



STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
MAINE LAND USE REGULATION COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

PAUL RICHARD LEPAGE  
GOVERNOR

WILLIAM H. BEARDSLEY  
COMMISSIONER

March 24, 2011

Geoff West  
Environmental Coordinator  
First Wind, Inc.  
129 Middle Street  
Portland, ME 0401

RE: LURC Review Comments of Application for LURC Development Permit #4886  
First Wind – Blue Sky East, LLC, 'Bull Hill Wind Power Project' T16-MD, Hancock County  
By Donald Murphy, LURC Project Planner

Dear Geoff;

Please provide the following additional information for the development permit application. These listed items are similar to those provided with the review of the draft application that was received during the pre-application review process. It was suggested that these items would most likely be requested later. Many of these you have already addressed and they are listed below noted as received and filed into the record. These items listed now by LURC are posted along with the other governmental agency review comments provided. Note that some items below have already been requested by e-mail and conversation and are restated for summary purposes. They are as follows:

- 1) It suffices that the two camps leases of concern in the project area were unilaterally terminated by the lessor or owner of the property as documented and provided with the application. Should any subsequent agreements or plans for camp removal have occurred, please provide additional copy.
- 2) Note that a previous request regarding the signature of the lessor only on the project lease and its recording in the Registry was questioned. This was satisfied by Attorney Calcagni of Verrill Dana LLP who provided a compliance letter for the record with a supporting attachment citing Maine statute – 33 MRSA Sec. 201. This has been entered into the record. No further request.
- 3) Note that per previous request on corporate officers of Blue Sky East, LLC., copies of the corporate 'Officers Certificate' and a 'Certificate of Incumbency' were promptly provided and added to the record. Further information is requested about the references in the 'Officers Certificate' which refers 1) to an unspecified 'Act' and 2) to the 'LLC Agreement'. Please provide clarification about which 'Act' and a copy of the Blue Sky East Limited Liability Company Agreement, with acceptable redactions, for the record.
- 4) Concerning *Exhibit 7.B*: The anticipated Construction Schedule provided with the application is a good chronological outline of the anticipated timetable. To the greatest extent possible please include construction action descriptions as two comprehensive footnotes for dealing with the seasonal impacts of a 'wet spring' or harsh 'winter' conditions. Consider paralleling this construction chronology keyed along with an anticipated calendar dateline that would provide 'at a glance' what type of construction is taking place during the months of the year. It is understood that this is a best reasonable projection.

