

Spencer-Famous, Marcia

From: Wendy Glenn [maineproperty@roadrunner.com]
Sent: Wednesday, November 25, 2009 1:46 PM
To: Spencer-Famous, Marcia
Subject: Re: Notice of Agency Rulemaking, TransCanada proposal
Follow Up Flag: Follow up
Flag Status: Red

Marcia: I believe that amend means change.

I am also curious why the parcel is referred to as "a certain parcel of land in Chain of Ponds Township" instead of actually naming the location as the top of Sisk Mountain?

I would appreciate it if you would send me the list of criteria that LURC must consider when considering additions to the expedited permitting area.

Thank you,

W. Glenn

----- Original Message -----

From: Spencer-Famous, Marcia
To: Wendy Glenn
Cc: Spencer-Famous, Marcia
Sent: Wednesday, November 25, 2009 12:36 PM
Subject: RE: Notice of Agency Rulemaking, TransCanada proposal

Dear Ms. Glenn;

The process that must be followed according to state law for any change to an existing rule is referred to as "rule-making". In this case, a party (TransCanada) outside of state government has petitioned LURC to amend one of its rules by adding a specified parcel to the existing list of land areas within the expedited permitting area. This list of areas, which was established in law by Legislature, was placed into LURC's rules in Appendix F to Chapter 10 in 2008. Legislature also placed into law criteria that LURC must consider when considering additions to the expedited permitting area. I hope this answers your question and clarifies this rule-making process.

Sincerely,

Marcia Spencer Famous

From: Wendy Glenn [mailto:maineproperty@roadrunner.com]
Sent: Wednesday, November 25, 2009 12:25 PM
To: Spencer-Famous, Marcia
Subject: Re: Notice of Agency Rulemaking, TransCanada proposal

Marcia: I have a question. Is this rule making or rule changing.... for the benefit of TransCanada?

W. Glenn

----- Original Message -----

From: Spencer-Famous, Marcia

To: Spencer-Famous, Marcia

Cc: Mills, Amy ; Horn-Olsen, Samantha ; Carroll, Catherine M. ; Rollins, Scott

Sent: Wednesday, November 25, 2009 10:12 AM

Subject: Notice of Agency Rulemaking, TransCanada proposal

To all Interested Persons:

The Notice of Agency Rule-making for the TransCanada Maine Wind Development, Inc. proposal to expand the windpower expedited permitting area has been posted on the Secretary of State's website:

<http://www.maine.gov/sos/cec/rules/notices/2009/112509.htm> , and on LURC's website:

<http://www.maine.gov/tools/whatsnew/index.php?topic=lurcnews&id=85212&v=tlevent>

Additional information on TransCanada's proposal can be found by going to LURC's website at:

<http://www.maine.gov/doc/lurc/projects/Transcanada/Transcanada.shtml>

Please feel free to contact me if you have questions, or if I may be of assistance.

Marcia Spencer Famous, Senior Planner
Maine Land Use Regulation Commission
207-287-4933

Spencer-Famous, Marcia

From: Spencer-Famous, Marcia
Sent: Friday, December 11, 2009 3:28 PM
To: 'Gwen Hilton'; 'steve wight'; 'StevenLara@aol.com'; 'edward.lavery@umit.maine.edu'; 'rkurtz@rlht.org'; 'James A Nadeau (eltown@sjv.net)'
Cc: Mills, Amy; Spencer-Famous, Marcia
Subject: FW: Comments on process for expedited permitting area expansion petitions
Follow Up Flag: Follow up
Flag Status: Purple
Attachments: Joint Comments to LURC re Expedited Area Petitions-12.11.09.pdf

Forwarding to you in advance of the hearing next Wednesday.

From: Dave Publicover [mailto:dpublicover@outdoors.org]
Sent: Friday, December 11, 2009 1:49 PM
To: Spencer-Famous, Marcia; Carroll, Catherine M.
Cc: Cathy Johnson; Dylan Vorhees; Jody Jones; Jenn Burns Gray; Ken Kimball
Subject: Comments on process for expedited permitting area expansion petitions

Marcia and Catherine:

The Appalachian Mountain Club, Maine Audubon and Natural Resources Council of Maine submit the attached joint comments on the process for consideration of petitions to expand the expedited wind power permitting area by LURC. Please forward these to the Commissioners for their consideration prior to the December 16 hearing.

Thank you.

David Publicover, AMC

Spencer-Famous, Marcia

From: Dave Publicover [dpublicover@outdoors.org]
Sent: Friday, December 11, 2009 1:49 PM
To: Spencer-Famous, Marcia; Carroll, Catherine M.
Cc: Cathy Johnson; Dylan Vorhees; Jody Jones; Jenn Burns Gray; Ken Kimball
Subject: Comments on process for expedited permitting area expansion petitions
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Joint Comments to LURC re Expedited Area Petitions-12.11.09.pdf

Marcia and Catherine:

The Appalachian Mountain Club, Maine Audubon and Natural Resources Council of Maine submit the attached joint comments on the process for consideration of petitions to expand the expedited wind power permitting area by LURC. Please forward these to the Commissioners for their consideration prior to the December 16 hearing.

Thank you.

David Publicover, AMC

Spencer-Famous, Marcia

From: Linda Stewart [walksfar@nnei.net]
Sent: Saturday, December 12, 2009 7:13 AM
To: Spencer-Famous, Marcia
Follow Up Flag: Follow up
Flag Status: Red

Hello,

All of my people think that the right way to approach wind energy is to have smaller windmills on personal property as they did years ago and make people more energy independent. The large turbines are being pushed by big business. Big business is the downfall of America.

Are you with American People or Big Business? g

What good is bringing those huge turbines etc. to our lands, we cannot maintain them.

It's all specialized. We need to be able to repair and maintain our new systems and not have them in the hands of large business.

You are either with logic or not. Don't continue to sell us out.

Linda Stewart

Woolwich Maine

Spencer-Famous, Marcia

From: Lapointe, Jeannine on behalf of LURC
Sent: Monday, December 14, 2009 8:29 AM
To: Spencer-Famous, Marcia
Subject: FW: Sisk Mountain, Transcanada proposal
Follow Up Flag: Follow up
Flag Status: Red

From: dan mckay [mailto:mckaydan2@gmail.com]
Sent: Saturday, December 12, 2009 9:52 AM
To: LURC
Subject: Sisk Mountain, Transcanada proposal

just read Transcanada's proposal to LURC to construct a wind farm on Sisk Mountain. One aspect never brought up in their proposal is the value of character. Does a geographical feature have character? I have worked for developers in Rangeley and Bethel, constructing subdivision roads. In Rangeley, the prime concern for any developer is being able to locate a subdivision which creates lots with a view of Rangeley Lake and backdrop views of the mountains beyond. The overall scene appeals to so many people for so many different reasons, how can it not have a character.

In Bethel, lots with view of Sunday River Ski Area are sought by land buyers. The ski area and the lake in Rangeley both bring people who want to be "right there" amidst the recreational adventures and the magnificent scenes that surround them.

