

**Petition to Add Portions of Kossuth Township to the
Expedited Permitting Area for Wind Energy Development, Chapter 10, Appendix F**

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Contents

Introduction 3
Background 3
Project Context and Setting..... 4
Analysis of Criteria for Evaluation 5
 1. Geographic Extension 5
 2. Meets State Goals 6
 3. Principal Values and Goals..... 7
 3.1 PRINCIPAL VALUES 7
 3.2 BROAD GOALS 12
 3.3 SPECIFIC GOALS 13
Conclusion 17

Figures

- Figure 1 Proposed Addition in Kossuth
- Figure 2 Regional Context of Proposed Addition
- Figure 3 Expedited Permitting Area in Vicinity of Proposed Addition
- Figure 4 Land Use Patterns in Vicinity of Proposed Addition
- Figure 5 Mapped Natural Resources in Vicinity of Proposed Addition
- Figure 6 Mapped Scenic and Cultural Resources in Vicinity of Proposed Addition

Exhibits

- Exhibit A Proposed Edit to Appendix F of Chapter 10
- Exhibit B Letters of Support for Petition

Introduction

This is a Petition for Rulemaking by the Land Use Regulation Commission (“LURC”) to add 695 acres of land south of Route 6 in Kossuth Township to the expedited wind permitting area (“Proposed Addition” as shown in Figure 1 and described in Exhibit A). This land is owned by Lakeville Shores, Inc. and Baskahegan Company and the landowner letters of support for this Petition are attached (Exhibit B). This Petition is submitted pursuant to 5 M.R.S.A. §8055, 35-A M.R.S.A. § 3453, and LURC *Guidelines for the Review of Petitions for the Addition of Lands to the Expedited Permitting Area for Wind Energy Development*, March 3, 2010 (“Guidelines”).

Champlain Wind, LLC (“Champlain”) is in the initial stages of planning the Bowers Mountain Wind Project (“Bowers Project”), expected to include 25 turbines with 57 megawatts of installed capacity¹ to be located in Carroll Plantation (“Carroll”) and Kossuth Township (“Kossuth”), in Penobscot and Washington counties, respectively. At this stage, seven turbines would be located in the Proposed Addition with a total project footprint of less than 60 acres for turbines and associated roads. In 2009, Champlain erected three meteorological towers in Carroll, part of the expedited permitting area, and is collecting wind data, conducting environmental and other studies to help establish final project layout, and preparing materials related to a potential permit application.

Carroll is within the expedited wind permitting area. A proposed wind energy project within the expedited wind permitting area would typically require that a single development application be submitted to LURC for consideration and analyzed under standard LURC regulations and provisions unique to wind power. Portions of Kossuth south of Route 6 are not within the expedited wind permitting area. A proposed wind energy project for this area of Kossuth would be processed under standard LURC regulations with a two-step application process: a rezoning application, followed by a final development application. Champlain is pursuing this rulemaking petition to add the acreage in Kossuth so the entire Bowers Project can proceed under one regulatory system. Once the rulemaking is complete, Champlain would file a single development application for the project so it could be analyzed in its entirety.

This petition demonstrates that the Proposed Addition in Kossuth meets the three criteria set forth in statute for adding an area to the expedited permitting area: 1) it is a logical geographic extension of the currently designated expedited permitting area; 2) it is important to meeting the state goals for wind energy development; and 3) it does not compromise the principal values and goals of the Comprehensive Land Use Plan (CLUP).

Background

The Act to Implement Recommendations of the Governor’s Task Force on Wind Power Development was adopted by the Legislature in 2008 to promote an efficient regulatory process. That legislation designated areas as expedited permitting locations for wind power, and LURC adopted a rule making wind energy development an allowed use within all land use subdistricts in those locations. Within an expedited permitting area, a proposed wind project will be required

¹ At this point in the planning for the project, Champlain is considering the use of Siemens 2.3 MW turbines. These turbines have been permitted for construction at the Record Hill Wind Project and provide nearly twice the output as the GE 1.5 turbines installed at Stetson with a similar total height and footprint.

to obtain a permit and meet land use standards, and additional standards unique to wind power, but the proposed project will not require a rezoning of the area.

As authorized by the Legislature and described in the Guidelines, LURC may add a specified place in the State's unorganized or deorganized areas to the expedited permitting area. In 2010, LURC adopted Guidelines to provide direction to anyone wishing to add to the expedited area, and to help guide its own analysis. The Guidelines state that LURC will evaluate three criteria when considering a petition to add a Proposed Addition:

- “1. Geographic Extension. Involves a logical geographic extension of the currently designated expedited permitting area;
2. Meets State Goals. Is important to meeting the state goals for wind energy development established in §3404; and
3. Principal Values and Goals. Would not compromise the principal values and the goals identified in the comprehensive lands use plan adopted by the Maine Land Use Regulation Commission pursuant to Title 12, §685-C.”

If LURC adopts the proposed rule, the resulting rule would make wind power an allowed use within the Proposed Addition in Kossuth. The rule would not approve any specific project layout. Before any wind facility may be constructed in the Proposed Addition, a complete Development Permit Application must be prepared and submitted to LURC for review and evaluation. Any such application must demonstrate that the development satisfies the requirements of LURC's statutes, regulations, and standards.

Project Context and Setting

The Proposed Addition is part of five hills currently being evaluated for the Bowers Project (Figure 2). The hills in this area range in elevation from 750 to 1120 feet above sea level and consist of moderately steep to gentle sloping sides. The Bowers Project, located in the Eastern Lowlands biophysical region,² is primarily dominated by a regenerating Beech-Birch-Maple forest. It has been heavily harvested and shows evidence of historic and recent forest management activity.

The Proposed Addition is located adjacent to Route 6 and has existing road access through logging roads. It is located approximately eight miles south of the operational Stetson Wind Project and five miles south of the Line 56 transmission corridor (Figure 2). At this point in the planning for the project, Champlain expects that the total footprint within the Proposed Addition would be less than 30 acres for construction and operation of turbines and less than 30 acres for development and improvement of roads and collector lines between turbines.

Based on LURC maps, communications with state and federal agencies, and review of publicly available database, there are no LURC-mapped or publicly identified natural or cultural resources within the Proposed Addition, including no cultural, archaeological, or historic resources, no recreational or scenic resources, no high-value plant or animal habitat, and no

² Maine State Planning Office, 1993.

water or wetland resources. More information about natural and cultural resources in the vicinity of the Proposed Addition is provided in the next section.

Analysis of Criteria for Evaluation

The following sections analyze each of the three Guideline criteria as they apply to the Proposed Addition.

1. Geographic Extension

The Proposed Addition is a logical geographic extension of the currently designated expedited permitting area.

As stated in the Guidelines, “some adjustment to the expedited area boundary may be needed in instances where a potential project falls partially within the expedited area and partially outside of it. The Commission will evaluate the proportion of the project that will fall within the expedited area and any other relevant information”.

Topographically, the Proposed Addition is part of a series of related low-elevation hills, all of which range in elevation from 750 to 1120 feet (asl). All of these hills are located south of Route 6 and cross the town boundary from Carroll to Kossuth (Figure 2). Together they form a divide between stream drainages to the Baskahegan Stream in the north, and to streams flowing to lakes and ponds in the south.

In the area adjacent to the Proposed Addition, all of Carroll Plantation is in the currently designated expedited permitting area, as are portions of Kossuth located north of Route 6, all of Topsfield, and all of Talmadge (Figure 3). Figure 3 illustrates that the Carroll Plantation boundary and Route 6 were used as a convenient geographic features to provide a boundary for the designated expedited area in Kossuth. The proposed addition into Kossuth is a natural extension across a political boundary that is unrelated to geography, a “logical extension” example specifically noted in the Guidelines.

The Proposed Addition is not a broad area, but is targeted to those areas that would be suitable for potential wind turbines and associated infrastructure. As Figure 4 illustrates, the land use pattern - primarily commercial forestry - is identical in Carroll and Kossuth. As the Bowers Project is presently planned, approximately 72 percent of both the project footprint and total megawatt capacity for the Project would be located in Carroll, within the currently designated expedited permitting area (Figure 2).

Based on the characteristics of the location and the proportion of the Project within the expedited area, the Proposed Addition is a logical geographic extension of the currently designated expedited permitting area.

2. Meets State Goals

The Proposed Addition is important to meeting the state goals for wind energy development established in 35-A MRSA §3404.

LURC adopted a test of relativity when evaluating this criterion---projects with low energy potential and high public resource impact may not be important to meeting the state goal, while projects with exceptional wind generation capacity and with a high impact on public resources could still be important to meet the state goal. As noted in the Guidelines, a detailed assessment of the potential impact, if any, to public resources and public infrastructure is more appropriate at the Development Permit Application stage of review, rather than during the petition. The Proposed Addition is an area of strong potential for energy generation, with only moderate additional impact on public resources.

