing and whether or not you represent
8 another individual, firm or legal entity for the purpose of
9 the hearing. And I remind you again that we're
10 transcribing this, so it's very helpful if you speak
11 clearly.

12 Catherine has how many people -- folks do we have that
13 want to testify?

14 MS. CARROLL: Several.

15 MS. HILTON: Okay.

16 MS. CARROLL: I guess what I would like to do, it works
17 best, is to read off the names on the sign-in sheet and --
18 in the order in which people came in to sign in. And I
19 will name the first five names on the list, whether you
20 wanted to testify or not, I don't want to guess and second
21 guess. Some people checked no, some didn't check anything
22 at all. So if I could just name -- name off the first five
23 names on the list and you can come right up and speak for a
24 few minutes, whatever you want --

25 MS. HILTON: I think -- we have quite a few people

1 signed up here. I would like you to keep your testimony to
2 about five minutes. And -- so that everybody has an
3 opportunity to speak. And, also, we will -- and would like
4 to have any written testimony that you have, if you want to
5 leave that with us as well. So if you -- you can always
6 summarize what you think are the most important points if
7 you want if you're concerned about the time.

8 And, again, we will be taking comment for -- I don't
9 have the date right in front of me, but for a period of
10 time following this hearing. So with that.

11 MS. CARROLL: And forgive me if I am not pronouncing
12 your names correctly. Stefan Nadzo, Donald Smith, Mike
13 DiCenzo, Deirdre Jordan, Brian Jordan. You wish to come up
14 to the mike, sir?

15 MR. NADZO: Yes.

16 MS. CARROLL: Go right ahead.

17 MR. NADZO: I am Stefan Nadzo -- N-a-d-z-o -- Stefan,
18 S-t-e-f-a-n. I live in Eastbrook. I am here because I
19 live in Eastbrook. As we were just told, this project
20 abuts Eastbrook, that's my interest. The only other person
21 that I am representing is Nancy Nadzo who is my wife. And
22 I am retired and so is she. I think that's all you wanted
23 to hear from me.

24 MS. HILTON: That's perfect.

25 MR. NADZO: Thank you. Well, I try to get my orders

1 right. I'll be very brief because, as you said, there were
2 lots of hands that went up and I'll send to Don my written
3 testimony or whatever it's called by e-mail.

4 My interest here this evening is specifically about
5 one, two or three of the towers -- and I'm not sure because
6 the map that I saw was sort of Appendix A on a piece of --
7 sheet, it wasn't quite that big and so it was hard to read.
8 But one, two or three of the towers which are very close to
9 the Eastbrook line at the end of Sugar Hill Road, which is
10 where I live, which looked to me to be well within 1 mile
11 of various homes in Eastbrook, several homes even, perhaps,
12 even as close as half a mile. Again, it's hard to measure
13 distance on the sheet that I have, but they look to be very
14 close.

15 The impact of having them that close is various and I
16 think some of those things will be mentioned by others.
17 What I'm going to mention this evening is specifically
18 property value having the towers that close. As all of you
19 obviously already know, the value of a property of a home
20 and land for many people is the most valuable thing they
21 own. For some of us it's the only truly valuable financial
22 thing that we own. So it is an important issue.

23 I've done a lot of research over the last year when I
24 first heard that First -- of First Wind's interest in
25 Eastbrook. I've done a lot of research on the internet.

1 And it's pretty clear from some of the realtor sites that
2 the issue is -- for determining realtor -- property value
3 impact is proximity, the proximity of towers. And most of
4 the websites that I've seen -- again, these are mostly
5 realtor sites that I'm looking at because I figure they're
6 the experts -- give a figure of 1 mile that towers -- if
7 they get closer than 1 mile to a property, that's when it
8 starts to seriously impact residential property. Farmland,
9 grassland, that's different. But we're talking here about
10 residential property.

11 Eastbrook's new ordinance -- you probably have heard,
12 just shortly ago we passed an ordinance in which based on
13 some of this research we set up a separation of 1 mile.
14 That is to say, no turbine towers in Eastbrook can be
15 closer than 1 mile from a residence. My concern here is it
16 seems -- I don't want to use the word unfair because
17 probably some of you are lawyers and maybe unfair is not a
18 legal term, but it seems unfair and a bit unreasonable that
19 some Eastbrook residents who happen to be living at the end
20 of Sugar Hill Road quite close to the township line are
21 going to be sort of penalized, if you like, by having
22 towers within a half a mile of their home simply because of
23 where the town line is.

24 So what I'm asking you to do -- and I don't know if
25 this is an appropriate thing to ask of you -- is if you

1 decide to approve this project, which for all the good
2 reasons which it may have, could you -- is it possible for
3 you to include in your approval statement something that
4 tells First Wind or Blue Sky, as they're called here, I
5 guess, that no towers can be built in Township 16 which are
6 within a mile of any residential property -- residential
7 home or land -- home in Eastbrook?

8 In other words, is there a way of giving the
9 Eastbrookers who live at the end of the Sugar Hill Road the
10 protection that they worked so hard to get in the Eastbrook
11 ordinance? Is there some way to extend that across the
12 town line? Obviously, we can't do that and I'm asking that
13 if you people are able to do that, we would be
14 extraordinarily grateful for that. Thank you.

15 MS. HILTON: Thank you.

16 MR. DICENZO: I'm Mike DiCenzo from Lincoln, I'm kind
17 of representing Friends of Lincoln Lakes. And my interest
18 in this is I just hate to see my state ruined by wind
19 turbines. I guess that's a little bit selfish, but --.
20 Thank you, commissioners, and thank you for listening.

21 I appreciate the chance to comment on the proposed
22 industrial development for Bull Hill in Eastbrook. It
23 seems to be the big push to start the next wind project
24 before the problems of the last one are resolved. There's
25 still issues to be settled in Mars Hill, Freedom and

1 Vinalhaven with complaints of noise, vibration, flicker,
2 problems with property values, such as not being able to
3 sell one's home, even at reduced rates.

4 The visual atrocities should be considered even though
5 the wind task force promptly excluded that as part of their
6 expedited wind law written by the wind industry, passed by
7 the Legislature in a moment of climate change hysteria,
8 whipped up by NRCM and others without back checking our
9 economic analysis.

10 The tourism industry was never included, though they
11 bring in billions to the state. What if the turbines drive
12 away tourists? These turbines and others, surely planned,
13 will be visible from Acadia National Park. Visitors do not
14 come to Maine to see industrial junk. They have enough of
15 that in their home state. The few construction jobs and
16 even fewer permanent jobs are not worth crippling Maine's
17 largest industry, especially when they could be working on
18 our roads, bridges and rails, which are in need of extreme
19 maintenance, especially the rail system, which will become
20 more valuable as fuel prices continue upward.

21 The federal subsidies dictate where the work goes. If
22 the wind dollars are available, reasons abound why this
23 would be the best thing for Maine and the opportunity
24 should not be lost. But if the subsidies were for
25 infrastructure, the same reasons would surface, jobs, money

1 for communities, people need it, et cetera. Here is the
2 difference. Wind sprawl ruins the mountains with erosion,
3 road building, herbicide spraying, wetland filling, deer
4 yard flattening, ecology altercating -- ecology altering
5 vibration affecting wildlife, the effects on humans are
6 well documented and largely ignored.

7 The nastiest mine on the planet is the Baiyun Obo in
8 China with a 7 square mile toxic lake where these clean
9 green turbines begin. 97 percent of the rare earth
10 minerals come from this mine. Although, there are other
11 mines, of course, but that's the big one. The CO2 count
12 should start here, but the pro-wind pushers only want to
13 talk about CO savings after the turbines are up and
14 spinning.

15 This also is highly suspect. For instance, Denmark
16 will try to shove their wind energy to Norway and Sweden
17 when it becomes a problem. Norway and Sweden will reduce
18 their hydro power to accommodate the erratic wind bursts,
19 so there is no CO2 reduction as there would be if a coal
20 plant was turned off.

21 Sources say also if a coal plant was turned down, the
22 emissions could increase, so there is no benefit from the
23 wind power. A TransCanada rep also claimed in the Bangor
24 Daily News, wind power is not meant to replace base load
25 generation anyway. The subsidies for infrastructure would

1 improve what is already here. We cannot wait for the
2 bridges to fall in before they're rebuilt. The one in
3 Minnesota which collapsed killed 13 people. I hope the fed
4 money comes Maine's way before something like that happens
5 here.

6 We need the turbine steel in our bridges, not on the
7 mountaintops. And the construction jobs will follow the
8 fed money. Wind turbines originated, I think, in Texas and
9 maybe they belong there. But Maine has hydro and each
10 state may need a different mix to meet the questionable
11 renewable goals. Maine does not need wind turbines
12 bloodying the countryside, especially if they only perform
13 at the level UMPI's at 11.7 percent. That would be kind of
14 like building a hydro damn on a river that only flows one
15 month out of a year. If the subsidy money was there,
16 though, I bet somebody would build it.

17 Down here, so close to the coast, it would seem prudent
18 to wait for the tidal experiment to conclude instead of
19 rushing headlong into inefficient, erratic, unneeded and
20 expensive wind power that will surely drive Maine's energy
21 bills higher. Thank you.

22 MS. HILTON: Thank you, Mike. Also, if anybody else
23 has a -- wants to hand out their testimony, Samantha here
24 of the staff has offered to do that for you. Okay?

25 MS. CARROLL: Deirdre or Brian? All right. I will

1 name off the next five names. Gary Kuhn, Rosanna Rich,
2 Mulla, Phyllis Young, oh, Lordy, Brian -- I'll just leave
3 it at that. So I'll do it again. Gary Kuhn, Rosanna Rich,
4 Mulla, Phyllis Young and Brian. Do you want to hand that
5 to Samantha?

6 MR. KUHN: I do have a PowerPoint, if that's available.
7 If not, you can look at the slides you have in front of you
8 on printout and I can go through mine that way.

9 MS. HILTON: So you've got the -- you've got it here?

10 MR. KUHN: Yes, ma'am, I do. All the slides are right
11 there in front of you except -- well, they're in color,
12 too, so it really doesn't make a difference other than the
13 fact that the audience would be able to see the PowerPoint.

