

**STATE OF MAINE
LAND USE REGULATION COMMISSION**

IN THE MATTER OF DEVELOPMENT)	Public Hearing Rebuttal Testimony of
APPLICATION DP 4889)	The Partnership for the Preservation of the
CHAMPLAIN WIND, LLC)	Downeast Lakes Watershed
BOWERS WIND PROJECT)	(The Partnership)

The Partnership for the Preservation of the Downeast Lakes Watershed (PPDLW) is submitting this rebuttal testimony in opposition to DP 4889 for the Bowers Wind Project (“Project” or “Bowers Wind Project”) in response to the public oral and written testimony.

Introduction

An open invitation for public testimony in a matter such as the Bowers Wind Project permit application attracts testimony on many different aspects from many different perspectives. As Intervenors opposed to the Project, we are fortunate in that our interest is limited to only the 31 witnesses (8%) that testified in favor of the Project. In evaluating the objectivity and value of their testimony we believe it is important to consider the relationships and motives of each witness. For this purpose we have organized the witnesses into four classes. Significantly, 24 of the supporting witnesses, or 77%, stand to gain financially should this permit be approved or have or have had in the past a contractual financial relationship with First Wind. The testimony of these witnesses should be considered with the proverbial grain of salt.

The Parties

A total of 379 individuals provided oral and written testimony regarding the Project. Of these, 345, or 91%, testified against the approval of this Project. Only 31 (8%) testified in support of the Project and three were noncommittal. Our rebuttal comments will be limited to the testimony of the 8% who support the Project. These supporters fall into four classes:

1. those who will receive direct financial gain from the Project (8 witnesses or 26%);
2. those that have contractual relationships with First Wind (16 witnesses or 52%);
3. those who are using these hearings to promote their wind energy agendas with little or no mention of the Bowers Project (4 witnesses or 13%);
4. those whose testimony for one reason or another is erroneous (3 or 10%). On example is Carl Beaulieu who expressed support for the Bowers Project in Danforth overlooking East Grand Lake.

Those who will receive direct financial gain from the Project

Of the 31 supporters of the Project, eight of them (26%) are individuals who will receive funds from the tangible benefits package, or who believe the Project should be granted so that Carroll Plt. residents can receive those payments. These include **Starr Clough** (Tax Collector and Road Commissioner of Carroll), **Anita Duerr** (Carroll Assessor), as well as Carroll residents **Clarence Thompson, Gary Osgood, and Michael & Robin Corbin. Bob Jacobs** of Lakeville and **Edwin Greenlaw** of Springfield support the Project in sympathy with their Carroll neighbors. There's no denying that Carroll Plantation is a very small community with low household incomes, and we understand that the people in Carroll look forward to direct payments as a result of the wind Project. However, the principal values and goals contained in the 2010

Comprehensive Land Use Plan assigns no responsibility to the Commission for easing the financial burden of the residents near a proposed project.

Those who have contractual relationships with First Wind

A second group of 16 supporters (52%) is composed of individuals, firms and organizations that have profited from their association with First Wind and/or expect to profit if this Project is approved.

A few of those in this group are: Charlotte Brooks, one of the owners and operators of the **Maine Wilderness Camps** which hosted Stetson Project workers, and as the closest lodge to the proposed Project, will benefit directly if it is approved. Chris Gleason of **Maine Drilling & Blasting**, and Patrick DeFilipp of **Reed & Reed** are contractors to First Wind. Stephen Mine of **First Settler's Lodge** in Danforth provides housing for First Wind visitors and employees as well as catering First Wind events. **Diane Smith-Halkett** administers the Washington County TIF program that is funded by the Stetson Wind Projects. Betsy Fitzgerald testified on behalf of the **Washington County Commissioners** which would receive funds from the Bowers tangible benefits package. Calvin Murphy testified on behalf of the **International Brotherhood of Electrical Workers** which had 20 men in temporary positions at the Rollins Mountain Project and looks forward to more temporary assignments on the Bowers Project.

In addition, the following individuals stand out as having provided testimony that merits rebuttal:

Bollie Bollenbach. Mr. Bollenbach should have disclosed that he is employed by First Wind contractor, Reed & Reed. In his cover letter to Mr. Fred Todd, Bollenbach says *"I attach a copy of my letter to the editor that ran last Friday in the Press Herald. First Wind contacted us and would like it to be part of the record for this permit application."* In other words, this isn't volunteered testimony, it was provided at First Wind's request. Also, notice he says "First Wind contacted us."

