Michael Klopchin
Selectboard member
Town of Clarendon

Category: Wind

I believe that the legislature should block any construction of these wind farms until the state has established siting regulations just the way towns have to have zoning laws that regulate the sites for building our neighborhoods. It had been proposed in the legislature as a bill late in the last session but was allowed to die in the natural resource committee. It will be proposed early in the new session and I'm sure that it will be made public so that people across the state can follow it !

Allison Cassavechia
Newark

Category: Wind

I would like to formally request the commission come to the Northeast Kingdom to meet with our community and tour some of the proposed wind facility project areas as well as see projects coming online such as Lowell. It is important that the commission come to the affected communities to get the most informed feedback about community concerns and to see for yourself where these projects are targeting in our community. Thank you for considering this request.

Joseph Hebert
Newark Neighbors United
Newark

Category: Wind

We in the Northeast Kingdom eagerly await your timely visit...

Robert Devost
Jericho

Category: Wind

First, Congratulations on the new commission on overseeing wind energy on our Ridgelines! I am not in favor of large wind towers on our Ridgelines and I am not part of any group. I wish to be kept informed. I hope the concerns below will be addressed for existing Turbines before building more: 1) All repairs, upgrades be fully documented and show a "shelf life" and FINES if repairs not done in a timely manner!

2) When the Towers / Turbines have an end life and need to be taken down, what FUND is put in place for taking a Tower or Towers down? Please reply. Thank you!

Pam Arborio
President
Brighton Ridge Protectors
Brighton

Category: Wind

Please come to visit Island Pond when you travel the state to see the ridge lines that will be destroyed if Industrial Wind Turbines are placed on our mountaintops. We will lose ancient forests, wildlife corridors, avian migration routes and micro environments only found on ridge top locations. Talk to the people that depend on tourism which will fall off drastically when our pristine views are destroyed. Add all this to the reduction of property values from 15 to 40% or the having to move from the homes of our dreams because we are ill from flicker and the sound breaking the once silent forest. You're panel has been chosen to help the siteing of IWTS. Please don't sacrifice Vt.'s most precious resources by destroying our ridge lines. Let the Northeast Kingdom remain the site National Geographic called the #1 Ecotourism destination in the USA.We have suddenly been discovered by businesses anxious to develop Newport and Burke in keeping with the rural beauty and the wildness so indicative of our area. Please listen to our Town Plans. Please reflect our values and hopes for the future in your decisions. Save us from out of state and foreign investors who care nothing for our citizens or their homes. Please save our future.

Gina Campoli
Environmental Policy Manager
Vtrans
Montpelier

Category: Wind

Here is some info that might assist the committee considering changes to wind siting regulatory procedures.
Perhaps you already know this. At the very end of the Dean administration while I was at ANR, the agency considered this now forgotten white paper on the visual effects of wind paper on state lands. It may or may not be useful. At some point I would like to participate in the committee’s deliberations as a citizen regarding aesthetic and scenic effects and am interested in knowing when the appropriate time might be to get involved.

January 2004, DRAFT #3A (for discussion purposes only)
Working Paper Regarding the Aesthetics/Scenic Resource Impacts of Commercial Scale Wind Energy Facilities on State Land

1. Preface:

The information contained in this working paper is intended to help state land managers, municipal and regional officials, wind developers, and interested citizens better understand the aesthetic and scenic resource issues associated with commercial scale wind facilities on state land. The concepts below are presented as options to consider and not requirements that state agencies, developers, or municipalities must undertake during planning or regulatory processes.

2. Issue statement:

Commercial scale wind facility turbines are very large vertical structures ranging in height from 200 to 250 feet and up to 350 feet to the tip of the rotor blades, heights that are unprecedented on the Vermont landscape. Lengthy access roads to and within the site and new power line connections are often included when a new facility is proposed.

The places where wind facilities are required to be located for maximum efficiency - the tops of high north-south ridgelines between 2500 and 3500 feet - are sensitive locations for this type of intensive development. They are often visually prominent, remote, and heavily forested, and places where Vermonters and tourists choose to recreate in the outdoors with many of these recreational experiences dependent on or greatly enhanced by a wild and undeveloped landscape. They also may be near places where Vermonters live and work and visitors come to enjoy the state's outstanding scenic and historic character.

State lands include many high elevation ridgelines between 2500 and 3500 feet, some of which have been identified as having high wind potential (see attached map). Legal restrictions and natural resource concerns have eliminated many of these areas of high wind potential from consideration for potential development. There are, however, a few state land holdings that do not have recognized restrictions. These areas may be analyzed for scenic resource sensitivity as described below.

3. Siting and Design Requirements of Commercial Scale Wind Energy

North-south running ridgelines between 2500 and 3500 feet are ideal for maximum efficiency and power production from commercial scale wind energy facilities. Above 3500 feet, icing of blades is problematic. Below 2500 feet, wind velocity and constancy drop off dramatically. Other beneficial site characteristics include: reasonable proximity to a high voltage transmission line, a substation, access roads, and a ridgeline that extends for a minimum of one mile without extended abrupt changes in grade, i.e. a gently undulating ridgeline.

As noted previously, the turbines in a commercial-scale wind project range in height from 200 to 350 feet tall to the tip of the rotor blade. While there are many designs for turbines, the most common include a white or gray tower that is large enough for a

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person to climb inside to service the turbine. The turbine consists of a nacelle and usually two or three blades. The blades are black to reduce icing in winter and have a rotor diameter of 132 feet. Vermont's only commercial scale wind energy project in Searsburg represents earlier technology and consists of 11 turbines, each approximately 135 feet tall (not including blades).

Strobe lighting that is directed upwards is required on some turbines over 200 feet tall, but specific Federal Aeronautics Administration (FAA) standards for wind turbines are not yet in place.

4. Visual Sensitivity Assessment of State Lands

State lands that do not have legal restrictions and are considered for commercial scale wind energy facilities may be analyzed for their visual sensitivity.

The process outlined below is intended to help state land managers, municipal and regional officials, wind developers, and interested citizens understand the visual sensitivity of high elevation ridgelines and thus help determine if commercial scale wind energy facilities are a suitable use of state land and will not compromise the scenic quality and recreational value of the surrounding forest land, and nearby communities.

The process does not provide absolute yes or no answers regarding visual sensitivity or the visual impacts of commercial wind facilities. It attempts to provide consistent and objective information regarding visual sensitivity that should be weighed and balanced within the context of: policies and plans for the affected state forest and communities or the "Quechee Analysis", the methodology used to consider the visual impacts of development in state regulatory processes.

The process below is based on several assumptions.

- First, there must be an assessment of the visibility of the ridgeline. If the ridgeline has limited visibility 0 to 5 miles from the site to populated and/or important recreational areas it will be far less sensitive. Computer visibility studies that are field checked as described below provide reasonable and objective visibility data.
- Visual sensitivity drops off beyond five miles. Beyond ten miles, visibility is limited to the human eye or the landform is part of a vast landscape and thus not prominent, unless the area is very distinctive in form and height from the surrounding land forms.
- There are certain areas 0 to five miles within the ridgeline viewshed that are more sensitive. These include: state and local roads, recreational trails and overlooks, public recreation facilities, shorelines, river and water bodies, wetlands, historic structures and villages, downtowns or areas of intensive residential use such as village neighborhoods.
- Sensitivity is increased for these areas if the views of the ridgeline are sustained and the viewer expectation is for a high degree of scenic and intact landscape. The latter must be determined through consultation and interviews with recreational user groups and community members, not always an easy task.

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- Views of the ridgeline from sensitive areas will vary in their scenic quality. Some views have many scenic characteristics and thus a high degree of scenic quality. While other views may be obstructed by vegetation or intervening topography or there may be existing development on the ridgeline that detracts from the overall quality. If the ridgeline is a distinct form and focal point that draws the viewers eye and/or includes features such as: vegetative and topographic diversity, contrast (for example flat open meadows in contrast with steep forested hillsides), water feature, rock ledges, historic structures (for example barns, church spires or historic districts), open farmland, and/or little visually intrusive development that does not fit within the scenic context it is more sensitive and should be carefully considered for wind power development on state land.
- Local and regional plans that speak clearly to the protection of the scenic quality of the area should also be considered.

A. Inventory

Step 1. Where is the ridgeline seen from (the viewshed analysis)?

- ✓ Conduct computer visibility study (up to 10 miles[1])
- ✓ Overlay study on aerial photographs and tree cover GIS layers
- ✓ Field check computer study: digital photo inventory of views of the ridgeline from state and local roads, recreational trails and overlooks, public recreation facilities, shorelines, river and water bodies, wetlands, historic structures and villages, downtown areas and neighborhoods of intensive residential development that are within the visibility area
- ✓ Locate field checked viewpoints and areas on the computer-generated visibility layer.

Step 2. Identify recreational uses within the viewshed

- ✓ Overlay recreational trails and recreational facilities on the visibility map; field check trails (see above)
- ✓ Review state lands management plans, local and regional plans and other documents that address outdoor recreational use in the area.
- ✓ Consult with local and regional user groups such as snow mobile, hiking, and hunting and fishing clubs regarding dispersed recreational uses of the area within the identified viewshed
- ✓ Consult with local officials regarding uses of local recreational trails and facilities

Step 3. Review local, regional and other planning documents and meet with local and regional officials.

[1] With distances over 10 miles, visibility is generally limited due to the small size of the feature, atmospheric conditions, and the relatively small feature being part of a vast landscape and thus not prominent, unless the landform is very distinctive in form and height from the surrounding hills and ridgelines.

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- ✓ Review local and regional planning and regulatory documents and identify: policy statements regarding community character, scenic resource protection and restrictions on high elevation development and identification of areas through a systematic inventory and planning process. Meet with local and regional planning officials, select boards, and or conservation commissions regarding plans policies or concerns regarding scenic resource protection and related issues

B. Assess Visual Sensitivity of the Area

The following questions are intended to frame the scenic resource issues and help facilitate a coherent public discussion about the scenic quality and visual sensitivity of the affected public land.

The questions focus on:

The visibility of the ridgeline from sensitive areas
Who is viewing the scene; what is their visual expectation and preference; and what is the duration of their views?
The scenic sensitivity of the view
The local regulatory context

Visibility of the ridgeline is established through the computer analysis and field checks discussed above.

Determining who is viewing the scene, their visual expectation and preferences, and duration of view are far more difficult to assess. Steps 2 and 3 above, consulting with recreational user groups, town officials, and planning documents, etc. may be helpful, as well as objective surveys, questionnaires, and focus group interviews.

Scenic sensitivity is based on the following physical factors:

- The distance from the ridgeline to the sensitive area.
- The character of the ridgeline within the landscape. (For example, is the high elevation area a distinctive focal point and back drop)?
- The quality of the view. (For example, do views of the ridgeline from sensitive areas include vegetative and topographic diversity, water bodies, historic structures and little development that disrupts the scenic character?)