Would the addition of wind turbines along the horizons of such scenes change the character features of these two areas? I would not call it a complimenting feature, or something that fits in.

As we contemplate our mountains of Western Maine, do we realize the character change about to take place with the many dominating structures just months away from overtaking our god given geographical character?

Spencer-Famous, Marcia

From: Grace Keown / Don Pendleton [swancreek@uninets.net]
Sent: Tuesday, December 15, 2009 6:01 PM
To: LURC
Subject: TransCanada

Follow Up Flag: Follow up
Flag Status: Completed

To: LURC

RE: TransCanada

I am unable to attend the hearing on the Proposed Expedited Territory Expansion, so am submitting my testimony via email. Thank you for extending me that opportunity and for considering my input.

I am a resident of Dixmont, Maine, and moved to this state 5 years ago from a much more industrialized, developed and overcrowded metropolitan area - Long Island, NY. I am well acquainted with the effects of developmental sprawl and its unwise and often short-sighted justification, as well as its insidious manner of transforming the natural and historic character of a place. It is that very real threat of industrial wind power sprawl upon the unspoiled vistas of our state which now compels me to write and lend my voice in support of preserving the natural jewel that is Maine. The voices of the mountains and the people of Maine have been lost in a corporate takeover of our natural resources.

The Land Use Regulation Commission is faced with a portentous task, and it is imperative that they fall on the side of moderation and caution, that their decision be guided by the Comprehensive Land Use Plan's tenets, and that they steer away from appeasing the land rush mentality that now prevails. The industrial wind power industry is a heavily subsidized one which had already shown to be prone to corruption and malfeasance. This industry is looking to line its pockets with massive government and taxpayer subsidies while it peddles a notion that the huge invasive structures they wish to plant across Maine's mountains will save us all. Nothing could be further from the truth. Others here today will have spoken to that more eloquently than I could hope to.

But I would remind the members of LURC that they are the gate keeping stewards of Maine's vast undeveloped tracts for posterity and future generations. In that respect, let them keep in the forefront of their deliberations and discourse that industrial wind power and its significant impacts - visual, soil and erosion, wildlife and technical feasibility - have not been adequately evaluated or subjected to lengthy discourse and a democratic process within Maine. What TransCanada is asking is unconscionable. The price is simply too great, the tradeoff worthless. The unexpedited areas must remain off limits to wind development.

Thank you.

Grace Keown
Dixmont, Maine
Dec. 15, 2009

Spencer-Famous, Marcia

From: Marie Zwicker [wolfspiritm@gmail.com]
Sent: Tuesday, December 15, 2009 3:39 PM
To: LURC
Subject: TransCanada
Follow Up Flag: Follow up
Flag Status: Red

It is my understanding that the Governor's Task Force on Wind Power, comprised of industry representatives, false environmental NGOs (while grassroots community based organizations were denied participation) legislators, and energy industry lobbyists, examined how to assist Maine's wind industry and reduce barriers to the expansion of this industry. The Task Force rushed through an Emergency bill, the "Expedited Wind Energy Law," that passed the legislature in 15 days with virtually no discussion or debate, in April 2008.

I also understand that this law places a huge part of the State within an expedited area for wind power development and allows for two agencies– Land Use Regulation Commission (LURC) and the Department of Environmental Protection (DEP) – to increase the expedited wind power area at the industry's request. Currently, LURC is faced with an application from TransCanada Corporation to increase the expedited area to include all of Sisk Mountain overlooking remote, historic, scenic, and ecologically sensitive Chain of Ponds.

LURC is clearly not qualified to make such a decision, and, in realizing this, they are holding a public hearing to create the criteria with which they will make final decisions concerning the expansion of the Sisk Mountain expedited area and all future expansion requests that come before it. Given the terrible impact to the mountains' ecosystem and deeply concerned about our mountains and our energy supply, I wish to express my firm commitment to take a strong stance against this undemocratic, unconstitutional law that is threatening Maine's mountains, our local communities and our unique way of life for the following reasons:

Expansion of the Expedited areas to include ecologically sensitive regions goes against the framework proposed by the "Expedited Wind Power Law". This law advises LURC to, "not compromise the principal values and the goals identified in Maine's Comprehensive Land Use Plan (CLUP) in their decision-making regarding expansion of expedited areas".

The CLUP recognizes the significant impacts of industrial wind power:

Visual impacts– Turbines and power lines sited on mountaintops and ridgelines have the potential to be visible from long distances away.

Soils impacts Many soils in mountainous areas are extremely sensitive to disturbance. Construction of access roads on steep slopes is probably the

biggest potential threat.

Wildlife impacts– Birds flying into turbine blades is a major concern. In addition, the habitat destruction inherent in this/these project(s) will be devastating to all forms of wildlife, with longstanding harmful effects.

Technical feasibility– Large-scale windpower generation is an untested technology in harsh climates such as Maine's. “

Expansion of the Expedited areas by LURC is unconstitutional! It is an improper delegation of responsibilities for the legislative branch to give law making power (deciding on expedited areas) to the unelected bureaucrats at LURC.

It is undemocratic for LURC to expand any expedited areas until there is proper public dialogue and discourse regarding the value and necessity of the “Expedited Wind Energy Law”, and its power to determine the fate of 2/3 of the State. The “Expedited Wind Energy Law” was rushed through the legislature in 15 days with no public dialogue.

Let's not ruin our state, and its fragile ecosystems by rushing into what LURC considers an, “untested technology”! LURC's CLUP states, “Large-scale windpower generation is an untested technology in harsh climates such as Maine's.”

If I were able to do so, I would testify before the Commission. However, I am unable to do so, but wish to submit my comments to verify that I am firmly opposed to this project as proposed.

Thank you for the opportunity to comment.
Marie Louise Morandi Long Zwicker
P.O. Box 230
Sullivan, ME 04664

Spencer-Famous, Marcia

From: lferriss@gwi.net
Sent: Wednesday, December 16, 2009 10:36 AM
To: LURC
Subject: Trans Canada
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Trans Canada testimony to LURC.rtf

Dec. 16

An eye injury prevents me from testifying today in Augusta. But Please do consider and include in the record my testimony that follows:

Lloyd Ferriss
507 Lincoln St.
Richmond, ME 04357

I'm here today to **ask LURC to keep the unexpedited areas off limits to wind turbine development.**

I want to begin by briefly describing why I'm here today. I'm a hiker. I've climbed most the the 4,000-foot mountains in Maine, and many under that are under 4,000 feet.

In short, for 50 years mountains have been my greatest source of happiness.

I'm not alone. Think of the number of people who belong to the AMC; the thousands more who begin the AT with the dream of reaching Maine.

It occurs to me that there are only two environments where one has a vista— a long view— that is for the most part unchanged from what it was 100 years ago.

One is the view one gets from certain mountain ridges. The other is the view one has on the is the open ocean. It takes a fairly wealthy prson to get out on the ocan where you have that horizon view unchanged by time . For the rest of us, a mountain view is the long view distinct from our industrialized world.