14 MS. HILTON: Well, I'm a little concerned if -- if
15 everybody came up with a PowerPoint that we might -- it
16 might take more time having never done this before. I'm
17 going to -- why don't we -- go ahead and we'll look at
18 these as we go through.

19 MR. KUHN: Okay. For the record, my name is Gary Kuhn,
20 I'm a property owner in the town of Eastbrook. And as you
21 well know, the town of Eastbrook abuts the project.

22 My question tonight deals with the wind resource. In
23 the last year I've been involved -- I attended the meetings
24 in the development of the ordinance for Eastbrook. And it
25 required a lot of research in many subject areas because it

1 -- this is a difficult subject. Early this year I had the
2 opportunity, because it was posted on the LURC website, to
3 take a look at the application that was submitted by Blue
4 Sky, BSE.

5 BSE reported that the prevailing wind direction was
6 northwest and the average wind speed was 7.2 meters per
7 second. The next slide is of a map of the United States.
8 This map was developed by the Department of Transportation.
9 And it, basically, shows the wind resource at the 80 meter
10 tower height, which is 262 feet, and where the resources
11 are located in the United States.

12 The DOE stated when they developed the data that areas
13 with an annual average wind speed around 6.5 meters per
14 second and greater at the 80 meter height are generally
15 considered to have a suitable wind resource for wind
16 development by the Department of Energy. So, basically,
17 what they're saying is that -- and you can look at the map,
18 you can see where the colors are -- the heightened colors
19 where the wind resource really is in the United States.

20 The next slide is of the state of Maine. You visit
21 their website, you can click on each state in the United
22 States and you can look at where the resources are. If you
23 look at the state of Maine and you look at the color
24 composition of the 80 meter height, you'll see that,
25 basically, everything east of Bangor fails to meet the DOE

1 6.5 recommendation.

2 My next slide is of a map done by the DEP in the state
3 of Maine. The state of Maine has been conducting wind
4 speed tests in various locations around the state for many
5 years. Looking at the map you can see where they've
6 highlighted areas where the DEP owns and operates the
7 sites, where they're done by industry and which ones are
8 seasonal. The data that is done by the DEP and the state
9 is represented by what they call a wind rose. It's called
10 a wind rose because of the shape of the data. And my next
11 slide you'll see that and I'll go there in a second. But,
12 basically, I concentrated on the wind rose for Cadillac
13 Mountain. Because Cadillac Mountain, when you look at the
14 state map, it shows that there is a wind resource and that
15 that resource data was collected over a five-year period
16 and shows that on Cadillac Mountain it's 12.01 knots.
17 Well, if you convert that to meters per seconds, it's
18 6.178.

19 Looking at the wind rose, which is your next colored
20 slide, it shows the direction of the prevailing winds. And
21 you can see from the wind rose that the longest finger of
22 the rose is out of the west and the south. And the next
23 prevailing wind is out of the north and the west. It shows
24 you that -- what the velocity is, where the strongest winds
25 come from and -- and their intensity.

1 The elevation of Cadillac Mountain is 1,532 feet, the
2 elevation of Bull Hill is 584 feet. I just heard Stantec
3 say it was 620, that could be true. But we're only talking
4 about a difference of 35 feet. Cadillac Mountain is
5 approximately 1,000 feet higher than Bull Hill and yet the
6 wind is only averaged over five years, which the DEP feels
7 that that is reputable, viable data for wind, at 6.178
8 meters, which still falls below the 6.5 that's recommended
9 by the Department of Energy.

10 What the DOE's data is telling us is that if you look
11 at the map in the center part of the United States, that
12 there's basically 10 states that provide roughly 80 percent
13 of the wind in the United States. And I've listed the ten
14 states and you can see, it's on the slide.

15 Maine accounts for .1 percent of the nation's wind
16 energy and 1.9 percent of the nation's graphic area.
17 Maine's wind potential is only 11 percent of what it would
18 be if Maine had average wind, which Maine doesn't have
19 average wind based on the DOE data. So another way,
20 Maine's allocation of wind potential versus its area,
21 physical size of the state, is 89 percent below the
22 national average.

23 Based on the DOE data and the data collected by the
24 Maine DEP, are we in our haste asking the right questions?
25 Shouldn't we be asking ourselves, is the wind speed data

1 provided by BSE and -- has it been validated? That's
2 basically all I have to say.

3 MS. HILTON: I have a question for you. On the -- the
4 data from NREL, the national data, what is the date on
5 that? That's probably on there, but I --. Do you know?

6 MR. KUHN: 2007, I do believe, but I'm not for certain
7 sure.

8 MS. HILTON: All right. Thank you.

9 MR. KUHN: Thank you.

10 MS. CARROLL: Rosanna.

11 MS. RICH: First of all, I want to thank you for having
12 this public meeting. My name is Rosanna Rich, I live in
13 Eastbrook, I have a -- my own company called Indian Meadow
14 Herbals. I'm here because I live in Eastbrook. And I'm
15 not representing any legal entity.

16 I'm a year-round resident in Eastbrook who consistently
17 participated in the process of creating Eastbrook's wind
18 and land use ordinances. I'm requesting that if LURC
19 permits Blue Sky East to develop industrial wind in
20 Township 16 that you require the said developer to adhere
21 to Eastbrook's wind ordinances.

22 I have read the Bull Hill wind project sound level
23 assessment dated March 25th, 2011 ordered by the LURC
24 commissioners and authored by Warren Browne and John Adams
25 regarding Township 16. I take issue with the last line of

1 the report stating -- and I quote -- "It is the reviewer's
2 opinion that the Eastbrook ordinance is not entirely
3 quantifiable and provides an insufficient basis for
4 estimating acceptable wind project design."

5 I acknowledge that Mr. Browne and Adams have their
6 expertise in their field; however, the Eastbrook ordinances
7 express the essence of how Eastbrook residents are willing
8 to live with a wind farm. Like any law that governs, it is
9 flexible and has interpretation by the authors. Mr. Browne
10 and Adams are interpreting one way, the people of Eastbrook
11 interpret it differently. The ordinance is good enough for
12 Eastbrook people and defines limits about industrial wind
13 development in our town.

14 I would like to acquaint the LURC commissioners with
15 the human endeavor of nine Eastbrook landowners who became
16 the special planning board and the nine-month gestation
17 period that birthed Eastbrook's wind ordinances. David
18 Bolter, a former LURC executive director and long-time
19 landowner on Molasses Pond provided know how and
20 proficiency in creating the ordinance that is now law in
21 Eastbrook. He was joined by eight other Eastbrook
22 residents with -- and with the best of intentions they set
23 out on a journey voluntarily to legislate a multinational
24 industry and its impact on their town.

25 Feeling the pressures of brutal economic times, they

1 knew they would be sacrificing some of their much-cherished
2 qualities of their town for anticipated financial gain.
3 Unlike Mr. Browne and Adams, they were not paid for their
4 endless hours they invested from March to November 2010,
5 they were not professionals in understanding their task.
6 They had to grapple with a new vocabulary, they had to
7 answer to citizens of Eastbrook during two-hour public
8 meetings every other week and eventually had to craft a law
9 requiring wind developer compliance.

10 They met their task with courage, passion and
11 persistence to preserve a way of life while juggling a huge
12 jump from small rural Maine town to potentially a large
13 industrialized one. They provided open public comment
14 before and after every meeting, made available updated
15 copies of their progress, kept order with angry citizens
16 who at times countered their decisions and dedicated an
17 entire day to visiting Stetson Mountain 1 project to
18 further educate themselves for the daunting task.

19 Another 30 Eastbrook landowners committed their time to
20 attending meetings or provided documentation regarding
21 industrial wind generation to support those attending
22 meetings. These Eastbrook citizens fully knew that they
23 were out of their depth of understanding the magnitude of
24 such a chore, but everyone hung in there. Sometimes
25 agreeing, sometimes taking issue, but participating in the

1 completion of the charge.

2 Unlike Dr. Goldberg, the sound specialist who presented
3 his opinion to the town, and Dan Pileggi, the lawyer who
4 represented town officials, these ordinary citizens
5 committed countless hours to the mission without
6 compensation. These 30 landowners exemplified endurance
7 and tireless steadfastness.

8 The Eastbrook wind ordinance may not be quantifiable in
9 some people's opinion; it is a document that can be changed
10 and amended to meet the requirements of a transitioning
11 town. The ordinance is important to us. I implore you to
12 use it. We, the landowners of Eastbrook and Township 16,
13 are the ones who have to live with the wind farm.

14 If you approve Blue Sky's application, if you reject
15 our ordinance, Blue Sky East will only have the Maine state
16 model ordinance as a guide for wind development in Township
17 16. The Maine state model ordinance does not protect Maine
18 citizens, in fact, it makes them sick. There are volumes
19 of information substantiating nervous system and
20 cardiovascular issues secondary to wind turbine proximity.

21 The landowners of Township 16, Eastbrook, Osborne and
22 Franklin have signed a petition to present to the LURC
23 commissioners requesting that you require Blue -- Blue Sky
24 East to adhere to Eastbrook's wind ordinances if you permit
25 the application. The petitions -- the original petitions

1 will be submitted at the completion of the public comment
2 period. And you have copies of the petitions. Thank you
3 very much.

4 MS. HILTON: Thank you.

5 MS. CARROLL: Mulla, Phyllis, Brian? Anyone interested
6 in coming up to testify? All right.

7 MR. MUNGER: Is it Brian or Bruce?

8 MS. CARROLL: Well --

9 MR. MUNGER: My name is Bruce Munger. Does it look
10 like that?

11 MS. CARROLL: No. I recognize that name. And -- no.
12 It looks like Brian Russell. Sorry.

13 MR. RUSSELL: Francis Russell? Is it Francis Russell?

14 MS. CARROLL: It could be. Is there a Francis Russell
15 who wishes --? All right. Thank you.

16 MR. RUSSELL: Hi. My name is Francis Russell. Public
17 speaking is not my forté, as you will see in the next
18 minute and a half. The -- I am a property owner in
19 Eastbrook, I am -- and that's Russell -- R-u-s-s-e-l-l and
20 it's c-i-s. I own land in Bar Harbor and I purchased a
21 90-acre parcel that was supposed to be -- of a hurt piece
22 of property that I was designating for myself as an
23 ecological preserve and have just spent 11 months down in
24 Costa Rica working with environmental groups. And,
25 actually, never envisioned a 24-hour noise source that

1 would affect the breeding habits of various animals on my
2 property.

