



**PARTNERSHIP FOR THE PRESERVATION
OF THE DOWNEAST LAKES WATERSHED
(PPDLW)**

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

June 17, 2011

RE: DE 4889 – Champlain Wind, LLC – Bowers Mountain

We provide the following rebuttal to the pre-filed testimony of Matt Kearns, Neil Kiely and Geoff West on behalf of Champlain Wind, LLC, in the above-referenced matter.

**1. Scenic impacts, including adequacy of efforts to avoid and minimize these impacts.
(Section 8, Page 11.)**

The applicant asserts:

“There are a number of lakes in the region and although the Project will be visible from these lakes, as discussed in detail in LandWorks’ testimony, the visibility on these lakes will not have an unreasonable adverse impact on the scenic character or uses related to scenic character of those lakes.”

As set forth in PPDLW’s prefiled testimony (see PPDLW testimony of Gurall, Lawrence), and contrary to the applicant’s conclusion, there will indeed be an unreasonable adverse impact on the scenic character or uses related to the scenic character of those lakes, which are classified by the state of Maine as scenic resources with statewide significance.

The table below lists the lakes that LURC rates as having ‘statewide scenic significance’ in the Downeast Lakes watershed.

**HIGHLY RATED LAKES IN THE
DOWNEAST LAKES WATERSHED**

Lake	Resource Class
Big Lake	1A
Junior Lake	1B
Pleasant Lake	1A
Pocumcus Lake	1A
Scraggly Lake	1B
Sysladobsis Lake	1A
Upper Sysladobsis Lake	1B
West Grand Lake	1A
West Musquash Lake	1A

2. Table I – Key Siting Considerations – page 13

The subheading Cultural Resources states,

“Only one type of scenic resource – Great Ponds with scenic quality – are located within 8 miles of turbines and will have visibility of the Project. Four will have visibility within three miles and four will have visibility within 3-8 miles. These lakes are located within a working forested landscape, none of these lakes are unique when compared with other similar lakes in the region or in Maine, and in all instances the turbines will not unreasonably impact existing uses”.

As stated in PPDLW’s testimony (Gurall, Lawrence) six lakes rated by LURC as having scenic resources of statewide significance lie within eight miles of the project area: Pleasant Lake, Scraggly Lake, Junior Lake, West Musquash Lake, Lower Sysladobsis, and West Grand Lake. The traditional recreational activities on these waters and forests have co-existed with the logging industry for more than a century, and owing to modern forestry practices, the existence of logging activity has not compromised its wilderness character. The applicant’s argument leads us to believe that only old-growth forests are worth preserving. Finally, the statement that none of these lakes are unique ignores the high rating they hold from LURC, and the fact that they are connected as part of a distinct chain of lakes and waterways to form part of the Downeast Lakes watershed, which is in turn part of the greater St. Croix watershed, both highly-valued resources.

The scenic views from these lakes will be significantly compromised by the proposed turbines and their flashing red strobe lights at night. The impact of the views will greatly alter the traditional recreational uses of these lakes and the viewer expectations of tourists who come to the area for a wilderness camping, fishing, hunting and remote wilderness paddling experience.

Further, the survey conducted by Market Decisions in October, 2010 for First Wind, related to the Bull Hill project, shows that 47% of visitors to Donnell Pond would be disappointed by the construction of wind turbines in that scenic viewshed, and 14% would be less likely to return. This refutes the applicant’s testimony that the turbines will not unreasonably impact existing uses.

3. V. Tangible Benefits; Economic Benefits p. 15-16.

The applicant’s testimony focuses on the projected employment and spending associated with the construction of the proposed project. However, it fails to account for the damage to the traditional recreational economy of the Downeast Lakes watershed, made up of approximately a dozen sporting camps and dozens of Maine Guides and ancillary businesses. The Project area itself has few retail and service businesses that will benefit from the increased spending during the construction phase.