In his letter to the editor Bollenbach states *"The opinion that wind turbines might deter individuals from coming to Maine is nonsense."* This implies that people, who testify under oath that they will vacation elsewhere if wind turbines grace Bowers Mountain, are speaking "nonsense", and that guides and lodge owners who recited statements and letters from former clients telling them "We're not coming back if these things are built", are speaking "nonsense". Mr. Bollenbach clearly believes he is more enlightened as to the tastes and true level of industrialization that is acceptable to wilderness users than they are themselves. Mr. Bollenbach is fortunate to live in Cape Elizabeth where an ordinance prevents wind turbines from being built near him.

H.C. ("Jay") Haynes describes himself as a shareholder of Lakeville Shores, Inc. He's being very modest in an attempt to mislead us into underestimating the financial gain he stands to make should the Commission approve the Bowers permit application. Mr. Haynes is the President of H.C. Haynes & Company, Lakeville Shores, Inc. and a number of related firms. (It was his father, Herbert Haynes, who decades ago worked hard to have undeveloped Junior Lake's wilderness classification downgraded so that he could sell waterfront lots and open it up for residential development.) Mr. Haynes testified that Lakeville Shores "leases a small portion

of the project lands to Champlain Wind, LLC.” He doesn’t mention that he is the lessor of all of the land First Wind has used for Stetson I and II and a significant portion of the land for Rollins. (At the public hearing Lakeville Shore’s attorney, Dean Beaupane, see below, testified that Haynes has even more projects in the pipeline besides Bowers Mountain.)

Attempting to minimize the importance of Junior Lake as a recreational lake, Haynes writes “The most fishing interest is for salmon but since the fishery depends on stocking from the state and the state does not regularly stock Junior Lake...” This is simply not true. In numbers taken, the Smallmouth Bass has overtaken the Salmon as the fish of choice. Even so, Inland Fisheries & Wildlife does stock Junior Lake on a regular basis. The IF&W website reports the following stocking history for Junior Lake:

<u>Year</u>	<u># Salmon</u>
2006	1,500
2007	1,500
2008	750
2009	1,000
2010	750
2011	1,000

Contrary to Mr. Haynes’s testimony Junior Lake is not entirely dependent on stocking as there is also natural reproduction. Many people catch salmon and togue regularly on Junior Lake year round. In fact, many fishermen prefer Junior because it’s more accessible and the water is generally calmer than West Grand. For ice fishing Junior is far more user-friendly than West Grand Lake is.

“I’ve seen very few guides ever make use of Junior or Scraggly Lake... I cannot imagine guides subjecting their sports to such a long canoe ride on a regular basis...” In fact, several Registered Maine Guides have testified during these hearings that they regularly run their boats

up to Junior, Scraggly, etc. or trailer their boats up Amazon Road to the launch at Hasty Cove in Scraggly Lake, or other public launches on Pleasant Lake or Bottle Lake.

Dean Beaupane, an attorney retained by HC Haynes & Co., testified, *“I’ve fished all these lakes... Bass are not a native fish up here. It’s an invasive species we all hate most places. As far as salmon goes there’s no salmon spawning above the dam at Grand Lake Stream! West Grand Lake has tremendous fishing because the state stocks 8,000 to 10,000 fish some years in that lake. If you’re in Junior Lake and you get 300 fish every five years where are you gonna fish? You’re going to go down to West Grand Lake!”*

First, it is common knowledge among salmon fishermen that there IS natural spawning in both Junior and West Grand Lakes. Second, he stated that Junior Lake gets only three hundred fish every five years. According to MIF&W’s stocking reports¹, Junior Lake receives an average of over a thousand salmon annually. While that is fewer than the number stocked in West Grand Lake, Junior Lake is a fraction of the size of West Grand and many salmon fishermen prefer to fish Junior for the solitude offered by smaller water. Mr. Beaupane’s statements suggest that he has limited experience with this fishery.

Beaupane continued, (emphasis his): *“You’re in OUR backyard... We have Stetson I. We have Stetson II. We have Rollins Mountain. We have other projects in the pipeline... We have no problem with the guides using our property. One of our key points with these projects is we will keep these projects open for public use as long as the turbines are there... We’d like to see that continue.”*

¹ See

It is unfortunate that Attorney Beaupane would resort to threatening sportsmen regarding this Project, implying that Haynes land will be posted if this application is denied.

Elgin Haynes Turner, with H.C. Haynes & Co. echoed that threat when he testified, *“The income that comes from this kind of use helps us keep our other lands wide open for use... As long as everybody maintains good manners it will stay that way.”*

However, the principal values and goals contained in the 2010 Comprehensive Land Use Plan assigns no responsibility to the Commission for seeing that subcontractors and other organizations will receive temporary employment or direct monetary benefits from a proposed project.

