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

Memorandum

To: LUPC Commissioners
From: Stacie R. Beyer, Chief Planner
Date: July 27, 2016
Re: Materials to Read Prior to the August 10 Milton Township Substantive Review Hearing:
Summary and Full Copy of Pre-filed Testimony as of June 29, 2016

At its March 9, 2016 regular business meeting, the Commission decided to hold a public hearing for all substantive reviews of petitions to remove specified places from the Expedited Permitting Area for Wind Energy Development. The first public hearing, for the substantive review of the Milton removal petition, is scheduled for August 10, 2016.

Pre-hearing submissions were filed by the Requestor and Potential Wind Energy Developer, Petition Circulator, 48 interested persons and 8 government agencies in response to the first procedural order for the Milton hearing. LUPC staff has prepared a summary of the pre-filed submissions, included as Attachment A. The summary is intended to help the Commission, LUPC staff and the public orient to the pre-filed testimony and comments, and the relevant evidence submitted for consideration. This summary is not intended to substitute for reading all of the testimony in the record, which is provided on the FTP site for your review. In addition, there is a reference to the pertinent decision making criteria included with this memo as Attachment B.

The LUPC is still accepting public comment on the Milton removal petition. The comments that have been organized and summarized for your use in preparing for the public hearing include only those received by the June 29, 2016 pre-hearing submission deadline. Written comments from the public will continue to be accepted until the public comment deadline, which ends August 22, 2016.

Attachment A: LUPC Summary of Pre-filed Testimony
Attachment B: Decision Making Criteria Reference

Land Use Planning Commission

Petition to Remove Milton from the
Expedited Permitting Area for Wind Energy Development;
Substantive Review

Attachment A

LUPC Summary of Pre-filed Testimony

Land Use Planning Commission

Summary of Pre-filed Testimony

Petition to Remove Milton Township from the Expedited Permitting Area for Wind Energy Development

Updated July 27, 2016

This is a brief overview of the testimony filed by the pre-hearing submission deadline of June 29, 2016 for the hearing on the petition to remove Milton Township from the expedited permitting area for wind energy development. It is intended to help the Commission, LUPC staff and the public orient to the pre-filed testimony and the relevant evidence submitted, particularly focused on the Goals of Particular Note from the LUPC's *Overview of the Process* document, December 2015. This summary is not intended to substitute for reading all of the testimony in the record.

CRITERIA A

AVAILABLE SITES

Everpower Wind Holdings, Inc. testifies that viable sites for wind energy development in Maine are not easy to find. In support of its testimony, the company describes 10 “key” factors that it uses in site selection including overall economics, wind resource and turbine technology, construction costs, large blocks of contiguous land that are perpendicular to the wind, suitable transmission capacity, population density and setbacks, outstanding and significant scenic and recreational resources, habitat and wildlife, a receptive host community, and location within the expedited permitting area. The company further claims that large swaths of Maine do not have sufficient wind to compete in today’s market, and concludes that the overall site selection process significantly limits the areas in Maine that could be developed for wind energy.

Stantec Consulting testifies that Everpower’s conclusion on available sites is consistent with their experience advising a range of developers in Maine. They state that “Often times a site that might host a favorable wind resource is eliminated from consideration due to scenic impacts, local opposition, or potential impacts to high value wildlife habitat.”

The Petition Circulator, Violetta Wierzbicki, testifies that there are 9,600 acres of land in Milton, and, using data from a report published in December of 2013 by Maine Audubon, *Wind Power and Wildlife in Maine*, there are 1.1 million acres of land in Maine that are viable for wind development, and only 15% of the acreage would have to be developed to meet the state wind energy goals.

Peter Fetchko states that “there are 20 million acres in Maine, surely enough for the state to meet its goals...”

STATE ENERGY GOALS

Everpower testifies, given their conclusion on available sites, that areas suitable for wind energy development need to remain available for Maine to make meaningful progress in meeting its goals for wind energy development.