PPDLW’s prefiled testimony (Campbell) asserts that the recreational economy of the Downeast Lakes watershed, because of the nature of its clientele, is extremely vulnerable to any degradation of its scenic resources and that this project will cause real job loss and business closings. In short, it will destroy, rather than create economic value for the region in the long run.

Rebuttal of Roger Milliken, Jr.'s Testimony

While we recognize and respect Mr. Milliken's contribution to forestry issues and land conservation, the bulk of Mr. Milliken's testimony consists of unsupported statements of his personal opinion and personal opinion is not evidence. Some of his testimony does not apply to the Bowers Mountain decision and some of it addresses issues that, right or wrong, have been dealt with statutorily in the Wind Act and is therefore irrelevant to this hearing. For example:

Page 3: *"I was appalled to witness first-hand how, driven by our pursuit of cheap energy, miners are literally reducing to rubble the oldest mountains in the U.S."*

His reaction to seeing a mining operation in West Virginia may belong in a discussion about the benefits of renewable energy but it is of no value in deciding whether to permit the Bowers Wind Project.

Page 6: *"When I think about the largest impacts on my recreational experience in Maine during the fishing season, it has been weather like that we have been experiencing this month--days of heat, humidity and high haze. We did not have stretches of thick, hazy air like this when I was a boy."*

The purpose of this hearing is not to debate global warming.

On page 7, Mr. Milliken states *"You have heard my views. But I am here to tell you that I am not alone"*. To show that others agree with him he then references the Baskahegan Stream Watershed Recreation Use & Resource Analysis. He states *"That report was funded by the Forest Society of Maine"*. He neglects to mention that significant funding was also provided by the Washington County TIF and the Stetson Mountain Fund both of which are funded by First Wind.

The intent of the study was to understand quantity of use and use patterns and the general experience of visitors to the Baskahegan area (page 3 of the report). The protocol made use of a visitor survey and visitor interviews. The resulting data provides valuable information to guide future management of the Baskahegan Watershed. However, Mr. Milliken takes it further and suggests that this data has universal value when he concludes that *"we are far more adaptable creatures than we give ourselves credit for."* He also uses the data to conclude that *"... the impact on the experience of those fishing in the West Grand watershed will be no different."* Both conclusions are unfounded as they do not follow from the data.

The surveys and interviews were conducted only after the Stetson turbines were in place. The response set therefore consisted only of people who had decided to continue to recreate at Baskahegan Lake despite the presence of the turbines. The population of the survey is therefore self-selected and their responses are of no value in predicting the opinions or attitudes of the general population or those who fish the Downeast Lakes Region.. Just because everyone surveyed had adapted to the turbines does not mean everyone has adapted. There may be just as many people who refused to accept the turbines, no longer visit the area but weren't surveyed.

Finally, we would like to point out that on page 3 Mr. Milliken is of the opinion that *“to talk of wind turbines destroying mountaintops is hyperbole”*, yet Mr. Milliken engages in extreme hyperbole of his own on page 8 when he says *“is the change to my view a worthy tradeoff... for fewer soldiers dying?”*

Rebuttal of Testimony of Cameron Wake, Expert Witness for Conservation Law Foundation

Although Mr. Cameron Wake makes a case for global warming in New England, nothing in his testimony is relevant to LURC’s decision process on DP-4889. Whether we agree with him or not, the issues he discusses have been decided by the Maine Legislature. His discussion contributes nothing to the decision at hand.

Rebuttal of Testimony of Abigail Krich, Expert Witness for Conservation Law Foundation

Ms. Krich’s testimony does not contribute to LURC’s decision criteria in the Bowers Mountain matter. Performing a word search of her testimony we found the word “Bowers” in her testimony showed the only time it was mentioned was in the title of her testimony.

Respectfully submitted,

Kevin Gurall
President, Partnership for the
Preservation of the Downeast
Lakes Watershed