The Guidelines set forth four factors to consider in this evaluation. First, as stated in the Guidelines, “the primary factor will be the progress the state has made in achieving the goals set forth in §3404.” As of April 2010, the state had only achieved 12 percent of the goal of 2,000 megawatts of installed wind energy capacity by 2015 and only 8 percent of the goal of 3,000 megawatts by 2020. The Bowers Project is expected to include 57 MW of installed capacity, approximately 16 MW of which would be located in the Proposed Addition in Kossuth. Mid-size projects such as Bowers, which is located on a low-elevation site adjacent to a state roadway and within five miles of an existing transmission corridor, will be critical to meeting these goals.

The Guidelines indicate that other factors to be considered include the project’s potential for energy generation and the viability of the proposed project; these two factors are directly related. The Stetson Wind Project, located approximately eight miles from Bowers and the Proposed Addition, is a 57 MW project which became operational in December 2008. Approximately nine years of wind data have been collected by meteorological towers at Stetson, and provide a landscape-analysis indicating a viable wind resource on the hills in both Carroll and Kossuth. These findings are supported by the elevation of the terrain in the Proposed Addition, because the elevations are comparable to those at Stetson. In addition, three met towers were installed in Carroll in 2009 to begin measuring the wind resource and Champlain expects the on-site wind data will confirm the predicted viable wind resource. Taken together, the data from Stetson and from Carroll provide sufficient information for a landscape-level analysis that a viable wind resource exists within the Proposed Addition. Finally, the Bowers Project will connect with an existing transmission line, Line 56, approximately five miles north. This opportunity to share infrastructure associated with Stetson decreases the potential impact on resources and contributes positively to the viability of the project.

The fourth factor is an evaluation of impact to public resources and public infrastructure, compared to the energy generated and associated public benefits. Section 3 of this Petition describes the project in the context of the values and goals of the CLUP and will provide identification and discussion of important public resources in the area, concluding that the Proposed Addition will have little additional impact to public resources. There will be no public infrastructure impacts from the Proposed Addition other than a potential road entrance off Route 6. In comparison, turbines located in the Proposed Addition are expected to add approximately 16 MW of generating capacity to the Bowers Project. Finally, the public benefits are a necessary part of showing the “tangible benefits” of any wind power application. If this petition is approved, a public benefits package will be developed for the overall project that applies

benefits to the areas of impact, Carroll and Penobscot County, and Kossuth and Washington County.

Because the state has not made significant progress toward meeting wind energy goals for 2015, and because the Proposed Addition has a viable wind resource located in close proximity to existing transmission, with little additional impact to public resources and minimal impacts on public infrastructure, the Proposed Addition is important to meeting state goals for wind energy development.

3. Principal Values and Goals

The Proposed Addition would not compromise the principal values and the goals identified in the comprehensive land use plan adopted by the Maine Land Use Regulation Commission pursuant to Title 12, §685-C.

The Guidelines direct the “rulemaking petitioner to provide information and analysis to allow LURC to determine how the proposal would generally affect existing uses and resources in the proposed expansion area, and describe how the proposal would or would not compromise the principal values and goals contained in the Comprehensive Land Use Plan (CLUP)”. This section discusses separately each of the four principal values, the three broad goals, and the twenty specific goals.

3.1 PRINCIPAL VALUES

The CLUP defines four principal values which, “taken together, define the distinctive character of the jurisdiction and do not exist in isolation of one another” (CLUP, 2). Rather, by remaining flexible and adaptable to new issues, such as with the Guidelines, LURC can “more effectively guide growth and protect the jurisdiction’s principal values while providing greater opportunities to reasonable economic development” (CLUP, 4).

3.1.1 Principal Value: Economic Value of the Jurisdiction

The economic value of the jurisdiction derived from working forests and farmlands, including fiber and food production, largely on private lands. This value is based primarily on maintenance of the forest resource and the economic health of the forest products industry. The maintenance of farmlands and the viability of the region’s agricultural economy is also an important component of this value.

Land within the Proposed Addition is entirely forested and it has been harvested in the past. Wind projects provide an alternative source of economic value to landowners in the jurisdiction, during a time in which the value derived from timber and fiber production continues to decline. If a potential wind project is permitted, the landowner will be able to continue forest management activities within the Proposed Addition after construction is complete. The Proposed Addition is located within a few miles of the edge of several large tracts of land on which the New England Forestry Foundation holds a conservation easement designed primarily to allow its continued

operation as a working forest.³ The proximity of the Proposed Addition to other privately-owned working forests would not decrease the economic value of those lands. As described in a recent report about the future of forests in Maine “current prime locations for large (wind) installations are mostly within the forest. Wind turbines are capital intensive to build but have no fuel costs, meaning that leasing space for them can bring major benefits to landowners. Like carbon storage, but in a more tangible way, windpower creates additional value for landowners and helps preserve the larger forest economy.”⁴ That report also notes that “turbines are fully compatible with most harvesting regimes, and place no additional demands on public services, unlike most other forms of development. Even uses not directly related to fiber production have the potential to produce significant new revenue. Locating wind farms for electric production within the working forest has significant advantages, both in reducing conflicts with other land users and providing a new revenue stream for landowners.”⁵

Because wind development and working forests are compatible uses, the Proposed Addition would not compromise the value of the working forests in the region.

3.1.2 Principal Value: Diverse and Abundant Recreational Opportunities

Diverse and abundant recreational opportunities, including many types of motorized and non-motorized activities. Unique opportunities exist for recreational activities which require or are significantly enhanced by large stretch of undeveloped land, ranging from primitive recreation in certain locations to extensive motorized trail networks. Recreation is increasingly an economic driver in the jurisdiction and the State.

Land within the Proposed Addition includes limited recreational opportunities, primarily a network of former logging trails that may be used by local residents for hunting or snowmobiling. Development within the Proposed Addition would not impact any established snowmobile or ATV trails. Throughout this region, there are abundant recreational opportunities, including a public access easement on approximately 300,000 acres to the southeast of the Proposed Addition. The sole purpose of this access easement, held by the Bureau of Public Lands, is to provide pedestrian, snowmobile and vehicular access to, on, and across lands in Penobscot and Washington Counties on which a conservation easement is held by the New England Forestry Foundation. The Proposed Addition would not limit or affect any of this access.

The existing roads on the Proposed Addition would remain open to the public, unless the underlying landowner elects to restrict that access. Recreational access on new roads within a turbine area may be restricted for safety reasons.

The Proposed Addition would not compromise the opportunities for diverse recreational activities.

³ “It is the purpose of this Conservation Easement to maintain the Property forever in its present and historic primarily undeveloped condition that allows its continued operation as a working forest with the perpetual ability to produce forest products, and to conserve and/or enhance forest and wildlife habitats, undeveloped shoreline, and historic public recreation opportunities of the Property for present and future generations.” Conservation Easement on Land of Typhoon LLC Located in Washington and Penobscot Counties, Maine, dated May 25, 2005.

⁴ Keeping Maine’s Forests: A Study of the Future of Maine’s Forests, November 2009. Coordinated and managed by the Center for Research on Sustainable Forests, University of Maine.

⁵ Ibid.

3.1.3 Principal Value: Diverse, abundant and unique high-value natural resources and features

Diverse, abundant and unique high-value natural resources and features, including lakes, rivers, and other water resources, fish and wildlife resources, plants and natural communities, scenic and cultural resources, coastal islands, mountain areas and other geologic resources.

As described in detail below, the Proposed Addition does not include any high-value natural resources or features. During evaluation of other proposed wind facilities, scenic and cultural resources have been identified within an eight-mile radius of the project area, and this petition provides landscape-level information consistent with that distance.

- **Lakes, rivers, and other water resources**
The Proposed Addition does not include any lakes, rivers, ponds, mapped LURC wetlands or streams, or wetlands identified in the National Wetlands Inventory (Figure 5). Detailed wetland delineation surveys will be conducted as part of any permit application and any proposed project will be designed to minimize adverse impacts on water resources, including extensive protection measures to protect water quality.
- **Fish and wildlife resources**
Based on communication with Maine Department of Inland Fisheries and Wildlife, the Proposed Addition does not include Significant Wildlife Habitat, such as deer wintering areas, inland wading bird and waterfowl habitat, or habitat for state or federally-endangered or threatened species (Figure 5). Based on communication with United States Fish and Wildlife Service, the Proposed Addition does not include Critical Habitat for Atlantic salmon or Canada lynx and there are no bald eagle nests within four miles of the Proposed Addition. Detailed wildlife surveys will be conducted as part of any permit application and any proposed project will be designed to minimize adverse impacts on fish and wildlife resources.
- **Plants and natural communities**
Based on communication with Maine Natural Areas Program, the Proposed Addition is primarily dominated by a regenerating Beech-Birch-Maple forest and shows evidence of historic and recent harvesting activity (Figure 4). Detailed rare plant and natural community surveys will be conducted as part of any permit application and any proposed project will be designed to minimize adverse impacts on rare plants and natural communities.
- **Scenic and cultural resources**
The Proposed Addition does not include any mapped scenic or cultural resources.