Mountains inspire. I don't think it's overly dramatic to say that they restore one's soul.

"I will lift up my eyes to the hills, from wence commenth my strength." is a well nown Biblical passage.

What do you see if you lift up your eyes the the ridge line at Mars Hill, which I visited recently. What you see is a line of industrial things that resemble, for lack of a better anology, ugly white string beans sprouting from moutains.

Make no mistake about it. That is where your eyes go, when you view summits with wind turbines. No inspiration. No restoration of the soul.

In the Great Depression, the Conservation Corps, inspired by Benton Mackaye's vision of wilderness recreation, made a public works project that created the Applalanian trail. In the present recession, Gov Baldaci has decided that wind turbines are Maine's future, overlooking the fact that the project he envisions will deface to the point of destruction the features that low impact hikers and vacationers come to Maine to enjoy and, by the way, spend lots of money.

Where would you go for your mountain vacation? To an unspoiled wilderness where mountain tops are valued and protected? to a place where— ridge line after ridge line, as far as you can see, ugly string beans fill the horizon. The answer is obvious.

Because wind power is not a proven viable technology, and wind turbines greatly detract from the natural aesthetic of Maine's mountains, I implore LURC to **keep the unexpedited areas off limits to wind development.**

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507 Lincoln St.
Richmond, ME 04357

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Because wind power is not a proven viable technology, and wind turbines greatly detract from the natural aesthetic of Maine's mountains, I implore LURC to **keep the unexpedited areas off limits to wind development.**

Spencer-Famous, Marcia

From: Diane Winn [dswinn@colby.edu]
Sent: Wednesday, December 16, 2009 3:36 PM
To: LURC
Subject: TransCanada Testimony
Follow Up Flag: Follow up
Flag Status: Red

Honored Commissioners:

I appreciate the opportunity to communicate opposition to the proposed expansion of expedited wind power areas in Maine. As a resident of Freedom, a community victimized by a permitting process that was lax and uninformed about the realities of industrial wind development, I strongly oppose any “expedited” opportunities for similar mistakes.

The current state law governing the siting of wind energy developments provides inadequate protection of communities targeted by wind developers. This law was based on incomplete and biased information regarding the ability of industrial wind projects to help meet the goals set forth in the Report of the Governor’s Task Force on Wind Power Development – particularly, to reduce dependence on fossil fuels and reduce greenhouse gas emissions. Evidence that was either not available during Task Force deliberations, or was not submitted despite its availability, indicates that industrial wind can contribute little if anything toward these goals.

There are now hundreds of documents, testimonies and presentations relevant to the above issue, much of it available online. I urge you to examine “the other side of the story” in considering not only the current proposed action, but also whether An Act To Facilitate Wind Power Siting should be reconsidered in the near future. In addition to organizations unfairly maligned by the wind industry, such as National Wind Watch (<http://www.wind-watch.org/>) and Industrial Wind Action Group (<http://www.windaction.org/>), are two major groups highlighted below. Please visit their websites. Another excellent source of information is the material by physicist and environmentalist John Droz, available at <http://windpowerfacts.info/>. His Electrical Energy slide show is particularly enlightening; it can be found by following the link in the first large green box encountered in scrolling down the home page.

Respectfully submitted,

Diane Winn, Ph.D.
 Freedom, ME

◆ **European Platform Against Windfarms** <http://www.epaw.org/>

Some 15-20 years ahead of America in wind technology, Europe is often touted as providing a model for American wind power development. But there are concerns about industrial wind in European countries as well, as illustrated by the *European Platform Against Windfarms* (EPAW). Founded in Paris in October of 2008, the organization already has roughly 300 member organizations from 15 countries. In a letter to members of the European Parliament, EPAW calls for a moratorium on all onshore wind farm projects in the European Union and requests the commission of an independent panel to investigate effects of the EU wind farm policy. In this letter, among other statements, are the following:

“**EPAW** finds it deplorable that renewable energy installations are often deployed within the European Union after pressure from financial or ideological interest groups. The disturbing

consequence is that such projects do not fulfill the basic criteria for sustainable development. **EPAW** maintains that wind farms represent the worst case scenario. Their effectiveness remains unproven and yet for decades they have absorbed the greatest proportion of funding ring-fenced by governments for renewable energy projects. Worse still, they contribute to the degradation of the environment.

EPAW wishes to draw your attention to the fact that wind farms have been shown repeatedly to be completely at odds with European policy for sustainable development, in that:

- the contribution of wind farms to the reduction of CO₂ emissions is insignificant because of the need to resort to thermal power plants to compensate for the intermittent nature of electricity generated by wind turbines. This also means that wind energy does not significantly reduce the costly and increasingly politically sensitive importation of fossil fuels."

◆ **North American Platform Against Windfarms** <http://www.na-paw.org/>

The *North American Platform Against Windpower* (NA-PAW) was created to stand for the interests of the ever-growing number of organizations and individuals in Mexico, the Caribbean, Central America, Canada, and the U.S.A. who: oppose individual wind energy or transmission line proposals; question the effectiveness of wind power in helping to solve our energy problems; work to protect wildlife and landscapes from industrial wind power development; *and/or* fight the damage of wind energy facilities to tourism, the economy, and people's quality of life, health, and amenity.

"Like EPAW, NA-PAW supports renewable energy schemes when they are effective and socially, economically, and environmentally acceptable. Wind energy installations are often pushed through under pressure from financial or ideological interest groups with little regard for the communities or ecosystems affected. Under the mantle of "clean and green", the claims of wind developers are not subjected to the proper scrutiny necessary for such large and expensive installations. They are often exempted from proper regulatory review that would protect the environment and hosting communities.

The necessarily sprawling facilities, huge towers, and turning blades required to collect such a diffuse resource as wind degrades and fragments wildlife habitat and threatens the health and well-being of nearby residents. And the effectiveness of large-scale wind energy remains problematic.

- Wind power's contribution to reducing CO₂ emissions or fossil fuel use is limited, because other power plants must be kept on line -- and used more often and less efficiently -- to compensate for the intermittent and variable nature of electricity generated by wind turbines.
- Increasing numbers of large wind facilities require thousands of miles of new high-voltage transmission lines and more control installations to maintain grid stability in the face of the erratic nature of wind energy. These add substantially to the already high costs of wind energy and further degrade the environment while also raising eminent domain issues.
- Even after several decades of technical development, wind energy remains economically unviable. Wind power devours colossal amounts of public money and depends on artificial markets for its existence. Considering the minuscule benefit, our money ought to be better spent.
- Wind facilities are significantly altering the natural and cultural heritage of rural and wild areas that are otherwise protected from such levels of development. They threaten tourism, leisure, and recreation. They have an obvious negative impact on property

values, which for homeowners often represent the fruits of a lifetime of work.

- The noise and flicker of giant wind turbines cause loss of sleep, stress, and other health effects in nearby residents. "Wind turbine syndrome", caused by the effect of low-frequency noise on the organs of the inner ear, is widely reported.
- Wind facilities imperil wildlife and destroy natural habitats which have hitherto escaped the destructive powers of earth-moving equipment, concrete operations, and other highly invasive human activities.