1. From where is the ridgeline seen?

Based on the Inventory steps described above: Is the ridgeline seen from the following sensitive areas: state and local roads, recreational trails and overlooks, public recreation facilities, shorelines, river and water bodies, wetlands, historic structures and villages, and downtown and areas of

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intensive residential use such as village neighborhoods? The following are generally considered less sensitive areas: industrial zones, strip development, landfills, and gravel pits.

2. **Consider who is viewing the ridgeline**

   Is the area seen by homeowners from their front porches, drivers traveling on a road or highway, hikers on a trail, skiers on the slopes, shoppers on Main Street or sunbathers sitting on a beach? These and other users will have different expectations and sensitivity regarding their surroundings**.**

3. **What is the duration of view?**

   Will people glimpse at the ridgeline traveling in their cars or will they view the area from their front door? Consider what the duration of view will be for persons moving through the landscape on roads and trails and via all the various modes of travel.

4. **How distant is the sensitive area from the ridgeline?**

   Generally, with distances over 10 miles, visibility is limited and/or the landform is part of a vast landscape and thus not prominent, unless the area is very distinctive in form and height from the surrounding land forms. Visibility and prominence is generally the greatest between 0 and 5 miles.

5. **Is the ridgeline a visual back drop to surrounding settled valley locations including historic districts, downtown areas and concentrated residential development?**

6. **Is the ridgeline an unobstructed focal point as seen from the sensitive areas? Is the viewers' eye drawn to the ridgeline or does it blend into the surrounding landscape of hills, ridges and mountains? Is the ridgeline in the center or on the periphery of the view from the sensitive area? Is the view of the ridgeline obstructed by topography or vegetation?**

7. **Does the ridgeline have a distinctive profile or sharply varied ridgeline or is it linear and undifferentiated?**

8. **Is there vegetative and topographic diversity in the view of the high elevation area? Is there contrast in the view such as flat open meadows in contrast with steep forested hillsides? Are there water features or rock ledges? Are there historic structures such as barns, church spires or historic districts, open farmland, and little development that does not fit within the scenic context?**

9. **Does the high elevation area include: ski area infrastructure, telecommunications facilities, high elevation residential development or**

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other permanent land uses that detract from an undisturbed natural scene?

10. **Is there a local regulatory prohibition or restrictions on commercial scale wind facilities within the high elevation area?**

5. Special Visual Impact Issues to Consider for Specific Commercial Scale Wind Facility Proposals

The following issues should be considered, in addition to the visual sensitivity analysis described above, when there are specific wind facility proposals presented to state land managers

Nighttime Visual Impacts

The daytime visual impacts of proposed commercial wind facilities will vary from the nighttime impacts of facilities that that must be lit as required by the FAA. The visibility data for nighttime will be the same as the daytime analysis; however, the extent of visibility will vary greatly depending on the lighting type, wattage, and fixture as well as the specific requirements set forth by the FAA regarding the amount and type of lighting.

Nighttime visual sensitivity will vary depending on factors such as:

- The darkness of the ridgeline. Is the turbine light the only light on a dark ridgeline or are there are other lights from uses such as high elevation residential development?

- The nighttime activity that is taking place such as camping, star gazing, or walking vs. driving or night skiing on lighted slopes.

- The degree to which the place where the ridgeline is viewed is lighted. It is more difficult to perceive distant light when there are street lights and other outdoor lighting.

Onsite Visual Impacts

It should be noted that these considerations address visual onsite impacts only. There may be other impacts that should be addressed including habitat and ecological disruptions or impacts to the less tangible but nonetheless important spiritual “sense of wilderness”. The character of the forestland at the site of the proposed facility will affect the potential onsite visual impacts. For example, if the site includes mature landmark trees, or scenic wetlands the impacts will be greater than if the area has included recent intensive forest management or development such roads or telecommunications infrastructure.

Also, the amount and type of recreational and other human uses through and around site will affect the degree of impact.

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Symbolism and Kinetic Appearance

It has been shown in surveys conducted in areas where wind facilities are located that for some people wind facilities represent a clean or renewable source of electricity thus making them positive symbols and a more appealing landscape feature than other types of non-sustainable development. For those who do not believe wind facilities provide a public benefit they may represent a corporate intrusion into a natural landscape and thus have a negative symbolic appearance. Their kinetic aspect (they move with the wind like a flag or mobile) also may add to their visual appeal.

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John Zuppa
Director
Brighton Public Library
Brighton

Category: Wind

Please come and visit Brighton and the Nulhegan Basin area of the Silvio O. Conte National Fish and Wildlife Refuge. This entire area would be seriously impacted by the siting of the Seneca Wind project

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Annette Smith
Executive Director
Vermonters for a Clean Environment
Danby

Category: Wind

I've been fielding questions from people wondering if there is going to be a public comment period at the Energy Siting Commission tomorrow. I am telling people "probably not" but if you have suggestions for them or comments you want to make, put it in writing.

Candy Page's article in the Burlington Free Press (I've already admonished her for using Act 248 instead of Section 248) ends with Louise McCarren wondering about the scope of the commission's work. I have similar questions, as noted in my follow-up about noise issues after our meeting. http://www.burlingtonfreepress.com/article/20121029/NEWS02/310290024/Governor-s-panel-to-tackle-renewable-energy-debate?odyssey=tab|topnews|text|FRONTPAGE

I have another set of questions for you to consider, some that I've already sent to Louise McCarren, and in response she said that Anne George of ISO-NE is the person to answer them. I'm wondering if part of the information the commission gathers could answer these sorts of questions, or if you could have Anne George come and make a presentation and be available to answer questions. While the questions are about wind, they really extend to all renewables, wondering how the grid integration works, is it better with some technologies than others? (people have sent me news stories in the last week about the problems Germany and other European countries are having with integrating renewables). These questions are similar to my comment about using First Wind's statements without ground truthing them. In that instance, First Wind said (and Liz repeated) that the Sheffield project is producing enough energy to power Burlington. But then the question is, was all that power used? Producing it is one thing, and it is what gives First Wind its PTCs. But we really don't know or understand how the wind is being integrated and whether it is just "noise" as I heard an ISO-NE Operations person say at a workshop last year. These questions are not about modeling, they are asking for actual data to support statements like that. And finally, if questions like these are beyond the scope of the commission, how do we get them answered? Again, our experience is that the legislature has no appetite for any of this.

--How much wind energy capacity is now operating in the New England grid?
--Is the wind generation displacing fossil fuel generation?
If yes, are there areas of New England that offer better fossil fuel generation displacement than others?
--Both Rich Sedano of RAP and Bruce Bentley of CVPS were quoted as saying in newspaper articles 2009 that there is a 1 to 1 ratio, that when 1 MW of wind is produced, 1 MW of natural gas generation is offset. Is that true?
--Can ISO-NE provide evidence of GHG emission reduction because of the wind energy on the grid?
--Is there real world data that shows specific natural gas plants reducing output in response to wind energy?
--Has someone done calculations or measurements to show that there are emissions reductions or less natural gas used since we now have 500 MW (I'm not sure of the actual number how) of wind on the grid?
--Are there specific fossil fuel plants that do better at reducing GHG emissions than others in response to wind energy?
--Has there been a reduction in coal consumption at NE power plants because of wind energy?
--Has there been a reduction in natural gas consumption in NE because of wind energy?
--How useful is the wind energy in New England? (last year the system operator spoke at a conference I attended in Mass. and he said right now it's just noise. Has that changed? What did he mean by noise?)
--Does ISO-NE need new generation? (I am aware of a recent report detailing the planned retirement of existing plants, and a discussion about the time frames for needing new generation)
If yes, is ISO-NE calling for more peaker plants to balance wind energy?
--Do the existing open cycle and combined cycle natural gas plants suffice for balancing wind, and if so, how efficient are they?
--Is there a document produced by ISO-NE that we can cite that supports what Dave Lamont of DPS testified to the legislature last year, "there is plenty of low-cost grid power for at least the next 10 years." (paraphrase). I met Mr. Dudley who works for the PSB the other day. He has recused himself from wind projects ever since Deerfield because of his opposition to them. He is running for State Senate. He is now saying there is abundant existing power in the New England grid for 15 to 20 years. Is that written down somewhere?

Tina Fitzgerald
Milton

Category: Wind

I have experienced the Act 250 process, the Act 248 and Technical Hearings with the PSB all in the last few years. The Project we are closest to (3200ft), will be operational Dec. 2012, Georgia Mountain Community Wind.
I have found that none of the above processes are anything but a sham. The State pretends to care about the average citizen who will be effected by the proposed projects. The Developers work with the State to get their Projects operational due to the fact that the State of Vt. has a goal to reach by 2025 for renewable energy.These two entities are wolves in sheeps clothing. All in all, the People of the State of Vermont are being buffaloed into thinking they are having a say in a process that is a farce.
When landowners have the police called on them, have a Temporary Restraining Order and a lawsuit take place within an 18 hour window, all of which has been served by the Wind Developer WHO was in the wrong, there is a problem.
The situation just mentioned involved my husband on his mother's land AND the Project was not suppose to be working that day as it was a State Holiday.

I ask, "How can the State and these Developers who are receiving millions of dollars (taxpayer dollars, mind you) run right over an average landowner"?
Remember the Government is "Government of the People, By the People and For the People".
Our Government is slanted and needs to be straightened out.

Lisa Wright Garcia
Vter - do I have to be an "organization" to count
West Rutland

Category: All of the above

Governor Shumlin stated recently that his goal for the Energy Generation Siting Commission he formed was to ensure that the process for permitting energy generation projects would be as predictable, fast and inclusive.
That phrase is telling of Shumlin's real motivations. The current process is predictable. It is designed to grant large out of state corporations a green light for their projects. And it is fast – fast enough for those corporations to build when the tax subsidies are at their peak. Critical thought has already been suspended regarding industrial wind in the rush to build them – we do not need to make this any faster.
He threw "inclusive" in there to try to appease those of us who argue that the real stakeholders are disenfranchised from this process. The process is not inclusive, and it is not inclusive because it is predictable and fast. The corporations willing to do grave harm with their energy projects are given lots of time and guidance from the state on how to make their project fly. Because state agencies grant them "pre-approval" on some aspects of their plan, it is also predictable. In contrast, "host" towns are given 45 days before a permit is filed and then have to petition for "intervenor" status to give input, which will be promptly ignored.
Adjacent landowners and residents are not required to be notified at all, and are given no formal input in the process.
Please surprise us by making this commission more than an appeasement strategy to shush those of us who do not share the Governor's vision.

Gregory Bryant
Director
Sheffield Food Pantry
Sheffield

Category: Wind

No other renewable causes damage to Vermont communities like wind. I cannot explain to you the aggression and ill will that is created by this renewable resource. The problem is it doesn't go away. Like Nuclear, it destroys communities for decades. Please, please, consider Vermont's residents. Invest in every other option. The other renewables "build" strong, cohesive communities, this destroys them. Sheffield is more impoverished now than ever before. Taxes were the same this year as last. Good residents are leaving as fast as they can get out, leaving their homes to the bank if necessary. I moved away from my home of 20 years last month. We lost a private school that contributed 1 million

dollars in salaries a year to this community and another 1 million in goods and services. It is not worth it in the long run. And sadly it just doesn't work.

