

Board of Commissioners
Maine Land Use Regulation Commission
22 State House Station
Augusta, ME 04333-0022

May 31, 2011

Re: DP4886 Bull Hill Wind Project

Commissioners:

Please accept this submission as an addendum to my previous comments on Tangible Benefits and Decommissioning concerns associated with DP4886, First Wind's application for an expedited wind energy development in T16 MD.

I. General

Speaking generally, the proposed Bull Hill wind project, like some other grid-scale wind projects, offers few long-term benefits while exacting a substantial toll on the quality of the resources overseen by the Commission. By lowering the standard of review, Maine's Expedited Permitting laws statutorily assigned a level of importance to these developments that it is not commensurate with their societal value, or their value to the jurisdiction.

While wind power almost certainly has a role in the future of electricity generation in New England, it's more difficult to estimate what that role ultimately will be years from now. To date, no work has been done in Maine to determine clearly what large scale wind development will mean for the state's environment, scenic quality or socioeconomic well-being. We are hastily diminishing our state's best assets in pursuit of form of development that is, as executed in Maine, not likely to return any appreciable net benefit.

While Maine statute directs the Commission to assume that wind development has certain benefits, the Commission is under no obligation to assume that these benefits are substantial or that they warrant the negative impacts that they will undoubtedly precipitate. Fortunately, each Commissioner is still free to form his or her opinion on the final balance of the equation. I am confident that each will see the enormity of the imbalance if time is taken to look objectively at the very significant limitations of wind power's potential. That's not to say that wind power has no value, but that its potential pales in comparison to its costs, monetary and otherwise – mostly otherwise.

If nothing else, I hope that each Commissioner will adopt a standard which asserts that: *From big sacrifices, we should demand big results.* While I understand the constraints under which the Commission works, adherence to such a standard would greatly limit the places in Maine where wind development would be acceptable.

II. Application Deficiencies and Weaknesses

In addition to my prior submission on Tangible Benefits and Decommissioning, I would like to comment on two specific findings that I believe the application fails to address appropriately. Certainly, there are many others, but time constraints prevail.

Section 9.0 Lighting

The applicant does not elaborate on the type of lighting that will be employed on the planned permanent meteorological towers. Within its substantial description of FAA turbine lighting requirements, there is no specific mention of the lighting for the meteorological towers. In the application's Visual Impact Assessment, this simple statement is made:

The permanent meteorological towers will also have FAA approved lighting. VIA Section 4.2 Project Lighting

Yet, there is no elaboration on what that lighting will be. Does it follow the lighting scheme of the turbines? The applicant describes how the turbine color influences the lighting choices, yet doesn't indicate whether the meteorological towers will follow this same paint scheme, and therefore, share the lighting scheme. Observation reveals that other towers of similar size and construction sometimes require more than one safety light. So, it's imperative that the applicant describe, in detail, the lighting design for the meteorological towers in addition to the turbines.

Exhibit 17 Sound Assessment and Sound Easement

The following figure is found on Page 5:

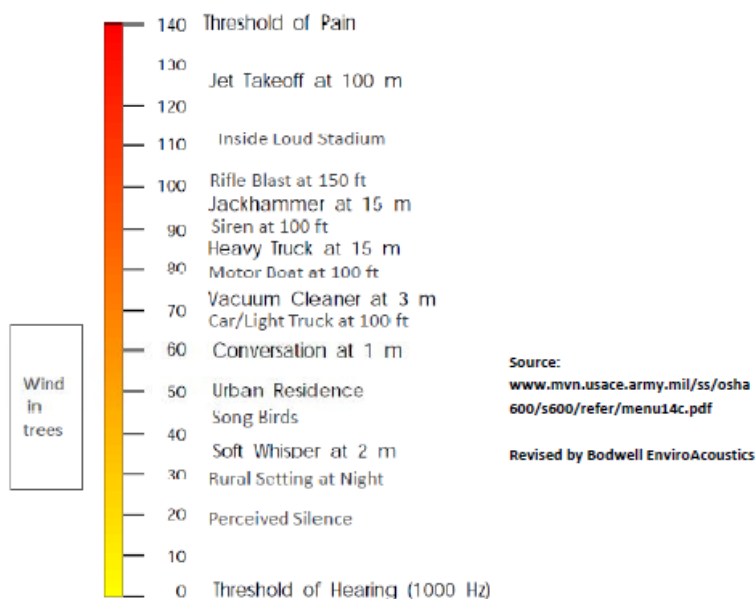


Figure 3. Typical A-Weighted Sound Levels

The applicant's figure characterizes approximately 20 dBA as "perceived silence" and approximately 30 dBA as "rural setting at night." It is not apparent that the applicant conducted an ambient background noise study in the areas surrounding the proposed project. Also, other wind applicants in rural Maine have found background noise measurements below 20 dBA. The applicant should not assume that all rural nighttime settings follow the numbers in its figure, especially if it is not actually checking these levels in its project area.

The ambient background sound levels are important because they play a part in determining the quality and character of the natural environment surrounding a wind development. The severity of the turbine noise impacts are best evaluated relative to the acoustic environment present prior to the operation of the wind facility. A significant portion of a sound's impact on the listener is the difference between the sound pressure levels of the background sound and the introduced noise. It is this aspect of noise perception that is so intrusive in the remarkably silent soundscape of rural Maine. It is also this aspect that has been shown to be detrimental to certain species of wildlife that rely on their ability to "hear" their surroundings in order to thrive.

While the applicant's project might be able to meet the relatively permissive sound levels of the DEP, there has been no quantification or accounting of the certain environmental insult that will occur subsequent to the saturation of the area with noise levels well above those of the normal ambient background sound.

It is also worth noting that the DEP noise standards used for ALL expedited wind energy developments are weaker than LURC's. While LURC sound pressure limit values for quieter areas are the same as those of the DEP, LURC standards require that these measurements be made at the property line of the parcel on which the development is located. The DEP standards enforce these levels only on neighboring parcels that contain a residence or parcels with certain other designations. Moreover, the quieter nighttime limits apply only within 500 feet of living or sleeping quarters. Therefore, the DEP standards allow for a much greater penetration of noise into the surrounding area. This distinction does not bode well for the soundscape in the Commission's jurisdiction.

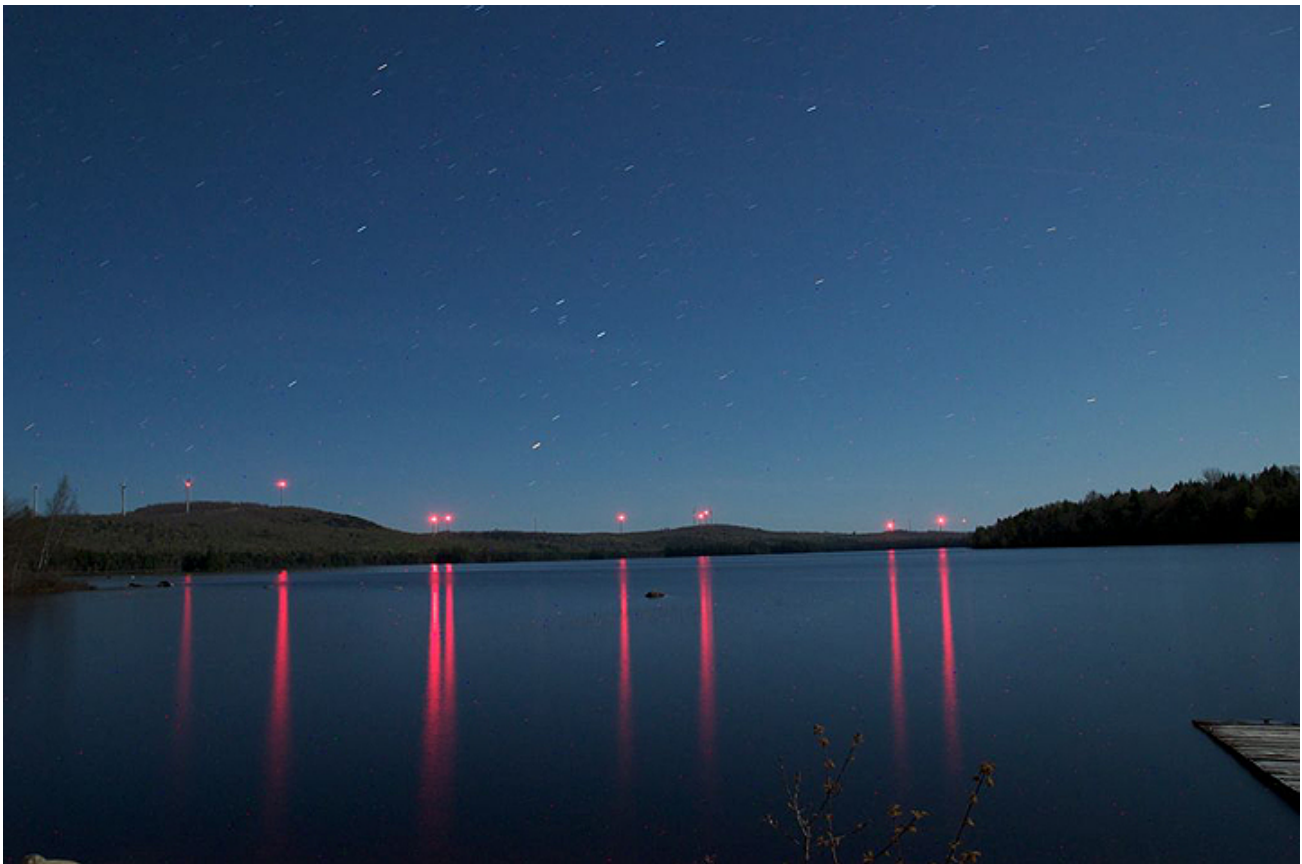
III. Other Standards Not Met

Section 18.0 Visual Analysis and Scenic Character

The applicant has failed to demonstrate that the project will not have an unreasonable adverse impact on scenic resources of state significance.

The applicant repeats several times that the project will have adverse impacts on scenic resources of state significance, but then reaches an unsubstantiated – and perhaps unverifiable – conclusion that the adverse impacts are not unreasonable. A great deal of text is used to portray the visual impact assessment as a formulaic methodology that yields an objective, if not quantifiable, conclusion. It's an alchemy that magically transforms what can only be subjective into purely objective. The reasonable person knows intuitively that this is impossible. Unfortunately, statute forces us to contrive, at great hazard, a method for reaching a mathematical solution for something that cannot be defined with numbers.

There is no number of impacted businesses, homes, hikers, campers, or boaters above which an impact is unreasonable, and below which it is reasonable. Likewise, there is no distance value beyond which a visual impact is reasonable, and so on. These numbers are arbitrary and any value defining these transitional points – if they exist – resides only in the eyes and minds of the individual. Quite simply, visual impact is personal and not quantifiable.