Stantac submits testimony in agreement. They provide specifics on the State’s goals and data on current operating or under construction capacity, which they report as 930 MW. Also, they provide that Maine

has reached the current level of capacity through the development of many small to medium sized wind projects, similar to the project size that may be possible in Milton. Stantec concludes that there are no overriding public resource values in Milton, and removal of Milton would have an unreasonable adverse impact on the State's ability to meet its wind energy goals.

The Petition Circulator states that a report, the Maine Wind Energy Development Assessment, prepared by the Governor's Office in March of 2012, suggested eliminating the statutory goals for wind energy development as being unrealistic. Given this and her testimony on available area, she concludes that removal of Milton from the expedited area will not have an unreasonable adverse impact on the State's ability to meet the state goals.

The Conservation Law Foundation (CLF) also comments on the need for mid-sized projects to meet Maine's wind energy goals.

The Association of General Contractors of Maine (AGC) testifies that Maine is falling short of the statutory goals and Milton's removal from the expedited area will delay or destroy a new project in Oxford County ensuring that Maine won't meet its wind energy goals.

Several interested persons comment that removal of Milton from the expedited area would discourage further wind development due to such factors as adding regulatory burden and/or introducing uncertainty. Persons who made similar comments include Community Concepts, the Maine Renewable Energy Association (MREA), Andrew Benson, John Cooney, and Bancroft Contracting Corporation. Also, interested persons comment in general that keeping Milton in the expedited area would be consistent with or is required to meet the state's energy goals, including Andrew Benson, E. Stanley Dodge, John Cooney, and the MREA.

Other interested parties comment in general that the state wind energy goals can be met without Milton in the expedited area, including Peter Fetchko, Paul Copiz, Dwayne Bennett, Emily Ecker, Ed Rosenberg, and Rev. Ronnie Floyd.

The Maine DEP provides data on 14 wind energy developments within their jurisdiction that are operational, under construction or under review. The total generation capacity shown by the DEP's data for projects that are operational or under construction is 679 MW.

WIND RESOURCE

A key factor in determining if a site is suitable for wind energy development is the quality of the wind resource. Everpower testifies that a site must have 6.5-7.0 m/s annual wind speeds to compete in the current market. They conclude that Milton has an excellent wind resource and provide an exhibit with site specific data from an ongoing meteorological data campaign on Bryant Mountain in Milton.

TRANSMISSION CAPACITY

Everpower testifies that suitable transmission is also a key factor in the viability of a wind site and concludes that an interconnect in Milton would be an excellent location. As evidence, the company provides that smaller projects cannot afford lengthy and costly generator lead lines, and that a project in Milton would have a very short generator lead line of approximately one mile in length. Also, the company testifies that Milton is located in the western part of the Maine ISO-NE system, which has the ability to flow the power into New England. Everpower's testimony is supported by a report from SGC Engineering, LLC on the proximity to the existing electrical grid and the adequacy of the existing transmission lines. SGC reports that, with multiple lines and loops, and less competition, the system from the Milton area is capable of accommodating more generation than less well-developed areas of the State.

ISO-NE provides an overview of the existing transmission system and constraints in Maine. They comment that the transmission system in Maine is limited in places and faces numerous transmission security concerns, which could include lines that overheat when overloaded leading to damaged equipment. Further, the system often exceeds its ability to accommodate all the electricity produced. In some instances, ISO-NE reports having to curtail generators in the northern areas of the region because more power is being produced than the small, long transmission lines can handle safely. They conclude, “The existing transmission system in Maine was built to serve minimal local load and it is at its limit with no remaining margin. Significant infrastructure is needed to integrate the quantity of proposed new wind generation in Maine.”

PUBLIC RESOURCE VALUES

Stantec testifies that Milton Township does not host high value scenic, recreational, habitat or other public resources that would be disproportionately and adversely impacted due to wind development.