Kim Fried
Newark

Category: Wind

Dear Chairperson and members of the Vermont Generation Siting Policy Commission,

I would like to thank you for conducting and interesting and informative first Commission meeting on October 31, 2012. I was impressed with the Commission's openness, questions and inclusion of the public in providing inputs during the first information session. I look forward to attending the second session on November 14.

While I have many comments and questions concerning Section 248 and 250, I think the most important issue is how do small towns and individual and groups of citizens effectively participate in our democratic process? I would like relate my recent, first hand experiences during the past seven, nearly eight months in relation to 30 V.S.A. 246 and 248. It has not been a pleasant experience.

I live in the small town of Newark, Vermont. Newark has always been a rural, pleasant and harmonious place to live, with a great school, wonderful neighbors and a clean and healthy environment full of amazing wildlife. Newark is the kind of town that makes us proud to be Vermonters; it is what Vermont is all about. Newark's character changed on March 7, 2012 the day after our productive, positive annual Town Meeting when we were notified by Seneca Mountain Wind LLC. (Docket 7867)that they were planning to file for a CPG to construct four MET Towers followed by the planning/construction of the largest industrial wind facility (100 MW) in New England.

Our Town Office is open three days a week, we have very limited high speed internet service and nearly every town position is filled by volunteer citizens. We have no full time staff and no town lawyer. You can imagine how overwhelmed we were by the PSB process that demands deadlines of 7-30 days for major project/docket filings. The Town has never been involved in a 246/248 hearing and was starting at nearly zero on the educational curve.

The Town scrambled to understand the requirements in order to participate and acquired any and all literature that the State provides. This included the presentation on Section 248 that the DPS provides and of course the Citizens Guide to the Vermont PSB Section 248 Process.

How do we get the word out to our citizens that a project of this magnitude is being planned? How do you get citizens informed and engaged? Select board and Planning Commission meetings need time for appropriate planning and warning (typically held monthly) and are conducted at the Town Office which has only a dozen chairs and a small space for standing room.

Our Town officials did the best they could and found out very quickly that the developer was well funded, had legal staff, consultants, and employees and consultants spending time selling their project in town while Newark's citizens were simply trying to understand and follow the State and legal process. The developer was well versed in the laws and did whatever they could to limit the Town's and its

citizens rights to participate as interveners (please refer to SMW letter to the Docket 7867 dated 6/4/2012). The PSB and the developer continually emphasize the need to make quick decisions which puts the Town and its citizens at a horrible disadvantage.

Newark did finally hire an attorney in July to support the Town interests, a non budgeted expense which is enormous. The Newark Building Committee which was reviewing the need for a new Town Clerk's Office has been put on hold. Taxes will be seriously impacted this year.

The 246/248 process in theory provides for citizens input but we found out very quickly that the requirements are extremely legalistic and the State and developer are very versed in this process. We are kidding ourselves if we think a small Town or citizens can effectively participate in this process without experienced legal representation. Volunteer citizens have family and career obligations. We keep hearing that the DPS, ANR and PSB will be looking after Newark's interests but we know that the CPG involves the interests of all Vermont citizens and is driven by State policies and political positions. Yet Newark has a Town Plan, its citizens know the town lands and have a clear Vision for the future but we discovered quickly that even a well attended PSB hearing's testimony doesn't have the weight to be considered seriously in the PSB Docket review and decision. This leaves the Town and its citizens feeling truly disenfranchised and besieged. The process has been very divisive and has left our Town very defensive. All for an energy project that still hasn't been proven to be needed by the citizens of Vermont. We feel like we've been sacrificed to the "powers to be".

I would ask that the Commission to please take a serious look into how to correct this problem of effective citizen participation. Involvement from our Regional Planning Commissions maybe part of the solution. Providing Town's with resources to understand and participate in the legal process could certainly be part of a solution. Recognizing the importance of the local citizen inputs to projects of such magnitude and potential impact is critical.

Act 250 has been the corner stone of Vermont's development process for decades. It's a demanding process and has resulted in one of the most beautiful and environmentally sound states in the country. We need to quickly correct the implementation of the 246/248 process before all the efforts and investment in Act 250 have been lost.

Jim Sullivan
Director
Bennington County Regional Commission
Bennington

Category: All of the above

Vermont's regional planning commissions are interested in participating in the work of the Energy Generation Siting Policy Commission in any way that may be helpful. As chair of the Vermont Association of Planning and Development Agencies' (VAPDA's) Energy Committee, I have been asked to coordinate our efforts in this regard. There are eleven regional planning commissions and while I am sure we all have specific areas of interest and concern regarding the siting process, I am confident that we can provide certain information and recommendations that are consistent across the state. Of course, I realize that all of the Siting Commission members – and Mr. Matteau in particular – are familiar with the work of Vermont's regional planning commissions, but our experience and concerns with regard to utility siting, from both a regional and local perspective, may not be well documented.

I would be happy to talk with any of the commissioners or associated staff to develop a method for best obtaining useful information and viewpoints from regional planning commissions. Please feel free to call me at your convenience. After our initial conversation, I can organize a conference call with other members of VAPDA's Energy Committee or we can decide on a process and timeframe for submittal of written comments from VAPDA and/or individual regional planning commissions.

I look forward to hearing from you.

Lorrie Heath
Brighton

Category: Wind

I live in Brighton, a town in which Seneca Mountain is trying to install windtowers, in fact they want to put them on land behind my family's farm. We are rushing way to fast with these wind turbines and need to stop and take a step back before we destroy any more land that we can not replace.
The more I read and the more involved I become in this issue the more I see that they are not the solution for VT but at the rate they are being installed the beginning of another problem. We most certainly do need to do something about our engery situation but rushing into this with turbines that cannot begin to recover their cost while destroying the environment that we are trying to protect makes absolutely no sense. What are we saving by installing the turbines? They are extremely costly, not reliable or productive and the destroy or mountain ridges and benefit only the people selling them? Please before this goes any futher put a stop to the installation of the turbines and take a much harder look at them, not only
the end project but all the steps in between. The communities of Vermont
are the most affected by these turbines but have very little recourse while the devlopers seem to be able to white wash facts and get them installed even over the very people's lives who will be most effected by them. The turbine people will be long gone when the problems become worse leaving us to try and fix it.

Kathleen Iselin
East Haven

Category: Wind

Are there direct email addresses for the siting commission members that info can be sent to ? I think I recall one of the members saying that we could contact each of them directly, and I'd like to know how to do that. Thank you !

William Hawkins
Member
Planning Board
Brighton

Category: Wind

With the resent news about the noise complaints in Shefield and Lowel I would like to voice my concerns about the noise if Seneca Mountain Wind is allowed to go foward with their project. It is being proposed in the
early stages now for met towers and we know that tubines will follow that. That mountain range is less then 3 miles from the lake where the senior housing is located. It would be terrible if the noise carried acrossed the water and was load enough so they all had to find new living arrangements and this place could not be used to live in again. I ask you to please consider factors like this before we give out any more applications for met towers or wind turbines. We also have a state park located on the lake that could be affected by the noise. The red lights flashing at night could also be a problem. Lets study the wind turbines that we have in other areas to see what the affect is before going a had with this project or any other one.

Joseph Tymecki
Chief Technology Officer
Vermont Public Television
Colchester

Category: Wind

My hope is this commission will address the impacts of large wind turbines on over-the-air digital television reception. Vermont Public Television field tests concur with numerous industry studies that the rotating blades of large wind turbines can adversely affect reception of over-the-air digital television signals. VPT does not oppose the development of wind farms, but rather would like to see wind developers make consideration for viewers who are impacted by wind turbines. Please feel free to contact me if you wish to discuss this further.

Joel Cope
Brighton

Category: Wind

Working to combat global warming and air pollution is good state and national policy.
However, erecting 500’ wind turbines on the ridgelines of the Green Mountain state in order to combat climate change is not good policy. Worse than that, relegating most of the turbines in Vermont to sensitive natural areas in the sparsely populated upper Northeast Kingdom is particularly inappropriate. The region doesn’t need and won’t benefit from the extra power, and the turbine skyscrapers would completely change the character of the region, which is forested, undeveloped, remote, geologically

distinct, rich in rare and irreplaceable flora and fauna. Much of it was former paper company land, now conserved land for use by the public. There is a distinct sense of place—the wildest, coldest, most remote area of Vermont. Vermont as it used to be. An economy is growing around visitors to the region seeking to get far, far away from it all.

It is significant to point out that the state of Vermont has for years encouraged towns to develop tourism as their biggest economic driver. Large industrial wind turbines represent an obvious threat to that economy. The immense size and industrial scale of the turbines represent everything the NEK is not. They don't fit much better in the rest of Vermont either.

The Siting Commission needs to understand and see in the field the visual impact of the turbines. Any view that was formerly a scenic picture with mountains in the background becomes a picture of wind turbines on anonymous ridgelines. Do we want scenic views of mountains, or scenic views of wind towers? How many real estate ads have you seen for a lovely rural property with a great view of wind turbines as a selling point?

Siting these towers on Vermont ridgelines represents an unprecedented assault on the defining characteristic of Vermont (emphasis added), ironically in the name of the environment. Environmentalists have all looked at West Virginia with disdain because of the destruction of their mountaintops to mine coal. While the destruction here for turbines is not as vast as that in WV, it does give you some insight into the thinking that allowed that destruction to occur. Our need for energy, hoggish as it is, continues to trump the environment. I just never thought it would be the environmentalists who paved paradise.

Robert Devost
Jericho

Category: Some of the above

Thank you for the opportunity to voice a couple concerns: 1) Wind Turbines on our Ridgelines My concern is for a long term plan that includes planning for the removal of large Wind Turbines if they are not maintained over time to insure a certain level of profit. What "minimal level of profit" determines a schedule to remove and or replace the Turbines.
Also, who will monitor the maintenace scheduling of upgrades and repairs to the Turbine infrastructure? Will there be a fund for removal of a or multiple Turbines after a "length of service" or if an Act of God or other act determines the Turbines not acceptable for use?
2) Natural Gas: A plan to take profits from Wind and other power sources to map a plan to get natural gas to all rural and urban and suburban communities by 2018? Please put these comments and questions on public record and I would hope for a response when time permits and as the Hearing gather it's final report. Thank you!

Rob Pforzheimer

Category:

---------- Forwarded message ----------
From: Rob Pforzheimer

Date: Thu, 8 Nov 2012 10:02:02 -0500
Subject: FW: Falmouth Conference on Human Rights « Wind Wise ~ Massachusetts
The siting commission should send a representative to this conference. It's Saturday and it's free.
http://windwisema.org/2012/10/15/falmouth-conference-on-human-rights/

Falmouth Conference on Human Rights

OCTOBER 15, 2012

tags: Falmouth MA

There is no shortage of personal hardship when residents endure wind turbine development. Encounters from Australia to Canada to Cape Cod and Southeast Massachusetts will be explored at the Falmouth Conference on Human Rights on November 10, 2012. Science, medicine and engineering will all be called upon to explain the impacts of living too close to industrial wind turbines.

