



STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

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April 13, 2011

Subject: Highland Wind, LLC; Development Permit DP 4862, Highland Plantation and Pleasant Ridge Plantation, Somerset County

Dear Kat;

The attached review comments, questions, and requests for additional information constitute LURC staff's initial review of the Highland Wind Project permit application, Development Permit DP 4862. LURC staff reserves the right to provide final review comments after any additional information requested by reviewing agencies is submitted by the applicant. As previously discussed, the applicant's response to all agency review comments received by April 13th must be submitted to the LURC Augusta office no later than the close of business on April 27th. The applicant response must also be provided to the intervening parties concurrently with its submittal to LURC. The applicant's response will be supplied to the reviewing agencies for their review and final comments, if any.

Review comments from the following, among others, are being provided under separate cover from Maine's State Soil Scientist, Dept. of Environmental Protection, Natural Areas Program, Dept. of Inland Fisheries and Wildlife (MDIFW), Historic Preservation Commission, Public Utilities Commission, and Dept. of Health and Human Services' Division of Environmental Health; and from LURC's third party reviewers Jim Palmer and Warren Brown. Their reviews cover subjects including, but not limited to:

Soils, erosion and storm water control, and phosphorus loading; blasting plan, SPCC plan, and acidic rock testing and mitigation; wildlife, fisheries and vernal pools; natural plant communities; tangible benefits; historic features; scenic assessment; and noise assessment.

Please feel free to contact me if you have questions, or if I may be of assistance as you prepare the response to the agency comments.

Sincerely,

Marcia Spencer Famous, Senior Planner

Enc.: LURC staff comments, questions, and requests for additional information

xc: DP 4862 file

cc: Service List

1. Do you know when the ISO-NE System Impact Study executive summary will be available?
2. Lighting
 - a. Has the Federal Aeronautics Administration (FAA) approval for the turbine and met tower lighting plan been received? If so, please submit a copy for the record. If not, please indicate when it will be available.
 - b. Were other options for the turbine lighting considered? In particular, are you aware of any alternative types of FAA approved lighting that may minimize the visual impact of the turbines at night and also be safe for use in Maine?
3. Tangible benefits - Please provide a revision of the tangible benefits proposal to account for the Maine Bureau of Parks and Lands' changed role in this proceeding.
4. Decommissioning
 - a. Are the decommissioning provisions proposed in the application also in the lease agreement? Do the requirements in the lease deviate from the plan in the application in any way?
 - b. How was the salvage value of turbines determined? Can some assurance be provided that this value will remain applicable in the future?
 - c. Explain how the salvage value of the turbines would be incorporated into the amount needed to pay for decommissioning. Can the salvage value be obtained before actually taking the towers down in order to provide for the cost of dismantling and removing the towers? (That is, if \$80,815 is set aside per year, at year 15 the amount accumulated is approximately the net cost after salvage value, not the entire cost.)
 - d. Explain how the cost of decommissioning would be handled if it became necessary after 2 years of operation.
5. Vegetation management and environmental monitoring
 - a. Will areas of disturbed soils and crushed rock areas be re-seeding or otherwise treated to reduce visual impact over time? Please describe what you think is the potential for the re-colonization of such areas by vegetation (either naturally occurring or introduced), the extent to which these areas may become recolonized, and how long would it take. What measures would be taken should re-vegetation not proceed as expected? Because the proposed development is all below 2,700 ft. in elevation, re-seeding is an option instead of depending entirely on natural re-vegetation.
 - b. Is the vegetation management plan, where it applies to utility line corridors, coordinated with the national standards for power line corridors and with MDIFW's concerns about maintaining stream buffers?

- c. Are there any natural communities of concern in or adjacent to the development area that will need to be addressed in the post-construction monitoring/re-vegetation plan?
- d. Will sensitive areas be marked and monitored during construction to assure damage to these areas does not occur?

6. Geotechnical information and acidic rock management

- a. Please provide any geotechnical boring data that has been obtained for this project.
- b. Please provide a detailed acidic rock testing and mitigation plan.

7. Structures

- a. What is the height of the proposed O&M building?
- b. The clearing data was provided in the application for the P-FP Subdistrict, but will there be any structures, *including utility poles*, located within this subdistrict? If so, how will LURC's Chapter 10 standards in Section 10.25,T be addressed?

8. Dust control - Have you determined where water for dust control would be taken from, and if so, have you obtained landowner permission to use that point along the shoreline?

9. Concrete wash down plan - Provide a plan for wash down of equipment used to handle concrete in order to keep it contained and out of waterways.

10. Guy wires - Will the utility pole and permanent met towers guy wires have wildlife protectors (also important for snowmobile and ATV users) up to a vertical height of 12 ft., and bird diverters, as has been typically recommended by MDIFW for the temporary met towers?

11. Clearing

- a. Has any clearing of the development area occurred, excluding normal forestry activities completed prior to this development permit being submitted?
- b. Table 12-2
 - i. Please break out into 2 separate lines: "new clearing for upgrading existing roads" and "clearing for new road segments".
 - ii. Please redo the table so that it includes totals for each line.

12. Other permits - Please provide an update of other permits or licenses currently being sought by Highland Wind for this project, including but not limited to:

- a. The Pleasant Ridge Plantation utility line crossing permits
- b. Has the Section 404 permit application been submitted to the U.S. Army Corps of Engineers? If not, is there an anticipated schedule for doing that?

- c. Is the Driveway/Entrance permit (Permit No. 9751) previously issued by MDOT on December 16, 2009 for the project entrance at Long Falls Dam Rd. still current, or will it need to be re-issued?

13. Wetlands – In order to assess the proposed wetland impacts with respect to the need for compensation in accordance with LURC’s Chapter 10 and *Wetland Compensation Guidelines*, please complete the following table, providing the **square feet** of impact area by activity type and P-WL Subdistrict type (refer to Section 10.23,N of LURC’s Chapter 10 for the descriptions of P-WL1, P-WL2, and P-WL3 wetlands):

| Activity type | P-WL1 | P-WL2 | P-WL3 | Total impact area (sq. ft.) |
|--|--------------|--------------|--------------|------------------------------------|
| Temporary crossings of streams (minor flowing waters) | | | | |
| Temporary crossings of wetlands | | | | |
| Temporary clearing of forest canopy in a wetland | | | | |
| Permanent clearing for a forest canopy in a wetland – <i>i.e.</i> , conversion to scrub shrub wetland | | | | |
| Upgrade/replacement of an existing stream crossing over a minor flowing water | | | | |
| Permanent wetland fill for upgrade of an existing road (Level A road construction) | | | | |
| Permanent wetland fill for new road construction (Level C road construction), including stream crossings | | | | |
| Permanent wetland fill for turbine pads, and any other new structure | | | | |
| Total each column >> | | | | |