Other testimony and comments related to public resource values are included under Criteria B, below.

CRITERIA B

Everpower claims that leaving Milton Township in the expedited area would be consistent with the principal values and goals of the CLUP. The company testifies that wind power in Milton advances the CLUP’s location, energy and economic goals, and is consistent with the CLUP’s goals on protecting sensitive recreational, scenic, and natural resources.

Stantec testifies that Milton not only has attributes identified in the CLUP that make it particularly appropriate for wind power, but eliminating wind power as an allowed use would compromise many of the CLUP’s key goals.

The Petition Circulator testifies that removal of Milton from the expedited area is consistent with the principal values and goals of the CLUP, referencing economic development, and sensitive recreational, scenic and wildlife resources.

LOCATION OF DEVELOPMENT

Stantec quotes the CLUP as “[energy] facilities are best located in areas on the edge of the jurisdiction with good existing road access but low natural resource values” (CLUP, 142). They provide a description of the Milton area, in terms of surrounding towns (including two service centers), existing development (including a paper mill, a wind power project, a gas-fired power plant, and a ski area), roads bisecting the township, nearby transmission lines and limited natural resources, and conclude the township is appropriately suited for wind energy development.

Interested persons commenting on the suitability of the Milton area for wind energy development in general or based on compatibility with existing land uses, development and/or infrastructure in the area include Andrew Benson, Llewellyn Buck, E. Stanley Dodge, John Cooney, April Choi, the Association of General Contractors of Maine, the Conservation Law Foundation, Graham Dodge, Heather Dodge, Bancroft Contracting Corporation, the Maine Forest Products Council, MREA, and Trey Dodge.

CLF, also commenting on the suitability of Milton for wind energy development, testifies the township is not located in the remote core of the service area that hosts more sensitive recreational or natural resource values.

ECONOMIC VALUE/ ECONOMIC DEVELOPMENT

The Substantive Review Requestor, Wayne Buck, testifies that wind energy development will boost the economy, creating new jobs, lowering or stabilizing energy prices, and funding local infrastructure projects and programs.

Everpower testifies that wind energy will provide economic benefits including construction, operation, and maintenance related wages; construction and operation spending; taxes; and community benefit funds. The testimony is supported by specific figures based on a Job and Economic Development Impact model.

Stantec reports that continuing to identify wind development as an allowed use would enhance the value of working forests in Milton which they conclude is an important consideration as the value derived from timber declines, and will help to preserve the working forest. They quote the Center for Research on Sustainable Forests in support. In addition, they testify in agreement with the benefits to local and regional economies provided in Everpower's testimony.

The Petition Circulator testifies that tourism is the largest industry in Maine, providing data on payroll, and sales and services, which she states directly affects people from local communities; whereas, she concludes profits from wind farms are not shared within the state. Her conclusion is that tourism is much more important economically and should not be lost to wind energy development. She raises concerns about the potential noise and shadow flicker on visiting tourists. In addition, she raises concern for the loss of real estate value, indicating studies show 25% to 65% property value loss associated with the proximity to wind projects.

Testimony submitted by the Cianbro company provides that wind energy lowers electricity rates due to the hedge against other volatile energy sources with long-term price stability. In support, they submit reports on "Revisiting the Long-Term Hedge Value of Wind Power in an Era of Low Natural Gas Prices," by Mark Bolinger, Lawrence Berkeley National Laboratory, March 2013 and the "Benefits of Long Term Wind Contracts," by RENEW Northeast, July 1, 2015.

Cianbro, Community Concepts and MREA testify on the economic benefits of wind energy. Cianbro addresses the positive impacts of wind on the tax base and local tax burden. Community Concepts and MREA discuss overall spending data. All three comment on job creation. They support their testimony with a report on "Economic Impacts of Wind Energy Construction and Operation in Maine, 2006-2018," Charles S. Colgan, PhD, Maine Center for Business and Economic Research, University of Southern Maine.

