

Section 1
Applicant Information

1.0 APPLICANT INFORMATION

The Project Applicant is Highland Wind LLC. The Applicant's representative is its President, Rob Gardiner, and its agent is Stantec Consulting Services, Inc. Additional information regarding the Applicant can be located in Section 8, in the financial capacity documents.

Contact information:

Address: Highland Wind LLC
c/o Rob Gardiner
110 Foreside Road
Cumberland Foreside, Maine 04110

Phone Number: (207) 272-7228

E-mail Address: robertgardiner@gmail.com

1.1 AGENT INFORMATION

Address: Stantec Consulting Services, Inc.
c/o Jonathan Ryan
30 Park Drive
Topsham, Maine 04086

Phone Number: (207) 729-1199

E-mail Address: jonathan.ryan@stantec.com

State of Maine



Department of the Secretary of State

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and that the paper to which this is attached is a true copy from the records of this Department.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this thirteenth day of December 2010.



MATTHEW DUNLAP

Secretary of State

Additional Addresses

Legal Name	Title	Name	Charter #	Status
HIGHLAND WIND LLC	Registered Agent	GERALD T. POULIN	20080475FC	GOOD STANDING
Home Office Address (of foreign entity)		Other Mailing Address		
CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801				

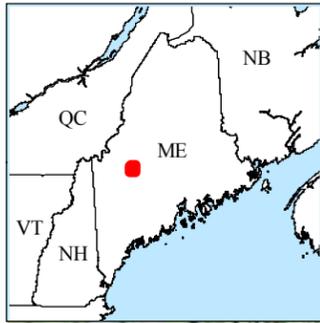
Section 2
Project Location

2.0 PROJECT LOCATION

Highland Wind LLC (Highland Wind) is proposing the Highland Wind Project (the Project), a 39-turbine wind energy generating facility located in Highland Plantation, Somerset County, Maine (Appendix 2-1, Figure 1). In addition to the wind turbines, the Project includes a 34.5-kilovolt (kV) electrical collector system, an electrical collector substation, a 115-kV generator lead, an Operations and Maintenance (O&M) building, up to five permanent 80-meter meteorological towers, and a series of roads necessary to construct and then access the turbines and related infrastructure. All generating facility components will be located in Highland Plantation; however, the approximately 9.5-mile-long generator lead, that delivers power from the electrical collector substation to the Central Maine Power Company-controlled Wyman substation in Moscow, Maine, also passes through Pleasant Ridge Plantation.

More specifically, the generating facility is proposed to be located on property more fully described in the QuitClaim Deed, found in Appendix 5-1, which also references various tax plans and lot numbers on which the generating facility will be located. Highland Wind will lease land for the generating facility from Bayroot LLC, owner of the parent property (Refer to Section 5-1). The property upon which the leasehold is located is well in excess of 1,000-acres in size with approximately 7,922 feet of frontage on Long Falls Dam Road. The Project itself will have 762 feet of frontage on Long Falls Dam Road. For the generator lead, Highland has acquired either easements or options for easements to cross the individual parcels (Refer to Section 5-2).

Appendix 2-1




Stantec Consulting Services Inc.
 30 Park Drive
 Topsham, ME USA
 04086
 Phone (207) 729-1199
 Fax: (207) 729-2715
 www.stantec.com

Legend
 Turbine
 Approximate Project Area
 Proposed Access Road and Turbine Pads
 115Kv Generator Lead

Client/Project 195600385
Highland Wind, LLC
Highland Wind Project
Highland Plantation, Maine
 Figure No. 1
 Title Project Location Map
 November 12, 2009
 Revised October 25, 2010

Section 3
LURC Subdistricts

3.0 LURC Subdistricts

In accordance with its enabling statute, the Land Use Regulation Commission (LURC) divided its jurisdictional lands into zoning districts and subdistricts to protect particular resources, and to prevent conflicts between incompatible land uses. Specifically, LURC classified all areas within its jurisdiction as a development district, a management district, or a protection subdistrict. Each of those major districts is further divided into subdistricts; there are 10 development subdistricts, 3 management subdistricts, and 14 protection subdistricts. This Project, including the generating facility and associated facilities, falls within the General Management Subdistrict, three wetlands protection subdistricts, the Shoreland Protection Subdistricts and the Flood Prone Area Subdistrict. This Project is also located in the Expedited Permitting Area, as designated in 35-A M.R.S.A. Chapter 34-A.