Rollins wind project viewed from Upper Pond. How does one quantify this impact objectively?

The project's visual impacts should be considered unreasonable because they violate the very premise upon which the Land Use Regulation Commission was created – that the jurisdiction was a unique resource to be preserved and protected from the very

type of intrusive and non-essential development proposed by the Bull Hill wind project.

IV. Conclusion

It is my hope that the Commission will deny a permit to First Wind for the Bull Hill wind project. I sympathize with the limitations imposed on the Commission by our State Legislature. Truly, the Commission, and all residents and property owners of Maine were done a great disservice by the actions of the 123rd Legislature in 2008. However, we have what we have until better – and more courageous – minds prevail in Augusta.

The law, however, doesn't require the commissioners to make unreasonable decisions in an effort to meet a quota that doesn't exist. Attorney Phil Worden reminded the Commission in April that Maine's wind capacity goal was just that, a goal – not a quota.

Should the Commission deem it necessary to grant a permit to First Wind, I hope that it will consider the suggestions I filed in previous comments on the Tangible Benefits and Decommissioning sections of the application as well as those contained in this submission. First Wind and other such developers have been given great privilege in the destructive exploitation of our state's, and especially the LURC jurisdiction's resources. Great demands should be placed upon them to demonstrate that their proposals are worthy of such access and that, when granted, such access will come with significant requirements that assure the greatest possible protections to Maine's people and its environment, present and future.

I thank you each for your service and dedication and wish you all the best in your deliberations concerning this permit application.

Respectfully,

Alan Michka
Lexington Twp.

STATE OF MAINE
DEPARTMENT OF CONSERVATION
LAND USE REGULATION COMMISSION

IN THE MATTER OF
DRAFT

BLUE SKY EAST, LLC)	
BULL HILL AND HEIFER HILL)	
WIND FARM)	
)	TESTIMONY OF
T16 MD)	DEAN A. BEAUPAIN FOR
HANCOCK COUNTY, MAINE)	LAKEVILLE SHORES, INC.
)	
ZONING PETITION DP 4886)	

This submission follows the testimony of Dean Beaupain, Esq. on May 17, 2011, at the public hearing on behalf of Lakeville Shores, Inc., the land owner for this project.

Mr. Beaupain is an attorney licensed to practice law in the State of Maine and represents Lakeville Shores, Inc., H.C. Haynes, Inc., Five Islands Land Company and members of the Haynes family on a regular basis and represented these entities concerning its 20,000 acres of timberland in Township 16 MD since they acquired Township 16 MD in 2004 and prior to 2004 concerning the acquisition and disposition of the portion of Township 16 MD south of Spring River and the adjacent land in Township 10 SD which together comprised some 16,000 acres.

The Haynes family controls several hundred thousand acres timberland throughout the organized towns and unorganized territories of Maine, and has been involved with land ownership and timber production in Maine for nearly a century.

The Haynes family has a strong commitment to multiple uses of its forest lands; the Haynes family has always encouraged appropriate public use of its property for traditional Maine recreational pursuits such as hunting, fishing, ATV's and snowmobiling and expects those uses to continue in Township 16 MD just as they have with the Stetson I and Stetson II projects which are on company land.

The Haynes family conveyed 16,000 acres of Township 16 MD south of Spring River in Township 10 SD to The Nature Conservancy in 2005 at a steeply discounted price due to its proximity to the existing Maine Public Reserve Lands.

Based on its previous ownership of the parcel, no motor vehicle access to the east shore of Narraguagus Lake exists. No motor vehicle access to the west shore of Narraguagus Lake existed prior to Lakeville Shores extending the land management road from Township 9 SD into the southwest corner of Township 16 MD after 2004. No road extends to Narraguagus Lake on the west shore and no boat launch exists. Any boating on Narraguagus Lake requires a great deal of effort and the west shore can be reached only over company lands and no one using company

roads have any legal easement to use those roads. Lakeville Shores believes boat use of Narraguagus Lake is extremely limited if it exists at all.

While the view from portions of Narraguagus Lake of the project will be different in that turbines will be visible, the view from lake presently has no use by the public at all due to lack of any road access or boat launch facilities.

The 20,000 acres of timberland in Township 16 MD and adjacent 1,600 acres in Township 9 SD are part of the working forest maintained by the Haynes family. Neither parcel is part of any wilderness area and any misconception that the area is anything other than an industrial forest needs to be corrected. This contiguous working forest is devoted to timber production and will continue to be devoted to that use for the entire term of the lease with Blue Sky East.

The road system in Township 16 MD has been used on a regular basis to transport heavy construction equipment such as graders, loaders, excavators, skidders, delimiters, and related timber harvesting equipment as well as loaded (approximately 100,000 pounds) and empty logging trucks to transport timber.

As noted at the hearing, the section of land management road near a vernal pool has been in existence and use since at least 1957 and is a lawful road owned by Lakeville Shores, Inc., and no legal basis exists to warrant moving that section of road. As further noted at the hearing, Lakeville Shores will suspend harvesting activity during construction of the project and use of the road by Blue Sky's contractors will not be any more intensive or different than Lakeville Shores use as part of its major ongoing timber operations during the last three years in particular.

Once the project is completed, Blue Sky East will have exclusive possession and use of less than 100 acres of the Township 16 MD parcel or less than one half of one percent of the parcel. The remaining 19,900 acres or 99.95% of the parcel will be devoted to timber production and subject to restrictions such as sound and flicker easements necessary for Blue Sky East to operate its wind turbines. Roads will be used for land management purposes by Lakeville Shores and by Blue Sky East to access its project facilities.

Blue Sky East is controlled by First Wind. First Wind has successfully completed three wind turbine projects on land owned by Lakeville Shores and known as the Stetson I, Stetson II and Rollins Mountain (approximately half of this project is on land owned by Lakeville Shores) projects as well as the Mars Hill project on land owned by others.

Lakeville Shores is proud to partner with First Wind on this project because First Wind has the technical expertise and financial capacity to construct and operate the project and has demonstrated its ability to do so. Lakeville Shores has received no complaints concerning the Stetson I and Stetson II projects.

With respect to decommissioning, Lakeville Shores has a greater interest in this subject than project opponents or any other party, including the Commission, because the project is 100% on company lands.

As noted at the hearing, there are practical constraints to accurately predicting costs in the future, especially 15 or more years from now. Our government institutions regularly make such estimates and are seldom correct as time marches on and the best of assumptions prove inaccurate and wide of the mark and unanticipated factors influence the subject matter.

The approach used by Blue Sky East is reasonable and its agreement to review those costs going forward and make adjustments by depositing additional funds in the future as necessary will ensure that sufficient funds are available for decommissioning when and if that day ever comes.

This is an \$80,000,000 project. Lakeville Shores expects that an investment of that magnitude will be maintained on an ongoing basis by its owner and it is hard to conceive of circumstances that would reduce this investment, or the residual value of the improvements, to zero during the reasonably foreseeable future and no matter what provisions are made, Lakeville Shores will always have the risk that the provisions are not sufficient.

With respect to the Eastbrook wind ordinance, property owned by Lakeville Shores in Township 16 MD is not impacted in any way by that ordinance.

With respect to tangible benefits, Lakeville Shores notes:

- 1-Blue Sky East is finalizing agreements with the County and others which speak for themselves and provide concrete tangible benefits;
- 2-The United States and Maine, especially rural Maine, are in the midst of the most difficult economic circumstances since the Great Depression with no end in sight. Approval of this project will result in millions of dollars being injected into the Maine economy and especially the local economy, the multiplier effect of this construction project alone are sufficient to justify this project in light of our current economic condition;
- 3-Rent paid by Blue Sky East will provide Lakeville Shores with another stable source of income which will allow it to weather many many ups and downs in the forest industry for the term of the lease;
- 4-Operation of the project will result in Lakeville Shores maintaining over 20,000 acres of timberland as productive working forest for the length of the lease;
- 5-Operation of the project will result in Lakeville Shores not converting 20,000 acres of productive timberland to some other use which would take the land out of timber production because other uses would be incompatible with the lease; and
- 6-Operation of the project will result in public use for recreation of the 20,000 acres for the term of the lease. The location of the land adjacent to Eastbrook makes the land especially convenient for local residents to use the area.

Lakeville Shores also notes:

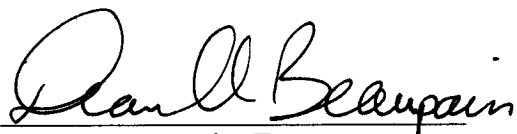
- 1-The impacts of this project are limited to some visual impacts from a small number of areas such as the tops of one or two nearby mountains and Donnell Pond, all of which are eight or more miles away. These impacts are less than the visual impacts of any other wind turbine project approved by the Commission. From any perspective, the visual impacts are minor and pale in comparison to the tangible benefits provided by the project.

Our timberlands are multiple use working forests and even though some people may think the forest, and the view of the forest, is part of some wilderness experience, in fact, it is no different than a potato field or other crop field. The crop rotation is a bit longer. The view of our property has been impacted by our forestry activities and the impact on the view scape of timber harvesting on our parcel of land as well as surrounding parcels will have a far greater impact on the view than a few turbines. I am not aware of any obligation that we have to restrict activity on our property to maintain some person's opinion of what the view should be from some other location. We certainly ask that you not restrict our economic options to preserve the view of our property from some other location. No one has purchased or offered to purchase a view easement on Township 16 MD. This proceeding should not be a mechanism to impose view restrictions on our property.

2-Some speakers have tried to create an impact on tourism. It is ludicrous to argue that construction and operation of this project will have any impact at all on the well developed and long standing tourism businesses in Bar Harbor and other down east locales or that public use of the Donnell Pond Unit will decrease due to this project.

In conclusion, Lakeville Shores and I fully support this project because its positive impacts *far* outweigh any conceivable negative impacts. In addition to significant economic impacts at a crucial time from construction of the project, the State will realize not only the clean power benefits but also the ongoing tangible benefit TIF and other agreements as well as long term timber production from, and public recreational use of, Township 16 MD while experiencing minimal impacts. As stated earlier, this project presents a rare win-win situation not only in Downeast Maine, but across the State as well.

Dated at Bangor, Maine, this 22nd day of May.



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Testimony re Blue Sky East, LLC, Bull Hill Wind Project
LURC Public Hearing May 16, 2011
Ramada Inn, Ellsworth ME 04605
with Selected References

1) It is my understanding that one or more turbine tower sites proposed for Township 16 are well within one mile of residences in Eastbrook.