The North American Platform Against Windpower therefore calls for a "reality check" on industrial wind energy, to examine its actual record and cumulative impacts.

- **Carbon savings:** How much carbon dioxide is emitted during the manufacture, shipping, construction, operation, maintenance, and decommissioning of wind energy facilities? How much is potential carbon displacement reduced by the indirect effects of grid integration, such as preferred response with hydro or lower-carbon natural gas, or extra CO₂ emitted due to more frequent ramping or running fossil fuel-fired stations at lower efficiency in compensating for the power fluctuations of wind-generated electricity?
- **Economic impact:** What are the direct and indirect costs of wind power, including the impact on overall public expenditure and, over the long term, on electricity charges for consumers. Cost analysis should include subsidies, fiscal advantages, regulatory tariffs, and special markets which benefit the wind industry, and the cost of building power stations and/or storage mechanisms to balance unstable wind power, upgrading and installing power lines to transport wind power from remote areas to load centers, building control centers to regulate the wind's unpredictable variability, and upgrading electricity networks. What is the actual cost to hosting communities?
- **Social impact:** What is the impact of wind energy facilities on quality of life and rural amenity? What are the effects of changes to the environment on local residents and visitors? What is the impact of wind facilities on property values and tourism?
- **Health impact:** What is the impact of wind energy facilities on human health? Existing "gag orders" in leases and easements must be cut through to determine the full range of health effects caused by noise, flicker, and possible ground current from buried cables.
- **Environmental impact:** What natural habitats and otherwise protected landscapes have been and will be sacrificed as a result of erecting wind energy facilities? What are the individual and cumulative effects of existing and proposed wind energy facilities and associated infrastructure on wildlife and ecosystems? What is the extent to which the construction and operation of wind turbine facilities pollute the ground cover, topsoil, groundwater, streams, and rivers? Particular attention should be paid to the effects on the environment of contamination resulting from lubricants leaking from worn or collapsed wind turbines, detergents used to remove dirt and insects from turbine blades, the large-scale use of concrete for their bases, the excavation and compacting of the area around the towers, and the construction of access roads.

Documentation continues to grow of the negative effects of industrial wind turbines on people, landscapes, tourism, property values, wildlife, and public budgets. A "reality check" is long overdue."

Spencer-Famous, Marcia

From: Carroll, Catherine M.
Sent: Thursday, December 17, 2009 12:06 PM
To: 'Steve Bien'
Cc: Spencer-Famous, Marcia
Subject: RE: rule making hearing - wind power
Follow Up Flag: Follow up
Flag Status: Red

Dear Dr. Bien,

I thank you for your thoughtful comments of yesterday and today, and I will certainly share them with members of the Commission. The Commission looks forward to any additional comments you may have as they proceed in their rulemaking.

Catherine M. Carroll

Director, Maine Land Use Regulation Commission
 18 Elkins Lane, Harlow Building
 22 State House Station
 Augusta, Maine 04333-0022
 Telephone: Office(207) 287-4930 Cell (207) 592-4448

www.maine.gov/doc/lurc

From: Steve Bien [mailto:sbien@hciwireless.net]
Sent: Thursday, December 17, 2009 11:51 AM
To: Carroll, Catherine M.
Subject: rule making hearing - wind power

Dear Director Carroll

I want to thank you and the Commissioners for your patience and, at times, forbearance yesterday. It was no doubt a long day. I want, fact, to apologize for some of the misplaced potshots that misast the Commission and its integrity.

For my part, the hearing, particularly the panel presentations, were an opportunity to see the interplay of the various relationships and responsibilities that influence the commission. In that regard I wanted to highlight and perhaps respond to an important point that Commissioner Laverty made regarding the state wind power goals and the Commission's responsibility to them.

After Ken Spaulding's testimony Mr. Laverty responded with a point regarding the particular situation the Commission sees itself in, obligated to some degree to the Governor's wind power objectives. This is an important point and I wanted to urge the commissioners, to the degree that they can, to exercise their expertise and prerogatives as an independent agency, which I believe you are. From my point of view as a citizen, this capacity of LURC is particularly valuable, serving as it does as a check or arbiter among the various interest groups that seek to guide land use in Maine. So I think it is entirely appropriate for the Commission to weight the legislature's or governor's wind power objectives against its own perspectives regarding land use and development.

Please pass these comments along to the Commissioners, and thank them again for me.

Steve Bien, M.D.
 960 East Jay Road

4/30/2010

Jay, Maine 04239

Spencer-Famous, Marcia

From: Deborah Kreis [etenoha_11@yahoo.com]

Sent: Friday, December 18, 2009 2:31 PM

To: LURC

Subject: wind power economics

Follow Up Flag: Follow up

Flag Status: Red

It is my Environmental Master's opinion that you are racing into wind power with an in-your-face, dam the torpedoes attitude which is ill-advised and resource wasteful. Outside if the obvious issues of who pays your freight, you do not seem to open to better wisdom. Listen up and hear well, Deborah Dawn Kreis

'the Rising Sun'

Spencer-Famous, Marcia

From: Carolyn Dodge [carolynrae@conscious-possibilities.org]
Sent: Saturday, December 19, 2009 8:51 AM
To: Spencer-Famous, Marcia
Cc: Mills, Amy; Horn-Olsen, Samantha; Carroll, Catherine M.; Rollins, Scott
Subject: Re: Notice of Agency Rulemaking, TransCanada proposal

Follow Up Flag: Follow up
Flag Status: Red

Attachments: Testimony LURC 2009-P328 & P329.doc



Testimony LURC
2009-P328 & P32...

Marsha,

Please find attached the written testimony in support5 of my sorn testimony in Augusta on December 16, 2009.

Please thank the borad for their time and work they do for the State of Maine.

Best Regards, and Happy Holidays
Carolyn R. Dodge

-----Original Message-----

From: "Spencer-Famous, Marcia" [Marcia.Spencer-Famous@maine.gov]
Date: 11/25/2009 10:31 AM
To: "Spencer-Famous, Marcia" <Marcia.Spencer-Famous@maine.gov>
CC: "Mills, Amy" <Amy.Mills@maine.gov>, "Horn-Olsen, Samantha" <Samantha.Horn-Olsen@maine.gov>, "Carroll, Catherine M." <Catherine.M.Carroll@maine.gov>, "Rollins, Scott" <Scott.Rollins@maine.gov>
Subject: Re: Notice of Agency Rulemaking, TransCanada proposal

To all Interested Persons:

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Please feel free to contact me if you have questions, or if I may be of assistance.