3 And I guess I will have to wait until you break ground
4 in order to -- what do you call it -- seek further legal
5 action. Thank you.

6 MR. LAVERTY: Mr. Russell, what -- how close is your
7 property to the project area?

8 MR. RUSSELL: Do we have a map -- I saw a map up here
9 earlier. I believe that Kate can describe --

10 AUDIENCE MEMBER: Is that okay if I describe --

11 MR. LAVERTY: Are you sworn?

12 MR. RUSSELL: Am I what?

13 AUDIENCE MEMBER: I'm not.

14 MR. LAVERTY: Where is -- where is your property?

15 MR. RUSSELL: My property --

16 AUDIENCE MEMBER: You are the closest person to the --

17 MR. RUSSELL: I am the closest person -- I believe my
18 90-acre parcel is at the top -- at the end of the road
19 leading to Sugar Hill.

20 MR. LAVERTY: Right next to the project site?

21 MR. RUSSELL: Yes.

22 MR. LAVERTY: Okay. That's what I was trying to get
23 at.

24 MR. RUSSELL: Yes. And like I say, I -- I just -- when
25 I purchased it, I never envisioned a -- a land use that

1 would generate noise for 24 hours. And I'm -- that's where
2 I stand.

3 MR. LAVERTY: Thank you.

4 MR. RUSSELL: Thank you.

5 MS. HILTON: Thank you. Who do we have next?

6 MS. CARROLL: The next five on the list are Nancy
7 Lowry, Bruce Munger, Renata Moise, Natalie Stein and
8 Sherry. And I'll leave it up to Sherry to pronounce his or
9 her last name.

10 MS. MILLS: Ms. Moise is going to testify after the
11 break.

12 AUDIENCE MEMBER: Nancy Lowry is not testifying.

13 MS. CARROLL: All right. Bruce. And I understand that
14 Ms. Moise is going to testify after the Commission takes a
15 brief break around 7 o'clock.

16 MR. MUNGER: Hi. Thank you for being here. My name is
17 Bruce Munger -- M-u-n-g-e-r. I live in Sullivan, Maine. I
18 teach at MDI High School and I mow lawns during the summer,
19 if anybody is in the neighborhood and looking --. I'm also
20 a volunteer firefighter in Sullivan.

21 I've listened to this debate for many years and have
22 personally visited many wind farms several times so that I
23 could see and hear them with my own eyes and ears. I've
24 listened to this debate for many years. I hear a lot of
25 talk about birds, bats, noise, flicker and other things.

1 But the biggest objection is the fact that we will see the
2 turbines in a place where we do not see them now. So this
3 is a clear choice between what we see and what we don't
4 see. We will see the turbines.

5 I will see them better from Schoodic Mountain than you
6 will see them from Cadillac Mountain. I regularly climb
7 Schoodic Mountain and Black Mountain and will continue to
8 do so, perhaps, more often so I can show my friends a
9 better view of the turbines. That's what we will see.

10 What you don't see are plumes of smoke dumping
11 invisible toxins into the air that float downwind in an
12 easterly direction until they pollute our air Down East.
13 You don't see dead birds, not the ones killed occasionally
14 by a windmill, but whole flocks of birds drowning in oil
15 spilled from the Exxon Valdez into the pristine waters of
16 Alaska; you don't see 11 men who were killed when their oil
17 rig exploded, or the steady flow of oil pouring into the
18 Gulf of Mexico from a broken weld pipe; you don't see the
19 sludge washing into the Louisiana Bayou; you don't see the
20 tar balls washing up onto the white sandy beaches of
21 Alabama and Florida; you don't see the backroom deals in
22 OPEC as they conspire to choke us on the price of oil.
23 They have us over a barrel, literally.

24 You don't see thousands of military men and women who
25 die protecting our freedom, including protecting the

1 world's oil supply. I'm tired of talking about the
2 problems and then rejecting the solutions. We sometimes
3 don't see the whole problem, but I wish we would see it
4 clearly and realize that seeing a few machines in our
5 backyard is not as bad as ignoring the many things that are
6 killing us from afar.

7 MS. HILTON: Thank you.

8 MS. CARROLL: Natalie or Sherry? If not, I'm going to
9 deliberately skip over Hailey's name and Dave Fowler
10 because they're affiliated with the applicant, but they
11 signed in. Next on the list is Jodi Yeo, Edmond Francis,
12 Bob Deforest. I'm going to skip Scott Bodwell's name.
13 Paul Alexander John, Mike Barker. Is it Chuck Yeo? All
14 right, sir.

15 MR. YEO: It's pronounced Yeo.

16 MS. CARROLL: Yeo, thank you.

17 MR. YEO: I am the chairman of the Town of Eastbrook
18 planning board. I just wanted to say that for the last --
19 all -- most of last year we worked hard on getting that
20 ordinance for the town of Eastbrook. We had absolutely
21 nothing for a windmill ordinance before then. And it -- it
22 took us a long time, there are a lot of things in there
23 that a lot of people don't like. But I want you all to
24 hear -- hear this. It was over a 90 percent approval
25 voting for our ordinance. That's all I have to say.

1 MS. HILTON: Thank you. All right. Working down the
2 list, Jim Lane. Have I got that right? Mary Harris, oh,
3 my goodness, somebody from Cherryfield, Maryanne John.
4 Maryanne and after Maryanne, perhaps, Cynthia. I think
5 Cynthia might be with the Hancock County Commissioners.
6 Okay. Thank you. Michael, you're testifying tomorrow,
7 Mr. Good.

8 MR. GOOD: Right.

9 MS. CARROLL: All right. I'm going to skip you, sir.

10 MR. JOHN: I'd like -- my name is Maryanne John, I live
11 in Eastbrook, I'm a resident of Eastbrook. By profession
12 I'm a registered nurse and I have no other affiliation.
13 Thank you.

14 I'm -- I also would like to thank you for the
15 opportunity to address you tonight and I appreciate your
16 holding this public hearing. My concern revolves around
17 the intangible consequences of sighting a large industrial
18 wind energy complex in Hancock County, Township 16 in
19 particular.

20 In the 25 years I've lived in Eastbrook I've come to
21 know exactly why the phrase "the way life should be" is so
22 apt for our Maine way of life. It reflects for me the
23 preponderance of nature in our environment, not the hands
24 of man. This force of nature nourishes us and sustains us,
25 it is why we like to hike in the mountains, ride into the

1 woods, boat out onto a lake, go hunting and fishing. There
2 is an intangible peacefulness that reigns above all in these
3 circumstances. Our bodies respond to it and are at rest on
4 a deep level. Just being outdoors, for most of us in Down
5 East Maine, means enjoying these natural beauties and
6 benefits, the very reasons people love to visit here and
7 why Maine has its particular mystique.

8 One can get away completely from cell phone towers,
9 smokestacks, highway noise, all the supposed conveniences
10 of the 21st century and experience the way life should be.
11 Our pristine natural areas are what draws visitors, our
12 economic lifeblood, to Down East Maine. To sacrifice them
13 for a short-term energy fix may be a recipe for economic
14 disaster going forward.

15 Summer people don't come here to look at wind farms,
16 baby boomers may think twice before retiring nearby to a
17 huge industrial wind facility. And tourists, especially
18 Europeans, won't recommend a visit to a place that looks so
19 much like home. This brings me to our concerns here
20 tonight.

21 Our landscape and way of life will truly be changed by
22 allowing this large industry to set up in Township 16 and
23 beyond. They talk of 19 turbines now and will include
24 another 14 or so in Eastbrook and look to a total of 48, at
25 least from what Dave Fowler told us last May. This great

1 change in the basic nature of this area from rural to major
2 industrial is what concerns me. Those of us who live
3 nearby chose our community because it is rural. Now
4 several individuals want to prosper by this project,
5 turning this area into a commercial industrial zone for the
6 big energy corporations and the many who live or vacation
7 here are forgotten.

8 The impact of the noise alone is enough to worry me.
9 And the low frequency noise, the one that bothers sleep,
10 disturbs migraine sufferers and children, is not even
11 measured or regulated. The studies are incomplete on
12 appropriate decibel levels and setbacks. And no one speaks
13 for the animals. Not just the falcons and other birds and
14 the bats, but the other animals, especially the nocturnal
15 ones, who will be affected by the installation of these
16 wind turbines.

17 To watch our great state in general, and Hancock County
18 in particular, take on the look and feel of an industrial
19 complex saddens me. To see and hear these turbines around
20 any bend in the road disturbs our enjoyment of our natural
21 world. As Jodi Mitchell sang several decades ago, don't it
22 always seem to go, you don't know what you've got until
23 it's gone. Please don't allow the destruction of so much
24 of mother nature with all of her wonderful power to nourish
25 and sustain us only to generate so little manmade power.

1 Please deny this permit application.

2 MS. HILTON: Thank you.

3 MS. CARROLL: Did you want to take your break? It's 7
4 o'clock.

5 MS. HILTON: Yes. We are, actually -- we need to take
6 a break for about 10 to 15 minutes.

7 MS. CARROLL: Do you want me to name off the people who
8 would testify --

9 MS. HILTON: Yeah. Why don't we -- we'll name off the
10 names of the folks that we think would like to testify so
11 you can be prepared when we come back.

12 MS. CARROLL: So we -- after the break we would start
13 with -- hold on, bear with me. We're going to start with
14 Renata Moise after the break. And then after Ms. Moise, it
15 will be Alan 'Chubba' Kane, Jodi Speer, Dylan Voorhees and
16 perhaps Steph Ferdinand. Thank you.

17 MS. HILTON: Okay. So we'll be back in about 15
18 minutes.

19 (Whereupon a recess was held at 7:07 p.m., and the
20 hearing was resumed at 7:19 p.m. this date.)

21 MS. HILTON: I want to thank you all for being patient
22 with us. I think what we're going to do is -- Catherine
23 has been calling all the names off the list here thinking
24 that maybe there's some folks that want to testify who
25 didn't mark their name off here. But I've asked her that

1 maybe it would be better to just call those names who have
2 marked off that they do want to testify. So -- just so you
3 all know that. So we'll start again with Renata Moise.