The Proposed Addition is within three miles of one type of scenic resource of state or national significance, a Great Pond listed as having Outstanding scenic value (Pleasant Lake); this lake would also be within three miles of any potential project in the expedited permitting area in Carroll. No other scenic resources of state or national significance are within three miles.

The Proposed Addition is within eight miles of one type of scenic resource of state or national significance, including one Great Pond listed as Outstanding and six great ponds listed as having Significant scenic value. All of these lakes would also be within

eight miles of any potential project in the expedited permitting area in Carroll. No other scenic resources of state or national significance are within eight miles.

Four of these lakes are accessible and developed (Duck, Bottle, Junior, and Keg); three are accessible and undeveloped (Pleasant, West Musquash, and Scraggley); and one is inaccessible and undeveloped (Shaw) (Figure 6). According to the LURC Lake Management Program, these lakes have one of three management classes used for planning and management purposes.⁶ Management Class 2 lakes have restricted access and include Pleasant and West Musquash; the Proposed Addition would not increase access to these lakes. Management Class 5 lakes include Bottle (with a density of 3.8 acres per dwelling unit, 338' per dwelling unit), and Duck, identified as approaching heavily developed status (with a density of 13 acres per dwelling unit, 892' per dwelling unit). Management Class 7 lakes include: Junior, Key, Scraggley, and Shaw.

Only one site in the general vicinity is documented on the National Register of Historic Places, the Springfield Congregational Church, located slightly more than eight miles from the Proposed Addition. This site would also be within eight miles of any potential project in the expedited area in Carroll.

No other scenic or cultural resources of state or national significance defined by the Maine Wind Power Energy Act have been identified within eight miles of the Proposed Addition or of the potential project, which includes no national natural landmarks; no federally designated wilderness or other comparable outstanding natural and cultural features; no national or state parks; no designated wilderness areas; no comparable outstanding natural or cultural features; no segments of a scenic river identified as having unique or outstanding scenic attributes; no scenic viewpoints designated by DOC in response to the Maine Wind Power Energy Act; no scenic turnouts constructed by DOT on public road designated as a scenic highway; and no scenic viewpoints located in the coastal area..

A landscape analysis of viewpoints indicates that other public locations where development in the Proposed Addition could be visible include viewpoints such as the rest area and boat launch on East Musquash Lake in Topsfield; Springfield Fairgrounds in Springfield; Almanac Mountain and Penobscot Bald Mountain in Lakeville; and public roads such as Route 6, Route 170, Brown Road, North Road, and Amazon Road. The visual impact to these locations would be evaluated as part of any rezoning application but are not defined as resources of state or national significance that would be analyzed for in the expedited permitting process. However, of the viewpoints noted, the rest area and boat launch on East Musquash Lake, Springfield Fairgrounds, Almanac Mountain and Penobscot Bald Mountain would not have views of development in the Proposed

⁶ **Management Class 2** lakes are high value, accessible, undeveloped lakes. The Commission intends to conserve the special values of these lakes by significantly restricting access to these lakes. **Management Class 5** lakes consist of heavily developed lakes. The Commission seeks to maintain natural qualities associated with these lakes, enhance scenic values, and retain some undeveloped shoreline by requiring cluster development on these lakes. The Commission has identified lakes approaching heavily developed status and will pursue similar goals on the lakes. **Management Class 7** consists of all lakes not otherwise classified, including many lakes which have multiple outstanding or significant resource values identified in the *Wildlands Lake Assessment*. The Commission will manage these lakes for multiple uses, including resource conservation, recreation, and timber production, giving specific consideration to the resource values when evaluating the merits of permit applications.

Addition. Only some locations on the roads would have potential views of the Proposed Addition, and most of these locations would also have potential views of development in Carroll.

Pursuant to the landscape-level analysis described in the Guidance, a detailed survey of scenic and cultural resources, including a visual impact assessment, will be conducted as part of any permit application and any proposed project will be designed to minimize adverse impacts on scenic and cultural resources.

- Coastal islands
Because the Proposed Addition is inland, it does not compromise any coastal islands.
- Mountain areas and other geologic resources
Because the Proposed Addition is located in a low-elevation area of the state, it does not compromise any mountain areas or other geologic resources. No significant geologic resources have been identified and detailed soil surveys will be conducted as part of any permit application.

The Proposed Addition does not include any high-value natural or cultural resources and would not compromise the diversity, abundance, or uniqueness of any resources in the vicinity.

3.1.4 Principal Value: Natural Character

Natural character, which includes the uniqueness of a vast forested area that is largely undeveloped and remote from population centers. Remoteness and the relative absence of development in large parts of the jurisdiction are perhaps the most distinctive of the jurisdiction's principal values, due mainly to their increasing rarity in the Northeastern United States. These values may be difficult to quantify but they are integral to the jurisdiction's identity and to its overall character.

The Proposed Addition is not located in an area of LURC jurisdiction that is undeveloped or remote from population centers. The Proposed Addition is located adjacent to State Route 6 and vehicular access is available thru existing improved logging roads that are located throughout the area. The Proposed Addition is located within 10 miles from the organized Towns of Springfield (population 379), Topsfield (population 225) and Talmadge (population 70).⁷ There are approximately 880 housing units within ten miles of the Proposed Addition, approximately 50 percent of which are seasonal residences. The Proposed Addition is close to existing wind infrastructure, within five miles of the transmission line connecting the operational Stetson project to the electrical grid.

Due to the proximity to existing development, road and transmission infrastructure, the Proposed Addition would not compromise the natural character of the area.

⁷ US Census, Table 5: Annual Estimates of the Resident Population for Minor Civil Divisions in Maine, Listed Alphabetically Within County: April 1, 2000 to July 1, 2008.

3.2 BROAD GOALS

The CLUP defines three broad goals which guide LURC when establishing policies that will achieve the vision for the jurisdiction (CLUP, 5). When relevant, specific goals and/or policies are referenced in parentheses. Each of the specific goals is also discussed separately in section 3.3.

3.2.1 Goal: Support and Promote Management of All Resources

Support and promote the management of all the resources, based on the principles of sound planning and multiple use, to enhance the living and working conditions of the people of Maine and property owners and residents of the unorganized and deorganized townships, to ensure the separation of incompatible uses, and to ensure the continued availability of outstanding quality water, air, forest, wildlife, and other natural resource values of the jurisdiction.

The development of wind energy in the Proposed Addition is an example of a resource-based economic development that is consistent with state energy policies, is suitable for the location, and minimizes intrusion on natural and cultural resources and values (CLUP II.E.4). This site is also not located in an area that is environmentally sensitive or where there are overriding environmental or other public values requiring protection (CLUP II.E.7)

The site of the Proposed Addition utilizes services of existing road and transmission infrastructure efficiently, and is compatible with the natural resource uses in the surrounding area, particularly adjacent forest management activities. By providing for expansion needs in areas such as the site of the Proposed Addition, where the development will not have an undue adverse impact on the resources in the area (CLUP I.B.2), LURC is encouraging compatible economic development that benefits the living and working conditions of the people of Maine.

Through adoption of this proposed rule, LURC has an opportunity to ensure the continued availability of outstanding quality air and climate resources, thereby demonstrating its commitment to support and comply with Maine's initiatives on global climate change and emissions reductions (CLUP II.B.6) and encourage technologies or practices that support efforts related to Maine's global climate action plan (CLUP II.B.7).

Because this site is environmentally sound and socially beneficial, and where there are not overriding public values that require protection, the Proposed Addition does not compromise the goal to support and promote management of all resources.

3.2.3 Goal: Conserve, Protect, and Enhance Natural Resources

Conserve, protect, and enhance the natural resources of the jurisdiction primarily for fiber and food production, outdoor recreation and plant and animal habitat.

As described above, the Proposed Addition does not include any high-value natural resources mapped within the site. The Proposed Addition is currently a working forest, a use which has been identified as compatible with wind development. The Proposed Addition would not limit access to the abundant and diverse recreational opportunities available throughout this region.

No rare plants, animals, or natural communities have been identified within the Proposed Addition and because the Proposed Addition is already located adjacent to Route 6 and other existing development, connectivity of habitats is not disrupted (CLUP II.H.3).

By making wind power an allowed use in the Proposed Addition area, LURC demonstrates that it supports uses, such as wind energy development, that are compatible with continued active forest management in the surrounding region (CLUP II.F.2)

The Proposed Addition would not compromise the ability to conserve, protect or enhance natural resources of the jurisdiction.

3.2.4 Goal: Maintain Natural Character of Certain Areas

Maintain the natural character of certain areas within the jurisdiction having significant natural values and primitive recreational opportunities.

As described above, the Proposed Addition does not have significant natural values and does not provide primitive recreational opportunities. The Proposed Addition is located within 10 miles of three organized towns (Topsfield, Talmadge, and Springfield) and is appropriate for development because of its proximity and connectivity to Route 6. It is not within remote areas of LURC jurisdiction and will not require construction of major new public roads that would degrade the character of remote areas (CLUP D-2).

The Proposed Addition would not compromise the natural character of certain areas within the jurisdiction.