Marcia Spencer Famous, Senior Planner
Maine Land Use Regulation Commission
207-287-4933

Carolyn R. Dodge
P.O. Box 44
Dixmont, Maine 04932
carolynrae@conscious-possibilities.org
(207) 944-3454

December 16th, 2009

Board of Maine Land Use Regulations Commission
Department of Conservation
22 State House Station
Augusta, Maine 04333-0022

Attn: Marcia Spencer Famous

**Sworn Testimony in Regards to Proposed Rule Numbers 2009-P328 and P329
Chapter # and Title: Ch. 10, Land Use Districts and Standards: Amendments to
Appendix F, Expedited Wind Energy Development Area Designation.**

In support of my sworn testimony given to the Board of LURC on December 16th, 2009 at the Senator Inn, located in Augusta Maine, I wanted to provide this written testimonial.

With utmost respect and appreciation for what you are charged with doing for the State of Maine, I feel at this point that expediting any potential Industrial Scale Turbine permits, expansions and projects raises grave concerns. This technology is new and complex and warrants more research in regards to impacts to close proximity as well as environmental impacts. Sound regulations are just being exposed through extensive research and those findings are being exposed as unique to this scale and design of industrial machinery.

I offer to the board a perspective that is rare in regards to this technology. I have designed my own home to be a part of the silence of an intact eco-system, to be silent itself. I could sell this kind of peacefulness here at night at an hourly rate. The design was progressive, simple to basic with inverter, shut offs, solar array, and then finally a wind turbine. The turbine has an extensive level of inefficiencies that is going to push us into investing in more solar panels to make up for what the turbine is not doing. This helps me to look at the technology and gain comparisons by way of a live example.

The difference, my turbine never uses more than a spray of lubricant like your bicycle chain, once a year, has a longer life span, larger window of opportunity to produce energy by tolerance in design of no wind or high winds and doesn't change the ambient noise level in the environment in which it is installed. Industrial scale turbine application in the realm of the Governor proposed 2700 MW would destroy 50,000 acres of cleared mountain ridges and land, of which have trees that consume Co2's for a 4% contribution to the grid at approx. 4 million per unit doesn't seem low impact or worth the taxpayer's investment, especially when these units can be depreciated on the books after only 5 yrs. Flicker is an issue evident by my turbine with a 9' rotor diameter

causing my daughter to experience a headache for two weeks before we found out the turbine flicker from the blades at 180' off the back door was causing it. Increasing a rotor diameter to 270' should speak for itself in regards to impacts from flicker and impacts. We have a mild vibration on the tower due to rotation movement, increased would be like comparing a moped to a Mack truck, simple physics.

Governor Baldacci's pillars of achievement and goals mentioned by Commissioner John Kerry seem to lack a true perspective of what the people of Maine would consider protecting Maine's Quality of Place, evident by the testimonies brought before you today by our young Maine members like Hilary Lister, Meg Gilman, Ryan Clark and Storm. What the people of Maine value is their rural culture and are willing to roll their sleeves up to save it and protect it with their voice and inner strengths. They are also willing to explore alternatives in that perspective such as the "Ground zero" design concept I have mentioned to you and many Representatives including John Kerry and his staff. A true solution is going to be to create the solution at the ground level with solar array and small-scale (non-impact) turbines, so that people get up and go about their days passing these applications on the roof tops of their schools, Municipality buildings etc., gaining daily that they are a part of what they pass and a real part of the solution. This would create real jobs here in Maine. In viewing the energy demands on p-21 of John Kerry's Comprehensive Plan, Maine is perfectly aligned to show the rest of the Nation and beyond how renewable energy can be responsibly implemented.

Commissioner Laverty's question to DOC Commissioner Pat McGowan about the board's true placement does not become energy regulation by default to ignore what the board's true charge and mission of Land Use Regulation has always stood for in respect for the culture of Maine. This clearly crosses boundary lines of a sovereign entity (LURC) of regulatory responsibilities that undoubtedly belong to the PUC. I also disagree with Senator Bartlett that the Governor's Task Force on Wind Power extended proper notice to state and local governing entities of their ambitions. If that were true, these submitted Development applications to host communities would not be tearing those communities apart in their attempts to write safe and appropriate ordinances to regulate these scale projects.

As a Native American, I stand here before you to speak on behalf of the wild ecosystem and heartbeats that have no voice only a spirit that struggles to understand how regulatory commissions and Legislative decision making seems to remove itself in the decision making process from an eco-system it ultimately belongs to. These wild natural habitats and life forms that maintain it, is the last frontier of true sustainable homeostasis that we are not capable of replicating. We have simply tried to rise above it like a tree lifting its roots from the soil of the Earth in an illusion to be above it.

Respectfully Submitted,

Carolyn R. Dodge

UMO Public Administration Graduate 2009

**Town of Pittsfield Internship Fall 2009

UMA Bachelors in Behavioral Sciences 2004

Member of the Citizen's Task Force on Wind Power

Spencer-Famous, Marcia

From: carolynrae@conscious-possibilities.org
Sent: Monday, December 21, 2009 10:36 AM
To: Spencer-Famous, Marcia
Subject: Re: Notice of Agency Rulemaking, TransCanada proposal
Follow Up Flag: Follow up
Flag Status: Red

Hi Marsha,

Thanks for clarifying those features. I am assuming you were able to open the file. That would be correct that it DID NOT apply to P329. Do I need to correct and re-submit for accuracy?

:) Carolyn

Sent from my BlackBerry® wireless device from U.S. Cellular

From: "Spencer-Famous, Marcia" <Marcia.Spencer-Famous@maine.gov>
Date: Mon, 21 Dec 2009 08:40:36 -0500
To: Carolyn Dodge<carolynrae@conscious-possibilities.org>
Cc: Spencer-Famous, Marcia<Marcia.Spencer-Famous@maine.gov>
Subject: RE: Notice of Agency Rulemaking, TransCanada proposal

Thanks, Carolyn, for following up with a written version of your testimony. One question, though - I noted that at the top you included both Proposed Rule Numbers **2009-P328 and P329**. Please confirm that you intended your testimony to be directed to both those rule-making actions. To explain:

1. **P328** is the TransCanada rule-making petition to add a 631 acre parcel to the expedited area, and is the subject of the public hearing.
2. **P329** is a separate rule-making related to the Errors and Corrections bill last session, which Legislature passed into law and directed LURC to correct in our rules. The corrections were to the text description of the existing expedited area. It was noted that there was an inconsistency between the map and the written description, so this corrects that error, and there is no expansion. The public comment period for that rule correction started on Nov 25, and extended for 30 days.

Did you intend this written testimony to apply to that error correction rule-making, too?

Marcia

-----Original Message-----

From: Carolyn Dodge [mailto:carolynrae@conscious-possibilities.org]
 Sent: Saturday, December 19, 2009 8:51 AM
 To: Spencer-Famous, Marcia
 Cc: Mills, Amy; Horn-Olsen, Samantha; Carroll, Catherine M.; Rollins, Scott
 Subject: Re: Notice of Agency Rulemaking, TransCanada proposal

Marsha,

5/7/2010

Please find attached the written testimony in support5 of my sorn testimony in Augusta on December 16, 2009.
Please thank the borad for their time and work they do for the State of Maine.