4 MS. MILLS: That's great, come on up. I just wanted to
5 clarify for the commissioners that Ms. Moise is a witness
6 for Lynn Williams' group here and she had anticipated being
7 available tomorrow during the so-called technical session
8 with the rest of the parties. However, she's not available
9 tomorrow, she's available here.

10 The applicant has indicated they have no objection to
11 taking this particular witness out of order, so to speak.
12 So that is why we have Ms. Moise here tonight to present
13 the testimony that she has for you.

14 MR. LAVERTY: Will there be cross-examination from the
15 applicant and rebuttal?

16 MS. MILLS: The applicant and Lynn Williams worked that
17 out and agreed that it would be fine to do it here. I
18 think that Kelley Boden, on behalf of the applicant, does
19 not have any cross-examination questions. That's my
20 understanding. But certainly she was made available, so
21 there is no issue with respect to her pre-filed testimony
22 remaining in the record.

23 MS. Moise: Okay. Thank you. My name is Renata Moise.
24 I live in Hancock, Maine, I've lived there all my life.
25 I'm a nurse midwife at Maine Coast Memorial Hospital. I'm

1 going to speak on the issue that I was going to do the
2 testimony on tomorrow, I also wanted to put in a little
3 extra of my own thoughts other than the specific issue I
4 was going to talk on.

5 Schoodic Mountain for me is an incredibly spiritual
6 experience. I've climbed it all my life quite frequently.
7 And the vista from the top, which is in all directions of a
8 beautiful mountain, lakes and the ocean, is, for me, a very
9 meaningful one. And the idea that I will be looking at a
10 giant wind farm 10 miles away, which will be the -- the
11 wind towers themselves will be about at the height of
12 Schoodic Mountain because of the height of Bull Hill and
13 then the height of the wind tower to end the turbines. So
14 we're talking about gigantic things that are, basically, at
15 the height of these beautiful mountains that are in a Maine
16 forestry preserve, actually; Black Mountain and Schoodic
17 Mountain are part of that.

18 The other issue that struck me was last October -- and
19 I need to change one word in my written sworn testimony. I
20 had thought it was on the Monday of the Columbus Day
21 holiday, but I found my old calendar and it was actually on
22 the Sunday that we hiked, not the Monday. I had hiked
23 Black Mountain -- it's hard for me to look in this and look
24 there. Okay. I hiked Black Mountain with my husband and
25 another couple from near Bangor on that Sunday. And after

1 hiking back from the east side, we climbed down and drove
2 the old dirt track back to the Donnell Pond access road,
3 turned right and headed down to the Donnell Pond parking
4 area at the foot of Schoodic and the west side of Black.
5 We intended to hike down the trail to the beach at Donnell
6 Pond for a look at the lake and briefly explore the trails
7 that lead off the beach toward the west side of Black
8 Mountain.

9 In the parking lot I spotted a young man with a
10 clipboard standing near the Schoodic Mountain trail head
11 and I immediately knew what that was. I had read in the
12 paper, maybe the Bangor Daily, a little blurb about this
13 proposed wind farm. And my heart just clinched.

14 I -- anyway, I'd heard the rumor or read about it, that
15 they planned to put a wind farm on Bull Hill, which -- or
16 somewhere else to the north in the township or in Eastbrook
17 at that time, nobody really knew. And I told my companions
18 that I felt this man with the clipboard was taking a survey
19 for the scenic impact study on behalf of the company. I
20 mean, who else would stand with a clipboard in this remote
21 location late in the afternoon on an October day?

22 So I told my group that I wanted to participate in the
23 study when we were done with our walk. Others in our group
24 were hurried to get home, but they agreed we should talk to
25 him. I became more and more upset as I walked down to the

1 beautiful lake and back just not -- imagining the
2 destruction that was going to be done to this beautiful
3 part of Maine.

4 And I'd already looked at the map at home when I'd
5 heard about it, that Bull Hill rises at 616 feet in the
6 air. And I just did it on my little DeLorme, you know, the
7 map, and it looked like about 11 miles north of Schoodic
8 Mountain and the windmills themselves would rise hundreds
9 of feet in the air above the hill.

10 Black Mountain is 1,094 feet high, Schoodic Mountain is
11 1,069 feet high. Manmade roads and clearings would be
12 obvious. I know they said that there already are some
13 roads, but those are, like, you know, old woods roads kind
14 of things. They're going to need to make really big, wide
15 roads to pull these gigantic metal things up these
16 mountains. And also blast parts of the tops of the
17 mountains to set them there. They can't just sort of set
18 them gently between the pine trees.

19 As we reached the parking area, again on foot, I walked
20 with my husband and the husband of the couple over to the
21 young man with the clipboard. Had I not known why he was
22 there, I'm not sure that the purpose of why we were even
23 asked to take a survey would have come out. They never
24 really got to that until quite far into the survey. Only
25 two of us could take the survey at a time and it took at

1 least 15 minutes or more. And here we are late on an
2 October -- near sunset basically in October standing
3 outside taking this survey.

4 And my husband and his friend said they would take the
5 survey first. In retrospect, I was interested to see --
6 just I saw via the computer the breakdown of the percentage
7 of men versus women that took the survey from this company
8 and it was more men than women. And I wondered about that.
9 And I think it's because a man was asking the questions in
10 an isolated location and only two could take the survey at
11 a time. In a larger mixed group, the men would tend to go
12 first. And since it was lengthy, people wouldn't be
13 standing around for, you know, half an hour to 45 minutes
14 waiting for everybody in a group to take the survey.

15 I found -- I have a masters degree and my husband has a
16 masters degree, like, nearly a doctorate. The questions
17 were very confusing. I've never taken a survey that
18 numbered things 1 through 7. It was -- I found it -- and
19 so I stood watching and listening and became more and more
20 upset by this process, so upset that I did not take the
21 survey myself. And I know there are -- you know, people
22 might say, well, why didn't you? I was -- I felt
23 hysterical because I felt like there was no way that a
24 person could voice what they really felt or even understand
25 what was being asked of them.

1 I also -- I asked and asked to see pictures of what it
2 would look like from the top of Schoodic Mountain and was
3 not shown those. We were only shown the picture of what
4 they said it would look like from the beach at Donnell
5 Pond, which is where we had walked to that day. And I was
6 so upset that I asked him for his card and I kept it the
7 whole time since then, not really realizing that I would
8 ever be here today testifying before you about --.

9 I -- unfortunately, I certainly agree we have -- our
10 air quality is bad, but this wind farm is, basically, going
11 to sell electricity to cities where they will waste more
12 electricity and our air will still be bad and we will have
13 destroyed this pristine, amazing spot on this planet, which
14 we can never get back, so --.

15 I also felt like they should have asked -- they should
16 have done this survey in the summertime when many -- maybe
17 they did, but I don't think that they did -- when many
18 boaters and swimmers, et cetera would be using Donnell
19 Pond, not late in October.

20 So that's it. Thank you very much.

21 MS. HILTON: Thank you. Do any commissioners have any
22 questions of her or the staff? Okay. All right. Thank
23 you very much.

24 MS. CARROLL: So we're on to Mr. Cane, Jodi Speer and
25 Dylan Voorhees are the next three that are checked off to

1 testify.

2 MS. SPEER: Good evening. I am Jodi Speer, I live in
3 Brooksville, not, by any means, close to the proposed grid
4 scale wind installation east of Eastbrook, but I am here in
5 solidarity with those who are close neighbors. I work
6 mostly on toxic issues as an activist. And I -- I see this
7 as a power grab. And I -- and I'm offended by the attempt
8 to industrialize rural areas.

9 I'm also in solidarity with environment-friendly
10 businesses who are affected by this. And my testimony,
11 which I will send you in a few days, will reference
12 testimony that was given by Greg Drummond and David
13 Corrigan who both spoke eloquently about defiling of scenic
14 assets that will ruin their nature-based tourism in other
15 parts of the state.

16 By destroying ecosystems, the installation of massive
17 turbines destroys property values along with a peaceful way
18 of life and makes the environment inhospitable to visitors.
19 What I believe to be most objectionable, personally, are
20 the dangerous effects of high and low frequency noise and
21 shadow flicker from rotating turbines. We really should
22 pay close attention to the complaints that are submitted
23 about high decibel noise, which causes headaches, sleep
24 disturbance, depression and other problems. Symptoms
25 reported from low frequency vibrations and shadow flicker

1 are equally troubling because the pulsating sounds and
2 strobe light effects disregulate body rhythms and can
3 damage the cardiovascular and nervous systems with
4 life-threatening consequences ranging from high blood
5 pressure and memory impairment to heart attacks and
6 seizures.

7 The April 2011 report from Ken Fletcher's office, the
8 Energy Independence and Security Office, contains glaring
9 disinformation about health effects of wind turbine noise,
10 trivializing the damage it causes as mere annoyance. The
11 reports' authors rely on industry-founded studies that make
12 no distinction between high decibel and low frequency
13 noise.

14 More credible is testimony delivered in Augusta on
15 April 25 by two acoustic consultants, Robert Rand and Steve
16 Ambrose. Unlike the scientists for hire cited in the
17 Energy Independence and Security Office' report, their
18 credentials are unimpeachable. I would refer you also to a
19 report by Dr. Nina Pierpont. And I will give the website
20 for that source.

21 Other concerns about environmental degradation from
22 wind turbines and transmission lines, the infrastructure of
23 the grid requires constant maintenance and replacement of
24 worn out parts over thousands of miles. Herbicides sprayed
25 on the corridors along with oils and transmissions fluids

1 used will contaminate aquifers. And I feel great sadness
2 for the domestic and wild animals, in addition to birds and
3 bats, who suffer from massive industrial development of
4 remote areas.

5 Considering these casualties of progress, big green
6 support of grid scale wind is disappointing, especially on
7 the part of Maine Audubon, which overlooks the tragedy of
8 roughly 100,000 birds killed every day from wind turbines.
9 The estimate comes from the American Wind Energy
10 Association. Every megawatt of installed wind power
11 results in between one and six bird deaths annually.