3.1 Management Subdistricts

The vast majority of this Project is located in the General Management Subdistrict (M-GN). The stated purpose of the M-GN subdistrict is to allow, in areas that do not require resource protection, agricultural or forestry activities with minimal interference from unrelated development. Areas identified as part of the M-GN subdistrict include those areas that LURC determined a) are appropriate for forestry or agricultural management activities, and b) do not require the additional protection afforded in the Highly Productive Management Subdistrict (M-HP) or the Natural Character Management Subdistrict (M-NC).

3.2 Protection Subdistricts

There are areas of this Project that fall within each of LURC's three Wetlands Protection Subdistricts, the Shoreland Protection Subdistrict, and the Flood Prone Area Subdistrict. No portion of the Project area is located within the Mountain Area Protection Subdistrict.

Based upon the available LURC *Land Use Guidance Map for Highland Plantation*, the *Land Use Guidance Map for Pleasant Ridge Plantation*, and fieldwork conducted by Stantec, the Project area includes P-WL1, P-WL2 and P-WL3 wetlands. Stantec identified 95 *Wetlands of Special Significance* within the Project area. Stantec identified 95 *Wetlands of Special Significance* within the Project area. Of these *Wetlands of Special Significance*, 46 wetlands occur solely within the P-WL1 subdistrict and 49 wetlands include the P-WL1 subdistrict in conjunction with one or both of the other wetland subdistricts. In addition, the 175 identified streams would be considered *Wetlands of Special Significance* and occur within the P-WL1 subdistrict. The remaining 317 wetlands identified within the Project area occur within either the P-WL2 or P-WL3 subdistrict or within some combination of these two subdistricts.

Within LURC jurisdiction, the level of regulatory review for wetland alterations depends upon the size of the proposed impact and the **Wetland Protection Subdistrict (P-WL)** involved. Generally, projects that alter less than 4,300 square feet of P-WL2 or P-WL3 wetlands are exempt from the Tiered permitting process. For all other projects, three categories of review exist: Tier 1, 2 and 3.

- Tier 1 reviews are limited to projects that alter between 4,300 square feet and 14,999 square feet of P-WL2 or P-WL3 wetlands.
- Tier 2 reviews are limited to projects that alter between 15,000 square feet and 43,560 square feet (1 acre) P-WL2 or P-WL3 wetlands provided the wetlands do not contain critically imperiled (S1) or imperiled (S2) natural communities.
- Tier 3 reviews are for projects that alter any area of a P-WL1 wetland; between 15,000 square and 43,559 square feet of P-WL2 or P-WL3 wetlands that contain critically imperiled (S1) or imperiled (S2) natural communities; or 43,560 square feet (1 acre) or more of a P-WL2 or P-WL3 wetlands.

Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if LURC determines that the activity will have no undue adverse impact on the freshwater wetlands or other protected natural resources present.

The **Shoreland Protection Subdistricts (P-SL)** are intended to protect water quality, habitat for plants, fish and wildlife, and scenic and recreational opportunities. Wind energy development within designated expedited wind energy development areas is an allowed use within a P-SL subdistrict that requires a permit from LURC, as set forth in Section 10.23, L of LURC's *Land Use Districts and Standards*. There are two defined shoreland protection subdistricts, P-SL1 and P-SL2; this Project is located partially within both.

- The P-SL1 is defined as those areas within 250 feet of the normal high water mark, measured as a horizontal distance landward of such high water mark, of (a) tidal waters, and (b) flowing waters downstream from the point where such waters drain 50 square miles or more.
- The P-SL2 is defined as those areas within 75 feet measured as a horizontal distance landward of the normal high water mark of stream channels upstream from the point where such channels drain 50 square miles, the upland edge of those coastal and inland wetlands as defined in LURC Chapter 10 [10.23, N, 2,a,(1)(b) and (c) and (2) and (3)] and the normal high water mark of bodies of standing water less than 10 acres in size, excluding bodies of standing water that are less than 3 acres in size and that are not fed or drained by a flowing water.

Within the Project area, only the portion being developed by the Central Maine Power Company, near the Kennebec River, has an associated 250-foot P-SL1. The wetlands and streams identified within the Project area would have an associated 75-foot P-SL2. This would include 14 of the larger watercourses such as Little Michael River, Stony Brook, Sandy Stream, Churchill Brook, and Houston Brook.