An international line-up of speakers includes Carmen Krogh of Ontario, Canada, and Dr. Sarah Laurie of the Waubra Foundation in Australia. Speakers from the U.S. include Dr. Nina Pierpont, John Droz and Curt Devlin. Local speakers Lilli Green and Preston Ribnik, from Wellfleet, will also talk about the human toll they captured in their documentary as they interviewed victims of industrial-scale wind.

Community panelists from turbine-impacted towns in Massachusetts will describe declining health in affected families and economic fallout–to homeowners and local governments–from wind development.

Organizers David Moriarty of Falmouth and Marsh Rosenthal of Savoy promise an unvarnished picture of this human rights concern. Moriarty said, the community panelists “are encouraged to tell the conference and the media about the extraordinary measures that they have had to take to engage attorneys and to communicate their plight to the larger public.”

The forum runs from 1 :00 to 4:00 pm at the Falmouth Public Library at 300 Main Street. The free program is open to the public and refreshments will be offered.

For further information, to donate or help out, contact David Moriarty (waveydavei@aol.com or 774-521-8474) or Marsh Rosenthal (marshsue@verizon.net or 413-743-5256).

---------- Forwarded message ----------
From: Rob Pforzheimer
Date: Thu, 8 Nov 2012
Subject: Ontario-Wind turbine noise severe

There are complaints of noise and health problems from wind turbines around the world. Here's one from Ontario.

Vt'ers health, property values and quality of life should not be sacrificed for inefficient wind generation that we don't even need. There's currently, and for the foreseeable future, an oversupply of generation in New England and no proof from anywhere in the world that wind turbines reduce CO2 emissions

Wednesday, November 7, 2012

Wind turbine noise severe, Kincardine residents ask for state of emergency to be declared

Media Advisory
http://www.wind-watch.org/news/2012/11/08/wind-turbine-noise-severe-kincardine-residents-ask-for-state-of-emergency-to-be-declared/

Kincardine, Ontario:

Residents with health problems linked to 115 Enbridge wind turbines ask Council for Municipality of Kincardine Council today to assist in forcing Enbridge to take accountability for the impact of their operation on the people who are living among the wind power project.

The delegation is asking the Council to adopt a resolution that includes:

- Recognition that the health and well-being of some residents are being affected by the wind turbines
- Order Enbridge to cease turbine operations and to identify a senior executive to work with the Municipality in resolving these issues.
- Declare a public emergency in Kincardine in order to qualify for provincial funding to relocate health-affected home owners.
- Request that the Federal government stop subsidies to the project under the ecoENERGY program.
- Request provincial follow-up on cases reported to the Grey-Bruce Health Board as required by provincial law.
- Commission independent testing for low frequency noise/infrasound in all affected homes.

According to spokesperson, Rachel Thompson, “These health problems are real— people are unable to sleep or lead normal lives. Many are experiencing a repetitive vibrating or pulsing sensation throughout their bodies, especially in the head and chest when the turbines are operating. That’s Low Frequency Noise and it feels like torture. Their lives are being ruined.”

Enbridge’s corporate values statement talks about taking accountability for the company’s actions and not blaming others, Thompson notes. "It’s time for Enbridge to demonstrate these values in this community and address the environmental problems being created by this wind power generation project.”

---------- Forwarded message ----------
From: Rob Pforzheimer
Date: Thu, 8 Nov 2012
Subject: “Our peace has been stolen from us. . . . We want our lives back.”

KINGSTON

Health board to consider legal options for turbine complaints

By Christine Legere http://www.boston.com/news/local/massachusetts/2012/11/08/health-board-consider-legal-options-for-dealing-with-local-wind-turbine-complaints/uIkdqbtu6DXnTF9flmgsbP/story.html
Globe Correspondent / November 7, 2012

Health officials in Kingston voted Monday to meet with the town’s attorney as soon as possible to discuss what they can legally do to help homeowners who say they are adversely affected by four local wind turbines.

Board of Health member Daniel Sapir said shutdown of the turbines during certain times “is on the table,” along with other potential measures. The board would begin by hiring its own expert to “analyze this thing and represent the health board’s interests,” he said.

Although most of Monday’s discussion focused on the Independence wind turbine, built on town-owned land by a private developer, three other nearby turbines owned by businesswoman Mary O’Donnell would be included in the board’s consideration, Sapir said.

But owners of the turbines say they are within their rights.

Kially Ruiz, co-owner of the Independence, said he does not intend to adjust his operation as long as it meets the state’s legal requirements. “Until there is proof of a problem, we won’t do anything,” Ruiz said following the health board’s vote.

O’Donnell expressed similar sentiments. “Everyone in the room Monday knows all my turbines are well within the limit for noise,” O’Donnell said after the session.

At the meeting, neighbors of the turbines asked the health board to shut down the machines at night and during times when they say light-flicker from whirling blades drives them from their homes, but chairman Joseph Casna said his panel has to consider legal ramifications. “We don’t want to do the wrong thing and have it thrown back and not accomplish anything,” he said.

Leland Road resident Doreen Reilly, speaking for her neighbors, said the lives of people who live near the turbines “have been turned upside down” since the Independence’s start-up in May.

“This has caused more anxiety than I have ever experienced,” Reilly said. “Our peace has been stolen from us. . . . We want our lives back.”

Reilly said family members cannot sleep on nights when the whooshing noise from the blades permeates her house. In recent weeks, she said, the shifting angle of the sun has introduced the added problem of flicker, the light-shadow effect created by spinning blades.

“It causes headaches,” Reilly said. “It’s in every room of my house, and it makes you want to flee your home.”

Reilly’s neighbor Daniel Alves had e-mailed the Board of Health recently with complaints of ringing ears, headaches, and an elevated heart rate. He told the board Monday that he has contacted a doctor regarding his son, who suffered from epilepsy. “I’m very concerned about the strobe-like effect of flicker,” Alves said.

Ruiz, who attended the meeting, called flicker “a mild annoyance” and a “transient condition” limited to sunny days in the fall and spring. “It’s not considered a health concern,” he said. “That’s not just my opinion. It’s the opinion of the experts.”

Ruiz said the turbine generates virtually no noise in nearby neighborhoods. He said the area has a train station, major highway, shopping mall, and waste-water treatment plant. “I think the neighbors are hearing a lot of things,” he said. “It’s just not the turbine.”

Sapir disagreed with Ruiz, saying he had witnessed the noise and flicker firsthand. “I went to the Reillys’ home at midnight, and I heard the whoosh,” he said. “You may say it’s not physically possible, but it’s happening. It’s real.”

Sapir said he experienced the flicker effect while watching a Patriots’ game at a friend’s house. “It was so annoying I couldn’t enjoy the game,” he said. “The poor dog was cowering in the bathroom.”

Local physician Piotr Lazowski, a Country Club Way resident who had lodged a written complaint over noise and flicker, pressed health officials Monday. “My question isn’t to Mr. Ruiz; my question is to our Board of Health,” Lazowski said. “What are you going to do?”

The Board of Health did take action last July, asking the Massachusetts Department of Health to conduct sound measurements on neighborhoods near the Independence turbine similar to those done in Falmouth and Fairhaven. State officials assigned the Kingston study to the Clean Energy Center, a quasi-public agency whose focus is on renewable energy development in the state.

The study has yet to move forward, and on Monday neighbors of O’Donnell’s turbines asked to have their area included in the testing.

Spokeswoman Catherine Williams said the Clean Energy Center should have a contractor on board by the end of this month and sound measurements will be taken once locations for study are selected. In a phone interview, she said results will not be ready until February “at the earliest.”

Residents concerned about the turbines filled the Board of Health’s meeting room and spilled into the hall Monday, and resident Tom Grifa told the board their numbers are even greater. “We are just a sample of all the people that are affected,” he said.

READER COMMENTS (2)

Sort: Latest first | Chrono order | Most liked

NoFreeWind
11/08/2012 08:24 AM

Every City and Town has a By-Law crafted by the stateâ€™s Executive Office of Energy and Environmental Affairs that encourages permits too close to residential areas. Every City and Town has an Energy Advisory Committee to push wind and solar projects through the local board permit process.

You need to be alert to proposed wind turbine projects in your town. Go to the site below to learn what is going on.

http://windwisema.org/

You need to wake up now before you find yourself unable to sleep nights like the folks in Kingston, Falmouth, Fairhaven, Scituate, and elsewhere!

- Reply

- Like (2)
- Dislike (0)
- Report abuse

jole24
11/08/2012 08:37 AM

The Mass Clean Energy Center is NOT a regulatory agency! The DEP should have stepped in immediately once they were informed back in early June of the problems with noise...Commissioner Kimmell was informed in late May, and given the experiences down in Falmouth over the last 2 1/2 years he had the knowledge and duty to ACT ...what do we have here instead? Punting the responsibility over to the very agency that pushes renewable energy projects...the very agency that funded the Independence and all other misguided projects across our state!?!? The mass Clean Energy Center was communicated with over a month ago and asked a very simple question: As you push new wind projects in towns across our state has there been a change in setback recommendations based on what is happening in Falmouth, Fairhaven, Kingston and Scituate? The response: NO.....what does that say? and why is the Commissioner of the DEP kicking the responsibility can down the road? Also, the DEP regulations are antiquated, Wind Turbines pose new and complex "noise" issues...the DEP does NOT regulate "infrasound" and that is part of this "annoyance" equation and the DEP should be hiring experts or contract with consultants to protect the people of this state from this new and emergin "public health and safety emergency" Thank you Christine for reporting on this important story...so much more to it, if you care to peel back the layers...statring with why has the DEP DPH NOT released the final draft of their much ballyhooed Wind Turbine Health Impact Study as the National Academy of Sciences protocal outlines? last I knew the Mass DEP DPH were "reviewing" all the comments they recieved form experts who responded to the content and protocal of the study??? Crikets anyone...lots of questions for Commissioner Kimmell of the DEP...let's starting asking some, PLEASE

From:Rob Pforzheimer [mailto:rpforz@hotmail.com]
Sent: Saturday, November 10, 2012 9:35 AM
To: Margolis, Anne
Subject: 60 Herkimer Co. NY residents file lawsuit against wind farm owner Siting Commission, Please acknowledge receipt of emails. Thank you. Rob PforzheimerSutton, VT "concerns range from the negative impact the turbines have on the residents' enjoyment of their home to health problems and difficulty selling the property." 60 Herkimer Co. residents file lawsuit against wind farm owner By AMANDA FRIESObserver-Dispatch http://www.uticaod.com/features/x1292891329/60-Herkimer-County-residents-sue-owner-of-wind-farm Posted Nov 09, 2012 @ 09:01 PMLast update Nov 10, 2012 @ 12:23 o o o