2) My research over the past year indicates that the introduction of industrial wind turbine towers into a community impacts the community in important and predictable areas
- among those are property values

3) Property value is an important issue because
- for many families, their home and their land is their most valuable asset
- deflating property values limits the ability of home owners to sell their homes and move elsewhere (which they do not want to do anyway, because Eastbrook is/has been their family home)

4) Further, my research suggests that the impact of industrial wind turbine towers on property values depends on two factors:

a) Land Use - The impact on farm land, grasslands, and other uninhabited areas, seems to be limited. But in several communities in the US and Canada, the impact on residential properties is significant, representing a loss of value of 25% to 40%

b) Proximity - Virtually all the reports I found agree that the closer the turbine towers are to residential properties, the greater the loss in property value

5) How close is too close? While so-called experts disagree on the answer to that question, most seem to agree that, to avoid the negative consequences of proximity on property value, separation between homes and towers should be no less than one mile.

6) After long and difficult deliberation, one mile is the figure the Town of Eastbrook agreed on recently in writing its own new ordinances on this subject.

7) It seems to me unfair, even unreasonable, that Eastbrook home owners should be penalized, in effect, for happening to live close to the line between Eastbrook and Township 16.

8) Therefore, if the Commissioners decide to approve the Bull Hill Wind Project, I ask that they include in their approval a stipulation that no turbine towers be sited within one mile of any homes in Eastbrook.

Selected References:

- Wisconsin Realtors Association: New Wind Farm Regulations Could Decrease Property Values
<http://www.wra.org/WREM/Sept10/WindFarmRegulations/>
- Wind Concerns Ontario: Real Estate Professionals Concerns Regarding Wind Turbines
<http://windconcernsontario.wordpress.com/2010/10/03/real-estate-professionals-concerns-regarding-wind-turbines/>
- New Hampshire Site Evaluation Committee re Groton Wind Project
http://www.nhsec.nh.gov/2010-01/documents/100901mccann_testimony.pdf
- Certified Appraiser on Property Value Impacts in Adams County, Illinois
<http://www.windaction.org/documents/27736>
- Hammond Wind Advisory Committee Report to Hammond Town Board, Hammond, NY
[http://www.townofhammondny.com/uploads/documents/Wind%20Advisory%20Committee%20FINAL%20REPORT%20with%20Revisions%20032811%20\(1\).pdf](http://www.townofhammondny.com/uploads/documents/Wind%20Advisory%20Committee%20FINAL%20REPORT%20with%20Revisions%20032811%20(1).pdf)
- Property Value Assurance Plan in Fenner, NY
<http://www.windaction.org/documents/4898>
(Here is the original copy: <http://docs.wind-watch.org/canastota-propvalassurance.pdf>)

Respectfully, Madam Chair and Commissioners,

I am an Industrial Haz Mat Remediation Technician. I have spent many years cleaning up after Corporate Industry. In a way I'm an undertaker for American Industry.

Octopus Corp comes to town and sets up shop, does its thing for a time, and then organizes affairs such that it goes into bankruptcy. The owners and executives of Octopus Corp never seem to go hungry, but their old factories, mines, crushers and waste dumps never seem to get cleaned up by the mess makers. They get left to Well, they just seem to get left!

If the mess is in a sufficiently populated area, or where it is very visible, the federal government has stepped in under the Super Fund Umbrella to serve as the community dry cleaners. Men and women like me come to town and clean up this poisonous stuff. Unless the industrial wind developers are forced to do things differently they too will organize things such that they can fade away when wind power is proven to be unsustainable in the long term. Once again, we will be called upon to clean up the mess, except that in this case it probably won't happen, because in places like Township 16 there just aren't enough residents to make enough of a fuss to attract the attention of the federal gov't. Eastbrook and the area will permanently be "graced" with these towers and the roads and the after affects of the project.

I REPEAT: The Grid Scale Wind Energy industry is clearly milking the US Cow really hard here at the beginning of its life span, and unless you force thru some extremely strict regulation on decommissioning funding, will also leave us sucking the hind tit when it comes time to take these things down. Unless no one bothers because they are located in the hills far from Bangor, Bar Harbor or Newport, R.I. I'm afraid that no one will care about a string of turbines in the hills of Township 16, Kibby Township or any of the other out of the way places the applicants always choose. Sorry,

While a new form of industry is developing there is a learning curve, and invariably there are mistakes. Some investors lose money. Some designs or construction techniques turn out to be dead ends. And some uninvolved citizens are negatively impacted by the simple fact of being too close to the new factory, refinery or Industrial Wind Complex. This is the way life works.

This is no longer a "new industry" and a large part of the learning curve is either behind us or directly under our noses at different locations throughout Maine and New England. This industry has had years to establish its resume and either earn the respect or distrust of the educated citizenry. Industrial wind has proven to be lead by opportunistic operators far more interested in the chance to

make a personal fortune than in actually generating clean, inexpensive electricity where it is most needed.

Experience shows that even before the ink is dry on permits the developers are hustling off to write up new, disingenuous agreements with county commissioners that will lead to huge savings for the developer and major tax losses to the state of Maine. If TIFs and similar instruments are created Hancock County may gain a few extra dollars for itself, but the taxes that should have gone into the Unorganized Territory coffer will now be sliced to a small fraction of what might have been. Where does most of that tax savings go? Into the pockets of the developer!

Experience shows that while the developer is trying to garner local support for the Project they are everyone's best friend. They promise a turkey and fresh fish in every pressure cooker and a new car in every garage. Once the permit is in the bag what actually comes to light is that the Turkeys and Suckers are actually in every local living room, the new Yugos are the towers of scrap up on the mountain, and the pressure cookers are what you live in every time the wind blows and your nerves get rased raw by this sound. (Remember the audio of the wind mills at Freedom.)

Please don't let these good people have to go through what the citizens of Freedom and the north east part of Mars Hill are struggling with now. They were sold a bill of goods that sounded truly wonderful. Now they have to live with the situation, and when they try to sell out and leave no one will buy and the developers turn a deaf ear to their problems. Instead of buying them out at a fair price the Company meets them with a battery of lawyers! Some good neighbors they turned out to be. Please note that you're applicant's parent company is the same one that is ignoring the harm being done to the nearer residents at Mars Hill.

Industrial wind has so many unresolved problems and issues that without huge, continuing subsidies it is unlikely to ever be economically viable, is not an endurable neighbor, and clearly is not yet ready to join in as a dependable and reliable and affordable part of the electricity generating industry here in Maine. Deny this application and stop this project.

Here are questions I still have not received acceptable answers to:

How much will this energy cost per watt when the cost of the project, the cost of decommissioning, and the cost in lost jobs are divided into each actual watt generated over the life of the project? I mean the true cost, inclusive of everything. My truck income must equal its purchase cost, fuel cost, repair cost, license fees, insurance, driver wages and disposal costs or I go broke. Figure this out the same way.

How is this paid for? Is it all on the developer's back? No, it is hugely on the backs of the tax payer. Federal loans, subsidies, tax breaks, on and on.

How can this form of generation be called "GREEN" when the coal and oil fired generators must be kept on "SPINNING RESERVE" for when the wind does not blow? In other words, this whole sales pitch is a fraud! The entire industry is based upon a lie!

How many jobs will this facility create for the Hancock County area?

Far more to the point, how many jobs will be created that are FILLED BY LOCAL RESIDENTS? It does the area little good if all the paychecks go to professional construction workers that follow the wind developers around from job to job. I do this with the Haz Mat work I do. Before I returned to Maine I followed Envirocon to several jobs in Utah, then to one in Virginia, one in Montana and so on. My wages went to a mortgage, sure enough, but not to one in Ellsworth or Eastbrook. So how many positions will be filled by Locals from Down East?

How many of the permanent jobs will be filled by Locals from Down East? It is interesting that Northern Maine Community College is training new workers for the industrial wind scene. Any from Franklin? How about Delbois? I didn't think so.

At the same time what will happen to tourist support jobs already in the area? Will people flock to buy or build camps on Spectacle and Molasses Ponds? Will locals be able to set up fishing or hunting guiding operations? Will boat sales and service be affected? Will bed and breakfast operators loose customers as the news comes out that these towers loom over head?

If you are mindful of the plight of the wildlife in our forest it should concern you that birds will be killed on a continuous basis. Bats will be killed at even higher rates. Larger animals that can leave will try to. Tiny ones that can't may suffer such disruption that they can no longer effectively breed and reproduce. Logging has put quite a dent into the habitats of the region. This will just drive more spikes into their coffin.

I also ask that you take into account the potential plight of the foxes in the area. I understand that there area very few birds or bats killed at any of the wind complexes according to the developers.

This is proven by the fact that mortality counts are done, one quoted as being done over a period of 20 nights. Only 2 carcasses were found on the twentieth morning.

I suggest that a better way of measuring avian mortality is to measure the BODY MASS INDEX of the local foxes. By the 20th night the local foxes, weasels, bob cats and coyotes were so obese that they just couldn't drag their fat asses out for another night of gorging on the mashed and diced protein, so they missed a couple. Hence the two carcasses found.

What is going to happen to the tax value of the township? And when a TIF or some similar item is crafted guess where will the imbalanced load will fall? ...eventually on the local tax payers!

Ladies and Gentlemen of the Commission, Please take my questions seriously, including the body mass index of foxes, since the cleverest foxes are not the ones living in Township 16. Dismiss this application and deny the permit. We don't need something like this in Eastbrook, and a wind ordinance was crafted to keep it out. We don't need one of these in central Franklin County, and our neighboring towns have crafted even more protective ordinances. Today we depend upon you to protect the unorganized townships Down East, tomorrow we will depend upon you to protect places like Salem, Madrid and Freeman townships in Franklin County. We have lost Kibby and Chain of Ponds. Let's not loose any more.

Sincerely,

Lauri Sibulkin, Phillips, ME

RECEIVED

MAY 31 2011

LURC-AUGUSTA

Roseanna R. Rich
1284 Macomber Mill Rd
Eastbrook, ME 04634

May 30, 2011

Dear LURC Commissioners,

My home is in Eastbrook and the industrial wind turbines proposed for Township 16 would be less than two miles from my home. I overlook several breathtaking vistas in all directions from my home. The location of my home is a jewel and extremely sensitive.

This is *who* exists on my property:

Little brown bats;

Peregrine falcons, eagles, ospreys, broad winged hawks, red tailed hawks, night hawks;

Rare orchids and Monarch butterflies and Luna moths;

Lynxes, deer, bears, bob cats, wild turkey, moose;

Indigo buntings, Scarlet tanagers, Pine grosbeaks, Evening grosbeaks, Ruby breasted grosbeaks, timber doodles, starlings, sparrows, blue birds, and finches. thrushes, cedar waxwings

I have great concern about the survival of these species with the threat of the proposed industrial wind farm in Twp 16.