AGC comments on the economic benefits of wind farms to local communities, and provides data on jobs created by wind energy development, salary benefits, construction employment, recent overall job losses in Maine's construction industry, and the economic impact of construction in the United States and Maine.

A policy paper from the Maine Forest Products Council states that "landowners need diverse income streams to balance the cyclical nature of wood pricing and the long time frames for returns on investment."

Other interested persons commenting generally on the local economic benefits of wind energy development and/or maintaining the value of timberlands include Andrew Benson, Llewellyn Buck, MREA, E. Stanley Dodge, Llewellyn Buck, Susan Hooper, Steve Perry, John Cooney, Paul Copiz, the Conservation Law Foundation, Jenifer Buck, the Maine Forest Products Council, MREA, Wayne Buck, Jr.

Cathy and Charlie Newell comment that the recreational assets of North Pond in Greenwood are marketed by the local Chamber for pursuits such as canoeing, kayaking, swimming, fishing, and paddleboarding.

Peter Fetchko comments that the Bethel region is dedicated to outdoor recreational activities, and that canoeing, kayaking, and fishing in the region's lakes and rivers supports a diverse group of guide services and rentals. He lists North Pond, South Pond, Round Pond, and Lake Christofer as critical recreational areas with views of Bryant and Chamberlain Mountains. He also comments that the Androscoggin River is a major thoroughfare for boaters, canoers and kayakers; and Sunday River, the Mahoosuc Mountains, and the Appalachian Trail are regional resources supporting outfitters and other businesses.

Several interested persons comment on the negative impacts of wind energy development on the local economy in general, and/or on local property values including Sara Wright, Mary and Todd Wilson, Marissa Hughes, Peter Fetchko, Tracy King, Marcel Polak, and the Town of Woodstock.

Others raise concerns about wind energy development's inconsistency with the economic interests and the potential negative impacts on the tourism-dependent area including Rose Fraser, Jane Chandler, Dwayne Bennet, Marcel Polak, Dwayne Bennett, Emily Ecker, and the Town of Woodstock.

The Maine Department of Economic and Community Development provides a copy of a report "Comprehensive Economic Development Strategy Update- March 2016," published by the Androscoggin Valley Council of Governments, containing information on the economic conditions within the Androscoggin Valley Economic Development District (EDD), and comments that the Maine Revenue Service was able to identify fewer than five businesses with a Milton address. In the Androscoggin Valley EDD, the report finds downtown services and healthcare employing the largest number of workers, followed by postsecondary education, and tourism.

INFRASTRUCTURE

Stantec testifies that the western area of Milton is within 1 mile of existing transmission lines and is bisected by two roads, reducing the need for extensive new infrastructure for wind development in the township.

AGRICULTURAL RESOURCES

Stantec testifies that Milton does not include substantial agricultural lands.

AIR AND CLIMATE RESOURCES

The Substantive Review Requestor testifies that bringing wind into the Milton area would provide a positive contribution to the ongoing issue of global warming.

Everpower's testimony discusses the air quality benefits of windpower and energy cost benefits from wind power due to downward pressure on electricity prices.

Stantec reports wind development in Milton would have a positive overall effect on air resources by reducing the amount of electricity generated by fossil fuels.

Cianbro provides arguments on the benefits of renewable energy to mitigate for climate change, which they support with a report on the "Effects of Climate Change on the Gulf of Maine," www.sciencemag.org, downloaded November 13, 2015.

MREA commenting on the emission benefits of wind farms, provides data from Sustainable Energy Advantage on reduced CO₂, SO_x, and NO_x emissions and quotes poll data that indicates Maine people believe wind power should be encouraged.