Some Herkimer County residents near the Hardscrabble Wind Farm are fed up with the noise, the view and “negative impact” they say 37 wind turbines bring to their backyards.Frustrated by the wind farm that some residents say drives them “crazy,” 60 Middleville, Fairfield and Norway residents have filed a lawsuit in state Supreme Court against the entities responsible for its construction, namely Iberdrola Renewables.“A lot of it has to do with the effect that it’s having in being in close proximity to the residences,” said Jeff DeFrancisco, an attorney from DeFrancisco & Flagiatano Law Firm of Syracuse.Among the complaints, the lawsuit asserts that those responsible for the construction of the wind farm were negligent in assessing the site to determine whether it was properly suited for the project, and that the 450-foot turbines are a public and private nuisance.Iberdrola Communications Manager Paul Copleman said the company had no comment since it had not received the papers.DeFrancisco, who is working with Syracuse environmental Attorney Melody Scalfone, said the concerns range from the negative impact the turbines have on the residents’ enjoyment of their home to health problems and difficulty selling the property.Noise concernsJimmy Salamone, who lives on Davis Road in Fairfield, said he gets headaches and his ears ring.“The noise is literally driving me out of my house,” he said.Iberdrola installed a noise-reduction system at four turbines in Fairfield earlier this year. Prior to that, the town had requested sound studies.Fairfield Town Supervisor Henry Crofoot said he anticipates the preliminary results of the system to be presented within the next month.Salamone said the town leadership hasn’t had the residents’ best interests in mind.“I’m very, very disgusted with the way our town supervisor and Town Board have handled any of this,” he said. “These things are hurting people.”Crofoot, who said he has not seen the lawsuit, said the town is doing what it can.“We will do whatever we can to help our residents within the letter of the law,” he said.‘We’ve got to leave’Salamone said he hopes the lawsuit will encourage Iberdrola to shut down the wind farm, or that the plaintiffs will be “heavy compensated.”“I would expect them to buy my house, whatever the lawsuit is, and we would leave,” he said. “One way or another, we’ve got to leave.”Leaving is difficult for many residents, DeFrancisco said, because the turbines can impact property values.“A lot of people don’t want to live in that area because (turbines) obstruct the view,” he said.Others, Scalfone said, bought property intending to build a retirement home and now can’t sell the land because of the turbines.The bottom line is the turbines are a nuisance, he said.“The New York law simply states it’s unreasonable interference with the use and enjoyment of your property,” Scalfone said. “The residents’ quality of life has been significantly impacted.”

Sent link to article on Kingston, MA, vote to meet with town attorney to explore legal options for helping homeowners who say they are adversely affected by wind turbines; also to request by citizens in Kincardine, Ontario, to Council for the municipality for assistance by adopting a resolution recognizing and attempting to resolve concerns about health impacts of wind farm; and a request for Commissioners to attend a Falmouth, MA conference on human rights in reference to wind turbines Saturday, 11/10/12.

Greg Bryant
Sheffield

Category: Wind

If I were on the energy committee I would want to have meetings in areas that are most affected by renewable energy choices.

A lot of people are noticing that Elizabeth is staying away from the Northeast Kingdom and other areas that are directly impacted by wind turbines. An informational meeting in these areas would be beneficial, many of these citizen's are well informed and educated about the energy grid and our current situation.

Is this intentional, or an oversight?

Renewable energy is very controversial in those areas I know but the information Elizabeth could gain from these areas I would think would be invaluable.

Also we were very disappointed to see Gaye Symington appointed to the committee. She has been a staunch wind advocate for many years. The whole process just seems extremely biased.

Gabrielle Stebbins
Executive Director
REV
Montpelier

Category: Other

If it is possible, REV requests that ground rules be established as to the public comment period during the Energy Siting Commission.
For example:
1. Have the public comment period be known as an item of limited time
2. Sign-up ahead of time
3. Limited time to speak, per speaker, e.g. two minutes
4. Invited speakers for public comment, at discretion of of Commission, who goes first, and whose time is limited

5. No applause allowed - as this serves to minimize the comfort level of other potential public commenters

Lastly, is there any protocol set forth with regards to meetings with the members of the Panel, or sending the comments, etc.?

If I should rather send this in via the public comment process on-line, or to send to the Chair directly, please do let me know.

David Raphael
Landscape Architect and Planner, Principal
LandWorksVT
Middlebury, VT

Category: Wind

Letter to Commission regarding charges, offer to provide input especially on aesthetic issues; plus ME wind statute, testmony on Bowers wind project in ME, and presentation on energy, aesthetics, and community character

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October 24, 2012

Executive Office of Governor Peter Shumlin
109 State Street, Pavilion
Montpelier, VT 05609

Commissioner Elizabeth Miller
VT Department of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601

RE: Governor's Energy Generation Siting Policy Commission

Dear Governor Shumlin and Commissioner Miller;

As one who supports your administration's policies with regard to renewable energy, I was heartened to see that you have appointed a commission to further study the state of renewable energy development in Vermont as well as the Public Service Board's role in the permitting of grid scale projects and related energy development and transmission infrastructure. This is a recommendation I actually forwarded to the Commissioner during the outreach process for the development of the state's energy plan; I am also on record before the PSB as stating that I did not believe the Quechee Analysis, as currently employed, anticipated these types of projects and therefore provides an imperfect platform for their review.

As Principal of LandWorks I have been professionally involved in a wide range of energy related projects throughout New England. We were the aesthetic consultants working for the Department in the successful effort to bury the PV20 line adjacent to the Route 2 Causeway in Milton/South Hero (In a meeting with Governor Dean in his office during that time he looked me straight in the eye and said "you will see that the line is buried, right David?". Needless to say I was relieved that the PSB affirmed our arguments!) We were also the Department of Public Service's consultants in the review and permitting of projects such as the Searsburg Wind Farm and the Northwest Reliability Project. Currently we have been working for the State of Maine in developing protocols for the review of cumulative impacts from wind energy projects and in the review and permitting of individual wind projects. We have and are working for state utilities (Green Mountain Power - Kingdom Community Wind) and regional utilities (Northeast Utilities - ongoing projects) in visual and environmental impact assessment. We recently assisted the Town of Shelburne in developing protocols for the review and protection of scenic and historic resources, in anticipation of energy and utility projects, and the Town of Charlotte in their review of a proposed solar farm on Charlotte-Hinesburg Road. As such, we have extensive experience studying the inter-relationships of energy development, community character, visual and aesthetic impacts and the costs and benefits associated with these types of proj-

ects.

A number of key considerations that I would forward to you and the Commission include:

• The testimony of the Conservation Law Foundation's expert on the viability of grid scale wind energy is as cogent an argument for this form of renewable energy that I have heard. I will email a copy to the Commissioner;

• Concerns with regard to the requirement of town approval for an energy project to go forward - it strikes me that this is the very reason these decisions are rightfully in the province of a state regulatory body - most towns, when given the opportunity, will listen to the vocal and passionate opposition that exists for almost every proposed project - and will not support the implementation of such projects. I would wager that the NRP would never have been built for example, if individual towns had veto power. There does need to be, however, a viable and meaningful participation opportunity for towns;

• The need to take a long distance view of where grid scale wind energy can be built with minimal aesthetic impact - a statewide viewshed and land use analysis might be a starting point for addressing this overarching question of where?;

• The need to strengthen town plans and documents to address where energy projects can and where energy projects cannot be suitably developed. This will require a concerted and defensible basis by which to identify and protect valued scenic and cultural resources from potential impacts. Town plan prohibition of renewable energy types is a dangerous precedent - there is a reason why towns cannot prohibit telecommunications facilities, although they can and should provide standards and guidance as to siting and mitigation;

• The value of an impartial presentation and understanding of the actual impacts of wind, solar biomass, hydro and transmission projects - there is so much hyperbole and unsubstantiated information about impacts that we truly need to establish an objective baseline- with regard to effects on tourism, property values, health and recreation - and these should be based on actual studies and evaluations - perhaps of the projects already built in Vermont;

• A robust examination of mitigation options, examples and their application and efficacy - to include everything from purchase of conservation lands and private homes - to education - to landscape plantings and restoration; and

• It will be important to consider an advisory group to the Commission - the Commission is comprised primarily of former public sector officials - a broader perspective is necessary, one that includes the input of utility representatives, developers, local officials, environmental organizations, experts, and perhaps even, in the parlance of the Quechee Test, the "average person".

Finally, I would welcome an opportunity to share with the Commission our experiences in Vermont, Maine, Massachusetts, New York and New Hampshire with regard to energy, aesthetics and community character. I believe I can provide a unique perspective that will help to advance both the discussions and the solutions. I do hope I will have that opportunity.

Respectfully,

David Raphael MLA, ASLA
Registered Landscape Architect
Planner

Lecturer
Rubenstein School of Environment and Natural Resources
University of Vermont

Chair
Planning Commission and Development Review Board
Town of Panton

cc: Ms. Sarah Hofmann, Deputy Commissioner

STATE OF MAINE
LAND USE REGULATION COMMISSION

CHAMPLAIN WIND, LLC
BOWERS WIND PROJECT
DEVELOPMENT PERMIT DP 4889

PRE-FILED DIRECT TESTIMONY OF

Abigail Krich

ON BEHALF OF

CONSERVATION LAW FOUNDATION

Introduction

My name is Abigail Krich. I am President of Boreas Renewables, a consulting company that provides technical assistance and advice regarding renewable energy and the electric power infrastructure. As indicated on my Curriculum Vitae, attached to this testimony, I hold a Master's of Engineering Degree in Electrical and Computer Engineering with a focus on power systems from Cornell University as well as a B.S. in Biological and Environmental Engineering, Environmental Option, from Cornell University. I have worked in the renewable energy industry in varying capacities since 2003. Since 2006 I have managed the technical aspects of various renewable generation project developments, including handling interconnection and electricity market issues with independent system operators such as ISO-New England. I also perform regional transmission planning and energy market design advocacy for a regional renewable energy trade group.

Summary

The purpose of my testimony is to highlight the positive economic and environmental impacts that wind energy has in Maine. Electrical generation and consumer demand for electricity must be balanced at all times as there is very little electrical storage available. Therefore, when wind energy is produced, it must displace energy that would have been produced by another source. Wind has almost no marginal cost for producing electricity once it is built so it typically acts as a price-taker in the wholesale electricity markets. Price-taking energy, like wind, displaces more expensive energy in the markets, keeping power prices low. Fossil fuels produce the majority of electricity in New England and represent over 70% of the electrical generating capacity in the region. Wind primarily

displaces natural gas and oil and will displace increasing amounts of coal electricity as more wind is installed.

The New England Wind Integration Study (NEWIS), performed by ISO New England, found that no additional power plants would be needed to balance the additional variations expected from up to 12,000 MW of wind energy in New England. This is equivalent to approximately 24% of the annual regional demand for electricity being met by wind energy. For comparison, wind energy produced 1% of New England's electricity in February 2011. NEWIS found that up to 12,000 MW of wind could be integrated without the need for additional electrical storage. NEWIS also found that if 20% of New England's electricity were supplied by wind it would reduce the region's electricity-related CO_2 emissions by 25%, SO_x emissions by 6%, and NO_x emissions by 26%.