12 Like the Natural Resources Council, the Conservation
13 Law Foundation, the Island Institute and other mainstream
14 environmental groups, Maine Audubon takes money from
15 industrial wind companies, a classic sellout for corporate
16 largesse. If they did their homework, they would have to
17 acknowledge the absurdity of advertising grid scale
18 wind-generated electricity as a replacement for petroleum
19 and coal-fired energy.

20 No more than 3 percent of us in Maine heat with
21 electricity. Obviously, fewer still drive electric cars.
22 And if we did increase reliance on electric generation,
23 Canadian hydro would be far more economical than wind.

24 I hope you will all listen to Clyde MacDonald of
25 Hampden, well-known for many years on the Maine political

1 scene who recommends that we follow Vermont's example in
2 hydro Quebec. And I cite for that a reference -- an issue
3 of Bangor Daily News last September.

4 For this reason, I would have liked the Legislature to
5 have passed LD 956, which would have removed the
6 100-megawatt limitation on renewable energy sources to
7 expand the range of choices available to us. We'll have to
8 try again for the renewable portfolio standard bill.

9 I am referencing a couple of news sources that I won't
10 -- I won't go into here, except to say that it's very
11 common for the wind energy vested interests to say that
12 power plants -- that unlike power plants that use fossil
13 fuels, wind turbines carry no additional fuel costs once
14 they're erected.

15 And the -- the quote cited in the Bangor Daily News
16 from Jeremy Pain, director of the Maine Renewable Energy
17 Association, goes as follows: Every time a turbine is
18 spinning, it's offsetting fossil fuels. That is a lie.
19 And opponents of the wind Energy Reform Act bills that have
20 come before the Legislature this year and will be here
21 before you as well can be counted on to repeat that lie
22 again and again during their testimony.

23 I'm counting on you to discount those false statements
24 as you debate the project before you. Thank you very much.

25 MS. HILTON: Thank you.

1 MR. VOORHEES: Good afternoon, commissioners and
2 Chairwoman Hilton and the rest of the Commission. My name
3 is Dylan Voorhees and I'm the energy director at the
4 Natural Resources Council of Maine. I will be submitting
5 within the next day or two some written testimony for you.

6 I just wanted to start by thanking you for your time
7 and service in these tough issues across the state of
8 Maine. You serve a really invaluable role as
9 decision-makers. NRCM's experience in wind power is
10 familiar to many of you. And I won't read through it. I
11 do want to mention specifically that part of our experience
12 that's informed these comments is our role on the
13 Management Plan Advisory committees established by the
14 Bureau of Parks and Lands for the Donnell Pond unit in both
15 1991 and 2007. And many of our comments relate to that.

16 And before I sort of go into the -- some of the
17 highlights of my testimony, I certainly won't read it all
18 to you, I just wanted to say in response to the last
19 speaker that NRCM does not accept any donations or funding
20 from those in the wind energy.

21 NRCM is a strong supporter of both protecting scenic
22 and recreational resources in the state and developing
23 renewable energy as part of our strategy to limit pollution
24 and climate change. And we think that the Maine Wind
25 Energy Act does a relatively good job of providing a

1 balanced approach for both of these important goals. Most
2 of my comments are related to the -- you know, the specific
3 statutory criteria in front of you for a development
4 permit, especially regarding scenic resources. But I did
5 want to start and -- and just make a brief comment on, you
6 know, why wind power is important.

7 We in the state and the region remain overdependent on
8 fossil fuels for power, a situation that's both
9 economically and environmentally unsustainable. Climate
10 change is not the only, but certainly one of the most
11 dramatic negative effects of continued fossil fuel use.
12 And climate change will cause sweeping harms across the
13 state from our forests, our coasts, our oceans, public
14 health to physical infrastructure.

15 And so we have to transition to -- to a cleaner energy
16 economy. We have to do that through lots of different ways
17 simultaneously through energy efficiency and renewable
18 energy that we have available in the state.

19 And I -- I don't want to comment on it further, I'm
20 happy to answer any questions, but we've looked very
21 closely at this really important issue of wind power
22 displacing pollution and fossil fuel energy, primarily
23 natural gas. We've looked at it at great length. And it's
24 a complicated issue, but the simple conclusion is that wind
25 power plays an important role in displacing these fuels and

1 pollution. So we -- we can't -- we continue the status quo
2 of energy at our own peril. This doesn't mean that -- that
3 clean energy trumps other things, hence, that's the need
4 for balancing.

5 We've looked very closely at this project. And in
6 short, we believe it's a very close call for whether this
7 project meets the criteria of the law and strikes that
8 appropriate balance. We don't have for you an ultimate
9 judgment today on the project, but we want to provide some
10 information that may be useful to the Commission.

11 Specifically, there will be significant impacts on
12 scenic resources of statewide and national significance and
13 the existing uses of those resources, including Donnell
14 Pond and Donnell public lands, Black and Caribou and Tunk
15 Mountains.

16 You've got -- you'll have some more detailed testimony,
17 but I wanted to -- to speak for a moment about the Donnell
18 unit itself. The Bureau of Parks and Lands has two
19 easements in addition to the unit itself, about 470 acres
20 adjacent to the unit, including lake frontage on Donnell
21 Pond. And the purpose of these easements is to, quote,
22 protect the scenic values as seen from within the unit.
23 The Department of Inland Fisheries & Wildlife holds a lot
24 of other easements, more than 1,400 acres including on Tunk
25 Lake and elsewhere. The purpose of those easements is,

1 quote, to provide protection for viewsheds and lakeshore
2 quality.

3 Donnell Pond is a Class 1A pond with outstanding scenic
4 quality, shoreline character and fisheries. BPL's
5 management plan, it will be attached to my testimony so
6 that it's in the record for the Donnell Pond unit. It
7 says, quote, the unit offers excellent opportunities for
8 remote and semi-remote recreational experiences. The
9 quality of the lakes and ponds along with its miles of
10 undeveloped shoreline, sand beaches, hiking trails and
11 campsites in scenic surroundings combine to make this a
12 unit of high recreational value for a variety of users.
13 The recreation management goal for this unit has been to
14 maintain it's remote to semi-remote natural character.

15 BPL in its management plan has designated 6,000 acres
16 for back country, nonmechanized recreation, which, as you
17 know, is the most protective category, another 4,000 acres
18 for remote recreation. And BPL is in the process of
19 expanding back country nonmechanized recreation in this
20 unit for multi-day hiking and camping throughout those
21 areas.

22 And I'm speaking at some length to these issues because
23 it is -- it is disturbing to us that the Bureau of Parks
24 and Lands has, apparently, been told not to provide
25 comments to you on this and other development projects.

1 And staff at BPL are really the foremost experts of the
2 public lands that they oversee, what features they include,
3 what type of experience they provide to users, the
4 management goals. And we think that BPL staff could
5 provide valuable information to the Commission on this and
6 other proposed developments about the likely impacts of
7 proposed development both on the public lands and the
8 recreational uses those lands are intended to provide.

9 We encourage the Commission to specifically request
10 comments from BPL, or, in the alternative, to invite BPL
11 staff to a LURC meeting to discuss potential impacts from
12 development projects, either this one or future ones of all
13 types.

14 One of the statutory criteria that you need to consider
15 is the existing character of the -- of the surrounding
16 area. And we think the Donnell Pond unit is, aside from
17 Acadia National Park, one of the only places in the region
18 where people can hike to a top of a mountain, and get broad
19 scenic vistas over the landscape. There's the Cutler
20 public lands unit, which is directly on the coast, as
21 perhaps one of the only other places where you can find
22 multi-day hiking this kind of experience around the region.

23 And the views from the tops of the mountains in the
24 Donnell unit, Black and Caribou and Schoodic and Tunk are
25 stunning. And the expectations of the viewers that hike to

1 these destinations, we expect that they expect to see
2 generally undeveloped views. These are very well used
3 public lands. The BPL notes in its plan, quote, the trail
4 heads to these destinations often overflow. And, of
5 course, the hikers surveyed found at least 150 hikers there
6 on an October weekend.

7 On Donnell Pond it's a little bit different. We think
8 the users of that pond are more varied and have more varied
9 expectations. They might be people looking for a remote or
10 semi-remote experience, they might also be people, you
11 know, motoring around and fishing who don't care as much.
12 And so their expectations may be a little bit less.
13 Narraguagus Lake is another important resource. It's less
14 accessible and sees less use. It's also a much more remote
15 destination.

16 So what are the impacts on these -- on these resources?
17 As you know, this is a very difficult thing to evaluate,
18 it's not easily quantifiable. And what the law says is you
19 need to pay attention to the scope and scale of -- of
20 turbines and also the context. And, you know, we think the
21 context is -- means a lot. A turbine is a turbine, where
22 it matters a great deal. And that's why our comments
23 really focus on fleshing out for you the meaning of this
24 context.

25 The most direct impact is going to be on Narraguagus

1 Lake. It's a remote feeling area, many turbines are going
2 to be visible and they're relatively close, starting just
3 under 3 miles. On the other hand, that -- that landscape
4 around it is low and rolling and there may be primarily
5 fishermen using it who, as Mr. Palmer notes, may care less
6 about -- about those turbines on the landscape. And so we
7 would agree with his assessment that the impact overall is
8 probably medium.

9 On the Donnell Pond unit, hikers in that -- in that
10 area are clearly in search of scenic vistas and remote
11 hiking and camping experiences. And these mountains have a
12 scarcity. And the turbines are going to be very visible.
13 And I guess I conclude on that that we think those -- those
14 views will be significantly impacted.

15 Mr. Palmer sort of characterized the overall impact on
16 Black and Tunk Mountains as medium to high. When you think
17 about Caribou and Schoodic, we might -- we might
18 characterize that as high.

19 There are some mitigating circumstances also. And one
20 of those is the fact that these views, as you hike to the
21 top of these mountains, the most dramatic views are to the
22 south away from the project towards Acadia national Park.
23 And that may be why people on the surveys said they'd keep
24 coming back because that was one of the draws. So that's a
25 mitigating, you know, factor that we thought about and we

1 encourage you to.

2 And there are other mitigating reasons that are sort of
3 described in my -- in my comments. And -- and there are
4 also some adverse effects impacts to Donnell Pond. And
5 overall we would agree with Mr. Palmer on those, that the
6 impact is going to be medium.