Other interested persons commenting on positive impacts on air resource from wind energy development and/or the need for clean, renewable energy include Llewellyn Buck, Steve Perry, John Cooney, April Choi, AGC, Conservation Law Foundation, Graham Dodge, Heather Dodge, the Maine Forest Products Council, MREA, Trey Dodge,

CULTURAL, ARCHAEOLOGICAL AND HISTORIC RESOURCES

Stantec reports that no recognized cultural, archaeological and historical resources of cultural significance are located in Milton.

Peter Fetchko testifies that there are two classical farms dating back to the civil war that will have negative investment pressure and could be lost due to wind energy development in Milton.

MHPC comments that there is limited data from a mid-1980 survey of Oxford County, one property that is not eligible for listing in the National Register is listed in the Cultural & Architectural Resource Management Archive (CARMA), there has not been any archaeology survey work in Milton, and there are no known archaeological sites in the township.

ENERGY RESOURCES

Stantec testifies that the CLUP's energy resources policy encourages renewable energy development in locations where there are no overriding public values that require protection, and that a project in Milton would be an example of an energy generation installation that is consistent with state energy goals where there are no overriding public values that require protection.

The Maine Forest Products Council comments that wind resources can meet the needs of the regional electric system for generation diversity, price stability, and reduced carbon emissions.

The Public Utilities Commission provides references for web-based mapping tools by the U.S. Energy Information Agency, the Eastern Interconnection States' Planning Council, and the National Renewable Energy Laboratory. They also comment that there are no greater than 100 kV transmission lines in Milton, but in some places, two parallel 115 kV lines pass less than a mile from the township.

FOREST RESOURCES

Stantec reports that portions of Milton are managed for forestry which can continue if a wind energy development is constructed in the township. They believe wind energy development supports the goal to protect and enhance the forest resource.

The Maine Forest Products Council comments that wind power development represents a small percentage of forest acreage, typically located in areas that are less suitable for growing trees, while providing improved access for landowners, enhanced firefighting capability, and increased access for recreation.

GEOLOGIC RESOURCES

Stantec provides that Milton is located in a low-elevation area with a majority of the township under 1700 feet elevation and that potential wind development in Milton would not compromise high mountain areas or other geologic resources.

Peter Fetchko raises concerns about potential negative impacts to the Whales Back, which he states is a classical geological esker, from any proposed transmission lines.

HIGH-VALUE NATURAL RESOURCES/ PLANT AND ANIMAL HABITAT RESOURCES

Stantec reports that there are no lakes or ponds, two rivers, and, similar to other townships, multiple streams and mapped wetlands in Milton. They identify three known wildlife habitat resources: a deer wintering area, one inland wading bird and waterfowl habitat, and a bat hibernaculum. They state that wildlife resources will be avoided and impacts minimized during project development; unavoidable impacts will be evaluated by the DEP, and mitigation will be implemented to ensure no unreasonable impacts. They did not identify any rare plants or unusual botanic areas. They also conclude that allowing wind development lessens the likelihood that forest landowners will sell land for residential subdivision, which would cause habitat fragmentation and increased human interactions with wildlife.

In terms of the bat hibernaculum, Stantec claims the cave is more than 2.5 miles from the proposed project area (greater than the ¼ mile zone of concern identified by US FWS), the majority of bat species killed each year at wind farms are not cave dwelling bats, and that recent surveys indicate there are no bats currently using the hibernaculum in Milton due to white nose syndrome.

The Petition Circulator testifies that wind turbines should be avoided in Milton based on the potential impacts to 3 bats species listed as endangered or threatened in Maine, the presence of a bat hibernaculum, and the negative impacts on bats already documented from the Spruce Mountain Wind Project.

Peter Fetchko testifies that the average mortality of bats from wind turbines in the eastern U.S. is 37 bats per year, which he concludes could translate to 444 bats each year if 12 turbines are installed, and he raises concern with the nearby bat hibernaculum, that the mortality rate could be higher in Milton.