3.3 SPECIFIC GOALS

LURC has defined specific goals that are intended to guide its actions. Where applicable, each of these goals is discussed separately, and the Proposed Addition does not compromise any of these specific goals.

I.A. Location of Development

The Proposed Addition is located in an area with existing development, is adjacent to State Route 6, is within ten miles from three organized towns and within five miles of an existing transmission line. These characteristics characterize the Proposed Addition as an area that is appropriate for development.

I.B. Economic Development

The Proposed Addition is a form of economic development that is located in area that is appropriate for growth. It would not diminish the value of nearby forest management activities, it utilizes the infrastructure of nearby roads and transmission lines efficiently and any potential project in this site would be connected to local economies. The Proposed Addition would contribute towards the goal of economic development and would extend the economic benefit of the Bowers Project from Penobscot County to also include Washington County.

I.C. Site Review

This Petition is for rulemaking and does not compromise the goal of site review of development. Any potential project in this site would require a Development Permit and the LURC would conduct detailed site review at that time to ensure the development is designed and constructed in a way that avoids or minimizes adverse impacts on natural resources, existing uses, public facilities and services and natural character.

I.D. Infrastructure

Infrastructure improvements within the Proposed Addition would be limited to road improvements or construction and any potential project within this area will utilize the existing logging roads when possible. The Proposed Addition is also located within five miles of an existing transmission line and is adjacent to State Route 6, reducing the need for extensive new infrastructure.

I.E. Development Rate, Density and Type

The Proposed Addition is located in an area in which wind facilities have already been permitted and constructed. Because it is located adjacent to State Route 6 and within five miles of an existing transmission line, it would not compromise the goal to ensure development is of a rate, density and type conducive to maintaining the jurisdiction's principal values.

I.F. Affordable Housing

Because the Proposed Addition does not include any types of housing and it is currently used for forest management, it would not compromise the goal to facilitate the provision of affordable housing in appropriate locations.

I.G. Land Conservation

The Proposed Addition does not include high-value natural, cultural, or recreational resources that have been identified for long-term conservation. Development of a limited footprint wind project will relieve economic pressure to divide and sell land, promoting conservation of land with existing forest uses. The Proposed Addition is within a few miles of the edge of a conservation easement held by the New England Forestry Foundation. As described in Section 3.1.1, this easement is primarily designed to allow continued operation as a working forest and the proximity to wind power does not compromise this purpose.

II.A. Agricultural Resources

Because the Proposed Addition does not include agricultural land or other agricultural enterprises, and it is not identified as prime, highly productive farmland, it would not compromise the agricultural resources in the jurisdiction.

II.B. Air and Climate Resources

Although the Proposed Addition does not directly affect air or climate resources, it is located in an area that has both sufficient wind resource and minimal environmental constraints, and any potential project would harness renewable wind power without creating air pollution. This would increase the potential for energy diversity in the state and help Maine meet its commitments under the Regional Greenhouse Gas Initiative, which establishes limits for emissions associated with the generation of electricity. Therefore, making wind power an allowed use in the Proposed Addition would contribute to the goal to protect and enhance the quality of air and climate resources.

II.C. Coastal Resources

The Proposed Addition is located inland and therefore will not compromise any coastal resources.

II.D. Cultural, Archaeological and Historical Resources

The Proposed Addition does not include any mapped archaeological or historical resources. Only one site in the general vicinity is documented on the National Register of Historic Places, the Springfield Congregational Church, located slightly more than eight miles from the Proposed Addition. No other cultural resources have been identified within eight miles of the Proposed Addition or of the potential project, which includes no national natural landmarks; no federally designated wilderness or other comparable outstanding natural and cultural features; no national or state parks; no designated wilderness areas; and no comparable outstanding natural or cultural features.

II.E. Energy Resources

The Proposed Addition would allow for submission of an application for a potential wind project, a type of renewable energy. The CLUP includes a new energy policy intended to guide LURC's deliberations over wind power projects. This includes recognition that "new renewable energy projects displace electrical energy provided by fossil fuels and thus carry the following benefits: reduction of Maine's dependence on imported fuels; improvement of environmental quality; enhancement of state and regional security; and progress towards meeting Maine's renewable energy and greenhouse gas reduction objectives" (CLUP II.E.6). A project in the location of the Proposed Addition is an example of an energy generation installation that is consistent with state energy policies, is suitable in the proposed location and minimizes intrusion on natural and cultural resources and values, and the Proposed Addition does not compromise the goal to provide for the environmentally sound and socially beneficial utilization of indigenous energy resources where there are not overriding public values that require protection.

II.F. Forest Resources

The Proposed Addition is currently managed for active forestry and, if the landowner chooses, this activity may continue if a potential project is permitted and constructed in this location. The Proposed Addition is also adjacent to over 300,000 acres of permanently protected working forest. The potential presence of a wind facility would support the goal to conserve, protect, and enhance the forest resource.

II.G. Geologic Resources

Because the Proposed Addition is located in a low-elevation area of the state, it would not compromise any mountain areas or other geologic resources.

II.H. Plant and Animal Habitat Resources

The Proposed Addition is primarily dominated by a regenerating Beech-Birch-Maple forest and shows evidence of historic and recent harvesting activity. Based on preliminary communications with state and federal agencies, the Proposed Addition does not include any high-value wildlife habitats, such as habitat for rare, threatened or endangered species; rare or exemplary natural community or ecosystems; deer wintering areas, waterfowl and wading bird habitat; or significant vernal pools. Any potential project within the Proposed Addition will utilize existing logging roads when possible, thereby limiting disturbance and retaining connectivity of the existing habitat. The Proposed Addition does not compromise the goal to conserve and protect the values of wildlife, plant, and fisheries resources.

II.I. Recreational Resources

The Proposed Addition is located within an area that is currently managed as a working forest and provides limited recreational opportunity. Diverse recreational opportunities exist throughout this region, including over 300,000 acres of forested land on which the Bureau of Public Lands holds a public access easement. The Proposed Addition would not limit access to these recreational opportunities. Abundant recreational opportunities also exist on several lakes to the south of the Proposed Addition. While any potential project may be visible from some vantage points on some of these lakes, users will still be able to enjoy the same type of recreational activities in which they now participate and the Proposed Addition would not compromise this goal.

II.J. Scenic Resources

The Proposed Addition does not include any identified scenic resources. The Proposed Addition is within three miles of only one type of scenic resource of state or national significance, a lake with scenic value. The Proposed Addition is within three to eight miles of only one type of scenic resource, including seven lakes with scenic value. No other scenic resources of state or national significance⁸ are located within eight miles of the Proposed Addition. The nearest lake with scenic value is located more than two miles from the Proposed Addition. In addition, some public roads in the area may include some locations which may include views to the Proposed Addition. All of these scenic resources may also have potential views of any potential project within the expedited area in Carroll. While any potential project may be visible from some vantage points on some of these lakes, as pursuant to the Guidance, “a detailed scenic review, including visualization of a proposed project, are more appropriately conducted at the development permit application stage, and are not required for an expansion petition.” Because there is only one type of scenic resource identified, and because most of these resources are more than three miles from the Proposed Addition, it does not compromise the goal to protect high-value scenic resources.

II.K. Water Resources

Because the Proposed Addition does not include any lakes, rivers, or ponds, it would not compromise the goal to preserve, protect, and enhance surface waters and groundwaters.

II.L. Wetland Resources

The Proposed Addition does not include any mapped LURC wetlands or streams, or any wetlands identified in the National Wetlands Inventory. Any potential project within the Proposed Addition would be designed to avoid or minimize any alteration of wetland areas, when feasible. Therefore, the Proposed Addition does not compromise the goal to conserve and protect wetland resources.

⁸ These scenic resources, defined by the Maine Wind Power Energy Act, include (1) national natural landmarks; (2) federally designated wilderness or other comparable outstanding natural and cultural features; (3) national or state parks; (4) designated wilderness areas; (5) comparable outstanding natural or cultural features; (6) segments of a scenic river identified as having unique or outstanding scenic attributes; (7) scenic viewpoints designated by DOC in response to the Maine Wind Power Energy Act; (9) scenic turnouts constructed by DOT on public road designated as a scenic highway; and (10) scenic viewpoints located in the coastal area.

III. Compliance Goals

This would not compromise the goal of an effective education and enforcement program.