7 Lastly, there's one other issue that we urge the
8 Commission to consider. It's our understanding that there
9 may be some additional wind projects or perhaps an
10 expansion of this project planned in this region or in this
11 watershed in the future. If this project is approved, then
12 it, obviously, is a bit of a magnet or an anchor for other
13 projects, both because of some of the economic
14 efficiencies, but also because once -- once those scenic
15 resources have been adversely impacted, that's something
16 that the Commission will take into consideration.

17 And this is a situation, therefore, where LURC has the
18 ability to think about cumulative impacts of multiple
19 projects before any of them have been built. We don't have
20 a magic bullet for how you go about resolving that -- those
21 complicated issues, it's something we're continuing to
22 think about, but I certainly want to draw your attention to
23 that.

24 So in conclusion -- and I appreciate you bearing with
25 me through some longer comments -- we recognize that the

1 Commission has -- has both statutory mandates to protect
2 the north woods and is also operating under the Wind Act,
3 you've got the responsibility and the authority to balance
4 these goals.

5 Some wind sites cause relatively few adverse effects
6 impacts to the north woods, others cause such major
7 impacts, those projects should clearly, to us, not be
8 approved and some sites are really close calls. And -- and
9 based on our information, we think that's one of those.

10 So we hope that this information is helpful and we urge
11 you to consider these -- these comments along with the
12 other information you have. And, again, thank you very
13 much for your time and your service.

14 MR. LAVERTY: Mr. Voorhees, thank you for your
15 comments. I would like to explore this issue of the
16 Donnell unit for a minute. For the people that are here
17 and don't understand the complexities of our regulations,
18 we are to consider visibility impacts in expedited areas
19 only -- in areas only on -- or particularly on resources of
20 state or national significance. And Donnell unit is one of
21 those.

22 MR. VOORHEES: Right.

23 MR. LAVERTY: We normally rely on our sister agencies
24 that have the specific expertise and have been assigned the
25 specific responsibility by the Legislature to development

1 management plans to address a lot of these issues. So
2 normally we submit a project like this to the Bureau of
3 Public Lands, in this instance, and ask them to determine
4 the consistency -- or this project's consistency with that
5 management plan.

6 You suggest that for some reason the Bureau of Public
7 Lands has refused to provide comments; is that correct?

8 MR. VOORHEES: I don't know that they've refused -- and
9 your staff can help you out on that. It is our
10 understanding that there's been some instruction to not
11 provide those comments that you might have traditionally
12 gotten in the past.

13 And this gets above my pay grade pretty quickly, but I
14 want to simply -- as -- Commissioner, as you well
15 understand, they have valuable information. If there is a
16 way for you to solicit those comments, it is worth an
17 effort. And we will -- we can attach the management plan
18 to our -- our comments and put it in the record, but
19 there's an interpretation that needs to happen. And BPL
20 staff can help with that, they can't make -- they can't
21 make the judgment ultimately that you need to.

22 MR. LAVERTY: The -- you recommend -- you recommended
23 that perhaps rather than just circulate the application as
24 we normally do to review agencies, BPL being one of them,
25 that we take the additional step of specifically requesting

1 their comments; is that correct? Did I hear you correctly?

2 MR. VOORHEES: I think that is -- that would be wise
3 and I think it is particularly relevant to -- in this
4 project where you have this piece of BPL land. And it is
5 BPL through the Department of Conservation that through
6 rule making identified those resources, which you referred
7 to, as resources of statewide significance. They didn't
8 say, all BPL lands are significant, they went through rule
9 making, there's some dozen -- I don't know how many there
10 are, and this is one of them.

11 And so it seems in this case to be particularly
12 relevant. And -- and if there's a way for you to solicit
13 the comments from them on those questions -- and maybe you
14 need to form some specific questions, not just -- you know,
15 comment on this, but maybe you have specific questions
16 related to my testimony or others, that could be forwarded
17 to the agency.

18 MR. LAVERTY: I don't know to whom to address this
19 question, would it be to you? Have we specifically
20 requested comments from the Bureau of Public Lands with
21 regard to the impact of this project on the management plan
22 for the Donnell unit?

23 MS. CARROLL: I think it's safe to say, yes, we did
24 solicit comments from the Bureau of Parks and Lands and I
25 will defer to project manager Don Murphy to speak

1 specifically about that to answer your question,
2 Commissioner.

3 MR. MURPHY: Yes. We did -- sending out to the review
4 agencies, the application initially sent out to all the
5 review agencies, went to Bureau of Parks and Lands, Alan
6 Stearns. Allen responded in an e-mail that he was
7 deferring to -- that we had a -- that LURC had a scenic
8 consultant and from the -- the scenic review standpoint he
9 was deferring to LURC's consultant.

10 We can -- that -- that e-mail response is available --
11 oh, actually, we have it right here. I can read it to you.

12 MR. LAVERTY: What about other provisions of the plan,
13 the management plan, in addition to visibility?

14 MR. MURPHY: There was some discussion back in the fall
15 where Alan advanced different --

16 MR. LAVERTY: Mr. Stearns is no longer the director of
17 the bureau, correct?

18 MR. MURPHY: That's correct.

19 MR. LAVERTY: Has the current director been requested
20 to provide information?

21 MR. MURPHY: We then sent a follow-up e-mail -- we
22 thought it would be a good idea to send a follow-up e-mail
23 that, I believe, went to Kathy Eikenberg -- would that be
24 safe -- yes, that's right -- and if they wanted to weigh in
25 again on this because there had been a changing of the

1 guard. And, again, there was a -- there was not a comment
2 submitted. There was an e-mail that came back that said,
3 we are not weighing in on this. I'd have to get the exact
4 wording for you, but that's the effect of it.

5 MR. LAVERTY: Well, I just have to say, I mean, that I
6 would like -- I would ask you, again, before the record
7 closes if you couldn't resubmit that? Because, I mean,
8 this is a finding we need -- we have to make. We are
9 laypeople, I mean, we're not professionals here, we're --
10 we're, you know, citizens of the state of Maine appointed
11 to do this job on your behalf. And we have to rely on the
12 expertise of our -- our sister agencies in state
13 government. And here is an agency with the expertise --
14 not only an agency with the expertise, but it's fascinating
15 to me that it's within the conservation, which is the same
16 unit we're a part of.

17 And it just -- it just seems that this doesn't seem to
18 be the way to run the railroad, it seems to me. So I'd
19 encourage the staff to resubmit queries as to the
20 consistency of this project or the extent to which this
21 project is consistent with the management plan for the
22 Donnell unit.

23 MR. MURPHY: Yes, we will -- we will do that. And
24 we'll, again, forward them the links and the information
25 that we gave them for that review.

1 MR. LAVERTY: Thank you. And thank you, Mr. Voorhees.

2 MR. FARRAND: I agree completely with Ed. And I would
3 further ask that in addition to requesting that they
4 provide that information, that they come -- send a
5 representative who can speak intelligently on this
6 management plan and come to one of our meetings. If they
7 can't -- if they can't be here tomorrow and they can't
8 comment, then I think they ought to have -- they ought to
9 submit comments and I would like to invite them to come to
10 a meeting and -- and speak to this issue because I think it
11 is extremely important that we have the benefit of that
12 expertise in order to make an intelligent decision.

13 MR. MURPHY: Yes.

14 MS. HILTON: Okay. Good. Thank you very much.

15 MR. VOORHEES: Thank you.

16 MS. CARROLL: Okay. The next five names on the list
17 are Jim Freeman, Jimmy, Pat DeFilipp, Antonio, Lauri, and
18 Alan -- Alan Michka. So, Jimmy, I guess you're first up.

19 MR. FREEMAN: Good evening. Last time I was in front
20 of you was also in a Ramada Inn when you gave the approval
21 for --

22 MR. LAVERTY: Jim, can you state your full name?

23 MR. FREEMAN: My name is Jim Freeman, I live on Verona
24 Island. I represent myself and Maine Earth First. So,
25 once again, I was at the last -- your last meeting of the

1 approval of Plum Creek's plan and protested in front of you
2 that day and was hauled out in handcuffs. I'm not going to
3 do that again tonight.

4 But in hindsight, the reason we protested that was your
5 erroneous decision that night -- or that day and a judge
6 has ruled pretty much that we were there was justified. We
7 made umpteen attempts to talk to you about that beforehand
8 and -- our opinion and through all the hearings. Again, we
9 feel it was on deaf ears.

10 You're pretty bright people, I've come to learn, and I
11 do respect you as citizens. But I come here again to tell
12 you that there's a fraud being perpetrated on the citizens
13 of Maine with this industrial wind, it doesn't work. It's
14 simply a fraud. And it's based on stimulus money,
15 subsidies and tax financing, tax increment, finance or TIF.

16 All these companies are getting tax write-offs for
17 higher polluting projects that they have elsewhere using
18 them as carbon trade-offs, they're ruining the landscape of
19 Maine and they don't work. In Kibby Mountain I believe
20 it's 19 percent efficient. The propane generators that are
21 used to start the turbines in the wintertime don't work
22 because it's too cold. You know this. And yet you have to
23 vote on it incrementally piece by piece. And I just
24 implore you, please make the right decision and stop this
25 madness. We need alternative energy, but these things just

1 aren't the answer. Thank you.

2 MS. HILTON: Thank you.

3 MR. DEFILIPP: Hi. My name is Pat DeFilipp, I'm a
4 resident of Auburn, Maine. I also work for Reed & Reed.
5 We're a company out of Woolrich that has been involved in
6 just about all of the wind farms that have been built in
7 the state.

8 I would like to say that we're in favor of the Bull
9 Hill project. We feel it will provide a clean source of
10 renewable energy which we so desperately need in the state
11 and in the country. It's a source of power that won't burn
12 coal, oil or cause us to damn up the rivers. I think Maine
13 is a state that particularly benefits from wind power, we
14 desperately need the private investment.

15 I'm originally from the Rumford area. And years ago
16 the paper mill was just the engine of the whole region.
17 And over the past 20 years or so it's just taken such a
18 downturn that the eight -- the whole area has really --
19 really floundered. So to see a private investment like
20 wind power come into the state, I think is just a great
21 shot in the arm for the whole -- the whole area.