Other interested persons comment on adverse impacts to wildlife, in particular birds and the bat hibernaculum in Milton, including Rose Fraser, Sara Wright, Cathy and Charlie Newell, Jane Chandler, Marissa Hughes, Marcel Polak, and Rev. Ronnie P. Floyd.

The Department of Inland Fisheries and Wildlife (IF&W) provides a list of 14 endangered, threatened, and special concern (ET&SC) species confirmed or likely to be present in Milton. IF&W comments that wind power development is documented to have caused mortality in bats, and projects without adequate curtailment practices have impacted ET&SC bats. Further, they comment that Milton possesses unique characteristics with the location of a documented hibernaculum- one of only 3 known in Maine. Given the presence of the hibernaculum and other associated increased risks described in their testimony, IF&W states concerns with additional wind power development in the area, as it could result in significant adverse impacts to cave bats already catastrophically decimated by white-nose syndrome.

Although there is no documented evidence of nesting activity, IF&W also notes there have been documented sightings of Golden eagles in Milton, a very rare bird in Maine. They report no documented Golden eagle mortalities from wind projects in Maine, but indicate mortalities have been documented elsewhere in the country. IF&W provides recommendations on minimizing impacts to deer wintering areas, inland waterfowl wading bird habitats, significant vernal pools, and fisheries that they state are not unique to Milton.

RECREATIONAL OPPORTUNITIES/ RECREATIONAL RESOURCES

Stantec reports that limited recreational opportunities exist in Milton, and provides a description of the likely local uses that exist in the area. They conclude that nearby public recreational opportunities, particularly in the Mahoosuc Region, are disconnected from local recreational opportunities in Milton.

The AGC testifies that wind power projects are compatible with existing uses such as hunting and off-road vehicle access.

Other interested persons comment on the compatibility of wind energy development with traditional rural uses, such as hunting, snowmobiling and ATV riding, and/or its positive impact on recreational access including Andrew Benson, E. Stanley Dodge, the Maine Forest Products Council, and Steve Perry.

The Bureau of Parks and Lands (BPL) comments that Milton Township is situated in a mountainous and recreationally significant region of Maine, and while there are no state or federally-owned recreational assets in the township, they state it is surrounded by differing types of nature-based outdoor recreational assets. The agency provides a list of features that they believe are some of the more prominent resources in the region, most of which are greater than 10 miles from Milton. However, Little Concord Pond State Park has trails that BPL states are located roughly 1.5 miles from Milton. Other resources in the region include hiking trails provided by landowners and trail managers, including the Mount Zircon trail to the summit managed by the Rumford Water District (Milton), substantial snowmobile and ATV trails, three downhill ski areas, multiple Nordic ski destinations, the Androscoggin River Trail, and lakes and ponds providing boating, fishing swimming, and wildlife viewing opportunities. They comment that other activities in the region, which rely on scenic values, include photography and driving for pleasure. BPL concludes commercial interests including skiing and tourism are central to the area's recreational character, with remote recreation benefiting from a wild character.

NATURAL CHARACTER/ SCENIC RESOURCES

Stantec provides that Milton is not in an undeveloped area remote from population centers; being located within 20 miles of 24 towns and proximate to roads, transmission lines, and existing development. They also state that Milton does not have significant natural values, compared to other areas, and does not provide primitive recreational opportunities. They also report that no lakes or ponds are located in Milton, and no other resources with potential scenic value are located within the township, concluding that continuing wind development as an allowed use does not compromise the area's natural character.

The Petition Circulator testifies that Milton is located in close proximity to many ponds, hiking trails, ATV/snowmobile trails, and major ski areas, and that impact on scenic and recreational resources in the area would be considerable. She states that a proposed wind project in Milton would be visible for miles on Route 2, traveling to Sunday River, and that Route 2 and 232 are very scenic along the Androscoggin River.