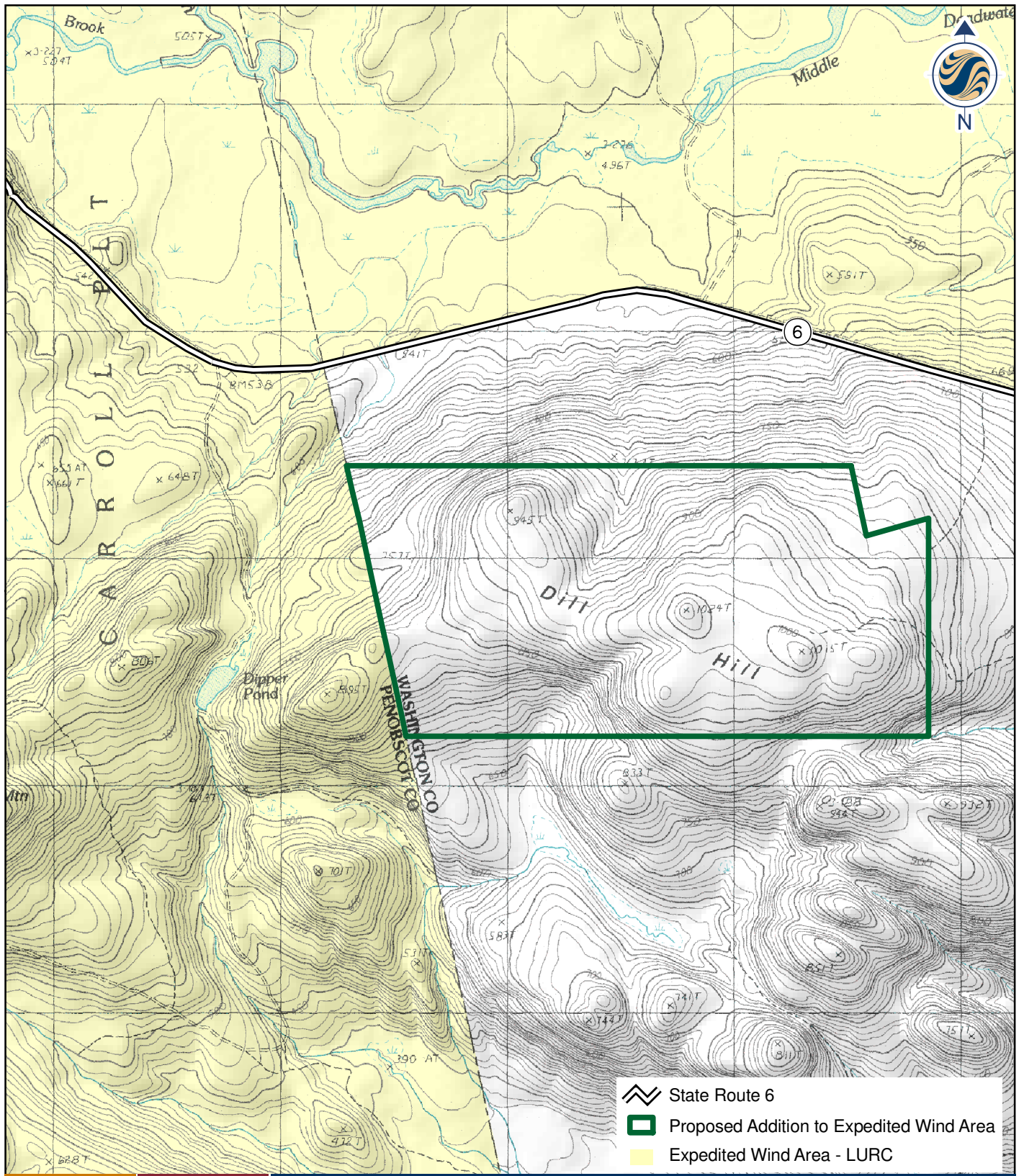
IV. Cooperative Initiatives

This would not compromise the goal of landowner initiatives and cooperative efforts.

Conclusion

The Proposed Addition is a logical geographic extension of the currently designated expedited wind permitting area, is important to meeting the state goals for wind energy development, and would not compromise the principal values and goals identified in the comprehensive land use plan. Champlain has demonstrated that the Proposed Addition meets the criteria set forth in statute and the Guidelines for the Addition of Lands to the Expedited Permitting Area, and respectfully requests that LURC adopt a rule adding the Proposed Addition in Kossuth (described in Exhibit A) to the expedited permitting areas listed in Chapter 10, Appendix F.

Figures



195600522



Stantec

Stantec Consulting Services Inc.
 30 Park Drive
 Topsham, ME USA
 04086
 Phone (207) 729-1199
 Fax: (207) 729-2715
 www.stantec.com



Client/Project
 Bowers Wind Project
 Carroll Pit, Maine

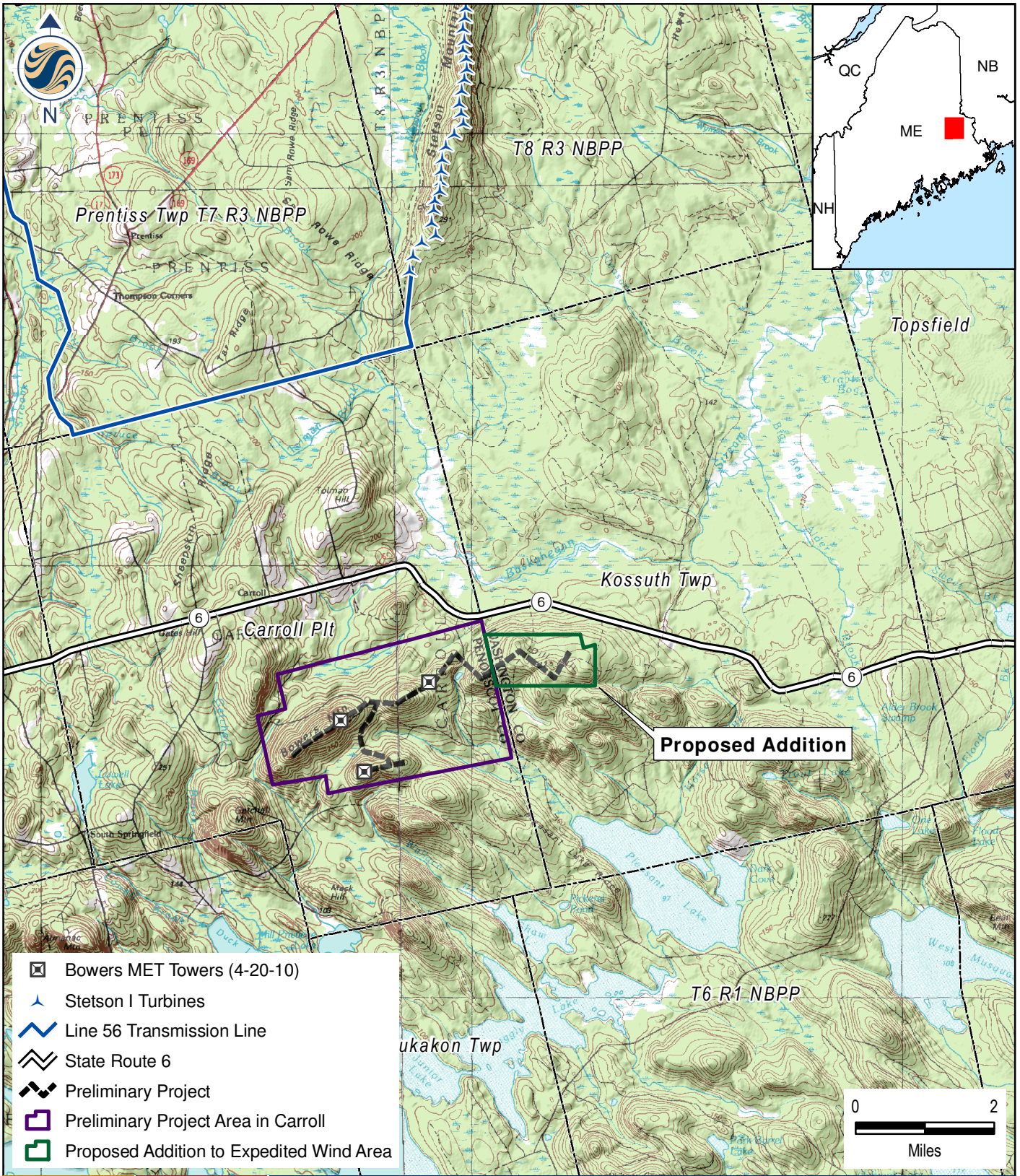
Figure No.