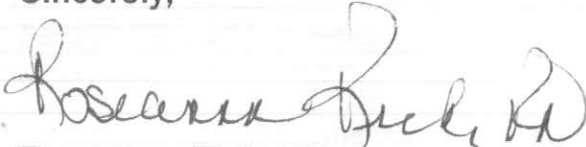
I have dealt directly with representatives from First Wind over the past 1.5 years throughout the creation of the Eastbrook wind ordinances.

This direct experience has led me to believe their assertions of low to moderate impact in T16 are incorrect. First Wind representatives are a group that changes their story depending on who they are addressing.

I beseech you to deny the Blue Sky East, LLC permit for Township 16.

Thank you for listening.

Sincerely,



Roseanna Rich, RN

Paul Alexandre John
633 Sugar Hill Rd.
Eastbrook, ME 04634
(207) 565-2798
e-mail: flyingbirdarts@hotmail.com

To: LURC
Maine Department of Conservation
Augusta, Maine 04333

Re: Bull Hill Wind Project
Township 16
Hancock County, Maine

May 23, 2011

Dear Commission Members,

You will notice that the people who want the giant turbine industry are people who are going to make money from it. The fact that the real wind resource in Maine is sub-par, especially in the proposed location, does not deter the lust for the corporation to make money. The money comes from us taxpayers in the form of the stimulus package. If those funds were not available, these vultures would not be here and we would not be having this conversation.

I live in Eastbrook and am disturbed very much by this invasion into my quiet life. You realize that a fully grown maple tree is approximately 60'-80' high. You put 6-8 trees on top of each other and you will get to the height of these turbines. Some people do not understand what the number 476' really means until you quantify it with something commonplace. You'd need about 16 telephone poles (approx. 30') stacked end to end to reach the 476' height!

The gall of Blue Sky East to say that things will not be affected or that they will not disturb anything is quite laughable. This nonsense has to stop and a line must be drawn in the sand.

Just step back and understand that if this industry is allowed to come into an area where people have set up their lives, it will severely damage their existence. This total rubbish of equating wind energy with foreign oil, which has been debunked, is still used to dupe people. They even print T-shirts to this effect. They need false talking points to peddle their snake oil.

Paul Alexandre John

p.2

Hancock County is a jewel. Living with these huge turbines, which are constantly noisy with low frequency sound levels that affect the nervous system, is going to be a public health problem. To have a major industry so close to where people live in an area like ours is not a good or healthy fit. Local people and visitors from all around the world come here to enjoy its beauty. Nourishment is in nature. I love it here and do not want to see a full-scale industry that is really not efficient come to my area. It is all about money—not wind. Wind is the corporation's excuse to get their hands on the stimulus funds.

Have courage and please stop this insanity.

Thanking you,
Sincerely,

Paul Alexandre John



May 25, 2011

Chairwoman Gwen Hilton
Land Use Regulation Commission
22 State House Station
Augusta, ME 04333-0022

**Comments of Dylan Voorhees, Clean Energy Director, Natural Resources Council of Maine
Re: Bull Hill Wind Project, DP 4886**

Chairwoman Hilton and members of the Commission,

My name is Dylan Voorhees and I am the Energy Project Director at the Natural Resources Council of Maine. NRCM staff have been involved in reviewing and commenting on dozens of development proposals in LURC jurisdiction since LURC's creation. We have participated fully in two full revisions of LURC's Comprehensive Land Use Plan (1990-1997 and 2005 – 2010) and in many stakeholder committees. NRCM has also served on many Management Plan Advisory Committees established by the Bureau of Parks and Lands, including the Management Plan Advisory Committee for the Donnell Pond Unit both in 1991 and in 2007. Many of our staff are avid canoeists and hikers and have paddled most of the major rivers and many lakes in the jurisdiction, and have hiked many of the mountains. Many of our staff, and of course our members, have specific experience over the years as users of the Donnell Pond area. All of these experiences have given us a deep understanding of recreational and scenic issues facing the jurisdiction. We also have been involved in the shaping of Maine's wind power policies, through analysis of wind energy production and siting, participation on the Governor's Wind Power Task Force, throughout the legislative process, and through multiple presentations and submission of testimony to LURC.

Summary

NRCM is a strong supporter of both protecting the scenic and recreational resources of the state and developing renewable energy as one part of a strategy to limit pollution and climate change. We believe that the Maine Wind Energy Act (35-A MRSA § 3401) provides a balanced approach for achieving both of these goals.

Our comments below are primarily focused around the statutory criteria for granting of a development permit, specifically regarding scenic resources. However it is important to remember the purpose of wind power and renewable energy generation in Maine. Maine and the region continue to be over-dependent on fossil fuels for power, a situation which is unsustainable both economically as well as environmentally. Climate change is one of the most dramatic negative effects of continued fossil fuel use, and will cause sweeping harms to Maine's forests, coasts, fisheries, wildlife, public health and physical infrastructure. We must transition to a cleaner, more affordable future through several simultaneous policies, from energy efficiency to

additional use of renewable energy available here in Maine. We have examined the impact of wind power in displacing pollution and fossil fuel energy, primarily natural gas, at great length—the simple conclusion is that wind power plays an important role in displacing these fuels and reducing pollution levels. It is one of the most cost-effective renewable energy sources, though it sometimes must nonetheless struggle to compete with traditional sources of energy, such as oil and gas, that we have collectively subsidized and invested in for generations. The need to develop clean energy does not trump other needs—hence the need for balancing with conservation goals.

After reviewing the proposed Bull Hill wind project, we believe that it is a close call whether this project meets the criteria of the law and strikes the appropriate balance between protecting Maine’s North Woods and developing wind power. We neither support the project nor oppose the granting of a permit, but would like to provide some information that may be useful to the Commission. There would be significant impacts on scenic resources of statewide or national significance and existing uses of those resources, including Donnell Pond, Narraguagus Lake, and the Donnell Pond Public Land Unit including Black, Caribou, and Tunk Mountains. If this project were to be approved, we believe that conditions would need to be included in the permit in order to mitigate these adverse impacts and/or the project should provide tangible benefits for land conservation, and recreational and scenic benefits. We do not have specific recommendations for mitigation or tangible benefits, however we recommend that they should be relevant to the impacts of this project—i.e. recreational and scenic benefits.

Statutory Criteria for Evaluating Scenic Impacts

12 M.R.S.A. §685-B (4)(C) sets forth the legal criteria for determining scenic impacts:

Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal...

In making a determination under this paragraph, regarding an expedited wind energy development, as defined in Title 35-A, section 3451, subsection 4, the commission shall consider the development’s effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.

35-A M.R.S.A. §3452 (1) further defines the standard for determining scenic impact as:

...whether the development significantly compromises views from a scenic resource of state or national significance such that the development has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of the scenic resource of state or national significance.

Significance of the Potentially Affected Scenic Areas

The areas of state significance that would be affected by this project include the following:¹

- 1. Donnell Pond Public Lands Unit** – The Donnell Pond Public Lands Unit includes 15,384 acres in T7 SD, T9 SD, T10 SD, and the towns of Franklin and Sullivan. The Bureau of Parks and Lands (BPL) also holds two easements on an additional 468 acres adjacent to the Unit, including 3.4 miles of frontage on Donnell Pond. The purpose of these easements is “to protect the scenic values as seen from within the Unit.”² The Department of Inland Fisheries and Wildlife (IF&W) holds easements on an additional 1,400 acres on the west side of Tunk Lake. Finally, IF&W holds an additional six easements on nearby parcels “to provide protection for viewsheds and lakeshore quality.”

Donnell Pond is 1120 acre lake, classified as a class 1A with outstanding scenic quality, shoreline character, and fisheries. It is a management class 4 lake as there is some development on the privately owned lands on the northwest side of the Pond.

BPL’s Management Plan notes that the Donnell Pond Unit “offers excellent opportunities for remote and semi-remote recreational experiences. The quality of the lakes and ponds, along with its miles of undeveloped shoreline, sand beaches, hiking trails, and campsites in scenic surroundings combine to make this a Unit of high recreational value for a variety of users. The recreation management goal for the Unit has been to maintain its remote to semi-remote natural character...”³ Significant blocks of land (estimated at 6000 acres) have been designated by BPL for “backcountry non-mechanized recreation,” BPL’s most protective recreation management category. In addition another estimated 4000 acres have been designated for “remote recreation,” a category which is slightly less protective than backcountry non-mechanized.⁴ BPL is in the process of expanding both the backcountry non-mechanized recreation areas on this Unit and the multi-day hiking and camping opportunities within those areas. These backcountry areas include Black, Caribou, Schoodic, and Tunk Mountains. The Management Plan further notes that “the scenic quality throughout the Unit is a valuable resource.”⁵

- 2. Narraguagus Lake** – This is a 426 acre lake, classified as 1B with significant scenic quality, shoreline character, fisheries, and cultural features. It is inaccessible and largely undeveloped.

NRCM is very disappointed that the Bureau of Parks and Lands has been instructed not to file any comments in this and other development projects before LURC. Staff at BPL are the state’s foremost experts on the public lands they oversee – what features they include, what type of experience they provide to users, and what the management goals are. We

¹ These resources all meet the criteria set forth in 35-A M.R.S.A. §3451(9).

² Bureau of Parks and Lands Management Plan for the Donnell Pond Unit, 2007(BPL Management Plan), p. 19.

³ BPL Management Plan, p. 27.

⁴ See BPL Management Plan map, p. 81.

⁵ BPL Management Plan, p. 31

believe that BPL staff could provide valuable information to the LURC Commission on this and other proposed development projects about the likely impacts of proposed development both on the public lands and on recreational uses those lands are intended to provide. BPL staff are also knowledgeable about recreational uses on other lands, both private and those managed by nonprofits, as a result of their work with a variety of partners on issues ranging from back country trails to snowmobile and ATV trails. We encourage the Commission to specifically request comments from BPL, or, in the alternative, invite BPL staff to a LURC meeting to discuss potential impacts from development projects (both this one and future ones of all types.)

Existing Character of Surrounding Area

Aside from Acadia National Park, the Donnell Pond Public Lands Unit is one of the only places in the Downeast region where people can hike to the top of mountains and get broad scenic vistas over the landscape. To the best of our knowledge, it is the only place in the region, other than the Cutler Public Lands Unit which is directly on the sea coast, where hikers can find a multi-day backpacking experience.

The views from the tops of the mountains in the Donnell Pond Unit (Black, Caribou, Schoodic, and Tunk) are stunning. In the foreground, one sees open rock summits and ledges, and the pristine and undeveloped mountains and lakes of the Donnell Pond Unit.

Further away, to the south, one sees the Maine coastline dotted with islands and the mountains of Mt. Desert Island and Acadia National Park. To the north, east and west, one sees a carpet of rolling forested hills, flats and blueberry barrens, punctuated only very infrequently by a communications tower or isolated building. Given its relatively close proximity to Ellsworth with its extensive big box development and Routes 1 and 182, this Unit has a remarkable feeling of remoteness.