Best Regards, and Happy Holidays
Carolyn R. Dodge

-----Original Message-----

From: "Spencer-Famous, Marcia" [Marcia.Spencer-Famous@maine.gov]
Date: 11/25/2009 10:31 AM
To: "Spencer-Famous, Marcia" <Marcia.Spencer-Famous@maine.gov>
CC: "Mills, Amy" <Amy.Mills@maine.gov>, "Horn-Olsen, Samantha" <Samantha.Horn-Olsen@maine.gov>, "Carroll, Catherine M." <Catherine.M.Carroll@maine.gov>, "Rollins, Scott" <Scott.Rollins@maine.gov>
Subject: Re: Notice of Agency Rulemaking, TransCanada proposal

To all Interested Persons:

The Notice of Agency Rule-making for the TransCanada Maine Wind Development, Inc. proposal to expand the windpower expedited permitting area has been posted on the Secretary of State's website:
<http://www.maine.gov/sos/cec/rules/notices/2009/112509.htm>, and on LURC's website:
<http://www.maine.gov/tools/whatsnew/index.php?topic=lurcnews&id=85212&v=tplevent>

Additional information on TransCanada's proposal can be found by going to LURC's website at:
<http://www.maine.gov/doc/lurc/projects/Transcanada/Transcanada.shtml>

Please feel free to contact me if you have questions, or if I may be of assistance.

Marcia Spencer Famous, Senior Planner
Maine Land Use Regulation Commission
207-287-4933

Spencer-Famous, Marcia

From: pbellita@aol.com
Sent: Monday, December 28, 2009 12:14 PM
To: LURC
Subject: Trans Canada
Follow Up Flag: Follow up
Flag Status: Red

Dear LURC,

When approving or rejecting Trans Canada's objective of expanding their operations in Maine, LURC should be mindful of the state and federal subsidies required to make wind power economically feasible. In other words wind power cannot stand on its own. Firms such as Trans Canada are pushing for rapid approval of wind projects before the subsidies run out. Do not be influenced by these firms--and the legislators that support them--when they pressure LURC to act on their behalf. As with Plum Creek, it appears LURC is unprepared, perhaps not authorized, to make such decisions. If we don't halt these big corporations from taking advantage of Maine's naivete and lack of leadership and forethought in protecting and preserving our natural resources we won't have anything left to protect.

Pamela Bell
1096 Main Road
Milford, ME 04461

Spencer-Famous, Marcia

From: Spencer-Famous, Marcia
Sent: Tuesday, March 30, 2010 8:28 AM
To: 'Browne, Juliet'; Chris Cinnamon; nick_didomenico@transcanada.com; 'Valleau, Dana (Augusta,ME-US)'
Cc: Spencer-Famous, Marcia
Subject: FW: Air Force Comments on Proposed TransCanada Project - Rule Numbers 2009-P328 and P329
Importance: High
Follow Up Flag: Follow up
Flag Status: Red
Attachments: AF Comments Maria Spencer Famous.pdf

Just received this – Looks like they are commenting on the rule change, but clearly this applies to dp4680 as well.

From: Lapointe, Jeannine **On Behalf Of** LURC
Sent: Tuesday, March 30, 2010 8:25 AM
To: Spencer-Famous, Marcia
Subject: FW: Air Force Comments on Proposed TransCanada Project - Rule Numbers 2009-P328 and P329

From: Ficquette, Bobby Civ USAF AFCEE AFCEE/CCR-A [mailto:Bobby.Ficquette@brooks.af.mil]
Sent: Monday, March 29, 2010 3:58 PM
To: LURC
Cc: Thompson, Gary E Civ USAF AFCEE AFCEE/CCR-A; Brentzel, David R Civ USAF AFCEE AFCEE/CCR-A; Jabbur, Munther T CIV USAF ANG NGB/A7AN; Chambers, Randy Mr CIV NG NGB ARNG; Pfaltzgraff, Patrick J Maj USAF AFCEE AFCEE/CCR-A
Subject: Air Force Comments on Proposed TransCanada Project - Rule Numbers 2009-P328 and P329

Ms Famous on behalf of the United States Air Force we submit the attached letter with comments on the Proposed TransCanada Rule Numbers 2009-P328 and P329. It appears that this proposed project could impact our Military Training Route IR-800 a continuously operated route used by the Eastern Air Defense Sector (EADS) that operates 4 nautical miles either side of line described by N 45 35.00; W70 08.00 and N45 03.00; W70 58.00. Thank you for the opportunity to comment on this proposed project. Please contact Gary E. Thompson at (404) 562-4209 or toll-free 888-610-7419 for addition information.

Sincerely,
 Bobby Ficquette

//SIGNED//

Bobby Ficquette, P.E., YF-03, DAF
 Deputy Director
 USAF Regional Environmental Office - Eastern Region
 404-562-4202 Toll Free: 1-888-610-7419

4/30/2010



DEPARTMENT OF THE AIR FORCE
AIR FORCE CENTER FOR ENGINEERING AND THE ENVIRONMENT
REGIONAL ENVIRONMENTAL OFFICE, EASTERN REGION
60 FORSYTH STREET, SW, SUITE 8M80
ATLANTA, GEORGIA 30303-8810

29 March 2010

AFCEE/CCR-A
Air Force Regional Environmental Office – Eastern Region

Ms Maria Spencer Famous
Land Use Regulation Commission
Department of Conservation
22 State House Station
Augusta, ME 04333-0022

RE: Comments Regarding Proposed Rule Numbers 2009-P328 and P329

Dear Ms Famous,

Regarding Proposed Rule Numbers 2009-P328 and P329, the Air Force Regional Environmental Office in Atlanta is pleased to submit comments regarding the proposed projects. Thank you for your willingness to work with the United States Air Force to address our concerns about potential impacts to our activities resulting from wind energy development in Maine. Further, our office wishes to be kept informed of any future initiatives that involve the construction and/or siting of wind turbines.

After review of the proposed rule, the legal description of the Maine Wind Energy proposal appears to be located within the vicinity of (Instrument Rules) IR-800. IR-800 is a continuously operated route used by the Eastern Air Defense Sector (EADS) and operates 4 nautical miles either side of line described by N 45 35.00; W70 08.00 and N45 03.00; W70 58.00. This is a terrain following and visual contour (TF/VC) route and it appears that some de-confliction may be necessary. The proposed project may affect operations located within this route and wind turbines may potentially interfere with radar operation and flight operations as well as approaches to military training areas depending on the location and height of the turbines. Any potential impacts to radar and flight operations could be mitigated through coordination with the Department of Defense regarding the siting of proposed wind facilities. Information on potentially adverse impact of such projects on DoD activities can be found in the Report to Congressional Defense Committees, "*The Effect of Windmill Farms on Military Readiness*," available at <http://www.defenselink.mil/pubs/pdfs/WindFarmReport.pdf>.