1

Title

**Kossuth Proposed Addition
 to Expedited Permitting Area**

5/26/2010



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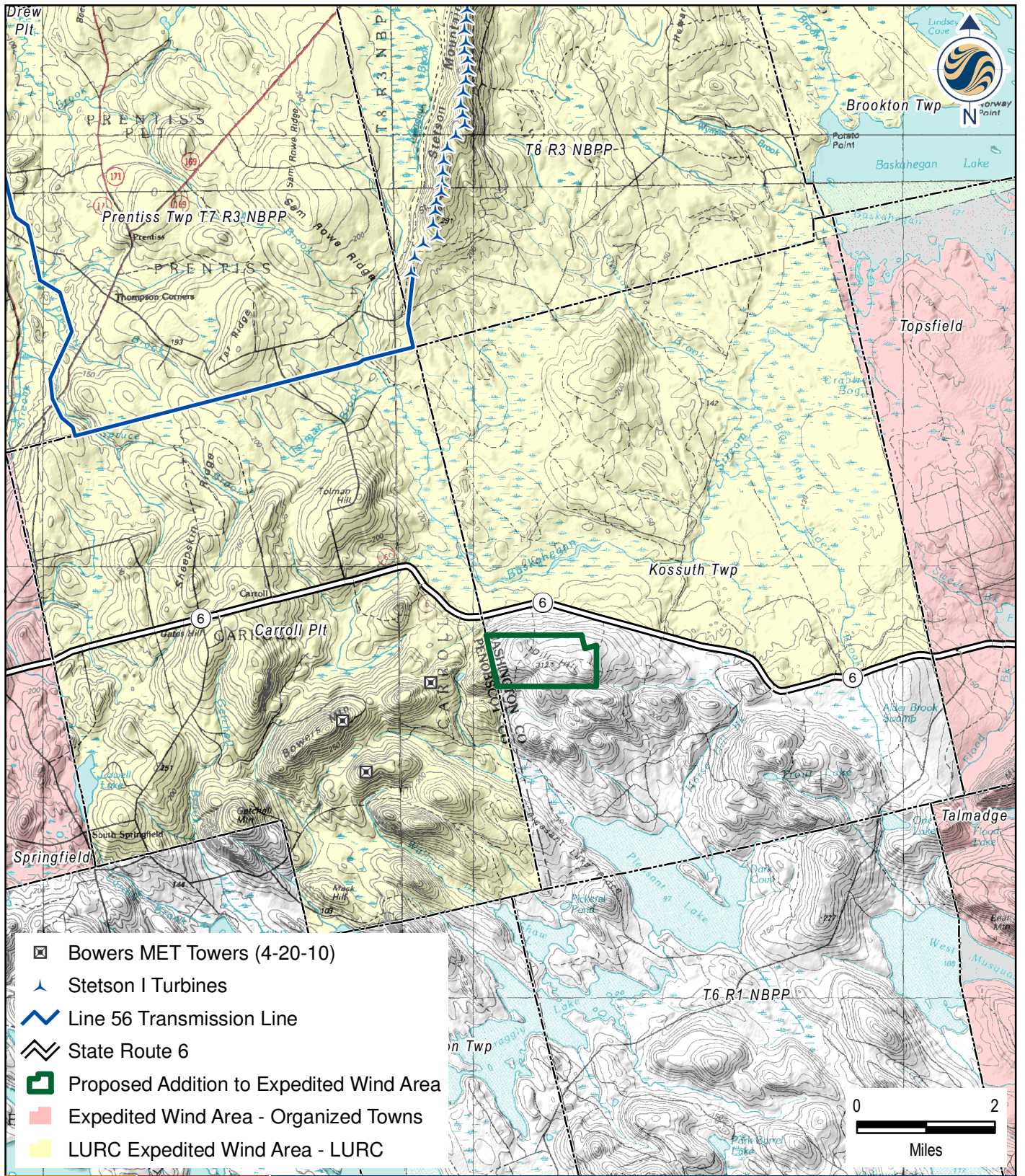
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 Bowers Wind Project
 Carroll Pit, Maine

Figure No.
 2

Title
 Regional Context of
 Proposed Addition

5/26/2010

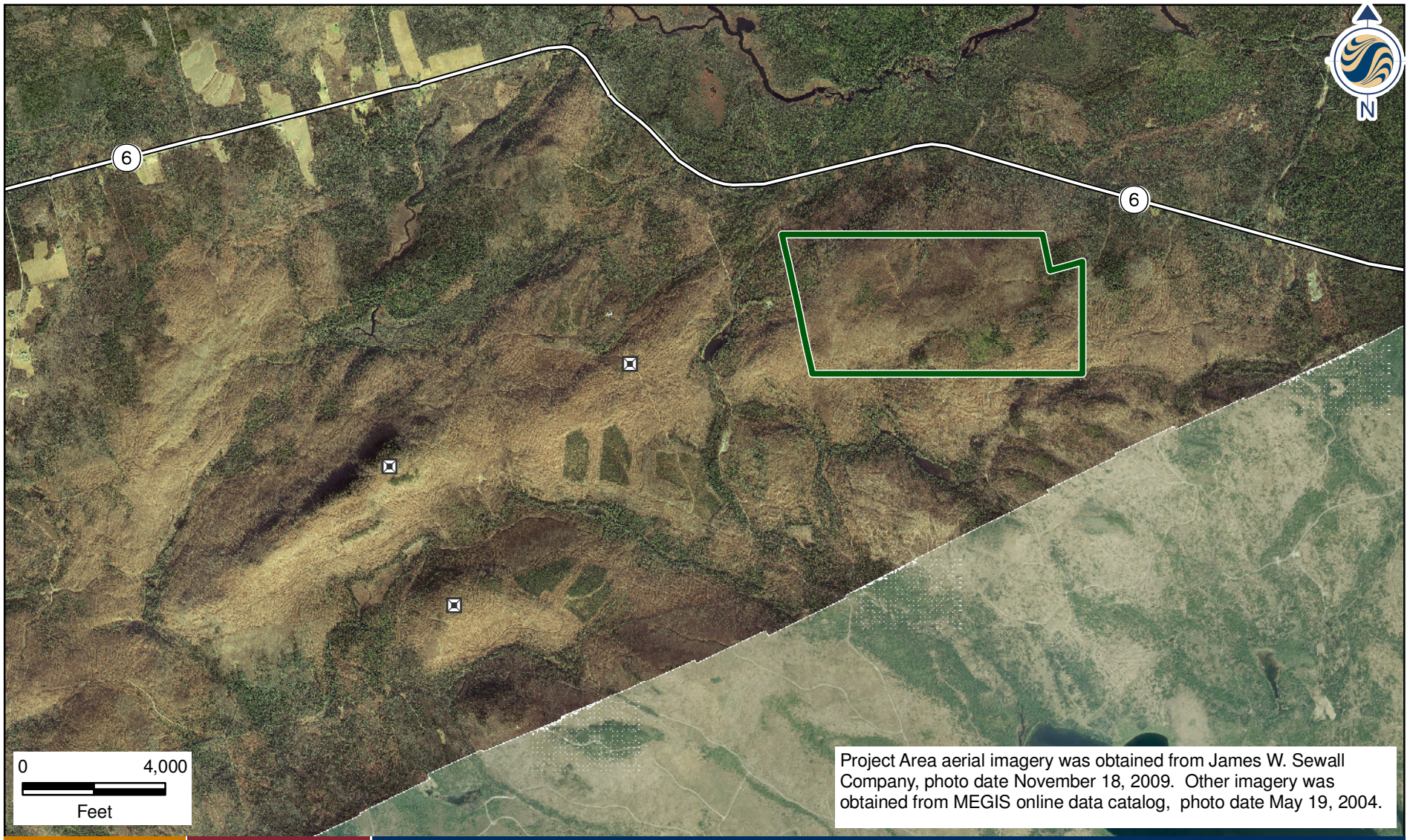


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Figure No.
 3
Title




Expedited Wind Areas in the Vicinity of the Proposed Addition
 5/25/2010



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-  Bowers MET Towers (4-20-10)
-  State Route 6
-  Proposed Addition to Expedited Wind Area

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 Bowers Wind Project
 Carroll Pt, Maine