Generation, Load, and the Grid

Electrical generators produce power that is fed into the transmission system, also known as the grid. Consumers of electricity, known as load, take power from the grid. The grid is composed of transmission and distribution lines that connect and transmit electricity between all of the generators and load on the system.

With the exception of northern Maine which is electrically connected to New Brunswick rather than southern Maine, all of the generators and load in New England are tied together electrically by the grid. This means that the electrical performance in one part of the system affects all areas of the system. The New England electrical system serves approximately 14 million people with over 300 generators and is connected by over 8,000 miles of high voltage transmission lines.[1]

Load Must Equal Generation

The high voltage backbones of the New England grid are managed by the Independent System Operator of New England (ISO-NE). To operate reliably, the amount of power being put into the grid by generators and the amount of power being taken from the grid by load must be balanced at all times.

Because the load in New England is constantly fluctuating, the fleet of generators must match their production to the load fluctuation in order to produce exactly the amount of power that is being consumed at any point in time. The process of telling generators to turn on or off and how much electricity to produce at what time is managed by ISO-NE. They manage the system and determine which generators are needed and when they are needed based on a load forecast.

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[1] ISO New England Regional System Plan 2010 (RSP10) at page 15-16. Regional System Plans are released annually and are available at http://iso-ne.com/trans/rsp/index.html.

Variations in Load

There are annual variations in load which mean that some generators are only used during certain parts of the year, typically in the summer when New England load is at its highest. There are daily variations in load that must be matched by turning some generators on and off during the day (called unit commitment) and having other generators ramp their output up or down over the course of the day to match the trends in load (called load following). There are also second-to-second and minute-to-minute variations in load that cannot be predicted but must be matched by generation. A select number of generators receive automated signals from ISO-NE to balance those very quick variations (called regulation).

ISO-NE also needs to maintain a specified level of reserve generation at all times to be able to respond to errors inherent in the load forecast. If the load is higher than expected, these reserves are dispatched (instructed to produce power) to make up the difference. If load is lower than expected, ISO-NE tells generators to reduce their output or even turn off.

ISO-NE is not concerned with the precise amount of power each individual load is consuming. They do not dispatch individual generators to follow the patterns of individual loads. The load patterns of an individual house would look very erratic with huge shifts from one moment to the next as lights and appliances are switched on and off. ISO-NE only needs to pay attention to the system load and make sure the generation fleet as a whole balances the system load. Because the 14 million people being served by ISO-NE do not turn their lights and appliances on and off in synch with each other, the total system load appears much more smooth than the load of an individual house. Wind energy, as described later on, is very similar in this respect.

Wind Operates as a Price-Taker in Wholesale Markets

ISO-NE operates competitive energy markets to meet the electric demand. This is done through an auction process in which ISO-NE selects the electricity suppliers that can meet the demand most cost effectively. By bidding in their variable cost of energy (fuel cost, variable operations and maintenance, start-up cost, and emissions cost), ISO can select the generators that will produce the needed electricity at the lowest cost. Capital costs are not considered in these bids. Typical variable costs by generator type are:[2]

- Wind: less than $0.01/kWh
- Hydro: less than $0.01/kWh
- Nuclear: $0.01/kWh

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[2] Final Report: New England Wind Integration Study, Prepared for ISO New England, Prepared by GE Energy Applications and Systems Engineering, EnerNex Corporation, and AWS Truepower. December 5, 2010. Available at http://iso-ne.com/committees/comm_wkgrps/prtcpnts_comm/pac/reports/2010/newis_report.pdf (NEWIS) page 259.

- Coal: $0.03 - $0.06/kWh
- Combined cycle natural gas: $0.05 - $0.07/kWh
- Gas turbine: $0.07 - $0.15/kWh
- Oil/Gas steam turbine: $0.15 - $0.23/kWh
- Oil combustion turbine: $0.23 - $0.37/kWh

These costs assume relatively low natural gas fuel prices, but can vary widely as fuel costs fluctuate. Regional gas prices are extremely volatile. They averaged $5.00/MMBTU in the summer of 2010 but were as high as $15.00/MMBTU in the summer of 2008 (pushing up average Maine real time energy prices to $0.103/kWh). Because natural gas is so often the fuel that sets the clearing price in New England, the price of electricity in this region closely tracks natural gas prices.

Since wind energy does not have a fuel cost and has minimal operations and maintenance costs,[3] its variable cost of providing energy is lower than that of any electrical power plant that must purchase fuel to produce electricity. For this reason, wind typically operates as a "price-taker" in the wholesale energy markets, bidding in the equivalent of $0/MWh to produce energy.

The highest price bid that is selected by ISO-NE sets the price that all generators are paid for their electricity. When demand for electricity is low, ISO is generally able to meet the demand with all low-cost generators. When demand is high or many of the low cost generators are not available, ISO has to reach higher up the list to meet the demand resulting in higher electricity prices. For context, in April 2011 the average Maine real time energy price was $0.042/kWh because April is generally a low-demand month. However, on April 13th at 1 p.m. the real time energy price topped out at $0.313/kWh.[4]

Price-taking energy like wind will always clear in the market and displaces the need to purchase energy from the most expensive generators. It has the same effect as reducing the demand for electricity and helps keeps energy market clearing prices low.

Not all energy is purchased in wholesale markets. Much of it is purchased through bilateral contracts or power purchase agreements that may or may not be below market rates. Because wind energy projects are capital intensive, they typically look for long-term energy contracts to guarantee energy payment levels.

In 2009 the Maine Public Utilities Commission approved a twenty-year contract between Central Maine Power and Bangor-Hydro-Electric Company and First Wind's Rollins Wind Project. This contract specified that the energy would be sold at a specified discount from the actual market price with a floor price of $0.055 - $0.065/kWh and a cap of $0.110/kWh. NSTAR selected three New England wind projects as part of the

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[3] Average wind O&M costs are equivalent to $0.01/kWh. 2009 Wind Technologies Market Report, U.S. Department of Energy, Energy Efficiency & Renewable Energy. August 2010. Page 54. Available at: http://www1.eere.energy.gov/windandhydro/pdfs/2009_wind_technologies_market_report.pdf&id=4381

[4] http://iso-ne.com/markets/hstdata/znl_info/index.html.

2010 Massachusetts RFP for long-term renewable energy contracts. Pricing details have not been disclosed, but speculations are that the price is below $0.10/kWh.

Whether these long-term contracts end up being above or below market rates depends on fuel prices over time. What they do provide is certainty. Unlike wind, a fossil fuel power plant cannot guarantee its fuel prices five or ten years down the road so it cannot lock in a power sale price. In June of 2008, when natural gas prices were three times what they are today, the Maine real time energy price averaged $0.103/kWh and topped out at $0.400/kWh. In a market like that one, these long-term wind energy contracts would be considered bargain-basement prices.

All energy purchased through these types of bilateral contracts still needs to be accounted for by ISO-NE and is generally entered into the wholesale market as a price-taker. Therefore, regardless of the long-term contract price, wind energy can still suppress market prices for the energy that has not been purchased through contract. In this way, long-term contracts for wind can also reduce regional energy prices indirectly.

Wind Energy Can Reduce Electricity Prices

The experience Texas has had with wind energy serves as a model for what Maine might expect. Wind development in Texas has predominantly occurred in the western part of the state while the major load centers are in the eastern part of the state. Due to transmission constraints for power flows between the western and eastern parts of the state, the western regions have become export constrained. This is not entirely dissimilar from the situation Maine is in with the rest of New England. Maine is also export constrained and holds the potential for the majority of on-shore wind development in New England.

In January 2011, the Public Utilities Commission of Texas released a report to the Texas Legislature on the scope of competition in electric markets in Texas.[5] The report finds from Texas's operational experience that balancing energy market prices "are typically lower in the West zone because the West zone is export constrained and prices within that zone are affected by the large amount of low-cost wind energy."[6]

We have already seen a similar impact of wind energy on pricing in Maine. On May 25, 2011, First Wind announced a Power Purchase Agreement (PPA) with New Brunswick Power to sell the energy from their Mars Hill project for four years. New Brunswick Power had won the opportunity to provide standard offer service to all customer classes in Northern Maine earlier this year by offering a reduction in electricity prices of 10 to 21%. The use of locally-produced wind power as one of the energy sources being used was cited as one reason for the decrease in Northern Maine consumers' energy bills.

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[5] Scope of Competition in Electric Markets in Texas, Report to the 82nd Texas Legislature. Public Utilities Commission of Texas, January 2011. http://www.puc.state.tx.us/electric/reports/scope/index.cfm
[6] Scope of Competition at page 53.

The Need For New Electric Generation Capacity

While New England is currently long on electrical capacity, it will still need additional capacity to be added over the coming years to meet load growth and make up for unit retirements. ISO-NE predicts the New England summer peak load will grow at a compound annual growth rate of 1.4% between 2010 and 2019.[7] Over 2,300 MW of generation capacity in New England is more than fifty years old.[8] Though it is not known when these resources will retire, they will not be able to operate indefinitely. It is also unclear how long the oil-fired generators (representing 12.6% of New England's generation capacity) can continue generating at current levels (less than 1% of New England's electrical energy generation) before they will need to retire.

Fossil Fuels Used for Electricity Production in New England

Fossil fuels produced 55% of the electric energy used in New England in 2009, compared with 69% nationally.[9] While New England's energy mix and emissions are relatively cleaner than the national average, the majority of our power is still being produced by carbon-emitting fossil fuels.

While the rest of the nation has long-since almost completely stopped generating electricity from oil, New England is unique. Generators fueled primarily by oil make up 21.5% of New England's summer capacity mix and an additional 17.6% consists of dual-fuel units that can burn natural gas or oil.[10]

Because the price of oil has increased and the price of natural gas has decreased in the last couple of years, oil produced a mere 0.7% of the electricity in New England in 2009.[11] However, the price differential between oil and other fuels has not always been this high. As recently as 2005, oil-fired units were responsible for 4.6% of the electricity produced in New England, and units that burned oil and natural gas (dual-fuel units) were responsible for 12.6%.[12] If the price of natural gas were to rise again to be near or above the price of oil, we would almost certainly see a rapid increase in the percent of our electricity produced with oil.[13]

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[7] RSP10 page 23.
[8] Table 2.1, 2011-2020 Forecast Report of Capacity, Energy, Loads, and Transmission, April 2011, ISO-NE. http://iso-ne.com/trans/celt/report/2011/index.html.
[9] RSP10 page 93.
[10] RSP10 page 99.
[11] RSP10 page 92-93.
[12] RSP06 page 52.
[13] The ISO New England Regional System Plan 2005 states: "An increasing energy use and rising natural gas prices relative to oil prices will tend to increase generating plant production by oil units, resulting in higher total air emissions in New England over the 10-year period. Conservation efforts and renewable resources will reduce emissions and encourage greater fuel diversity." (RSP05 page 20).