Cathy and Charlie Newell raise concerns about scenic impacts to views of Bryant and Chamberlain Mountains for users of North Pond in Greenwood and travelers on Route 26. They state that "North Pond is a much used recreational asset to the entire Bethel area, and the spectacular view in question is cherished by locals and visitors, and has been photographed regularly for such publications as Down East and the LL Bean catalogue, as well as more local publications."

Peter Fetchko, raises concerns about the cumulative impact on the surrounding populated area from the density of existing wind energy development and any proposed in Milton, and impacts on the natural character of the area from new transmission lines, particularly on the Whale Back Cemetery, Pin Hook (North Woodstock), and the Cole Cemetery.

Rev. Ronnie P. Floyd states in his comments that people buy land in Milton because it is remote and pristine, and live in Milton because they value the quiet beauty of the area.

The Town of Woodstock testifies that their greater community gains from the economic vitality of outdoor activities and scenic views, and asks that the potential negative impacts from wind energy development be weighed carefully.

Several interested persons raise concerns about impacts to nearby residences from noise and changes to scenic character, and/or cumulatively due to the potential density of wind turbines with those existing in the area and potential future development, including Robert McQueeney, Jr., Sara Wright, Mary and Todd Wilson, Marissa Hughes, the Town of Greenwood, Jerry and Nicole Bernier, Marcel Polak, Paul Copiz, Alice Barnett, Emily Ecker, and the Town of Woodstock.

REVIEW PROCESSES AND THE EXPEDITED WIND AREA

Everpower provides testimony on the review process for wind energy developments conducted by the Maine Department of Environmental Protection (DEP) in the expedited permitting area for wind energy development which they state includes multiple opportunities for public comment and input.

Everpower also testifies that, if Milton Township is removed from the expedited permitting area, that will halt further development of the project, arguing that removal will be a clear indication that the Commission does not believe Milton is a suitable place for wind energy development, it would be difficult for the Commission to make findings necessary to add the area back into the expedited permitting area at a later date, and the company could not justify spending the capital needed to develop the project.

Further details on the DEP permitting process for wind energy development and the significance of the expedited area are described in testimony provided by Stantec. They claim that wind energy projects are subject to a rigorous permitting process, and in support provide a detailed description of the standards applicable to wind projects pursuant to the Site Location of Development Act and the Wind Energy Act, the DEP application review process, and public input opportunities in the DEP process. Also in support, they provide a copy of the DEP's policy regarding public meetings on wind power projects and general information on providing public comment to the DEP. In terms of the significance of the expedited permitting area, Stantec testifies that if Milton is removed from the expedited permitting area, wind power would no longer be an allowed use there, and, in order to make wind power an allowed use again, the development area would need to be rezoned or added back to the expedited permitting area. They state the LUPC statutory criteria for adding a discrete area to the expedited permitting area are the same as those the Commission is considering for the Milton removal petition.

Three interested persons commenting that the current regulatory permitting process is rigorous, with opportunity to comment, and/or is working well include the Bancroft Contracting Corporation, the Maine Forest Products Council, and MREA.

The Maine Forest Products Council also raises concerns about the precedent that may be set by the removal petition process on other zoning changes and the need to consider landowner rights.

While numerous interested persons comment on the need to be more informed about potential projects and to have a voice in the process to, in their opinion, ensure a full evaluation of any proposed projects including Rose Fraser, Scott Hynek, Cathy and Charlie Newell, Jane Chandler, Leslie Baumgartel, Perry Sharon & Phantom Risley, Sue Ellis, Valerie Billings, Chris and Kathy Hurd, Lesley and Harold Herschlag, Peter Fetchko, Jerry and Nicole Bernier, Marcel Polak, Paul Copiz, Emily Ecker, Ed Rosenberg, Rev. Ronnie P. Floyd, and the Town of Woodstock.