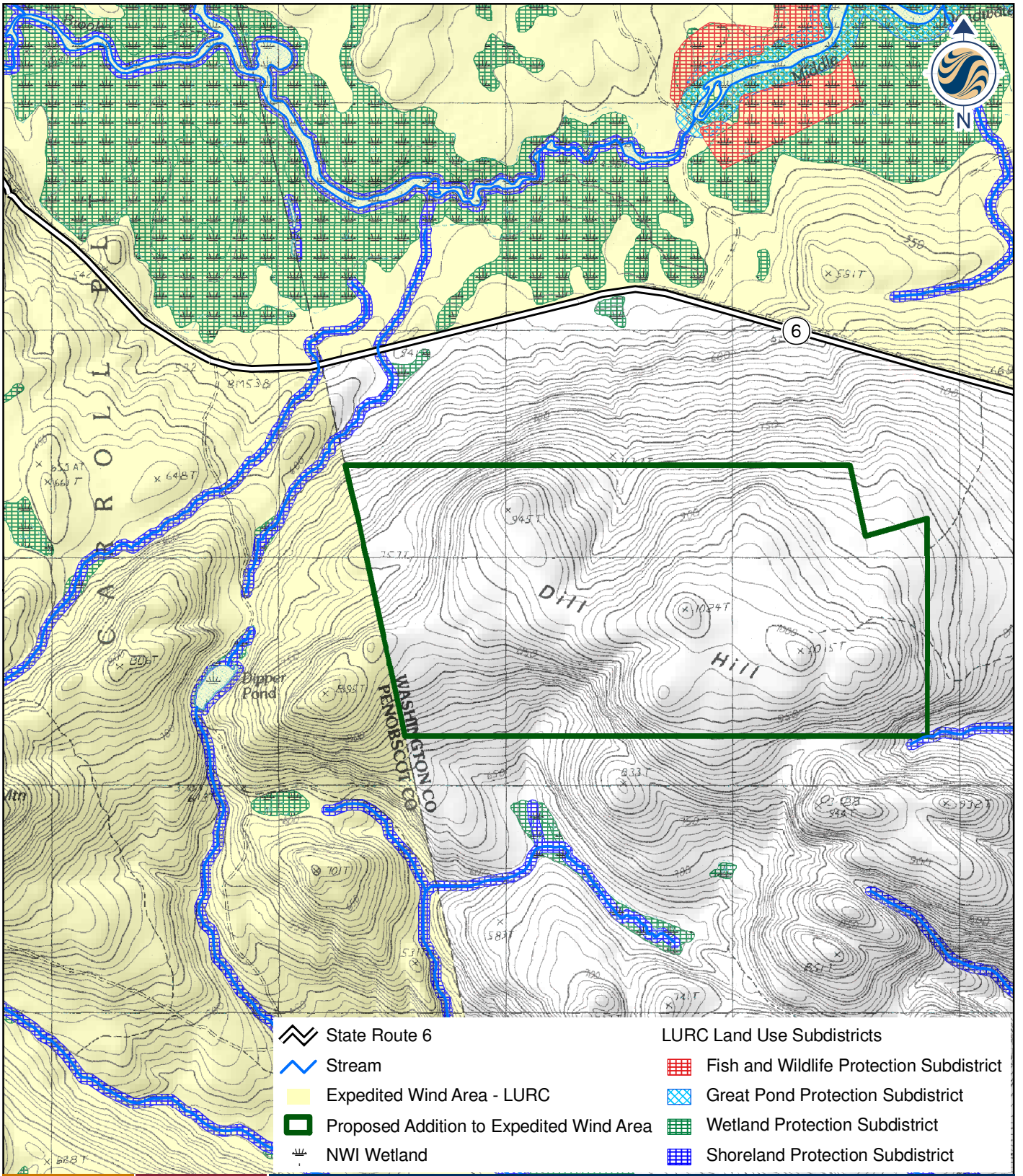
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4

Title

**Land Use Patterns in the
 Vicinity of the Proposed Addition**

5/25/2010



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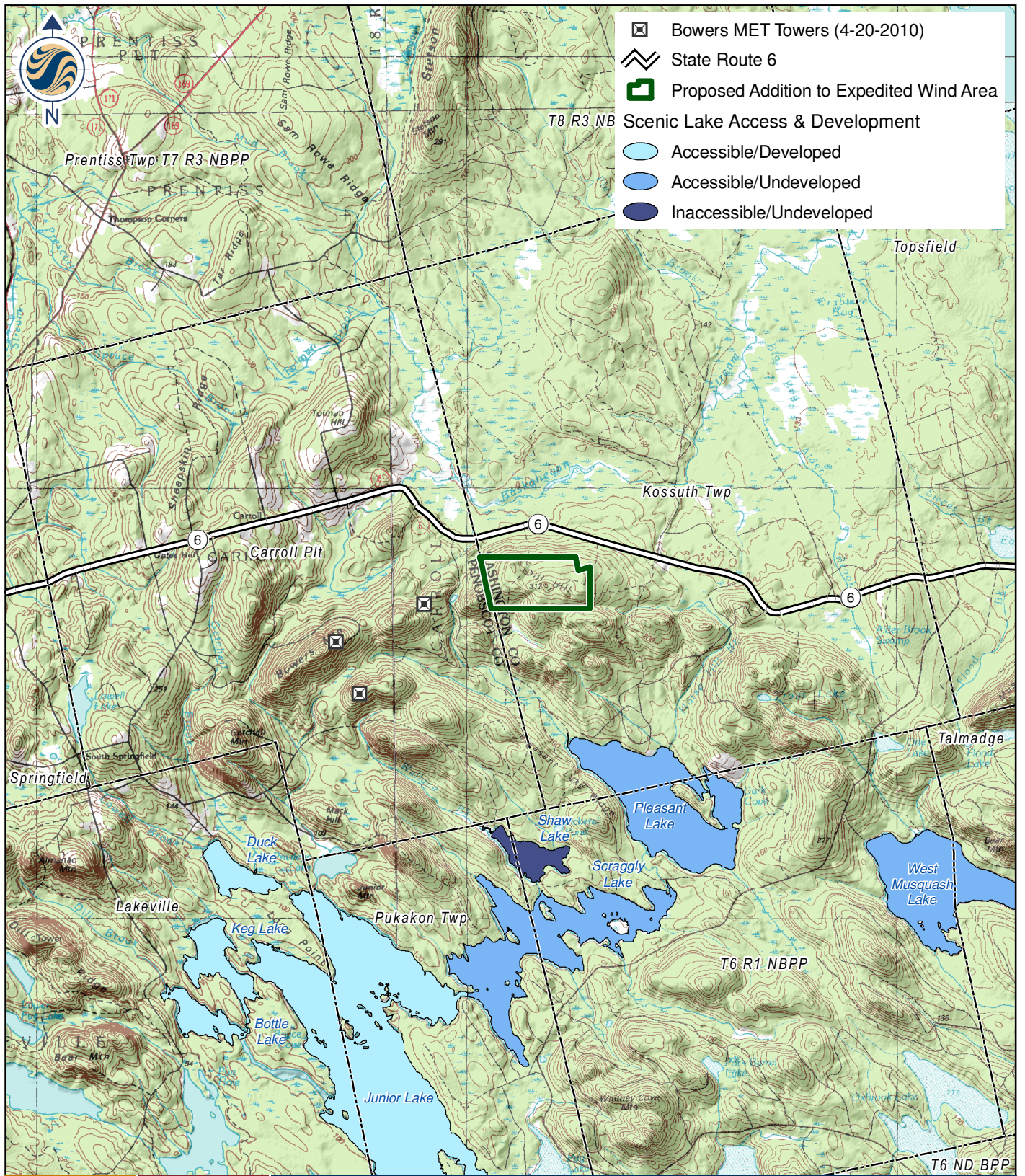


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 Carrol Pt, Maine

Figure No.
5

Title
Natural Resources

5/25/2010



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Figure No.
6

Title

Scenic Lakes - Access & Development Status

5/25/2010

Exhibit A - Proposed Edit to Appendix F of Chapter 10

APPENDIX F. EXPEDITED WIND ENERGY DEVELOPMENT AREA DESIGNATION

The following areas, not including areas below the high water mark of tidal waters, comprise the expedited permitting area for wind energy development to accomplish the purpose of "An Act to Implement Recommendations of the Governor's Task Force on Wind Power Development," PL 2008, Chapter 661. The Commission may add areas within its jurisdiction to the expedited permitting area for wind energy development in accordance with Title 35-A, section 3453.