The **Flood Prone Area Protection Subdistrict (P-FP)** is intended to reduce the damage and cost of flooding within flood prone areas and to comply with the National Flood Insurance Program. Those areas identified and mapped by the Federal Emergency Management Agency as areas of special flood hazard (Zones A, AE, A1-30, VE) are those that fall within the P-FP subdistrict. Pursuant to Section 10.23, C of LURC's *Land Use Districts and Standards*, road construction is an allowed use within the P-FP that requires a permit from LURC. In addition to roads located within the P-FP, a total of eight generator lead and electrical collector support poles are located within the subdistrict. Five of these poles are located within the P-FP associated with Sandy Stream, and the remaining three poles are located in the P-FP associated with Houston Brook. Due to the minimal impact of each pole, it is not anticipated that placement of these structures will cause a rise in the base flood elevation.

Within the Project area, the P-FP subdistrict is limited to the floodplains along Sandy Stream and Houston Brook. This encompasses 18 delineated wetlands within the generator lead corridor. See Section 14 of this application for a detailed description of these resources.

3.3 Summary

The Project area includes one management subdistrict, M-GN, and three protection subdistricts, P-WL, P-SL and P-FP. The M-GN subdistrict encompasses the vast majority of the Project area exclusive of those areas within one of the three protection subdistricts. Each of the identified stream and wetland resources occurs within the Wetland Protection Subdistrict, P-WL. In addition, the identified wetlands and streams have an associated 75-foot Shoreland Protection Subdistrict, P-SL2. The Kennebec River is the only resource within the Project area that has an associated P-SL1. Eighteen of the delineated wetlands located near Sandy Stream and Houston Brook occur within the mapped Flood Prone Area Protection Subdistrict, P-FP. The Project area does not include the Mountain Area Protection subdistrict. For information concerning the extent of impacts, if any, in a given subdistrict, please see Section 14 of this application.

Appendix 3-1

Land Use Guidance Map

Highland Pt.
T2 R2 BKP WKR
 Somerset County



Maine Department of Conservation
 LAND USE REGULATION COMMISSION
 Augusta, Maine 04333-0022
 (207) 287 2631
 TTY (207) 287-2213
<http://www.state.me.us/doc/lure>

Legend

Development Subdistricts

- D-CI Commercial/Industrial
- D-GN General
- D-RS Residential

Protection Subdistricts

- P-FP Flood Prone
- P-GP Great Pond
- P-SG Soils and Geology
- P-SL2 75 feet Shoreland - Minor
- P-WL1 Wetlands - Significant
- P-WL2 Wetlands - Scrub-shrub
- P-WL3 Wetlands - Forested

Management Subdistricts

- M-GN General

- Water body
- Improved road
- Unimproved road
- Trail

Areas designated as two or more protection zones are annotated with each zone, e.g. P-FP/FW/WL1, P-FP/SL1, etc., where necessary