CATHERINE M. CARROLL, DIRECTOR

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- 5) The project requires two standard Spill Prevention and Containment Control Plans; one for Construction Phase and the other for the Operational period. LURC previously has required the Construction SPCC Plan during the application and the Operations SPCC plan as a condition of approval. Although, it is quite reasonable that both can be submitted during the application process. This option is left to the applicant. It may be relatively straightforward for a developer with existing facilities to provide the Operational plan now as well. However you decide, a standard SPCC Plan for such a Construction Project is much more comprehensive than the one presented with the application. Please revise your submission accordingly and at minimum include: the standard operating procedures (SOPs) for handling of the types of hazardous materials used on site; SOPs of spill prevention and control methods; methods of disposing of recovered spilled materials, the specific fact sheets on the various hazardous materials utilized on the site including any specific storage and use procedures; training of personnel; a designation and description of equipment refueling procedures with designated and designed refueling areas; a list of spill containment equipment kits maintained on site, their locations in facilities and vehicles, and directions for use and maintenance; applicable first aid procedures for exposure to hazardous materials; spill and containment incident protocol and reporting procedures. The SPCC plan should identify the locations of the manuals; i.e. in the construction office and job site storage trailers, or the future Operations and Maintenance Facility. These manuals will also include the contact phone numbers you already provided in this section and an updating protocol to keep those contacts current.
- 6) Should additional FCC lighting permits or regulatory application information occurred since the initial filing of the LURC application, please provide copies for the record.
- 7) Note that for *Section 10.0 SERVICES*: The Maine Forest Service project notification and review letter was received by LURC and included in this section of the application and the record.
- 8) Please engage the Hancock County Commissioners Administrator and the County's Emergency Management Services in a discussion on coordination of communication and services between the County, the wind facility operators, and other regional emergency responders on potential emergency scenarios. Document their participation, describe those discussions and provide a copy for the record.
- 9) The Soils Report by Frick Associates cautions that construction during times of seasonal high water tables and saturated soils will necessitate cautionary construction techniques. Please respond with a description of construction mitigation methods, such as dewatering methods and site related details. This response can be in a separate statement, but would best be added to the construction plan sheet for typical details and construction techniques. They may also be satisfied in the response to the State Soil Scientist, David Rocque.
- 10) It is noted that the wetland impact has been avoided by the installation of a road bridge span. Whether the bridge is site-built or a pre-manufactured span is utilized, please provide any additional construction engineering details and a plan drawing of the bridge construction engineering.
- 11) Note for *Section 17.0 SOUND ANALYSIS* that LURC requested additional sound analysis for the two receptors located in the Town of Eastbrook related to the Town's new wind facility ordinance and the applicant complied promptly. This sound analysis, in addition to that which had already been provided for DEP Chapter 375.10 noise control standards, reflects the standards in the Town's Ordinance for consideration by the Commission. This suggested analysis is per DEP Chapter 375.10 standards to consider a local Town sound performance standards if they exist for wind facilities. This has been submitted by the applicant is being reviewed by LURC's acoustic consultant.
- 12) Note that for *Section 18.0 VISUAL ANALYSIS AND SCENIC CHARACTER* various requests for further information had been requested by LURC's Scenic Assessment review consultant and have been fully supplied by the applicant. Those requests and responses have been entered into the record.

13) Per previous discussions with the applicant and the earlier LURC review request for more information on *Section 20.0 DECOMMISSIONING*, please provide a description of the decommissioning procedures, cost assumptions, and process of funding that is preliminarily described in the application submittal. It is requested that the applicant provide a breakdown of the cost assumptions for the salvage value of \$9,000,000 that is credited against the costs of decommissioning. This is a significant number used as a credit in deriving the net balance for the decommissioning escrow fund. Discuss also the implications of a turbine life cycle based on the lease period of 25 years or the optional lease extension totaling 50 years as it relates to variations in the total decommission cost and the predicted salvage value. In other words what was the time period assumed in the decommissioning plan submitted with the application and what are the implications of a reasonably extended period of operation.

14) For *Section 22.0 TANGIBLE BENEFITS* several conversations with the applicant have discussed further documentation of the programs described in the community benefits package section. It is noted for the application that the proposed tangible community benefits package described in the application involves an annual payment to the Town of Eastbrook and that this would satisfy the requirement of \$4000 per year per turbine. Additionally, described are the contributions to a fund for the improvement and preservation of water quality of the nearby lakes and a contribution to the Atlantic Salmon Foundation. Please provide further documentation of these proposed programs. Previous suggestions to the applicant are that such evidence could include letters of intent to participate from the Town of Eastbrook Selectmen or Town Manager, the Eastern Maine Development Corporation's, and the Atlantic Salmon Foundation. Another example is to provide a description of the lakes improvement programs organization, goals, geographic scope, administration of annual funds, project selection methods, and obligations agreed to by the Eastern Maine Development Corporation as designated administrator. These are suggestions of documentation. Please formalize these commitments in any way that you feel comprehensively documents the existence of these tangible community benefits program.

Please feel free to contact me with any questions or clarification on these requests.

Sincerely;

Donald E. Murphy  
LURC Project Planner

xc: 'Bull Hill Wind Project' record file

cc: Catherine Carroll  
Samantha Horn-Olsen  
Amy Mills