- 1. Entire townships and plantations.** The following entire townships and plantations: Albany Twp., 17802; Alder Stream Twp., 07801; Argyle Twp., 19801; Bald Mountain Twp., T2 R3, 25805; Baring Plt., 29040; Barnard Twp., 21030; Batchelders Grant Twp., 17805; Benedicta Twp., 03050; Big Moose Twp., 21801; Blake Gore, 25811; Blanchard Twp., 21040; Brookton Twp., 29801; Carroll Plt., 19080; Carrying Place Twp., 25860; Cary Plt., 03090; Centerville Twp., 29080; Chase Stream Twp., 25816; Chester, 19100; Codyville Plt., 29110; Concord Twp., 25818; Connor Twp., 03802; Cove Point Twp., 21805; Cox Patent, 03803; Cross Lake Twp., 03899; Cyr Plt., 03140; Dennistown Plt., 25090; Drew Plt., 19160; Dudley Twp., 03804; Dyer Twp., 29803; E Twp., 03160; East Moxie Twp., 25821; Edmunds Twp., 29804; Fletchers Landing Twp., 09804; Forest City Twp., 29806; Forest Twp., 29805; Forkstown Twp., 03805; Fowler Twp., 29807; Freeman Twp., 07808; Garfield Plt., 03220; Glenwood Plt., 03230; Grand Falls Twp., 19250; Grindstone Twp., 19802; Hamlin, 03250; Hammond, 03260; Harfords Point Twp., 21811; Herseytown Twp., 19803; Hibberts Gore, 15801; Highland Plt., 25150; Hopkins Academy Grant Twp., 07812; Indian Stream Twp., 25828; Jim Pond Twp., 07811; Johnson Mountain Twp., 25829; Kibby Twp., 07812; Kingman Twp., 19808; Kingsbury Plt., 21110; Lake View Plt., 21120; Lambert Lake Twp., 29809; Lexington Twp., 25831; Macwahoc Plt., 03360; Marion Twp., 29810; Mason Twp., 17811; Mattamiscontis Twp., 19810; Mayfield Twp., 25835; Milton Twp., 17812; Misery Gore Twp., 25837; Misery Twp., 25836; Molunkus Twp., 03806; Moosehead Junction Twp., 21816; Moro Plt., 03430; Mount Chase, 19450; Moxie Gore, 25838; Nashville Plt., 03440; No. 14 Twp., 29330; North Yarmouth Academy Grant Twp., 03807; Orneville Twp., 21821; Osborn, 09230; Oxbow Plt., 03500; Parkertown Twp., 17814; Parlin Pond Twp., 25839; Perkins Twp., 07818; Perkins Twp. Swan Island, 23801; Pleasant Ridge Plt., 25250; Prentiss Twp., T4 R4 NBKP, 25843; Prentiss Twp., T7 R3 NBPP, 19540; Rangeley Plt., 07160; Reed Plt., 03540; Saint Croix Twp., 03808; Saint John Plt., 03570; Sandbar Tract Twp., 25848; Sand Bay Twp., 25858; Sandy River Plt., 07170; Sapling Twp., 25851; Seboeis Plt., 19550; Silver Ridge Twp., 03809; Squapan Twp., 03810; Sqauretown Twp., 25854; Summit Twp., 19812; T1 R5 WELS, 03816; T1 R6 WELS, 19815; T10 R3 WELS 03829; T10 R6 WELS, 03830; T10 SD 09806; T11 R3 NBPP, 29817; T11 R4 WELS, 03833; T13 R5 WELS, 03856; T14 R5 WELS, 03867; T14 R6 WELS, 03868; T15 R5 WELS, 03879; T15 R6 WELS, 03880; T16 MD, 09807; T16 R4 WELS, 03889; T16 R5 WELS, 03890; T16 R6 WELS, 03891; T17 R3 WELS, 03897; T17 R4 WELS, 03898; T18 ED BPP, 29818; T18 MD BPP, 29819; T19 ED BPP, 29820; T19 MD BPP, 29821; T2 R4 WELS, 03817; T2 R8 NWP, 19817; T2 R9 NWP, 19819; T22 MD, 09808; Indian Purchase Twp., 19806; T3R3 Wels, 03818; T3 R4 WELS, 03819; T3 R9 NWP, 19823; T4 R3 WELS, 03820; T6 R6 WELS, 19829; T7 R5 WELS, 03821; T7 R6 WELS, 19382; T7 SD, 09803; T8 R3 NBPP, 29815; T8 R3 WELS, 03822; T8 R4 NBPP, 29816; T8 R5 WELS, 03823; T8 R6 WELS, 19835; T9 R3 WELS, 03824; T9 R4 WELS, 03825; T9 R5 WELS, 03826; T9 SD, 09805; TA R2 WELS, 03813; TA R7 WELS, 19814; Taunton & Raynham Academy Grant, 25803; TC R2 WELS, 03814; TD R2 WELS, 03815; The Forks Plt., 25320; Trescott Twp., 29811; Unity Twp., 11801; Upper Molunkus Twp., 03811; Washington Twp., 07827; Webbertown Twp., 03812; Webster Plt., 19600; West Forks Plt., 25330; Williamsburg Twp., 21827; and Winterville Plt., 03680.

- 2. Portions of townships and plantations.** The following portions of townships and plantations: that portion of Adamstown Twp., 17801, north of Route 16; Bald Mountain Twp., T4 R3, 25806, excluding areas of Boundary Bald Mountain above 2,700 feet in elevation; a 146.6-acre parcel in the northeast corner of the Chain of Ponds, 07803, along the border with Canada; the portion of Coplin Plt., 07040, north of Route 16; the portion of Dallas Plt., 07050, north of Route 16; the portion of Ebeemee Twp., 21853, east of Route 11; the portion of Kossuth Twp., 29808, north of Route 6; and a portion south of Route 6, beginning at a point 45.406587° latitude, -67.97342° longitude on the boundary between Carroll Plantation and Kossuth Township approximately 1500 feet southeast of Route 6 along the township line, and following the town boundary southeast approximately 4000 feet to 45.39584° latitude, -67.970263° longitude, then proceeding east approximately 7500' to 45.395571° latitude, -67.940835° longitude, then proceeding north approximately 3200 feet to 45.404206° latitude, -67.940674° longitude, then proceeding southwest approximately 935 feet to 45.403537° latitude, -67.944191° longitude, then proceeding north approximately 1000 feet to 45.406328° latitude, -67.944987° longitude, then proceeding east approximately 7300 feet to the point of beginning, 45.406587° latitude, -67.97342° longitude; the portion of Lang Twp., 07813, north of Route 16; the portion of Lincoln Plt., 17160, north of Route 16; the portion of Long A Twp., 19809, east of Route 11; the portion of Long Pond Twp., 25833, south of Long Pond and Moose River; the 487.5-acre area above the 2,040-foot elevation around Green Top in Lynchtown Twp., 17810; the portion of Rockwood Strip T1 R1 NBKP, 25844, south of Moose River, Little Brassua Lake and Brassua Lake; the portion of Salem Twp., 07820, south of Route 142; the portion of Sandwich Academy Gran Twp., 25849, south of Moose River, Little Brassua Lake and Brassua Lake; that portion of Skinner Twp., 07822, composed of the 193.3-acre area that follows the ridge to Kibby Mountain, bounded on the east and west by the 2,820-foot contour, on the south by the town line and on the north by the line from the 2,820-foot contour through the 3,220-foot contour from Kibby Mountain; the portion of Soldiertown Twp., T2 R7 WELS, 19811, east of the East Branch Penobscot River; the portion of T1 R8 WELS, 19816, south of Millinocket Lake; the portion of T1 R9 WELS, 21833, southeast of Ambajejus Lake; T24 MD BPP, 29822, excluding a one-mile buffer around Mopang Stream; the 51.9-acre area in T25 MD BPP, 289823, encompassing Black Brook and Black Brook Pond, and the area northeast of Holmes Falls Road; the portion of T3 R7 WELS, 19821, east of the Seboeis River and East Branch Penobscot River; the portions of T4 Indian Purchase Twp., 19807, area northeast of North Twin Lake and south of Route 11; the portion of T4 R7 WELS, 19824, east of the Seboeis River; the portion of T4 R9 WELS, 21845, east of Route 11; the portion of T5 R7 WELS, 19827, east of the Seboeis River; and the portion of T6 R7 WELS, 19830, east of the Seboeis River.
- 3. Coastal island in unorganized and deorganized area.** All islands located in waters subject to tidal influence that are within the unorganized and deorganized areas of the state.

Exhibit B - Letters of Support for Petition

Lakeville Shores, Inc.
P.O. Box 96
Winn, Maine 04495

Land Use Regulation Commission
22 State House Station
Augusta, Maine 04333
Attn: Samantha Horn Olsen

Re: Champlain Energy LLC, Petition to Expand Expedited Permitting Area for Wind Energy Development

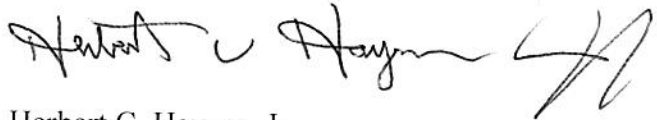
Dear Ms. Horn Olsen:

I am writing in support of the Petition to Expand the Expedited Permitting Area for Wind Energy Development (the "Petition") being filed by Champlain Wind Energy, LLC ("Champlain"). Lakeville Shores, Inc. is the fee owner of the entirety of two parcels in Kossuth Township described in the Petition. Lakeville Shores and Champlain are finalizing the terms of a Wind Energy Lease Agreement that would allow Champlain to develop a wind power facility on those parcels in Kossuth Township.

As fee owner, Lakeville Shores supports Champlain's Petition to include the land described in the Petition for inclusion in the Expedited Permitting Area.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Herbert C. Haynes, Jr.", with a stylized flourish at the end.

Herbert C. Haynes, Jr
President



BASKAHEGAN COMPANY

Roger Milliken, Jr., President

70 Blanchard Road, Cumberland, Maine 04021

(207) 829-6596 Fax (207) 829-5120

April 29, 2010

Ms. Marcia Spencer Famous
Land Use Regulation Commission
18 Elkins Lane, Harlow Building
Augusta, ME 04333-0022

Re: Support for Bowers Mountain

Dear Ms. Spencer Famous:

Baskahegan Company is the owner of the property upon which Champlain Wind proposes to site part of the Bowers Mountain Wind Farm. I have entered into an agreement with Champlain Wind to lease enough acreage to them to accommodate the wind turbines for this project.

The land in question is currently used only for timber harvesting, which is conducted pursuant to a state-approved Forestry Management Plan. The Bowers Mountain project will represent an overall economic benefit, in that while the land can be put to use for harnessing of wind to generate electricity, it can also continue to function as a working forest. I anticipate that the impact of the wind power project on current logging operations will be minimal. Baskahegan Company has no plans at this time to lease, subdivide or develop any more acreage from this parcel.

Champlain Wind has been and continues to be a responsible business partner. I look forward to continuing our cooperative effort and sincerely hope that this project will eventually benefit all of Washington County in terms of supplementing the tax base and increasing job opportunities in the area.

If you have any questions, please do not hesitate to contact me.

Sincerely,