Wind Energy Displaces Fossil Fuel Energy

As discussed above, generation must always match load and each type of resource is another tool in ISO-NE's toolkit to maintain this balance. Wind energy is not an exception. When wind energy is produced and fed onto the grid it must displace energy that would have been produced by another generator. Because ISO-NE uses economics to determine which plants should produce power, wind energy will displace the most expensive energy that can be backed down without violating reliability standards. The New England Wind Integration Study (NEWIS), discussed later, found that wind in New England would primarily displace energy from natural gas combined cycle generation, as this is typically the most expensive and flexible generation on the system. With increasing quantities of wind installed, NEWIS also showed limited but increasing displacement of coal energy. Although there is very little generation from oil at this time in New England, the wind scenarios in NEWIS all appear to displace the little oil generation that there would have been.[14]

Figure 1 and Figure 2 show the simulated dispatch for one peak-load week with and without wind generation. The lightest blue color represents peaking oil-fired steam turbines. There is a fair amount of energy produced by the oil peakers in the no-wind simulation, but this is almost entirely eliminated in the 20% wind simulation.

[14] NEWIS at pages 221, 262, 294, 297, 302, 303, 304, 306, 307 and Overview of ISO New England and Near Final Results of the New England Wind Integration Study, Bill Henson, ISO-NE. NEWEEP Wind Integration Webinar, October 26, 2010. Slide 27. Available at: http://www.windpoweringamerica.gov/newengland/filter_detail.asp?itemid=2837

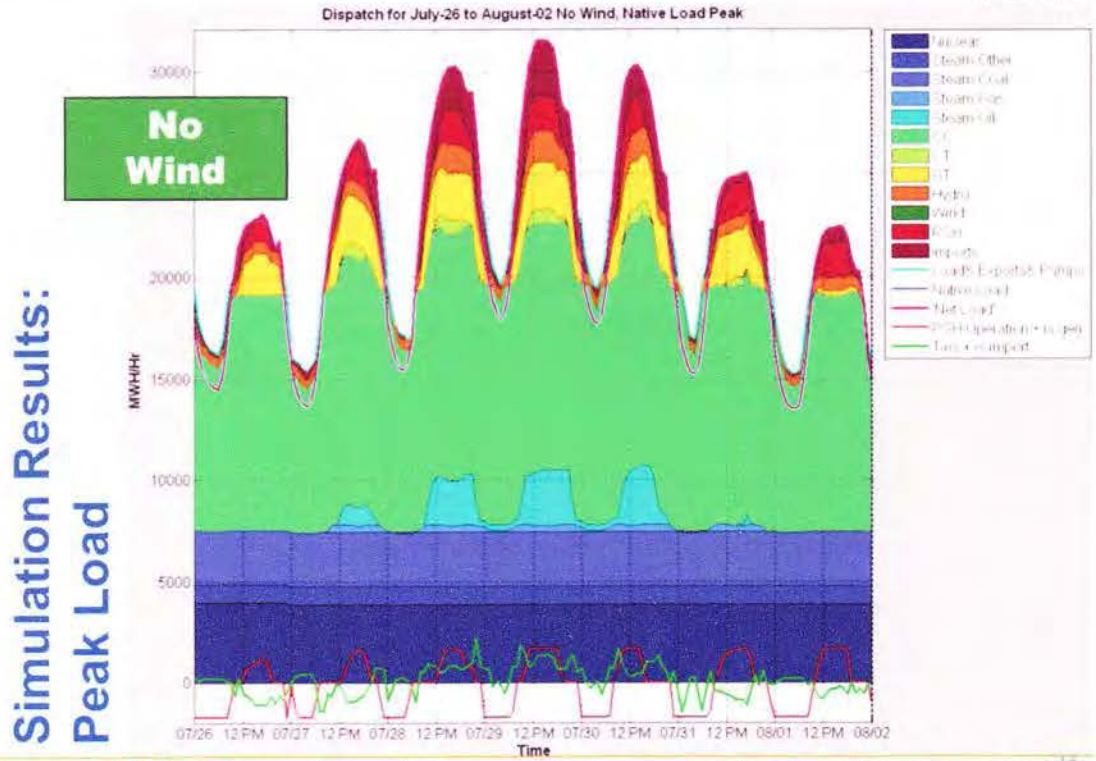

Figure 1 NEWIS dispatch simulation results for a peak load week with no wind[15]

[15] Overview of ISO New England and Near Final Results of the New England Wind Integration Study, Bill Henson, ISO-NE. NEWEEP Wind Integration Webinar, October 26, 2010. Slide 27. Available at: http://www.windpoweringamerica.gov/newengland/filter_detail.asp?itemid=2837 . (NEWEEP) slide 23.

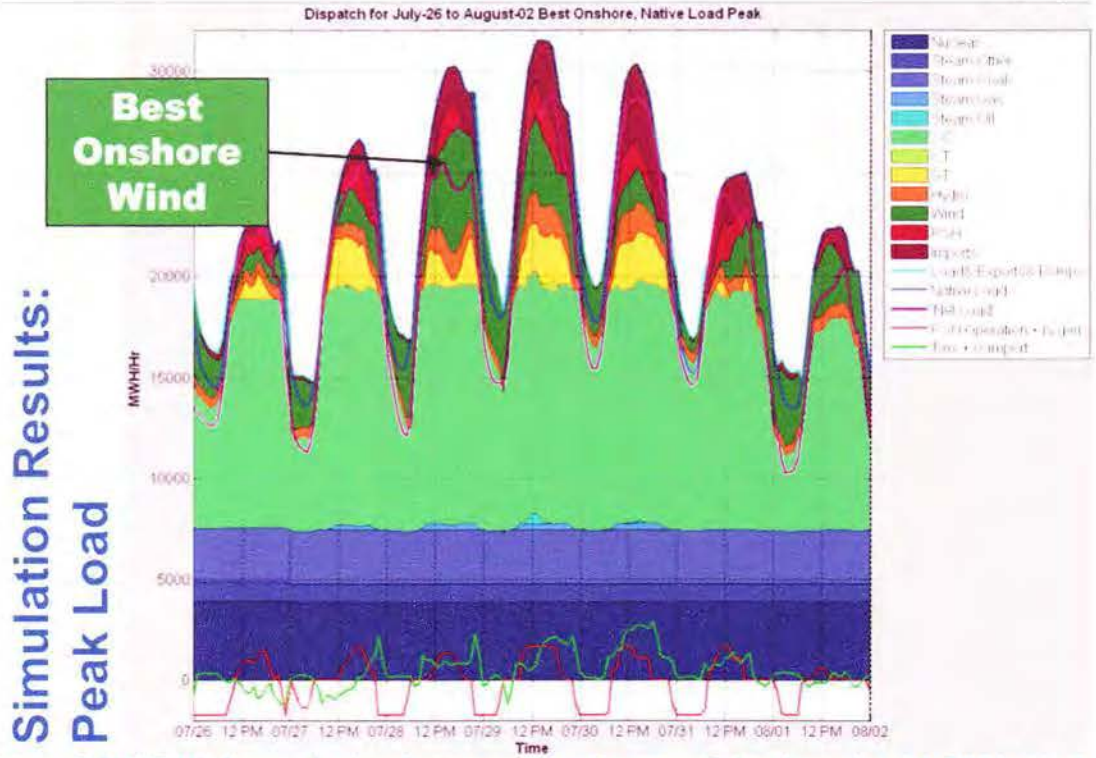

Figure 2 NEWIS dispatch simulation results for a peak load week with 20% wind generation, "Best Onshore Wind" scenario[16]

Wind Power Variability

Wind power output varies primarily with wind speed. Because wind speed is constantly changing, there is inherent variation in the power output from wind plants. Wind speeds are location-specific and wind speeds vary from one location to another. Even within an individual wind plant there will be variations in the wind speeds from one wind turbine to another and some wind turbines may be increasing power productions when other turbines in the same project are decreasing. From one wind plant to another, this spatial variation effect is even stronger and the output from one plant to another correlates more weakly the further apart they are.[17]

An empirical study of long-term high resolution wind speed data performed by the US Department of Energy's National Renewable Energy Laboratory's National Wind Technology Center showed that "despite their close proximity, instantaneous outputs from individual turbines of a large wind farm are not synchronized. Physical separations and differences of local terrains cause wind speeds at each turbine to vary."[18] Further, "as more and more wind generating plants over a wider area are integrated into the grid,

[16] NEWEEP slide 24.
[17] Wan, Y. (2005). Primer on Wind Power for Utility Applications. 45 pp.; NREL Report No. TP-500-36230. http://www.nrel.gov/docs/fy06osti/36230.pdf . (Wan) at page 15.
[18] Wan at page 13.

spatial diversity of the wind resources will make the overall wind power much less volatile than the output from any individual wind farm."[19]

The New England Wind Integration Study (NEWIS)

ISO-NE released the final New England Wind Integration Study (NEWIS) in December 2010.[20] This two-year effort looked into the operational impacts of integrating substantial amounts of wind generation into the New England system. It studied a number of scenarios including approximately 2.5%, 9%, 14%, 20%, and 24% of annual electricity demand being met by wind energy (1,140 MW to 12,000 MW installed wind).[21] These study levels do not represent the amount of wind that is expected or possible within New England, but they are useful for answering a number of hypothetical questions relevant to the long-term system planning process over a range of potential future scenarios.

The NEWIS results showed that, with the current fleet of existing generation and demand response resources, New England could integrate even the highest levels of wind energy studied. Even when looking at 12,000 MW of wind energy on the system, no additional generators would be needed to balance the variations in wind energy output. The study assumed that there would be no major attrition of existing generators or demand-side resources and that these existing resources would remain available to provide system flexibility.[22]

Due to the variable nature of wind, many people expect that electrical storage is needed in order to "smooth out" wind power generation to make it look like the output from many conventional generators. Except in the case of small island systems such as Hawaii, this is generally not the case. In New England we have a number of pumped-storage hydro facilities that are used for electricity market arbitrage. When electricity prices are low, these facilities consume electricity by pumping water uphill to a storage reservoir. When electricity prices are high, these facilities produce electricity by running that same water downhill and through a turbine. This is the only large-scale electricity storage that exists in New England today.

If electricity storage were an essential part of operating a power system with significant amounts of wind energy, one would expect that pumped-storage hydro utilization would increase with increasing amounts of wind energy. Quite the opposite, the NEWIS study showed relatively little increase in the use of existing pumped-storage hydro. NEWIS

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[19] Wan at page 16.

[20] Final Report: New England Wind Integration Study, Prepared for ISO New England, Prepared by GE Energy Applications and Systems Engineering, EnerNex Corporation, and AWS Truepower. December 5, 2010. Available at http://iso-ne.com/committees/comm_wkgrps/prtcpnts_comm/pac/reports/2010/newis_report.pdf

[21] In February 2011, wind produced 1% of the total electricity generated in New England. In the state of Maine that figure rises to an impressive 7.9%. *See* U.S. EIA, Electric Power Monthly, May 2011 Edition, Tables 1.6.A and 1.17.A.