Expectations of Typical Viewer

The Donnell Pond Unit is a well used Public Lands Unit. BPL notes that “the trailheads to these destinations [Schoodic, Black and Caribou Mountains] often overflow.”⁶ On the October weekend when the applicant did its visitor survey, there were at least 153 hikers. These hikers expect to see a generally undeveloped view from the summits of the mountains.

Users of Donnell Pond vary more than hikers in the type of experience they are seeking. Some users come for a semi-remote paddling and camping experience. Other users come in motor boats, laden with beer. Still others come for the day to engage in group beach activities including swimming and picnicking. Given all of these types of use, expectations for a semi-remote experience may be somewhat lower.

On the other hand, Narraguagus Lake is less accessible and sees much less use. Users of Narraguagus Lake would expect a remote experience.

⁶ BPL Management Plan, p. 29.

Nature and scope of impacts on users and scenic resources of state and national significance⁷

In evaluating the impact of the project, it is important to think about both the effects of the proposed turbines and the value of the scenic resource and public uses being affected. Because wind turbines are inherently visible features given their size relative to other features on the landscape, it is largely the value and extent of the affected resources and related uses and the landscape context that will distinguish the impacts of one set of wind turbines from another.

Evaluating the scenic impact of a project is not an easily quantifiable exercise. Professional assessments can provide an important perspective using generally accepted and relatively objective standards. However, evaluation of scenic quality and impacts inevitably involves a large degree of subjective judgment, and the perspective of laypersons should also be given strong consideration.

The most direct impact from the project will be on Narraguagus Lake. It is a remote feeling area, many turbines will be visible, and they are relatively close (starting at less than 3 miles.) However, the landscape in the direction of the turbines is low and rolling and the use of the lake appears to be primarily by fishermen for whom fishing is the draw, more than the scenic character of the region. Given these factors, we agree with James Palmer that the overall impact on Narraguagus Lake is medium.

The greatest adverse impact of the project on resources of state significance is on the mountains of the Donnell Pond Unit. Hikers on these mountains are clearly in search of scenic vistas and remote hiking and camping experiences, mountains such as these are scarce in this region of the state, and the turbines will be very visible. While the applicant did an analysis of the impacts from Black and Tunk Mountains, no analysis was done of the impacts from Caribou and Schoodic Mountains. Schoodic Mountain is an even more popular destination than Black Mountain (although we could not tell definitively whether it was technically within 8 miles of the project); and Caribou Mountain is part of an excellent hiking loop that includes Black Mountain and is closer to and will be more directly impacted by the turbines.

The views from the summits of these four mountains will be significantly adversely affected by the project. While James Palmer characterized the overall scenic impact on Black and Tunk Mountains as Medium-High, we would probably characterize it as High, when you add the impacts on Schoodic and Caribou Mountains to the impacts on Black and Tunk Mountains.

However, there are some mitigating circumstances. First, the most dramatic view from these mountains is towards the south, the Maine coastline and Acadia National Park – the opposite direction from the proposed project. This might help explain why the applicant's hiker

⁷ 35-A M.R.S.A. §3(E) and (F) evaluation criteria read as follows: "E. The extent, nature and duration of potentially affected public uses of the scenic resource of state or national significance and the potential effect of the generating facilities' presence on the public's continued use and enjoyment of the scenic resource of state or national significance; and F. The scope and scale of the potential effect of views of the generating facilities on the scenic resource of state or national significance, including but not limited to issues related to the number and extent of turbines visible from the scenic resource of state or national significance, the distance from scenic resource of state or national significance and the effect of prominent features of the development on the landscape."

survey predicted no significant decrease in return visitors based on the project's scenic impact. Secondly, the foreground landscape from the tops of the mountains in the Donnell Pond Unit is very striking – the summits and open ledges of the other peaks are close by and very attractive; they capture the viewer's attention. Unlike some mountain summits, where the entire view is a more distant view, the views from these mountains are a combination of these distant landscape views with the striking close views of the nearby mountains. Thus, while the view of the turbines will be prominent, it will not be as prominent as if there were only a single mountain.

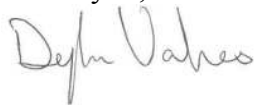
Finally, there will adverse scenic impacts on Donnell Pond, itself. For those paddlers, campers, and anglers in search of a semi-remote experience there will be a significant degradation of the scenic quality and experience. Some of these users would likely choose to find other lakes. For those users who are there for day use, boating, swimming, and picnicking, the focus of the use is more on the social activities and the actual beach, more than on the distant scenic views (the nearest turbines are 7.8 miles away). Overall, we agree with Jim Palmer's assessment that the impacts would be medium.

There is one other issue which we urge the Commission to consider. It is our understanding that there may be additional wind projects, or a project expansion, planned for this region. If this project is approved, it will act as a magnet for other projects, both because of the economic efficiencies of managing projects that are geographically close to each and because the scenic resources will have already been adversely impacted. This is a situation where LURC has the ability to think about the cumulative impacts of multiple projects before any of the projects have been built.

Conclusion

As a result of LURC's statutory mandate to protect the North Woods and the expedited wind power act, LURC has the authority and responsibility to balance the two statutory goals of North Woods protection and generation of wind energy. Some wind sites cause relatively few adverse impacts to North Woods values. Other sites cause such major impacts to the North Woods, that projects should not be approved. And some sites are close calls. Based on the information we have, we believe that this site is one of those close calls. We urge you to consider our comments and the issues raised along with all the other information you will receive during this process as you make your decision on this project.

Thank you,



Dylan Voorhees

ATTACHMENT: The section of the Bureau of Parks and Lands Downeast Region Management Plan addressing Donnell Pond, March, 2007.

Board of Commissioners
Maine Land Use Regulation Commission
22 State House Station
Augusta, ME 04333-0022

Re: DP4886 Comments on Tangible Benefits and Decommissioning – Alan Michka

Commissioners:

Please accept and consider my comments regarding the Tangible Benefits and Decommissioning sections of DP4886, the Bull Hill Wind Project proposed by First Wind/Blue Sky East LLC. I plan to submit additional comments on other topics at a later date.

Generally, I am struck by the marginal quality of the Tangible Benefits section of DP4886. Under the headings of 2.2 First Wind Background and 3.0 Technical Capacity, the applicant proclaims its considerable experience and expertise in the development of large wind projects and its plans to be an owner and operator of a portfolio of wind energy projects. Despite this self-affirming claim, the applicant has assembled a Tangible Benefits section that is vague, sometimes off topic, and heavily reliant on data from previous projects while thin on specific projections for the Bull Hill project.

I. TANGIBLE BENEFITS

Section 22.0 Tangible Benefits

- From Section 22.0: “...*the project will increase energy diversity, thereby helping to reduce electric price volatility in Maine.*” I would remind the Commission to not confuse reduced price volatility with reduced prices. The pendulum swings of price volatility can look pretty good when prices are stabilized at the high end of the pendulum swing.
- In Section 22.1.4, the applicant expands the previous statement to include “...*will tend to lead to lower and less volatile electricity prices.*” There is no basis for suggesting that the Bull Hill Wind Project would lead to lower electricity prices for Maine. In a February, 2011, Portland Press Herald article, columnist Gordon L. Weil wrote, “Maine customers are not guaranteed that they will get any better rates for wind power no matter what it costs to produce it. That's not how the New England market works.”

Recommendation: Require the applicant to cite specific evidence that Maine electric rates will drop definitively and positively as a result of wind energy development.

This has not been the experience in the Pacific Northwest nor in European countries with greater wind energy penetration than Maine.

Section 22.1.2 Increased Employment

- This section describes a bleak employment picture for Hancock County but fails to demonstrate any specific, substantial, or enduring positive impact on that situation.
- The applicant states, “*The economic benefits of a wind project are significant and **can** provide value and stability to the local and regional economy.*” This section, however, provides no evidence to support this statement. The applicant states that the “*surrounding areas **can** benefit through construction related employment opportunities and the ancillary economic benefits*” but provides no evidence that they **will** benefit or what will be the extent of those benefits.
- The applicant estimates “*65 full-time equivalent jobs*” will be created for construction workers. This statement is meaningless without an additional estimate of how long each “*full-time equivalent job*” will last.
- Amazingly, despite its claim to be an experienced developer with 7 projects in operation, the applicant cannot seem to pin down how many permanent jobs in operations and maintenance will be created. The applicant states that it “*anticipates hiring three to eight permanent employees*” but provides no specifics with regard to job descriptions or compensation. It would not be unreasonable to expect more specific hiring projections along with details of the jobs created. This range of job numbers overlaps that of much larger projects and raises questions of its veracity.
- The elephant in the room, of course, is the temporary nature of the economic benefits cited by the applicant. First Wind’s Rollins Project took 6 months to construct and was twice the size of the proposed Bull Hill Project. These very short-term benefits are the antithesis of the Commission’s traditional long-range view.
- Exhibit 22 is used by the applicant to illustrate the economic benefits of the Stetson Wind Project. This is an inappropriate inclusion in the application in that the Bull Hill Project is a considerably smaller project than was the Stetson Project. The applicant is free to make projections for the project under review if it wants this to be considered.

Recommendations:

- Consider the very short duration of any economic and employment benefits associated with this project. Ask the question: What will the benefits be 2 years after the commencement of operations? In 5 years?
- Disregard that portion of Exhibit 22 labeled “Maine Businesses Benefiting from Stetson Wind”.
- Require the applicant to:

1. Provide a man-hours figure for the temporary construction jobs which can be converted to a full-time equivalent figure that provides duration of employment, *i.e.* how many full-time jobs for how many days.

2. Provide specific projections of employment or other specific economic benefits for residents of Hancock County including the duration of those benefits.

3. Provide specific data for permanent employee hiring. The applicant should be able to provide a definitive number \pm one employee. The data should include a complete description of the position and an accurate salary projection.

Section 22.1.3 Reduced Local Property Taxes

- The application states, “*The applicant expects that it will pay significant annual property taxes on the project.*” More important is the included Exhibit indicating that the applicant plans to enter into a Tax Increment Financing (TIF) and Credit Enhancement Agreement (CEA) with Hancock County. They project an 80/20 Applicant/County split on a 100% TIF. Therefore, the applicant would have 80% of the property taxes it pays refunded. This is a significant benefit to the applicant that is funded by the rest of the property taxpayers of the unorganized territories. Obviously, the above statement from the application is misleading, if not dishonest.
- The remainder of this section addresses TIF arrangements that the applicant has with other jurisdictions which have little relevance to this case.
- There is no assurance in the application that the final terms of the TIF and CEA have been reached. This will make it impossible for the Commission review the Tangible Benefits section with certainty that it is reviewing the final terms.

Recommendation:

- Require the applicant to solidify the terms of the TIF deal prior to completing the Tangible Benefits review. Adherence to these terms should be a condition for permit issuance should the Commission approve a permit.