If you have any questions or need additional information, please contact Gary E. Thompson at (404) 562-4209 or toll-free 888-610-7419. Additional points of contact also include Mr. Gerald Lee, Airspace Manager with the Eastern Air Defense Sector (EADS). Mr. Lee's organization operates the route in which the proposed project is located. He may be reached at 315-334-6302 or gerald.lee.1@ang.af.mil. The Department of Defense Regional

Environmental Coordinator for Region 1, which includes Maine, is Ms Christine Porter and she may be reached at 757-445-6493. Thank you for providing the opportunity to comment on these regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas D. Sims', written over a vertical line that extends downwards from the signature.

THOMAS D. SIMS, Director
Regional Environmental Office
Eastern Region

cc:

Christine Porter – Region 1 DoD REC

Gerald Lee – ANG EADS

Randy Chambers - NGB

Spencer-Famous, Marcia

From: Tannenbaum, Mitchell
Sent: Friday, April 16, 2010 4:53 PM
To: Horn-Olsen, Samantha
Cc: Spencer-Famous, Marcia
Subject: RE: The TransCanada petition for expansion

Follow Up Flag: Follow up
Flag Status: Red

Attachments: MPUC Review Comments TransCanada Petition.pdf

Samantha and Marcia

Attached are the MPUC's review comments. Please let me know if we can be of further assistance.

Mitch



MPUC Review
Comments TransCana

From: Horn-Olsen, Samantha
Sent: Thursday, April 01, 2010 4:08 PM
To: Tannenbaum, Mitchell
Cc: Spencer-Famous, Marcia
Subject: The TransCanada petition for expansion

Mitch,

As promised here is my suggestion as to some portions of TransCanada's filings that might be particularly helpful to you. I note that in your previous email you singled out the two bullets below, plus transmission costs and availability as the areas that the PUC could comment on.

- The primary factor will be the progress the state has made in achieving the goals set forth in § 3404; also
- The project's potential for energy generation; and ...

If you look at LURC's web site for TransCanada's filings:

<http://www.maine.gov/doc/lurc/projects/Transcanada/Transcanada.shtml> you will see their original petition at the bottom of the list of items. In that document, you may find sections A.1, A.2, A.5, and B.2 particularly relevant. If you look further up in the table at the line that says "project revision" you will see the "supplemental narrative" and you may find section 2 of that narrative helpful as well. Please look at any of the materials that seem useful and relevant, but these are areas that seem to me to be related to the points you previously referenced.

I should also note that in describing the revised petition area that is detailed in the supplemental materials, a TransCanada representative stated on the record that this area would host at most about 6 turbines.

Please let me know if you have questions, and note that the Commissioners voted to extend the comment period for this matter to April 28.

Thanks,
Samantha

Samantha Horn Olsen
Manager, Planning Division
Land Use Regulation Commission
Maine Department of Conservation
18 Elkins Lane / Harlow Building, 4th floor
State House Station 22
Augusta, ME 04333-0022
Phone 287-4932
Fax 287-7439
Email samantha.horn-olsen@maine.gov



STATE OF MAINE
PUBLIC UTILITIES COMMISSION
101 Second Street, Hallowell, Maine 04347
18 State House Station
Augusta, Maine 04333-0018

SHARON M. REISHUS
CHAIRMAN

VENDEAN V. VAFIADES
JACK CASHMAN
COMMISSIONERS

April 16, 2010

Samantha Horn Olsen
Manager, Planning Division
Land Use Regulation Commission
Maine Department of Conservation
18 Elkins Lane / Harlow Building, 4th floor
State House Station 22
Augusta, ME 04333-0022

Re: Maine Public Utilities Commission Review Comments on TransCanada Maine Wind Development Inc.'s Petition for Rulemaking to Add to the Windpower Expedited Permitting Area

Dear Samantha:

On July 1, 2009, TransCanada Maine Wind Development Inc. ("TransCanada") submitted to the Land Use Regulation Commission ("LURC") a Petition to Initiate Commission Rulemaking to Add to the Windpower Expedited Permitting Area. In its Guidelines for the Review of Petitions for the Addition of Lands to the Expedited Permitting Area for Wind Energy Development (adopted March 3, 2010), LURC states that it will seek the expert opinion of the Maine Public Utilities Commission ("MPUC") on approval criteria that are within the MPUC's expertise. These approval criteria are:

- The progress the State has made in achieving the wind power goals established in 35-A M.R.S.A. § 3404;
- The project's potential for energy generation; and
- The viability of the proposed project, including the availability of transmission lines to transfer the generated electricity.

The MPUC is pleased to provide review comments in its area of expertise.

State Wind Power Goals

Title 35-A, section 3404(2) establishes the following goals for wind energy development in the State:

- At least 2000 MW of installed capacity by 2015; and
- At least 3000 MW of installed capacity by 2020.

At the current time, the amount of installed and planned wind power capacity in the State is substantially below the Legislatively-established goals.

When TransCanada's Kibby Wind Power Project ("Kibby Project") is in full operation, Maine will have in the range of 238 MW of wind power in commercial operation. In addition, there are projects representing approximately 227 MW of wind power that have either been permitted or are in the permitting process. Clearly, Maine is far short from reaching its statutory wind power goals.

TransCanada has proposed a rule change to expand to the expedited permitting area to facilitate the development of approximately 45 MW of additional wind power in a location near its Kibby Project. Forty-five megawatts of wind power alone may not have a huge impact on the State meeting its wind power goals. However, if the State is to meet its goals, it will have to permit a relatively large number of projects of varying sizes throughout the State.

Thus, in the MPUC's view, the expansion of the expedited permitting area to accommodate 45 MW of wind power should be considered as important for meeting the State's goals for wind power development.

Potential for Energy Generation

Grid scale wind project are generally considered to have a "capacity factor" in the range of 30%. A capacity factor generally refers to the amount of electricity that is generated by a particular plant relative to the amount of electricity that would be generated if the facility continuously operated at its full capacity. A 45 MW wind facility operating at a 30% capacity factor would generate in the range of 118,000 MWhs per year. Although this generation output is much lower than a typically larger natural gas or coal plant (e.g., in the 500 MW range), it is not insignificant in that 118,000 MWhs is enough energy to serve the electricity needs of approximately 20,000 residential households. In addition, the energy is from a renewable resource and, when operating, would tend to displace fossil fuel generation.

Project Viability

The MPUC has not conducted an analysis of the viability of TransCanada's proposed project. However, the proposed project is in a location proximate to TransCanada's Kibby Project. As such, it will be able to utilize the transmission line that has been constructed to connect the Kibby Project to the regional grid. Finally, as indicated by TransCanada's financial and technical ability to develop the Kibby Project (as well as thousands of megawatts of generation assets in various locations), it is reasonably likely that the proposed project is viable.

Please let me know if the MPUC can provide further assistance as the LURC considers TransCanada's request for an expansion of the expedited wind permitting area.

Sincerely,



Mitchell M. Tannenbaum
Deputy General Counsel

MMT/lip

Spencer-Famous, Marcia

From: Demers, Sarah
Sent: Wednesday, April 28, 2010 2:02 PM
To: Spencer-Famous, Marcia
Cc: Docherty, Molly
Subject: MNAP comments on TransCanada petition to expand expedited windpower permitting area in Chain of Ponds and Kibby Twp
Follow Up Flag: Follow up
Flag Status: Red
Attachments: MNAP_petition to expand expedited windpwer area_04282010.pdf

Marcia,

Attached you will find an electronic copy of the comments prepared by the Maine Natural Areas Program in response to TransCanada's petition to add to the windpower expedited permitting area.