Those using these hearings to promote their wind energy agendas

PPDLW offers the following rebuttal to testimony of the following individuals and organizations.

Matt Dunlap, Executive Director, Sportsman’s Alliance of Maine (SAM). According to the SAM website, First Wind is a corporate sponsor of SAM. Historically, SAM’s involvement, concern and therefore membership in the Downeast region of Maine has been very limited. Mr. Dunlap’s testimony was written with very little knowledge of the Downeast Lakes Region. In fairness, Mr. Dunlap is only the interim Executive Director of SAM. He replaced Tim Bell, who served as SAM's executive director for less than six months.

Mr. Dunlap’s testimony regarding the current deer situation runs contrary to that of most wardens and sportsmen in the eastern part of the State. If SAM had been involved or

reading Sandy Ritchie's (IF&W Habitat Biologist) weekly report on progress on deer winter habitat they would have known that the Passamaquoddy Tribe, Bureau of Public Lands and the Downeast Lakes Land Trust were cooperating on the largest deer project in Maine. Mr. Dunlap and SAM claim to support the IF&W Deer Restoration Program, but apparently don't know where the greatest work is being done and with what land owners.

Mr. Dunlap also has a warped view of the history of forest management in Downeast Maine. He testified, *"Gone are the days when a working forest was considered a multigenerational investment; today, the bottom line on a corporate ledger demands attention at the end of every fiscal quarter... that trend has led to more cutting in some places than would have been considered sustainable in the past."* In the Downeast Lakes region, the opposite is true. Land conservation combined with responsible forestry practices have been a resounding success. His lack of knowledge of the area and the extensive conservation work being done in partnership with the logging industry here renders his testimony of little value.

Ted Koffman, Executive Director of Maine Audubon testified, *"Our staff has carefully reviewed the Bowers application, and has concluded there are no significant wildlife issues, aside from potential impact to bats that are of concern...We believe that reducing mortality risk for bats in Maine is critical... We support DIF&W's request for curtailment at this site, and urge the developer to agree and to consider further studies of curtailment."*

We wonder if Maine Audubon would still be supportive of the Project if they knew that the developer has rejected DIF&W's request and has apparently been able to negotiate a curtailment of the curtailment.

W. Donald Hudson, is retired president of the Chewonki Foundation. Since its founding in 1915, *“Chewonki has changed over the years from a summer boys camp to a year-round environmental education organization...”*² As current President Willard Morgan describes it, Chewonki is now *“a recognized leader for our sustainability initiatives, including on-campus experiential education about renewable energy”*.³ Note that Mr. Hudson’s testimony is written in the first person and is on his personal stationery, not that of the Chewonki Foundation.

On the subject of the visual impact wind projects have as a new and different manmade element on the landscape, Hudson says: *“I don’t believe the sight of wind machines on the distant horizon will have any more impact on a young person’s appreciation of the wild and wide-open spaces of the Downeast Lakes... The use of motors on the lakes and the noise and sights associated with managing timber in the region already sends the message that people are present...”* Apparently Mr. Hudson holds the extreme opinion that the only areas NOT suited to industrial wind projects would be those with no noise, no signs of human presence and covered in virgin old growth forests. Of course there is no such place remaining in the entire state and Mr. Hudson admits this. He is therefore in effect arguing that the visual impact of wind turbines should not be a consideration anywhere in Maine. This is in stark contrast to the founding principal of the Chewonki Foundation whose founder Clarence Allen, *“realized the need for boys to have a rural outdoor experience amidst the creep of urbanization and mechanization”*.⁴

The Foundation itself subscribes to a more reasonable definition of “wilderness”. The

² Chairman Josh Marvil at <http://www.chewonki.org/about/chair.asp>

³ <http://www.chewonki.org/about/president.asp>

⁴ *ibid*

Chewonki Foundation website frequently uses the term in describing its camps, vacations, trips, outings and programs. The search feature on the Foundation's website turned up 221 references to wilderness. In his testimony, Hudson suggests that the use of boat motors indicates we are not in a wilderness, yet photos on the Foundation website show that Chewonki uses outboard motors on their boats. In addition, LURC's 1987 Wildlands Lakes Study tags the Foundation's home camp lake, Fourth Debonskeag Lake, as both accessible and developed.