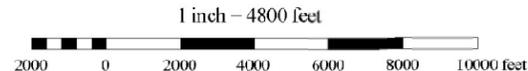
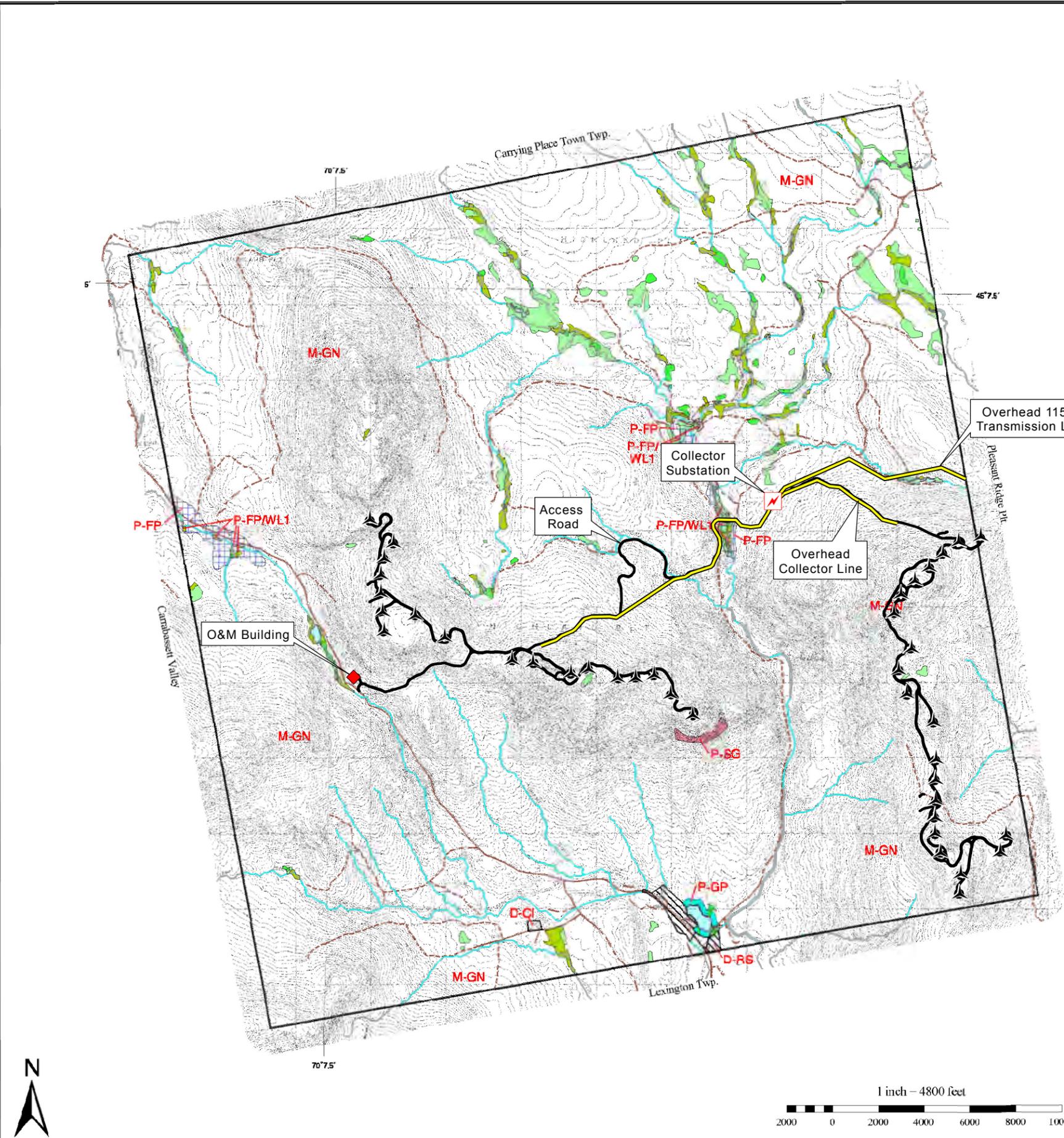
- or Subdistrict boundary
- Zoning amendment

Topographic base, roads and trails from U.S. Geological Survey 7.5-minute map series

For the purpose of simplicity, this map does not show the Wetland Protection Subdistricts for areas identified pursuant to Section 10.16.K.2 such as beds of rivers, lakes, and other water bodies, and freshwater wetlands within 25 feet of stream channels, which are nevertheless within P-WL Subdistricts.

This map is a reduced version of the official Land Use Guidance Map. It is not certified to be a true and correct copy. Full size official LURC Land Use Guidance Maps are available from the Commission at its Augusta office. Potential applicants unsure of their zoning should request a full size map from the Augusta office.

Land Use Guidance Map last amended on August 18, 2005



Appendix 3-2

Land Use Guidance Map

Pleasant Ridge Plt.
 T1 R2 BKP WKR
 Somerset County



Maine Department of Conservation
 LAND USE REGULATION COMMISSION
 Augusta, Maine 04333-0022
 (207) 287-2631
 TTY (207) 287-2213
<http://www.state.me.us/doc/lurc>

Legend

Development Subdistricts

- D-GN General
- D-RS Residential

Protection Subdistricts

- P-FP Flood Prone
- P-FW Fish and Wildlife
- P-GP Great Pond
- P-SG Soils and Geology
- P-SL1 250 feet Shoreland - Major
- P-SL2 75 feet Shoreland - Minor
- P-WL1 Wetlands - Significant
- P-WL2 Wetlands - Scrub-shrub
- P-WL3 Wetlands - Forested

Management Subdistricts

- M-GN General

- Water body
- Improved road
- Unimproved road
- Trail

Areas designated as two or more protection zones are annotated with each zone, e.g. P-FP/FW/WL1, P-FP/SL1, etc., where necessary

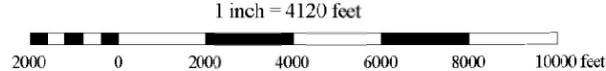
- or Subdistrict boundary
 Zoning amendment

Topographic base, roads and trails from U.S. Geological Survey 7.5-minute map series

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Land Use Guidance Map last amended on August 18, 2005



Section 4
Public Notice

Highland Wind LLC understands that the Commission considers this Application to be of general public interest, and therefore public notice is appropriate.