Section 22.1.4 Reduced Energy Price Volatility

- See Section 22.0 above.
- The applicant states that the Mars Hill and Stetson projects have a combined energy output of “*approximately 377,000 MW/hours [sic] per year.*” Again, this has no relevance to DP4886. Nonetheless, this would represent a 35% capacity factor which is quite high. While these facilities may be producing at this level, the applicant should back up any such figures with supportive data.

Recommendations:

- Require the applicant to submit supporting monthly data for energy production over the last 12 months (minimum) for the projects cited – Mars Hill and Stetson I

& II. This data should be of that type submitted to the Commission by TransCanada with regard to its Kibby Mountain project.

- As a condition of permit issuance, should the Commission grant a permit, require the applicant to submit monthly energy production data on an annual basis for the project under review.

Section 22.1.5 Community Benefits Package

- It should be clear, that in the case of a county acting as a host community with regard to a community benefits package, the use of the funds is unrestricted. Therefore, there is no assurance or requirement that any of the funds be used to the benefit of those who might be negatively impacted by the development.

Section 22.2 Environmental Benefits

- Oddly, the applicant makes no specific claims regarding environmental benefits offered by the proposed project under review. However, the applicant does make claims of environmental benefits associated with a previous project, albeit erroneous ones.
- The applicant attempts to perpetrate the illusion that land-based wind development in Maine will lead to significant reductions in coal and oil-fired electricity generation with the statement “...*a traditional fossil fuel burning power plant would have burned approximately 288,000 barrels of oil or 61,000 tons of coal per year to produce an amount of energy equivalent to the energy produced last year at the ...Mars Hill Wind project...*” First, the Mars Hill project is not under review. Second, according to the 2010 New England Wind Integration Study commissioned by ISO New England, the primary fuels that might be displaced by wind generated electricity are natural gas and oil. Of course, it’s important to understand that only a very small portion New England’s electricity is produced by oil-fired burners. According to the ISO New England 2010 Regional System Plan, **just 0.7% of New England’s electricity was produced by oil in 2009.** Therefore, the above statement, made by the applicant, is misleading.
- The applicant states that “*The significant environmental benefits associated with wind power...were recently recognized by the Governor’s Task Force on Wind Power Development....*” It is important to understand that the GTFWPD was convened first and foremost to knock down barriers to wind development. The Task Force had no mission to determine whether or not wind power’s benefits were significant to Maine relative to the negative impacts that would follow. To date, no significant environmental benefits for Maine, subsequent to meeting statutory goals, have been definitively demonstrated.

Recommendations:

- Disregard the applicant's erroneous implications of avoided coal and oil consumption.
- Statute requires that the Commission assume that a wind power development has "energy and emissions-related benefits." The Commission, however, is not required to make or accept the exaggerated assumptions of the applicant.

Section 22.3 Conclusions

- The tangible benefits presented by this development, do not constitute a significant tangible benefit relative to the negative impacts of the project on the surrounding area. Those residents most affected by the development are assured of nothing to compensate for their losses.

II. DECOMMISSIONING

Exhibit 20

1.0 Anticipated Life of Wind Turbines

- The applicant's definition of Force Majeure is so extensive that it seems unlikely that there would ever be any grounds on which to expect removal of non-operative wind turbines.
- The 12-month period used to trigger removal should be applied to individual turbines, not just the project as a whole.

2.0 Estimated Cost of Decommissioning

- The applicant cites a salvage value for the turbine components that is approximately 24% of their value new, but provides no substantiation of these salvage values or proof that a salvage market exists for the components.
- Salvage markets are subject to volatility that is out of the control of the applicant. Allowing the applicant to use salvage value to offset decommissioning costs, places the risk of a salvage market on the state when it should remain with the owner/operator.

3.0 Ensuring Decommissioning and Site Restoration Funds

- The incremental funding of a decommissioning plan puts the state at risk. First Wind will soon have turbines on Maine's landscape numbering in the hundreds. Financial collapse of First Wind or its partners could have a disastrous effect if its various decommissioning accounts are inadequately funded. The decommissioning plans being permitted currently make no assurances that funds would be available to decommission a site in the event of a premature failure of an owner/operator.

- Wind energy development is still highly speculative and reliant on favorable government policy, thereby making it essential that developers fully fund a decommissioning account prior to construction.
- LURC's own application submission guidelines require an applicant to "*Provide a 'demonstration of current and future financial capacity that would be **unaffected by the applicant's future financial condition** to fully fund any necessary decommissioning costs commensurate with the project's scale, location, and other relevant considerations, including but not limited to, those associated with site restoration and turbine removal.'* [See PL 2008, Sec. B-13]"

Recommendations:

- Apply the same rules to individual turbines as the project as a whole with regard to triggering requirements for decommissioning.
- Redefine Force Majeure to give some assurances to the state that decommissioning can be enforced.
- Disallow the use of estimated salvage values in fund calculations. Require the applicant to carry this risk.
- Require the applicant to provide full funding for the entire project prior to construction in the form of a bond, third party escrow, or specialty insurance product, or the equivalent to assure that funds are available which are not subject to the applicant's future financial condition. The Commission has the authority to set decommissioning plan requirements as it sees fit. Given the rapid proliferation of wind turbines on Maine's landscape, it is time to start raising the bar on decommissioning plans in order to protect Maine's assets.

I thank you for your service and your consideration.

Respectfully,

Alan Michka
Lexington Twp, Maine

**Oral Testimony Tuesday, May 17, 2011 before LURC Public Hearing
given by Mary Ann John, resident of Eastbrook,
registered nurse by profession, representing no other entity**

Again, thank you for this forum. I've learned a lot here today listening to all the testimony. I have several points I'd like to make:

I was particularly taken with the concern for the potential destruction of our pristine, natural remote areas with the siting of this large industrial complex. Specifically the Narraguagus Lake, Myrick Pond and Donnell Pond areas.

Hancock County is the fastest growing county in the state. Ellsworth is the fastest growing town. Lots of people in the area will be finding these natural scenic spots that today we consider "remote" or "little used by the public". These natural beauties should be there—unspoiled--for them to find.

Secondly, Molasses Pond is an area enjoyed by many in Eastbrook—full-timers and vacationers. Even though Molasses Pond doesn't qualify as scenic enough for state guidelines, it provides recreation for many from all over the state and beyond. At an informational meeting held in Eastbrook by First Wind, we were told that the turbines would *certainly* be seen from the west side of the pond.

Molasses Pond is the major tax base for Eastbrook. Unhappy campers there would not bode well for our town.

And lastly, I want to repeat to you what Dave Fowler (project manager for the Bull Hill Project) told us last May. First Wind plans 48 turbines for the Bull Hill area, including Eastbrook and Twp. 16---*not just 19*. I think the Commission should know that and consider it when deliberating.

Hearing of all the unknowns and uncertainties that all the technical people have mentioned today, I can only ask that you deny this permit application.

Wind Resource Question

Gary Kuhn

120 Town Lot Rd

Eastbrook, Maine 04634

2gekuhn@gmail.com

May 14, 2011

Blue Sky Definition

- blue-sky (blsk) *adj.* 1. Unrealistic and impractical: "[The author] shows what is testable physics, what is philosophy's domain, and what is blue-sky nonsense" (Ann Finkbeiner).

<http://www.thefreedictionary.com/blue-sky>

Blue Sky LLC Wind Application

- When I was observing the development of the Eastbrook Wind Ordinance last year I spent a lot of time researching the many subject areas associated with wind power development.
- Early this year when I reviewed the Blue Sky LLC (BSE) application I noted on page 4 the “Bull Hill Wind Resource Data”.
- BSE reported the “Prevailing wind direction- Northwest and the Average wind speed- 7.2 meters/second”.
- The next slide is a wind resource map of the USA found on the Department of Energy web site.

WIND RESOURCE DATA 80 METERS



http://www.windpoweringamerica.gov/wind_maps.asp

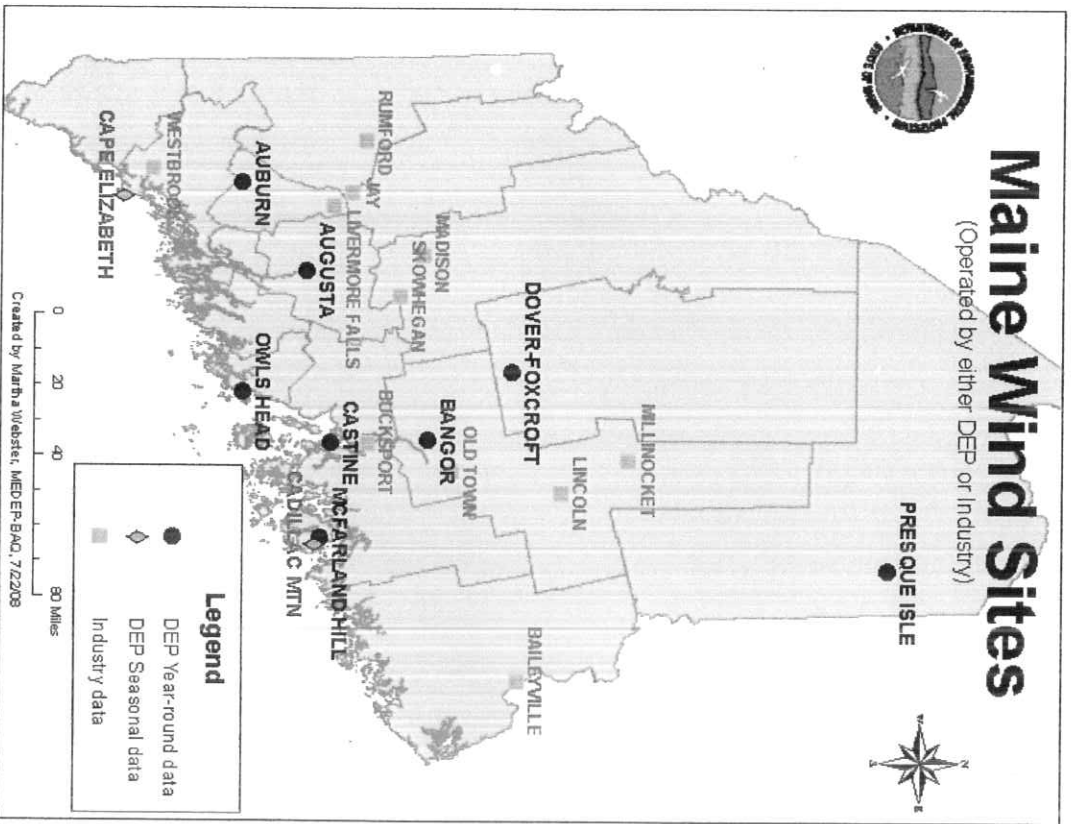
What constitutes suitable wind?