22 Wind power creates tax revenues that don't burden us.
23 They don't put traffic on our roads, they don't put kids in
24 our schools, they don't use our drinking water and they
25 don't put sewerage in our treatment plans.

1 Wind power creates jobs. We're just completing the
2 Rawlings Wind project up in Lincoln. It's -- the south
3 half was energized last week, the north half is being
4 energized this week. We have had about 220,000 work hours
5 on that project. That's the equivalent of about 110 people
6 working 40 hours a week for a year. A guy asked me
7 tonight, well, where do those jobs go? Well, luckily those
8 same people are going to another wind project in the
9 western part of the state. Hopefully, when that project is
10 done, they can maybe come back to this project.

11 So we have a whole -- a whole company built of people
12 that make a livelihood just on temporary jobs. So they are
13 valuable.

14 Finally, I would just like to say that we have had a
15 lot of experience with First Wind, First Wind's a parent
16 company of -- of Blue Sky. We worked with them on the Mars
17 Hill project, the Stetson 1 project, the Stetson 2 project
18 and the Rawlings project. I would just like to say that
19 they're straight shooters, they don't cut corners and they
20 always want to do the right thing. So we're proud to be
21 associated with them. Thank you.

22 MS. HILTON: Thank you.

23 MS. CARROLL: Again, I -- is it Antonio? I'm sorry if
24 I'm not pronouncing that correctly.

25 MR. BLASI: Antonio Blasi, owner and operator of

1 Hancock Point Kayak Tours. So I'm a boat person. And when
2 I was taking the survey, as my wife Renata described, there
3 wasn't anything there about being on the pond and looking
4 up, that I can remember, looking up and seeing how the
5 project would effect the view from being on the pond.

6 MS. HILTON: All right. Thank you.

7 MS. CARROLL: All right. Lauri and Alan.

8 MR. SIBULKIN: Good evening. I'm Lauri Sibulkin from
9 Phillips. And I'm a long ways from my boundary mountains,
10 but I'm a member of the Friends of the Boundary Mountains
11 and your mountains are boundaries next to the sea, so I
12 guess it still counts.

13 A couple speakers ago was a midwife for the industrial
14 industry. Well, I guess I'm the undertaker. I'm a hazmat
15 industrial remediation technician. For a good many years
16 I've gone around and picked up the wreckage left behind by
17 American industry, steel mills and iron foundries and
18 chemical plants and mining and so on and so forth. When
19 the company, whatever their name might be, is done, they
20 manipulate things while they quietly slip on down the road
21 with their fortunes and leave the mess behind and people
22 like me come in and clean up the mess, if you're in a city
23 area where there's enough interest to warrant super funds
24 involvement. Oh, by the way, at the federal government's
25 expense. Otherwise, the stuff just sits there up on the

1 hills.

2 I've seen the consequences of allowing industry a
3 freehand in doing whatever it is they do and I've helped
4 clean up the mess each time on the dime. Now, when a new
5 form of industry is developing, there is a learning curve.
6 There are, inevitably, some mistakes. There are design
7 problems, there are costs to humans and animal life. This
8 is just the way it works. And I don't have a huge problem
9 with that.

10 This is no longer a new industry. And a large part,
11 the major part of a learning curve is either behind us or
12 directly under our noses at different locations throughout
13 Maine and New England. This industry, the industrial wind
14 energy generation situation across the board, all the
15 companies combined, have had years to establish a resume
16 for itself and either earn the respect or distrust of
17 citizens, any of us that take the time to study and
18 self-educate.

19 Well, industrial wind in general has proven to be led
20 by opportunistic operators far more interested in the
21 chance to make personal fortunes than in actually
22 generating clean, inexpensive -- and that's important --
23 electricity where it's most needed. And that's important,
24 too.

25 You can do all kinds of things that would be just ducky

1 if they would either put the generation plant on Long
2 Island Sound next to the factories or bring their factories
3 up to Maine and hire us. But when you put them that far
4 apart and give us the damage and them the juice, I don't
5 like it.

6 This industry has established a history of trying to
7 buy its way into communities. It has become very good at
8 making issues of common citizens become unimportant.
9 Somebody who lives out on Sugar Hill, they're 3,800 feet
10 from the nearest turbine, but somehow that's not that
11 important compared to what I hear about, oh, we're reducing
12 our dependency on oil, we're reducing our dependency on
13 foreign sources. That family or those families are
14 neighbors -- well, not mine, but near enough. I live in
15 Maine, I'm from Maine.

16 And in other cases this industry has managed to take
17 some of these issues right off the table. Apparently, I'm
18 not really allowed to have the nickels and dimes prosperity
19 or lack of it of the wind industry discussed, I can't say
20 goodness gracious, without subsidy money, huge subsidy
21 money this won't work. You're not allowed to consider that
22 in your deliberations. Maybe I'm mistaken there, but this
23 is what I have been told.

24 Well, experience shows that while the developer is
25 trying to garner local support for the project, whichever

1 one it might be, they're everybody's best friend. They
2 promise a turkey and fresh fish in every pressure cooker
3 and a new car in every garage. Once that permit is in the
4 bag, what actually comes to light is that the turkeys and
5 suckers are actually those of us in the local living rooms
6 and the new Yugo is that scrap of metal out on the
7 mountainside and that pressure cooker is what you have to
8 live in every time the wind blows and your nerves get
9 rasped raw by the sound of those windmills.

10 And I've listened to them. I've stood under them, I've
11 stood 100 yards away, 600 yards away, and so on. I know
12 some people can't hear them. Well, I'm an industrial
13 worker and I've lost a lot of my hearing and I hear them
14 just fine. And when we played a recording of that one
15 night at a meeting, about half an hour into the meeting I
16 went over to the sound technician and said, would you turn
17 that bloody thing off, it's driving me to drink. And this
18 is something that folks within a mile or a mile and a half
19 or whatever are going to have to put up with forever.

20 Please don't let the good people of this community go
21 through what the citizens of Freedom and the northeast part
22 of Mars Hill are now struggling with. With their piece of
23 mind battered to pieces, some are trying to sell out and
24 leave. Who's going to buy their homes? When they've
25 approach the developer, they've been met with batteries of

1 lawyers instead of fair buyout offers. Is that what we
2 want to have happen here? There are people that are close,
3 very close.

4 Industrial wind has so many unresolved problems and
5 issues that it is unlikely to ever become independently
6 economically viable. And it's clearly not an endurable
7 neighbor. It's not yet ready to join in as a dependable
8 and reliable and affordable part of the electricity
9 generating industry here in Maine. Please deny this
10 application and stop this project. Thanks.

11 MS. HILTON: Thank you very much. Is that the end of
12 our list?

13 MS. CARROLL: No, Alan is coming up.

14 MS. HILTON: Oh, Alan. All right.

15 MS. CARROLL: And then that's it on my list.

16 MS. HILTON: Okay.

17 MR. MICHKA: Good evening, Commissioners. Alan Michka
18 from Lexington. I am a member of an organization over in
19 Somerset County involved in another -- or formally involved
20 in another project, but I'm here tonight strictly on behalf
21 of myself as a concerned citizen of Maine.

22 I was not originally going to speak today, I had not
23 even planned on coming over. At the last minute I decided
24 to, I found myself with a little time on my hands. So I
25 don't have prepared notes, but I am going to prepare some

1 written notes to submit within the next couple days. I am
2 going to be very specific in my statements this evening,
3 they deal directly with the tangible benefits section and
4 the decommission section, although, my written notes will
5 encompass some other comments as well.

6 First I wanted to comment on the decommissioning. As
7 one of the speakers said tonight, this is really no longer
8 a new process for us. And the time is now really for the
9 Commission to start giving greater consideration to the
10 decommissioning plans that are being accepted in the state,
11 especially when you consider that First Wind is probably
12 one of the largest -- and probably is the largest developer
13 of wind projects in Maine and will soon probably have
14 upwards of 200 turbines here.

15 And I think the Commission needs to give some
16 consideration to some of these decommissioning plans that
17 are allowing the full funding of these plans to be deferred
18 until 15 years down the line. I think you need to look at
19 the possibility of what might happen two, three years down
20 the line if one company has a couple hundred turbines or
21 more in the -- in the state that are not covered or insured
22 for decommissioning. So I think the time is now to start
23 upping the bar on the decommissioning plans that are
24 allowed.

25 Beyond that, on the tangible benefits section, I've

1 only gone through the tangible benefits section in the last
2 couple days and, in truth, it's one of the reasons I
3 actually came out tonight. After reading through the
4 tangible benefits section, I was a little taken aback at
5 what seemed to be a fairly incomplete and poorly written
6 tangible benefits section. Of course, this is something
7 that's unique to expedited permitting in the state and
8 carries a lot of weight with the Commission, I'm sure.

9 This company, in their tangible benefits section,
10 expounds -- well, in the entire application talks about
11 their experience in developing projects, talks about the
12 fact that they have seven projects across the country and
13 several more in development and that their long-term plan
14 is to be a major operator of wind projects. However,
15 despite that, they seem to be unable to put together a
16 tangible benefits section that is specific and not vague.

17 So I hope that in tomorrow's technical hearings that
18 the Commission will pay extra attention to that and really
19 put it through a tight sieve of scrutiny when they make
20 their case on tangible benefits. Specifically, I wanted to
21 address several portions of the tangible benefits section.
22 And I'll just go through it piecemeal here.

23 First of all, they talk about the fact that they can
24 reduce price volatility. And while I don't doubt for a
25 second that they can reduce price volatility if everything

1 works out as planned, but I want the commissioners to
2 consider reducing price volatility is not the same as
3 reducing the electricity prices.

4 When you reduce volatility at the upper end of the
5 pendulum swing, that's not necessarily a good thing. Wind
6 power really only has the capacity, especially in the
7 northeast, to raise electricity price. Under employment,
8 this is in a section that's really going to need some
9 attention by the Commission, specifically on permanent
10 jobs. In Section 22.1.2 the commissioners will notice that
11 First Wind estimates that they're going to hire between
12 three and eight permanent employees for their project.
13 Now, this is a company, remember, that says that it has a
14 lot of experience developing wind projects.