The Applicant will work with LURC staff to ensure that proper notice is provided when this Application is deemed complete, pursuant to LURC Rule Chapter 4.04, which allows the staff to require an applicant to provide notice of a pending application.

In addition, given the level of public interest in this Application, this section provides LURC with:

- The names and addresses of all persons owning or leasing land within 1000 feet of the Project to whom the Applicant sent notice of its intent to file via regular US mail;
- An example of the notice letter sent by the Applicant to via regular mail to inform abutters of the intent to file this revised Application (a CD of the draft application has been provided to LURC staff along with this submission); and
- The names and addresses of other interested parties to whom the Applicant sent notice of its intent to file via letter or via letter and a CD copy of the filed application.

Appendix 4-1

LIST OF ABUTTERS

Plum Creek Maine Timberlands LLC
49 Mountain Avenue
Fairfield, ME 04937

Bayroot LLC
c/o Wagner Forest Management
150 Orford Road
Lyme, NH 03768

Eric Globisch
12 North Lime Street
Apartment 2
Quarryville, PA 17566

Glenn Dunphy
47 Maureen Avenue
Randolph, ME 04346

Daniel Bell
375 Sequin Pond Road
Georgetown, ME 04548

Lakeville Shores, Inc.
P.O. Box 96
Winn, ME 04495

Trautz Family Realty Trust
45 Jason Drive
Eastham, MA 02642

Jennifer Perkins
P.O. Box 1233
East Holden, ME 04429

Sharon Pray
1047 Long Falls Dam Road
Lexington, ME 04961

Ralph Marash
21 Salem Place
White Plains, NY 10605

Bradford Forsythe
P.O. Box 666
Fairfield, CT 06824

Highland Plantation Town Office
2392 Long Falls Dam Road
Highland Plantation, ME 04961

Central Maine Power Company
83 Edison Drive
Augusta, ME 04336

Arthur Cummings
463 Bakerstown Road
Poland Spring, ME 04274

Peter Richmond
HCR 31 Box 35
Harmony, ME 049442

Robert and Elizabeth Smith
519 Rowe Pond Road
Pleasant Ridge Plantation, ME 04920

Mary Jo Baker
14 Rowe Pond Road
Pleasant Ridge Plantation, ME 04920

FPL Energy Maine Hydro, LLC
160 Capitol Street
Suite 8
Augusta, ME 04330

OTHER INTERESTED PARTIES

Notified:

Somerset County Government
County Commissioners
41 Court Street
Skowhegan, ME 04976

Chief Brenda Commander
Houlton Band of Maliseet Indians
88 Bell Road
Littleton, ME 04730

Richard Doyle, Tribal Governor
Passamaquoddy Tribe of Indians
Indian Township Reservation
PO Box 343
Perry, ME 04467

National Park Service
Northeast Regional Office
200 Chestnut Street
Philadelphia, PA 19106

Sean Mahoney
Director, Maine Advocacy Center
Conservation Law Foundation
47 Portland Street, Suite 4
Portland, ME 04101

New Portland Town Office
Stacie Rundlett, Town Manager
901 River Road
North New Portland, ME 04961

Kingfield Town Office
Leanna Ross Targett, Town Clerk
38 School Street
Kingfield, ME 04947

Michael Torrusio (via email)
Research Associates, LLC
mike@researchassociatesllc.com

Chief Victoria Higgins
Aroostook Band of Micmacs
7 Northern Road
Presque Isle, ME 04769

William J. Nicholas, Tribal Governor
Passamaquoddy Tribe of Indians
Indian Township Reservation
PO Box 301
Princeton, ME 04668

Chief Kirk Francis
Penobscot Indian Nation
12 Wabanaki Way
Indian Island, ME 04468

