

**From:** [D. Gordon Mott](#)  
**To:** [Todd, Fred](#)  
**Cc:** [David Corrigan](#); [Juliet Browne](#); [Joy Prescott](#); [Kevin Gurall,PPDLW](#); [Neil Kiely](#); [smahoney@clf.org](mailto:smahoney@clf.org); [Horn-Olsen, Samantha](#); [Mills, Amy](#)  
**Subject:** Response to 15th Proc Order  
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**Attachments:** [Mott Response15thOrder.pdf](#)

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Greetings All.  
Gordon

D. Gordon Mott Forester  
42 Damon Pasture Lane  
Lakeville ME 04487  
207-738-2180 Voice and Fax  
207-794-5729 Cell

State of Maine  
Land Use Regulation Commission

In The Matter Of  
Development Application 4889  
Champlain Wind LLC  
Bowers Wind Project

Intervenor D. Gordon Mott's Response  
To the Fifteenth Procedural Order

At this date, Friday March 23, 2012, it is noted that the general deliberative process before and on the part of the Commission involving all parties and the public, has reached the point where a decision is to be made between Denial of the permit application or allowing its Withdrawal without denial.

It is recognized that there are uncertainties on the part of Applicant Champlain Wind concerning the nature of the future regulatory standards and business circumstances which will ultimately affect its future decisions about whether or in what fashion to come forward again for a development permit. But it appears that the principal question now before the Commission, and in the minds of some of the intervenors and interested parties, concerns whether there will be differences in future circumstances between a new development application following denial and a new application following withdrawal, should a new application come forward. A further question concerns whether conditions can be attached to withdrawal, and if so, what conditions could have future merit.

Assuming Denial or Withdrawal is the question, this intervenor offers the following.

1. **It is critically important that any decision taken at this time preserve the record of facts, views and opinions of all parties in such a fashion that they become relevant to any future permit application.** If either Denial or Withdrawal cause the record to be purged, erased or made irrelevant, the decision should be chosen which absolutely preserves the proceedings in a relevant form. The very valid and valuable interests of opponents, of host communities, of landowners, of supporters and of this Commission have been secured at considerable public and private cost and effort in this comprehensive process and must be retained. This is particularly important given that any future permitting activity will take place where public participation will be seriously diminished under DEP jurisdiction.
2. **Because agreements that have been reached with host communities concerning tangible benefits are related quite specifically to the number and geographic distribution of turbines in the original development proposal, the process of Denial or Withdrawal should be made in a fashion which terminates the existing agreements and opens them anew to negotiation.** It is not clear whether a decision of the Commission would have any bearing on actions taken under Home Rule by the legislative body of Carroll Plantation or by Washington County Commissioners. But it is noted that memoranda citing these actions by these bodies of governance are clearly a required part of the existing application. Would it follow that a revised new application would require new agreements?
3. **The future status of the Wildland Lakes in wind permitting under DEP appears to be secure at this time.** When the earlier decision was made to table action on Denial and on the request to

Withdraw, the future status of these lakes as Scenic Resources of Statewide and National Significance was in doubt because the LURC Reform Commission specifically refrained to carry them forward with status. It appears today that the Wildland Lakes' status will continue to be retained. Language is not yet available but the Press reports today that the ACF Committee has reached unanimous agreement on LD 1798 which will bring changes to the wind regulatory process. The Wildland Lakes were to be retained in earlier draft language supported by both Majority and Minority Reports which incorporated Title 35-A Section 3451 9.D.(2).

It would appear to follow that any future permit application that arises in any fashion would be required to come to the same conclusion reached by the Commission at this time concerning scenic impacts on the lakes. If as noted by the applicant, the visual standards change in the future and allow more liberal or require more conservative visual impact standards, a decision by the applicant whether to come forward can then be made in accord with the new standards. The interests and rights of landowners and host communities and of the applicant will be preserved in any case – initiative will continue to remain undiminished in the hands of the applicant.

### **Conclusion**

All that said, the question arises whether the record should show that the Commission has contemplated all the facts and the standards that exist at this time and reached a decision based upon them.

It is this intervenor's conclusion that the facts and the outcome under the current standards, which govern, should be clear on the record for the very fundamental and important reason that the outcome should properly stand as an important precedent statewide concerning the value and importance to Maine of managing the impact of industrial development on our Wildland Lakes.

Withdrawal will become silence, where a clear finding of Denial at this time should stand as precedent with high value.

With continuing high regard,

A handwritten signature in black ink, appearing to read "D. Gordon Mott". The signature is fluid and cursive, written in a professional style.

D. Gordon Mott, Forester  
42 Damon Pasture Ln.  
Lakeville ME 04487