- The USA wind resource map shows the predicted mean annual wind speeds at 80-m height. 80 meters is 262 feet.
- Areas with annual average wind speeds around 6.5 m/s and greater at 80-m height are generally considered to have a suitable wind resource for wind development by DOE.
- You should note that almost everywhere east of the Mississippi is below the 6.5 m/s consideration for suitable wind development.
- Now let's look in detail at the Maine map.

Bull Hill's Wind

- The state of Maine map has the wind resource data for the Bull Hill area as 5.5-6.0 m/s.
- My next slide contains a map that was developed by the Maine DEP, Bureau of Air Quality, Meteorology. <http://www.maine.gov/dep/air/meteorology/Windrosehome.html>
- The DEP has been recording wind speeds in various locations around the state and posts this data on their web site.

Maine Wind Sites



Created by Martha Webster, MED-EP-BAQ, 7/22/08

Wind Rose

- The data is presented graphically as a wind rose. It is called a wind rose due to the rose shape of the data.

The wind rose below is of Cadillac Mtn. The average wind speed for 5 years of data is 12.01 knots. (6.178 m/s)

MATH- Knots (kt) to meters/second (m/s) conversion

$$(\text{kt}) * 0.514444 = (\text{m/s})$$

Cadillac as a Point of Reference

- The elevation of Cadillac Mountain is 1532 ft and the elevation of Bull Hill is 584 ft.
- Therefore, the elevation of Cadillac Mountain is almost 1000 ft higher than Bull Hill. The average Mt. Cadillac wind speed(6.178m/s) is below the 6.5 m/s considered suitable for wind development per the DOE.
- BSE stated in the application that Bull Hill's wind speed is 7.2 m/s.

Where The Wind Is

- What the DOE's data is telling us:

There are ten (10) states which account for 77.6% of the nation's wind energy potential - Nebraska, Kansas, SD, ND, Iowa, Oklahoma, Texas, Montana, Wyoming and Minnesota.

<http://www.nrel.gov/redc/>

Maine in Perspective

- Maine accounts for 0.1% of the nation's wind energy potential and 0.9% of the nation's geographic area.
- Thus, Maine's wind potential is only 11% of what it would be if Maine had average wind.
(0.1% of nation's wind potential / 0.9% of nation's geographic area = 11%)
- Said another way, Maine's allocation of wind potential versus its area is **89% below** the national average.

Need for Critical Analysis

- Based on the DOE data and the data collected by the Maine DEP are we, in our haste, asking the right questions?
- Shouldn't we be asking ourselves "has the wind speed data provided by BSE been validated in relation to the DOE suitable wind resource map"?

A citizens' right to the peaceful enjoyment of his home...

The ability to invest in one's real estate without the fear of a 'taking' of all or part of its value by the government, or the corporations which often influence that government's policies....

These are just two of the 'rights' which are at risk if LURC approves the Bull Hill Wind Facility permit.

One of the fundamental tenets of our society is 'home rule' and Eastbrook exercised it. Eastbrook decided to protect its residents by passing an ordinance which would ensure that they would not be harmed by the unique noises produced from massive wind turbines. But Eastbrook is not omnipotent. They can't protect their residents from that which is forced on them from across an imaginary line.

Sound and sight and smell do not recognize town lines, or property boundaries marked by blazed trees, rock walls or corner posts of rebar. We have zoning and land use ordinances for many reasons, and one of those reasons is that *what we do on our property can impact others*. Other ecosystems, other water supplies, other neighbors.

It is an established fact that there are many people in this state who are now experiencing a severe diminishment in their quality of life, and in their health, due to the inappropriate siting of wind turbines. There are Mainers who cannot sell their real estate for its full value due to the fact that an industrial wind development was built nearby. There are citizens who are speaking up, over and over again, and asking that their voices be heard. On Monday night and Tuesday night, the Commissioners heard from residents of Eastbrook, T16 and the surrounding areas who are concerned about their quality of life, their health, and their personal finances. If we are to give consideration to the wild inhabitants and ecosystems of Maine, we must also give heed to the state's human residents. The people of Maine are natural resources, too, and must be protected.

Please give serious consideration to their words, and make a decision regarding the Bull Hill permit application in a manner which will protect their rights. Thank you.

Karen Bessey Pease
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Lexington Twp., ME 04961
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Testimony of David E. Boulter

To

Maine Land Use Regulation Commission

At Public Hearing on Bull Hill Wind Project; DP4886, Blue Sky East

May 16-17, 2011

My name is David Boulter. I am a lifelong resident of Maine and reside in Brunswick. I own property with a seasonal residence in the town of Eastbrook, the community that is closest to the wind power project proposed for Township 16MD. Eastbrook is a very small community with virtually no industry except for logging activity and little commercial activity. It has little experience in industrial development, with the most intensive permitted development over the last 30 or more years being construction of several buildings to house logging equipment. My family and I have strong ties to Eastbrook, and my family has owned property in Eastbrook since 1931.

My grandparents, my father and my aunt, and later my cousins, siblings and I spent each summer and off-season at Molasses Pond. My immediate family continues to do so as well. I have been coming to Molasses Pond for over 50 years. It was here we learned to appreciate the natural environment and the special places apart from the sights, sounds and distractions of urban life. It is a special place, literally at the end of the road, and at the edge of the remote, wild areas of Down East Maine. Because of its remote location, it is a place where it is totally dark at night, where starlight is the dominant light source at night, and it is an exceedingly quiet place especially at night. Sound measurements taken in 2010 at the water's edge of my property read a mere 20dBA-that is very quiet indeed.

I am also familiar with the Town Of Eastbrook Wind Energy Facility Ordinance that was adopted at town meeting by the residents. I was privileged to have served on the ordinance development committee that drafted the ordinance. As a member of the committee, I learned a great deal about the benefits and the impacts of wind energy facilities. It is with this background that I offer my public comments this evening.

I am very concerned about the extent and location of the wind energy facility proposal. While the immediate proposal is for 19 turbines, the applicant has stated publically on numerous occasions that it plans additional wind turbines in the immediate area that will total 48-50. This is only phase 1. And the location, a mere 600 feet or so across the town line from Eastbrook is too close to area residents. In its testimony last evening, the Natural Resources Council of Maine testified that it believed this application was a "close call" as to whether it meets the statutory criteria for approval and expressed its concerns. I believe the project at least as now proposed would not fit harmoniously into the environment and would create an adverse effect on existing uses and resources in the area. As such, I want to raise 7 major issues in my testimony: LURC's mission as it relates to the wilderness areas of Down East Maine; wind power facilities as major industrial uses and management of the wind

resource; scenic issues; decommissioning plan; road access; birds and bat resources; and noise from wind turbines.

1. **LURC's mission to plan for and protect the natural resources, scenic character and existing uses in the unorganized territories of Maine.** Of late much of the attention regarding development of the unorganized territories has focused on northern Maine, with its high resource value lakes and mountains, and scenic resources of significance. Of equal value and with potentially more development potential are the undeveloped areas of Down East Maine, including Township 16 and adjacent townships¹. To the east of Eastbrook are vast stretches of remote areas with high value fishery, wildlife and habitat resources. Developments such as the proposed project with its sprawling development footprint have the potential to significantly alter this existing character and diminish the wild character of these territories. Blue Sky's proposal is to erect 476' towers on 500 foot hills. These are not ridge lines of mountains, these are hills. Wind power technology has advanced such that the turbines can be placed virtually anywhere, subject only to a developer's preference and proximity to a transmission line to move the electricity. The commission needs to consider the impact of the projects including this proposal on the jurisdiction and implications of one then another and another sprawling wind energy development (leap-frogging). Unlike DEP, the commission's mission includes land use planning and zoning aspects, and as such the commission has the benefit of and is charged with considering a proposed project, not in isolation, but rather *in the context of the existing uses, values and resources of the jurisdiction*. The legislature in its wisdom constrained the commission's regulatory authority of major wind projects with respect application of scenic criteria. However, considerable authority and discretion, and indeed, responsibility, remains with the commission to evaluate wind power projects as they relate to effects on existing uses and resources as provided under LURC's Comprehensive Land Use Plan and 12 MRSA sec, 685-B. You have a responsibility to do so and I urge you to carefully apply those criteria to this as they relate to the commission's jurisdiction in eastern Maine. The potential fragmentation of land and disruption of natural resources is far greater with multiple, large wind development than with many other developments proposed or likely to be proposed for this area of Maine.
2. **Wind energy facilities as major industrial uses.** Wind energy facilities are major industrial uses with infrastructure very much like that associated with other major industrial developments including road development, transmission lines, maintenance building and generating facilities. They may invoke images (and are promoted as such) of windmills on family farm or on waterways of Holland but they are very different with far more extensive impacts. As always with energy generating facilities there are trade-offs. Wind turbines do not belch smoke other emissions, but there are not innocuous. The project proposed on Bull and Heifer hills is a major industrial project and should be regulated as such. This includes managing the wind resource, not unlike how hydropower resources are managed. Understandably, Blue Sky proposes to maximize its use of the wind resource, maximizing the

¹ Of significance, Hancock County is one of the fastest growing counties in the state and the city of Ellsworth is currently the fastest growing community in Maine.