I will hand deliver the initialed paper copy later today.

Thanks,
Sarah

Sarah Demers
Environmental Review Coordinator
Maine Natural Areas Program
93 SHS
Augusta, Maine 04333
207.287.8670

Maine Natural Areas Program

17 Elkins Lane
State House Station #93
Augusta, Maine 04333

Date: April 27, 2010

To: Marcia Spencer-Famous, Senior Planner, LURC

From: Sarah Demers, Environmental Review Coordinator, MNAP *SD*

Re: Petition by TransCanada to Add 156 acres to the Windpower Expedited Permitting Area in Kibby and Chain of Ponds Townships, Maine

The Maine Natural Areas Program is providing these comments to the Land Use Regulation Commission as part of the fact finding necessary for making a determination on TransCanada's petition for the 156 acre expansion of the expedited windpower permitting area. Our comments provide context for determining whether the proposed expansion compromises the principal values and goals identified in the comprehensive land use plan adopted by the Maine Land Use Regulation Commission. Specifically, we address the principal value of Diverse, abundant and unique high-value natural resources and features as stated in the CLUP.

Approximately ninety-seven (97) acres, or 62%, of the one-hundred fifty-six (156) acres TransCanada has proposed to add to the expedited windpower permitting area is comprised of a Fir – Heart-leaved Birch Sub-alpine Forest natural community mapped by the Maine Natural Areas Program. This Fir – Heart-leaved Birch Sub-alpine Forest community consists of 358 acres in total and is the same natural community that is located within the applicant's proposed windpower site on Sisk Mountain.

| Scientific Name | Common Name | State rank | Element Occurrence Rank |
|---|----------------------|------------|-------------------------|
| Fir-heart-leaved birch subalpine forest | Subalpine Fir Forest | S3 | B - Good |

The Fir – Heart-leaved Birch Sub-alpine Forest natural community is ranked S3 in Maine which means that it is considered a rare community type with between 20 – 100 occurrences documented in the state. The Fir- Heart-leaved Birch Subalpine Forest natural community at Sisk Mountain is considered a good quality example of the type with an element occurrence rank of B. The element occurrence rank is derived from a system used to rank the overall quality (i.e. size, condition and landscape context) of a natural community or rare plant occurrence.

Because of the rarity, and the limited landscape in which these features occur, we believe this community should be considered a unique high value natural resource that contributes to the diversity and defines the character of the LURC jurisdiction.

Whether the LURC Commission decides to include this area as expedited for windpower permitting, or maintains the current zoning as a LURC P-MA, any proposed development or change in zoning within this area will have to be done in a manner that ensures it creates no un-

due adverse impact to the Fir- Heart-leaved Birch Subalpine Forest natural community mapped at this site and that the development is appropriately sited and designed to ensure the CLUP's various goals of resource utilization and conservation are adequately balanced. Proposed development and associated impacts in this area should be viewed in light of any existing or proposed impacts to the community as a result of activities previously permitted by LURC.

Spencer-Famous, Marcia

From: Carroll, Catherine M.
Sent: Tuesday, February 02, 2010 4:14 PM
To: Spencer-Famous, Marcia
Subject: FW: LURC HEARING ON TRANSCANADA PROPOSAL
Follow Up Flag: Follow up
Flag Status: Red
Attachments: 9265-windpower resolution 1 10.docx

Catherine M. Carroll

Director, Maine Land Use Regulation Commission
18 Elkins Lane, Harlow Building
22 State House Station
Augusta, Maine 04333-0022
Telephone: Office(207) 287-4930 Cell (207) 592-4448

www.maine.gov/doc/lurc

From: bknapp@beeline-online.net [mailto:bknapp@beeline-online.net]
Sent: Tuesday, February 02, 2010 4:02 PM
To: Carroll, Catherine M.
Subject: LURC HEARING ON TRANSCANADA PROPOSAL

Dear Ms. Carroll,

Western Maine Audubon has considered and passed a resolution or position statement on TransCanada's proposal before LURC relative to expanding into an unexpedited zone on Sisk Mt.

Attached is a copy of that statement. Please see that it comes to the attention of the committee.

Also, please keep me informed as to progress of their proposal, and public hearing dates.

Thank you,

Burt Knapp

President, Western Maine Audubon

7/22/2010

The Land Use Regulation Commission is considering a request from TransCanada to allow extension of its Kibby wind farm into a portion of LURC jurisdiction that has been considered unexpedited. Currently this area is subject to the usual protected mountain zoning restrictions.

This request has focused attention on the rules governing such expansion. We recall that the Wind Power Task force enabling legislation was rapidly moved through the legislature last year. It is our belief that these rules are currently too vague and permissive. Because a central part of our chapter's mission relates to protection of the habitat in our region, western Maine, we have taken particular care to study this project and the implications of its expansion. Rather than allow this project to go forward at this time we feel that a moratorium on expansion of the expedited territories is called for pending better definition of these rules. Furthermore, because the siting criteria for wind power lack provision for adequate study of wildlife and environmental impacts, we believe a general moratorium should be put in place until we have better assessment methods.

We share with our parent organization, Maine Audubon, a belief that properly sited, wind power can play a role in reducing our reliance on non renewable energy sources. However, also like our parent organization, our chapter's foremost concern is how the location of wind-power plants might affect wildlife. Potential impacts include effects on soils and plants, bird and bat migration patterns, fragmentation of habitat from roads and power lines, and bird and bat mortality from the turbines themselves.

While there has been pressure to move ahead with projects as quickly as possible, we believe a deliberate approach makes more sense. In its recent publication, Birdscope, The Cornell Laboratory of Ornithology cautioned that at this point proper studies have not been done. Even more fundamentally, they believe that the proper technologies and methods have yet to be developed to conduct these studies properly. The United States Fish and Wildlife Service has recommended a minimum of 3 years of study before wind project sites are approved to assess wildlife impacts yet no Maine project has yet gotten this kind of assessment. The original wind power legislation was passed quickly but in reality we should proceed with such key land use decisions with due diligence.

Since LURC is now being asked to expand the Expedited Wind zone we believe the criteria for expansion need to be re drawn to reflect these issues. These criteria should include guidelines for assessment of wildlife impacts along the lines of the USFWS recommendations.

In conclusion, we would like to stress that we offer these recommendations in a constructive spirit, hoping to play a positive role in decisions about the future of the mountains in which we live and which we love. Maine has a long history of making difficult conservation decisions: a good example would be LURC's courageous and far-sighted creation of the Rangeley Plan. In that instance the Commission articulated a plan and then bravely defended it despite many requests to see it weakened. We urge LURC and other state agencies involved in the siting of wind power in the mountains to view our recommendations in the light of such examples.