GENERAL COMMENTS

Several interested persons testify in support for removing Milton from the expedited area raising general concerns on impacts to: adjacent municipalities which have local wind ordinances, the environment, quality of life, and/or public safety, but do not include more specific information in support of those concerns, including Peter Fetchko, Tracy King, Marcel Polak, Emily Ecker, and the Town of Woodstock.

Land Use Planning Commission

Petition to Remove Milton from the
Expedited Permitting Area for Wind Energy Development;
Substantive Review

Attachment B

Decision Making Criteria Reference

Land Use Planning Commission

Decision Making Criteria Reference

Substantive Review of Removal Petitions

Title 35-A

Section 3453-A(3) contains two statutory criteria; both must be met during the substantive review process to remove a place from the expedited area.

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

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

Section 3404, subsection 2, paragraph C includes the following wind energy generation goals:

A. At least 2,000 megawatts of installed capacity by 2015;

B. At least 3,000 megawatts of installed capacity by 2020, including 300 megawatts or more from generation facilities located in coastal waters, as defined by Title 12, section 6001, subsection 6, or in proximate federal waters; and

C. At least 8,000 megawatts of installed capacity by 2030, including 5,000 megawatts from generation facilities located in coastal waters, as defined by Title 12, section 6001, subsection 6, or in proximate federal waters.

LUPC Comprehensive Land Use Plan

All of the principal values and some of the goals contained in the Comprehensive Land Use Plan (CLUP) are relevant to the expedited area removal process. A subset of the CLUP goals that are of particular note is listed below to assist in the review of materials submitted to the Commission as part of its substantive review process. The Commission may determine other goals are pertinent to a substantive review of a removal petition. All of the broad and specific goals of the Commission are discussed in Chapter 1.2 of the CLUP.

Principal Values

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.

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 stretches 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.

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.

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.

Goals of Particular Note:

I.A. LOCATION OF DEVELOPMENT

Goal: Guide the location of new development in order to protect and conserve forest, recreational, plant or animal habitat and other natural resources, to ensure the compatibility of land uses with one another and to allow for a reasonable range of development opportunities important to the people of Maine, including property owners and residents of the unorganized and deorganized townships.

I.B. ECONOMIC DEVELOPMENT

Goal: Encourage economic development that is connected to local economies, utilizes services and infrastructure efficiently, is compatible with natural resources and surrounding uses, particularly natural resource-based uses, and does not diminish the jurisdiction's principal values.

I.D. INFRASTRUCTURE

Goal: Ensure that infrastructure improvements are well planned and do not have an adverse impact on the jurisdiction's principal values.

II.A. AGRICULTURAL RESOURCES

Goal: Conserve and protect working farms, encourage the development of new farming enterprises, and conserve agricultural soil resources.

II.B. AIR AND CLIMATE RESOURCES

Goal: Protect and enhance the quality of air and climate resources throughout the jurisdiction.

II.D. CULTURAL, ARCHAEOLOGICAL AND HISTORICAL RESOURCES

Goal: Protect and enhance archaeological and historical resources of cultural significance.

II.E. ENERGY RESOURCES

Goal: 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

Goal: Conserve, protect and enhance the forest resource in a way that preserves its important values, including timber and fiber production, ecological diversity, recreational opportunities, as well as the relatively undeveloped remote landscape that it creates.

II,G. GEOLOGIC RESOURCES

Goal (pertaining to mountain resources): Conserve and protect the values of high-mountain areas from undue adverse impacts.

II,H. PLANT AND ANIMAL HABITAT RESOURCES

Goal: Conserve and protect the aesthetic, ecological, recreational, scientific, cultural and economic values of wildlife, plant and fisheries resources.

II,I. RECREATIONAL RESOURCES

Goal: Conserve the natural resources that are fundamental to maintaining the recreational environment that enhances diverse, abundant recreational opportunities.

II,J. SCENIC RESOURCES

Goal: Protect the high-value scenic resources of the jurisdiction by fitting proposed land uses harmoniously into the natural environment.