Maine Appalachian Trail Club
PO Box 283
Augusta, ME 04332-0283

FPL Energy Maine Hydro, LLC
160 Capitol Street, Suite 8
Augusta, ME 04336

Carrabassett Valley Town Office
Dave Cotta, Town Manager
1001 Carriage Road
Carrabassett Valley, ME 04947

Town of Bingham
Jeannette Jacques, Municipal Clerk
PO Box 136
Bingham, ME 04920

Notified with CD:

Maine Audubon Society Headquarters
20 Gisland Farm Road
Falmouth, ME 04105

Maine Appalachian Trail Club
William L. Plouffe Esq.
Drummond, Woodsum
84 Marginal Way Suite 600
Portland, ME 04101-2480

Mr. Alan Stearns, Deputy Director
State of Maine, Department of Conservation
Bureau of Parks & Lands
22 State House Station
Augusta, ME 04333

Forest Ecology Network
Jonathan Carter
336 Back Road
Lexington Twp, ME 04961

Natural Resource Council of Maine
3 Wade Street
Augusta, ME 04330

Friends of Highland Mountains
Phillip Worden, Esq.
125 Main Street
Northeast Harbor, ME 04662

Gregory and Jennifer Perkins
51 Whitcomb Road
PO Box 1233
East Holden, ME 04229

Pam Underhill, Park Manager
National Park Service
Appalachian National Scenic Trail
PO Box 50 (252 McDowell Street)
Harpers Ferry, WV 25425

Ken Kimball
Appalachian Mountain Club
PO Box 298
Route 16
Pinkham Notch Visitors Center
Gorham, NH 03581-0298

Highland Plantation
William A. Lee III, Esq.
O'Donnell, Lee, McCowan & Phillips
112 Silver Street
PO Box 559
Waterville, ME 04903-0559

NOTICE OF INTENT TO FILE A DEVELOPMENT PERMIT

NOTICE OF INTENT TO FILE A DEVELOPMENT PERMIT APPLICATION Please take notice that Highland Wind LLC, (Highland) P.O. Box 457, Brunswick, ME 04011, (207) 729-1911, intends to file with the Land Use Regulation Commission (LURC) an amended Grid- Scale Wind Energy Development permit application, pursuant to the provisions of 35-A M.R.S.A. Section 3541 et seq. and 12 M.R.S.A. Section 685-B to build a wind energy development to be located in Highland Plantation. The development area is generally zoned General Management Subdistrict (M-GN). Highland is seeking a development permit to construct and operate 39 utility-scale wind turbines. The turbines will be located along two distinct ridgelines in Highland Plantation, Somerset County, Maine. The proposed wind farm will also include access on new and existing roads, electrical collection infrastructure, an electrical substation, and an operations and maintenance building. The Grid-Scale Wind Energy Development permit application will be submitted to the Commissions office in Augusta on or about December 28, 2010 and will be available for public inspection by appointment. Notice will be provided when the application is deemed complete for processing and copies of the complete application will then also be made available at the Somerset County Commissioners Office at 41 Court Street in Skowhegan, Maine 04976. The Notice of the Complete Application will include details and the timeframe for requesting a public hearing, and for submitting comments on the application. The application and supporting documentation will be available by appointment for review at the LURCs office in Augusta, 18 Elkins Lane, Augusta, Maine, 04333, and at LURCs regional office in Greenville, 43 Lakeview Street, PO Box 1107, Greenville, Maine 04441-1107, during normal working hours. Please contact Marcia Spencer-Famous of Maine Land Use Regulation Commission staff, by calling (207) 287-4933 if you have questions. Project updates for the review of this permit application will be posted on LURCs website: <http://www.maine.gov/doc/lurc/index.shtml>.

Appeared in: ***Morning Sentinel*** on Monday, 12/27/2010

[Back](#)

BERNSTEIN SHUR

COUNSELORS AT LAW

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207 774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Katherine A. Joyce
207 228-7297 direct
kjoyce@bernsteinshur.com

December 22, 2010

«FirstName» «LastName»
«Title»
«OwnerAddress»
«OwnerAddress1»
«Town», «State» «ZipCode»

Re: Notice of Intent to File – Highland Wind, LLC

Dear «FirstName»:

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Truly yours,

December 21, 2010
Page 2 of 2

Katherine A. Joyce

KAJ/mkh