- number and location of turbines. Although hydropower developers initially resisted decreasing output to manage low flow river conditions, low head impoundments or installation of fish ways, regulators now routinely require such operational accommodations to manage the public's water resources. I urge the commission to take the same approach with respect to wind energy facilities, including limiting the number of turbines proximate to developed areas, limiting tower height, and application of speed controls on turbines to limit noise from certain wind directions or protect avian or other species. The Blue Sky proposal utilizes sophisticated and highly computerized wind generation equipment. Turbine direction and speed can be controlled remotely with a high degree of accuracy to minimize impacts on surrounding areas, including noise impacts. Just as with hydropower plants, on-site location and operational constraints can minimize undue effects to acceptable levels and *should* be employed.
3. **Scenic impacts.** The nearly 500' height of the wind turbines dwarfs the hills upon which they are proposed, and the proposed turbine strings will result in them being seen for many miles away. Of particular concern are the towers that are less than 4,000 feet from existing residences. I recognize the LURC's statutory constraints with respect to scenic impacts and others will or have raised the scenic concerns in more detail at the hearing than I can present, so I defer to them. I would add, however, that the lack of a professional assessment of the scenic impact on the State's Donnell Pond Unit by the Bureau of Parks and Lands seems a crucial missing element to the commission's understanding of the scenic impact of the turbines. The Donnell Pond area is a fantastic natural resource and a wonderful asset to this region of Maine. In his questions and comments earlier, Commissioner Laverty was right on point about the lakes assessment and high scenic value resources. The ranked values (such as outstanding scenic resource) are intrinsic values, unrelated to large population uses, not relative values, as suggested by the applicant in its testimony. The applicant's conclusion that Donnell Pond unit outstanding scenic resource value should be discounted due to lower public use is seriously flawed. For example, Class 6 remote ponds have outstanding value due to the inherent characteristics they exhibit (e.g. their remoteness, fishery resources and experience and scenic values) even though they are difficult to access and receive comparatively little use. Using the applicant's logic, remote ponds would be an ideal area in which to place highly visible wind turbines because the low public use would result in "low to moderate" impact to those values. This reasoning would turn the lakes assessment and the values associated with the lakes on their head.
 4. **Decommissioning provisions.** The applicant proposes that its financial obligations to assure full decommissioning be met principally by selling the then discontinued wind turbines for reuse or salvage. Heavy reliance is placed on the current price for scrap steel. Scrap metal prices have fluctuated considerably over the years and are likely to continue to do so. . To fund the proposed shortfall from eventual sale of the facility equipment as scrap, Blue Sky proposes to provide cash or other surety in the amount of \$35,000 annually after year seven. The asset will likely be fully depreciated in 7 years. Blue Sky's proposed decommissioning funding plan provides insufficient assurance and protection to the public that funds will in fact be available when Blue Sky or its successor abandons the facility. The risk is that the wind turbines will be left standing long after they stop producing electricity as

- is the case in California where hundreds of turbines have been abandoned (apparently it is not cost-effective to salvage the metal even at today's scrap prices) or the burden of removal will fall to the state or Hancock County, at public expense. I recommend that if the commission approves the application that it require the applicant to provide financial assurance in the form of a performance bond, surety bond, letter of credit or other verifiable form of financial assurance that upon the end of the useful life or cessation of operation (even if earlier than 7 years) will have sufficient financial assurance in place to cover 100% of the cost of decommissioning. While securing the financial assurance in phases is acceptable, the total required financial assurance should be in place within 5 years of commencement of operation. Risk for the first five years should be relatively low because a higher salvage value can be predicted and expected for that short period. Beyond that period, it is too speculative to be relied upon with any certainty.
5. **Inadequacy of Molasses Pond and Sugar Hills roads.** Although the project site can be accessed via several roads, the 2 principal ones are from 1: Route 9 and "7300" road, a major haul road; and 2: Route 182 (a designated Scenic Highway) and Narraguagus Pond Road. It can also be accessed via the Molasses Pond/Sugar Hill roads and a minor gravel road lightly used for logging activity. The applicant has regularly represented at public meetings that access to the site for all purposes, except for an occasional pickup truck for post-construction monitoring, would be by Route 9 and the 7300 Road, roads built to withstand heavy vehicles and volumes of traffic with no significant interference to neighboring residences. The applicant should be held to its representations. Use of The Molasses Pond and Sugar Hill roads for the project would fail the statutory requirement under 12 MRSA sec. 685-B(4)(B) making adequate provision for traffic movement and safe traffic conditions. The commission should require that all access to the site, including construction crews, be via Route 9 in order to minimize undue adverse effects on neighboring residences and the Eastbrook community and Narraguagus Pond area land owners. The Molasses Pond and Sugar Hills Roads are absolutely unsuited for high volume or heavy vehicle traffic. Sight distances are limited and lane divider markings are absent. Neck Hill and Sugar Hill are very steep and the road has no compacted shoulders. In addition, the termination of Molasses Pond Road is located within just a few feet of camps, an RV camping area and a snack bar located at the head of Molasses Pond. In this vicinity the road was built over wetlands many years ago and cannot support heavy traffic without damage. The "public beach" that encompasses the head of the pond is immediately adjacent to the road (less than 5') and receives extensive pedestrian traffic all summer with adults and children crossing the road from the camps and RV campsites to use the beach and pond and the snack bar. Even with occasional automobile traffic, the pedestrian use can cause safety concerns. The Sugar Hill Road terminates less than 25' from a year round residence. Use of this road would create a major disruption to this resident and others on the Sugar Hill Road. Use of these roads to access the site during and following construction should be prohibited by permit condition to prevent road damage and avoid unsafe conditions.
6. **Adverse effects on bird and bat resources.** The applicant acknowledges and my personal observation confirms that bald eagles and ospreys live in the general project area. The sight

of them in Eastbrook around Molasses Pond and Sparrow Hill is not a rare occurrence. If the project is approved, I urge the commission to place whatever conditions are appropriate to safeguard these raptors including locating and monitoring nesting areas. Bat mortality is an issue with this proposal as described in comments and recommendations made by the Department of Inland Fisheries and Wildlife (DIFW). Any project approval should be conditioned by requiring modified operations to reduce the potential for bat mortality. Merely monitoring bat mortality at the turbine sites as proposed by the applicant does not meet the statutory criteria for fitting the proposal harmoniously into the existing natural environment to assure there will be no adverse effect of natural resources in the area (12 MRSA §685-B (4)(C),) Monitoring is not protective and would only serve to document the harm to the existing bat population. I urge the commission to require the developer to set the turbine cut-in speed to 5.0 meters per second from ½ hour before sunset to ½ hour after sunrise from April through October as recommended by DIFW for the life of the project. Published studies have documented the success of this operational control measure in significantly reducing bat mortality by wind turbines.

- 7. Adverse Noise Impacts.** Noise from the proposed 19 wind turbines is a significant issue and of all issues associated with the project noise is the most significant in terms of its potential effects on people residing, working or recreating in the area. I have learned two important lessons from my research and work on the wind ordinance committee: 1- regulating noise from wind energy facilities is key to their acceptance in communities; and 2-distance does help mitigate noise impacts. As evidenced by bad experiences at Mars Hill and on Vinalhaven Island, noise from wind turbine can be disruptive to individuals and can turn wind power proponents into opponents. Adequate distance from wind turbines to receptors is essential to prevent undue adverse effects. Because of the tower heights and the nature of the sound generation, noise from the turbines can be heard for distances exceeding 2 miles. In quiet rural or remote areas the effects of turbine noise is accentuated. The sound standards established in chapter 375.10 of the DEP Rules for Site Location of Development are not adequate to protect areas from undue noise impacts of wind turbines. It is my understanding that these standards were developed for a completely different set of site conditions, in urbanized, areas of Maine. The nighttime sounds standard is simply too high to be protective, and there are no sound limits at all for the project during construction. Fortunately, Section 375.10 B of the rules directs the Board [Commission for this application] to consider a municipality's noise standards when applying noise standards. The town of Eastbrook lawfully adopted quantifiable noise standards as part of its Wind Energy Facility Ordinance. These standards were fully vetted over a period of months during ordinance development and were a large reason for ultimate community acceptance of the ordinance. I strongly urge the commission to apply the Eastbrook noise standards to this project. Generally, the applicable standards² are:

² Neither the DEP rules nor the Eastbrook ordinance adequately protects against noise levels from a wind project on undeveloped land where there is not a residence or other "protected location", allowing 75dBA day or night (OSHA requires issuance of hearing protection at 85dBA in an 8 hour day). This substantially reduces the ability of property owners to place dwellings on their undeveloped land in the future, even on large lots comprising 80 or more acres such as in Eastbrook.

- a. Within 660 feet of any Protected Location: 55 dBA between 7:00AM & 6:00PM and 40 dBA between 6:00PM and 7:00AM;
- b. 35 dBA at any location greater than 2 miles from a wind turbine;
- c. Maximum levels during construction based on duration of activity.

These limits are quantifiable, and achievable by the applicant with minor or in some areas no operational modifications³. As a reminder about sound measurements, the scale is logarithmic, not linear. Calculation of human's perception of loudness is somewhat complex, but as a general reference, if noise increases from 20 (quiet rural area) to 40 decibels (Eastbrook's nighttime standard for turbines), the noise is 4 times louder, and increasing noise levels from 20 DBA to 60 dBA the noise is 16 times louder. There many dwellings in the project area that will hear turbine noise and applying these standards will reduce that noise to more acceptable levels. Unlike scenic impacts where one can choose to not look at a structure, a resident living in the area cannot turn off the noise, and so mitigation of adverse sound levels is essential. The closest dwellings to the wind turbines are on the Sugar Hill Road, and those residents will be adversely affected without application of the Eastbrook noise standards. Furthermore, the commission should condition any approval on reducing maximum wind turbine speeds when the wind is blowing from the southeast toward the dwellings and in nonwinter months when the wind is blowing from the northeast. These measures are achievable since the prevailing winds (and the winds for which the project is designed) are from the northwest and southwest. As I indicated at the outset of my testimony, managing the wind resource similar to hydropower resources can result in mitigating adverse effects, and for the highly automated wind energy facilities, dampening peak power generation (and thus noise) during those limited periods is not only feasible but keep would noise levels low at protected locations. Alternatively, due to both visual and noise impacts to dwellings at the end of Sugar Hill Road the commission should give serious consideration to disallowing construction of turbines 1 and 2 and perhaps 3, the 3 turbines that would be constructed closest to the dwellings.

Finally, Mr. Barnes (representing the applicant) outlined very nicely Blue Sky East's criteria for pursuing wind power development in areas of Maine generally and the Eastbrook/Bull Hill area specifically:

- proximity to a major transmission line to move electricity
- willing land owner(s) for leases and easements in the immediate vicinity of the project site

³ In the Peer Review of the sound level assessment for the Bull Hill Wind Project, the authors suggest that Eastbrook's ordinance may not be entirely quantifiable and use as an example Section C, Table 1, Terms and Conditions, the planning board's right to require the applicant to enclose equipment or operations, impose limits or extent of operating hours, or require specific design technologies or traffic patterns. As stated in the ordinance, these measures may be considered as *terms and conditions* of project approval (not performance standards), similar to what MLURC has authority to impose in order to mitigate certain unacceptable conditions. These do not affect the quantifiable standards in the ordinance for maximum noise levels for a project. The authors do conclude that "the proposed project as designed does not comply with the ordinance quantifiable nighttime limit of 40 dBA for protected location P1 at 660 feet from property boundary."

- established road network and road access to the project site
- limited natural resource values on the project site such as vernal pools; and
- a viable wind resource.

These are legitimate but incomplete criteria. Conspicuously absent from Blue Sky's siting criteria is the project's compatibility with the existing uses and character of the area and the community. It is the responsibility of the commission to make that determination; it is *an essential* component of the commission's determination on the application and it is this very aspect that affected landowners and area residents expressed concern about in their thoughtful testimony in the public hearing.

Thank you for agreeing to hold a public hearing on this application and I appreciate the opportunity to present this information to you for your consideration. This project has the potential to change the essential character of Township 16 and the community of Eastbrook, and I ask that you consider very carefully my recommendations and those of others you have heard so that this area in Maine remains as special a place now, and in the years ahead for our children and their children.

Thank you, and I would be happy to answer any questions you may have.