The Chewonki Foundation website writes extensively on what it believes to be appropriate sites for wind energy projects:⁵

"Not all sites are suitable for wind development. Some areas of the world simply aren't windy enough. Some communities, for example those that rely on tourism or natural aesthetics, may be concerned with the appearance of the turbines. The impact that the installation and maintenance of towers may have on wilderness areas is also of concern.

However, there are locations, such as farm fields, where wind towers are being welcomed. Wind generation can help farmers generate extra income without requiring valuable farm land or extensive new development. Towers can be sited away from bird migration routes, greatly reducing the threat to avian life."

Wind power is a great source of clean, renewable energy. But, like any of the sources for renewable energy, it has limitations. In order for wind power to be sustainable, it will be necessary to address the issue of negative impact on local wildlife, people and economies."

Jeremy Payne, Executive Director of the Maine Renewable Energy Association (MREA).

Mr. Payne describes MREA as an *"association of renewable power producers, suppliers of goods and services to those producers and other supporters of the industry"*.

Mr. Payne quotes a 2008 study that claims with 1,000 MW of wind power, Maine would

⁵ (http://www.chewonki.org/pathways/interactive_poster/wind.htm)

reduce carbon emissions by 2.8 million tons annually. Mr. Payne neglects to point out that in order to generate 1,000 MW, Maine would have to construct approx 4,000 MW of nameplate capacity (assuming the wind's typical capacity efficiency of 25%). To do this would require 58 projects the size of the Bowers Mountain Project or nearly 20 times Maine's current total installed capacity.

Furthermore, the study does not depict NET changes in carbon emissions. It fails to take into account the carbon emitted in manufacturing the cement, the transportation of hardware from overseas and out of state, the emissions generated by the fossil-fueled spinning reserve, the coal burned to manufacture the steel, the loss of carbon-sequestering forest etc. Interestingly, Beech-Birch-Maple stands have a carbon sequestering capacity per acre that is 20% higher than Spruce-Fir.⁶ From a net carbon impact perspective it is an unfortunate fact that the forest that will be cut to make way for the Bowers Mountain Project is predominantly Beech-Birch-Maple⁷.

Rather than quoting outdated and industry-funded studies, Mr. Payne should present some of the latest thinking about carbon emissions reduction that have come out of empirical, experiential data from wind projects in other states, England, Europe and elsewhere. There is mounting evidence that wind generated power is not carbon friendly when all relevant impacts are factored in. See Manhattan Institute Senior Fellow Robert Bryce's article "A New Study Takes The Wind Out Of Wind Energy" in the 07/19/11 issue of Forbes Magazine.⁸

Payne mentions "There were fourteen pieces of legislation introduced (in the First

⁶ http://www.forestecologynetwork.org/climate_change/maine_forests_&_carbon.html

⁷ Bowers Wind Project Narrative, prepared by Stantec Consulting for Champlain Wind LLC, page 24, 12.0 Wildlife.

⁸ <http://www.forbes.com/2011/07/19/wind-energy-carbon.html>

Regular Session of the 125th Legislature) proposing to make changes to regulations on sound setbacks, visual impact, property tax abatements, and other infrastructure requirements. All but one of these bills was unanimously defeated in committee, serving as a continued endorsement of the Wind Energy Act.”

In fact, the Legislature passed LD 1366, “An Act to Update the Maine Wind Energy Act...” The Energy, Utilities and Technology Committee voted “Ought To Pass” on this bill, which directs the Governor’s Office of Energy Independence and Security (OEIS) to undertake an assessment of progress on meeting the wind energy development goals pursuant to PL 2007, chapter 661, section A-8.

As a direct result of the many serious issues raised in the public hearings during the spring Session of the 125th Legislature, the OEIS is now charged with studying several specific issues regarding wind development, including, but not limited to:

- evaluating the accuracy of the statements generated by State agencies and wind energy developers describing greenhouse gas reductions that may be a result of wind energy development in Maine;
- evaluating the number of turbines necessary to meet State goals, market conditions, development trends, emissions goals, siting policies, cumulative impacts or other factors that may indicate it is necessary to amend the wind energy development goals;
- determining whether places should be removed from the expedited wind permitting area, including, but not limited to, mountain area protection sub-districts, as defined by the Land Use Regulatory Commission rules, Chapter 10;
- studying the economic impacts of wind energy development on Maine’s tourism industry, decommissioning plans and visual impacts.
- evaluating the costs associated with transmission upgrades for the purpose of transmitting wind energy;

Mr. Payne also neglects to mention that 52 Representatives were in favor of 1.5 mile setbacks for wind projects. Results like these can hardly be characterized as “a continued endorsement of the Wind Energy Act.”