15 I would think that a company that has this much
16 experience developing wind projects would have some idea
17 right now as to how many jobs are actually going to be
18 needed. Three to eight is a pretty wide range. That's
19 almost a 300 percent increase from the lower to the upper
20 end of that. And I would think that the -- with that much
21 experience, they could not only tell you specifically how
22 many jobs there will be, but they could tell you what those
23 jobs will be and they'll be able to tell you what they're
24 going to pay those people.

25 And this is a tangible benefits section, you've got to

1 evaluate this. And just saying three to eight permanent
2 jobs doesn't say much. The Commission needs to know what
3 are those jobs, what will those jobs pay and specifically
4 how many of them will there be? If after developing this
5 many wind farms First Wind still doesn't really have that
6 good of an idea how many people are going to work there,
7 they're either not being square with the Commission or you
8 need to, you know, cast some doubt upon the voracity of
9 their entire application.

10 And just as a side note, I think there's probably been
11 some embellishment and a little bit of an exaggeration in
12 the number of jobs being created by this. One developer of
13 a project I'm very familiar with had a 48-turbine project
14 planned in which their initial application they estimated
15 four to six permanent jobs. They reduced the number of
16 turbines down to 39, a 25-percent decrease in the number of
17 turbines, and the jobs went up to eight to ten. So I think
18 there might be some playing with the numbers here and the
19 Commission needs to be vigilant about that.

20 Also, the application seems to rely heavily on the
21 applicant's other projects almost more so -- there's more
22 ink in here talking about Mars Hill, Stetson and the
23 Oakfield project than there seems to be about the Bull Hill
24 project. Also something that's very interesting. And I
25 would -- I would ask the commissioners to get First Wind to

1 be more specific about the Bull Hill project and a little
2 bit less information about what they've done in the past.
3 Each case is an individual case and has to be decided on
4 its own merits.

5 You're not here to determine whether Mars Hill was a
6 good thing or whether Stetson was a good thing, you're here
7 to determine whether this project is a good thing. So
8 don't rely on information about those other projects to
9 determine whether or not this is a good project. It's a
10 small project, it's going to have a smaller impact, they
11 just ought to go ahead and be upfront about that.

12 Also interestingly, they -- in the 22.2, environmental
13 benefits, I understand that the Commission has to assume to
14 some extent because of the statute that there are
15 environmental benefits associated with this, but nothing
16 requires you to believe some the inflated numbers that they
17 use. And in this case it's especially interesting because
18 they don't really talk too much about environmental
19 benefits associated with Bull Hill. Again, they talk about
20 Mars Hill. And they go on to say that Mars Hill would
21 displace approximately 288,000 barrels of oil and 61,000
22 tons of coal per year with it's 42-megawatt generating
23 capacity. What would have been so difficult about doing
24 the same thing for Bull Hill? Do they know how many
25 megawatts they're planning on -- of capacity they're

1 planning on building? They could have done the numbers for
2 that. But I don't know if it's just sloppy work, laziness
3 or what it is. But on top of all of that, there's no
4 indication that oil or coal is going to be displaced to any
5 degree by wind projects in Maine. And that is something
6 that's just -- that's been laid out pretty clearly lately.

7 Ken Fletcher, the Office of Energy Independence Secured
8 just the other day, probably a week to two weeks ago, told
9 the EUT committee down in Augusta that oil is not going to
10 be displaced to any significant degree by wind power, case
11 closed on that. And that's also confirmed by the ISO New
12 England annual report. New England in 2009 generated no
13 more than .9 percent of its electricity with oil. So we
14 can kind of clear that one up right now. But it doesn't
15 keep applicants from kind of fudging the numbers a little
16 bit. So be careful with that as well.

17 And the other thing is this business of TIFs. They
18 kind of play around with TIFs in here and they kind of
19 suggest, you know, well, this town did this with TIFs and
20 this one did that, but they kind of stay away from talking
21 about what they're going to do on this project. They've
22 indicated they're going to seek a TIF. I would encourage
23 the Commission not to allow the review of this section to
24 be completed until you know what the specific deals of that
25 TIF are. That's critical to know in order to make an

1 evaluation of this project.

2 They talk about property tax benefits to the
3 communities around these projects, but in this TIF
4 agreement it's suggested that they're going to follow here
5 an 80/20 split with 80 percent going back to the developer,
6 most of the property taxes they pay are going back to them.
7 So don't just assume that property tax benefits means much,
8 it doesn't in this case, it sounds like, but you need to
9 know the specifics on that.

10 The -- I have just some very specific requests and then
11 I'll be done here. One other thing about the TIF thing,
12 the Legislature right now has a bill before it that would
13 preclude developers from even asking for TIF treatment on a
14 wind project -- an expedited wind project after a permit
15 has been issued. Now, I recognize in this case they've
16 already come up front and said, we're planning on getting a
17 TIF. But, again, I think it's important that you don't
18 take this any further down the road until you know what the
19 details of that TIF are.

20 Demand specifics -- just to quickly reiterate, demand
21 specifics on the permanent jobs that are going to be --
22 that are going to be created by this project. Three to
23 eight jobs is an unreasonable estimate. Just is it three,
24 is it four, is it five? They should be able to give you an
25 exact number at least within plus or minus one. Ask what

1 the salaries are going to be for those jobs and ask
2 specifically what those jobs are going to be. They should
3 know this if they're an experienced developer.

4 Demand that First Wind provide specific development
5 employment data. Just saying full-time equivalence is
6 really not sufficient either. If they want to say 65
7 full-time equivalent, 65 full-time equivalent for how long,
8 one month, two months, three months? The Rawlings project
9 was estimated to be a six-month project and they had 40
10 turbines. This one is 19 turbines, I believe it was. How
11 long will it take? We need to know more about that. Just
12 saying it's going to take this many people to construct it
13 is not much information really.

14 If the applicant chooses to submit power production
15 figures, I would suggest and request that you require them
16 to submit information, such as was required from
17 TransCanada, on their production data. As you can see,
18 that estimated production is sometimes significantly
19 different than what it actually turns out to be. They've
20 submitted data for Mars Hill and for Stetson -- or
21 combined, actually, for Mars Hill and for Stetson. Rather
22 than just taking that number at face value, ask them for
23 the specific data in the form that TransCanada -- a month
24 by month for the last year, something that can be
25 corroborated with the FERC data. Rather than just taking a

1 big number in an application, ask for specific data and for
2 specific evidence that it's good information.

3 Ignore the section in 22-2, the one regarding offset
4 oil and coal burning. That doesn't apply here. ISO New
5 England says that wind is going to displace oil and gas.
6 And the oil we're talking about, like I said, .9 percent of
7 the generation in New England. Not 9 percent, .9 percent
8 of the generation in New England comes from oil.

9 So we all want to, you know, decrease our oil
10 consumption and it's, obviously, a good thing if we do, but
11 we've got to stop playing with these little myths about
12 it's going to get us out of Iraq and things like that.
13 Land-based wind power in Maine is going to do virtually
14 nothing for oil consumption in Maine.

15 And on the decommissioning, require that the applicant
16 have all the money in place up front to decommission one of
17 these projects. Especially in a case, again, where you
18 have one owner/operator of so many turbines in Maine, ask
19 yourself when you're developing this decommissioning plan,
20 what happens two years down the line if things go south for
21 this company; is the money going to be there to take these
22 turbines down?

23 Something tells me that, you know, these -- this idea
24 of using salvage value and things like that -- it's just
25 something to help out the bottom line a little bit and we

1 shouldn't be putting this on the backs of Maine. If we
2 accept things like salvage value as a figure in developing
3 decommissioning plans, we're accepting the risk. The
4 developer should take the risk on this not us.

5 And I'll leave it there. I could rattle on for nights
6 -- or all night, but, anyway, I appreciate -- I very much
7 appreciate your service and I don't envy you in the least.
8 It's got to be just one of the worst jobs in Maine right
9 now considering what the state has left you with.

10 So I do -- I do respect the difficult decisions that
11 you have to make and I -- more than anything, I just
12 respect the fact that you show up here and do this. It's
13 got to suck. Anyway, thank you.

14 MR. LAVERTY: Mr. Michka, I wanted to thank you for
15 your comments. You know, for a guy that said he came here
16 on a whim at the last minute and was totally unprepared,
17 I've got to tell you, that was some show. Please, would
18 you follow up and submit that in writing, please, to the
19 record?

20 MR. MICHKA: I will.

21 MR. LAVERTY: Thank you very much, sir.

22 MS. HILTON: Anybody else on our list?

23 MS. CARROLL: No.

24 MS. HILTON: Is there anyone else that wanted to
25 testify? Okay. Well, good. I thank you for all coming.

1 And I have a closing statement here that I would like to
2 read to you, which also includes how long the record is
3 open for any other submissions.

4 This hearing will be continued tomorrow morning,
5 May 17th at 8:30 a.m. to hear testimony from the applicant,
6 the intervenors and government agencies. A second session
7 to hear testimony from the public will be held tomorrow
8 night at 6:00 p.m.

9 I wish to remind everyone that following tomorrow's
10 hearing sessions the record of the hearing will remain open
11 for a period of 14 days until Tuesday, May 31st to receive
12 written statements from the interested public and for an
13 additional seven days until Tuesday, June 7th for the
14 purpose of receiving rebuttal comments. No additional
15 evidence or testimony will be allowed into the record after
16 the closing of the record.

17 I think that's everything. Do we have anything else?
18 All right. I guess we're done. Thank you for coming.

19 (Concluded this hearing at 8:24 p.m. this date.)

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CERTIFICATE

I, Angella D. Clukey, a Notary Public in and for the State of Maine, hereby certify that on May 16, 2011, a hearing was held regarding Pending Development Permit Application DP 4886; and that this hearing was stenographically reported by me and later reduced to typewritten form with the aid of computer-aided transcription; and the foregoing is a full and true record of the testimony given by the witnesses.

I further certify that I am a disinterested person in the event or outcome of the above-named cause of action.

IN WITNESS WHEREOF, I subscribe my hand and affix my seal this 1st day of June 2011.

ANGELLA D. CLUKEY, NOTARY PUBLIC
Court Reporter

My commission expires: March 17, 2017

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