[22] NEWIS page 205.

found that the required balancing of net load (load minus wind generation) was provided adequately by the flexibility of the existing generation fleet. Further, the wind generation had the effect of reducing the price differential between on-peak and off-peak pricing, reducing the opportunities for market arbitrage.[23]

With 20% of New England's energy provided by wind power, NEWIS found NO_X emissions would be reduced by approximately 26%, SO_X emissions reduced by 6%, and CO_2 emissions reduced by 25%.[24] As shown in Figure 3, at low levels of wind penetration wind would offset carbon dioxide emissions in proportion with the wind levels. As wind penetration levels rise, the carbon dioxide emission reductions actually grow faster than the wind levels.

Wind Penetration (Energy)	CO2 Reduction
2.5%	2.5%
9%	9%
14%	17%
20%	25%
24%	30%

Figure 3 Carbon dioxide emission reductions found with varying penetrations of wind energy[25]

This is consistent with an independent scientific study performed by the National Academy of Science. This 2007 report estimates that onshore wind energy development will contribute about 1.2% to 4.5% of U.S. electricity generation in 2020. Based on this projection, the study gives a potential range of CO_2 emissions offsets of 3.8% to 7.1% of projected emissions from electricity generation units.[26]

ISO-NE Economic Study 2010

In 2010 ISO-NE elected to perform an economic study looking at eleven different hypothetical future scenarios for the year 2030.[27] A comparison of two base case scenarios, which differ only by the addition of 1,500 MW of new efficient natural gas

[23] NEWIS page 33.
[24] NEWIS page 26.
[25] NEWEEP slide 28.
[26] Environmental Impacts of Wind-Energy Projects, Committee on Environmental Impacts of Wind Energy Projects, National Research Council of the National Academies, 2007. Pages 64-65. Available at: http://books.nap.edu/catalog.php?record_id=11935
[27] 2010 Economic Study Preliminary Results available in the PAC materials for March 16, 2011 available at http://iso-ne.com/committees/comm_wkgrps/prtcpnts_comm/pac/mtrls/2011/mar162011/index.html

combined cycle units in one and the addition of 4,170 MW of wind in the other, provides some insight into the impacts of additional wind in the New England region.

In the wind case, the average annual energy market clearing price decreased by approximately $2/MWh.[28] The annual New England production cost was found to decrease from about $4.9 billion in the gas case to about $4.2 billion in the wind case.[29] Total annual New England CO_2 emissions resulting from electricity production decreased from about 54 million tons per year in the gas case to about 48 million tons per year in the wind case.[30]

[28] 2010 Economic Study Preliminary Results at slide 38.
[29] 2010 Economic Study Preliminary Results at slide 40.
[30] 2010 Economic Study Preliminary Results at slide 43.

Conclusion

- Wind energy in Maine has positive economic and environmental impacts.
- Electrical generation and load must be balanced at all times. When wind energy is produced, it must displace energy that would have been produced by another source.
- Wind has almost no marginal cost for producing electricity once it is built so it typically acts as a price-taker in the wholesale electricity markets.
- Price-taking energy, like wind, displaces more expensive energy in the markets, keeping power prices low.
- Fossil fuels produce the majority of electricity in New England. Wind would primarily displace natural gas and oil and increasing amounts of coal electricity as more wind is installed.
- The New England Wind Integration Study (NEWIS) found that no additional power plants would be needed to balance the additional variations expected from up to 12,000 MW of wind energy in New England.
- NEWIS found that up to 12,000 MW of wind could be integrated without the need for additional electrical storage.
- NEWIS also found that if 20% of New England's electricity were supplied by wind it would reduce the region's electricity-related CO_2 emissions by 25%, SO_x emissions by 6%, and NO_x emissions by 26%.

Dated: Friday, June 10, 2011

Abigail Krich

STATE OF MASSACHUSETTS
COUNTY OF MIDDLESEX

The above-named Abigail Krich has made oath and personally attested to me that the foregoing is true and accurate to the best of her knowledge and belief.

Dated: Friday, June 10, 2011

Jessica L Nelson
Notary Public
My Commission Expires:

JESSICA L. NELSON
Notary Public, Commonwealth of Massachusetts
My Commission Expires March 16, 2018

Maine Revised Statute Title 35-A, Chapter 34-A: EXPEDITED PERMITTING OF GRID-SCALE WIND ENERGY DEVELOPMENT

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35-A §3451. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2007, c. 661, Pt. A, §7 (NEW).]

1. **Associated facilities.** "Associated facilities" means elements of a wind energy development other than its generating facilities that are necessary to the proper operation and maintenance of the wind energy development, including but not limited to buildings, access roads, generator lead lines and substations.

[2007, c. 661, Pt. A, §7 (NEW) .]

1-B. **Community benefit agreement.** "Community benefit agreement" means an agreement between the developer of an expedited wind energy development and a host community that involves payments by the developer to the host community to be utilized for public purposes, including, but not limited to, for property tax reductions, economic development projects, land and natural resource conservation, tourism promotion or reduction of energy costs, and that specifies in writing:

A. The value of any lump sum payments made by the developer to the host community; and [2009, c. 642, Pt. A, §2 (NEW).]

B. Any payment schedule and associated terms and conditions for payments to be made over time by the developer to the host community. [2009, c. 642, Pt. A, §2 (NEW).]

[2009, c. 642, Pt. A, §2 (NEW) .]

1-C. **Community benefits package.** "Community benefits package" means the aggregate collection of tangible benefits resulting from any of the following:

A. Payments, not including property tax payments, to the host community or communities, including, but not limited to, payments under community benefit agreements; [2009, c. 642, Pt. A, §3 (NEW).]

B. Payments that reduce energy costs in the host community or communities; and [2009, c. 642, Pt. A, §3 (NEW).]

C. Any donations for land or natural resource conservation. [2009, c. 642, Pt. A, §3 (NEW).]

[2009, c. 642, Pt. A, §3 (NEW) .]

2. **Department.** "Department" means the Department of Environmental Protection.

[2007, c. 661, Pt. A, §7 (NEW) .]

3. **Expedited permitting area.** "Expedited permitting area" means:

A. The organized areas of the State in their entirety, but not including waters subject to tidal influence, so that the edge of the area that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service defines the boundary of the expedited permitting area on lands abutting waters subject to tidal influence; and [2007, c. 661, Pt. A, §7 (NEW).]

B. Specific places within the State's unorganized and deorganized areas, as defined by Title 12, section 682, subsection 1, that are identified by rule by the Maine Land Use Regulation Commission in accordance with this chapter. [2007, c. 661, Pt. A, §7 (NEW).]

[2007, c. 661, Pt. A, §7 (NEW) .]

4. **Expedited wind energy development.** "Expedited wind energy development" means a grid-scale wind energy development that is proposed for location within an expedited permitting area.

[2007, c. 661, Pt. A, §7 (NEW) .]

5. **Generating facilities.** "Generating facilities" means wind turbines and towers and transmission lines, not including generator lead lines, that are immediately associated with the wind turbines.

[2007, c. 661, Pt. A, §7 (NEW) .]

6. **Grid-scale wind energy development.** "Grid-scale wind energy development" means a wind energy development that is of a size that would qualify as a development of state or regional significance that may substantially affect the environment as defined under Title 38, section 482, subsection 2, paragraph A or paragraph C.

[2007, c. 661, Pt. A, §7 (NEW) .]

7. **Host community.** "Host community" means :

A. The following entities:

(1) A municipality or plantation in which the generating facilities of an expedited wind energy development are located;

(2) If the generating facilities of an expedited wind energy development are located in a township, the county in which those facilities are located;

(3) If the generating facilities of an expedited wind energy development are located on Passamaquoddy Indian territory, as defined in Title 30, section 6203, subsection 6, the Passamaquoddy Tribe, if the Passamaquoddy Tribe notifies the primary siting authority that it chooses to be considered a host community for purposes of this chapter with respect to the expedited wind energy development;

(4) If the generating facilities of an expedited wind energy development are located on Penobscot Indian territory, as defined in Title 30, section 6203, subsection 9, the Penobscot Nation if the Penobscot Nation notifies the primary siting authority that it chooses to be considered a host community for purposes of this chapter with respect to the expedited wind energy development; or

(5) If the generating facilities of an expedited wind energy development are located on Qualifying Band Trust Land, the Aroostook Band of Micmacs, if the Aroostook Band of Micmacs notifies the primary siting authority that it chooses to be considered a host community for purposes of this chapter with respect to the expedited wind energy development; and [2009, c. 642, Pt. A, §4 (NEW).]

B. When the generating facilities of an expedited wind energy development are located within the State's unorganized or deorganized areas and the developer selects a municipality; plantation; township; Passamaquoddy Indian territory, as defined in Title 30, section 6203, subsection 6; Penobscot Indian territory, as defined in Title 30, section 6203, subsection 9; or Qualifying Band Trust Land proximate to the location of the generating facilities for the purpose of providing specific tangible benefits:

(1) In the case of a municipality or plantation that is selected, the municipality or plantation;

(2) In the case of a township that is selected, the county in which that township is located;

(3) In the case of Passamaquoddy Indian territory that is selected, the Passamaquoddy Tribe if the Passamaquoddy Tribe notifies the primary siting authority that it chooses to be considered a host community for purposes of this chapter with respect to the expedited wind energy development;

(4) In the case of Penobscot Indian territory that is selected, the Penobscot Nation if the Penobscot Nation notifies the primary siting authority that it chooses to be considered a host community for purposes of this chapter with respect to the expedited wind energy development; and

(5) In the case of Qualifying Band Trust Land that is selected, the Aroostook Band of Micmacs, if the Aroostook Band of Micmacs notifies the primary siting authority that it chooses to be considered a host community for purposes of this chapter with respect to the expedited wind energy development. [2009, c. 642, Pt. A, §4 (NEW).]

An expedited wind energy development may have multiple host communities.

[2009, c. 642, Pt. A, §4 (AMD) .]

8. **Primary siting authority.** "Primary siting authority" means:

A. The department, in the case of an expedited wind energy development subject to the department's jurisdiction pursuant to Title 38, chapter 3, subchapter 1, article 6, including, but not limited to, a development subject to the department's jurisdiction pursuant to Title 38, section 488, subsection 9; or [2007, c. 661, Pt. A, §7 (NEW).]

B. The Maine Land Use Regulation Commission, in the case of an expedited wind energy development subject to the Maine Land Use Regulation Commission's jurisdiction pursuant to Title 12, chapter 206-A. [2007, c. 661, Pt. A, §7 (NEW).]

[2007, c. 661, Pt. A, §7 (NEW) .]

8-A. **Qualifying Band Trust Land.** "Qualifying Band Trust Land" means Band Trust Land, as defined in the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171, 105 Stat. 1143 (1991), over which the Aroostook Band of Micmacs possesses municipal authority with respect to expedited wind energy development. For purposes of this subsection, "municipal authority" means the rights, privileges, powers and immunities of a municipality that are specified in legislation specifically authorizing the exercise of those government powers and that are equivalent to the rights, privileges, powers and immunities possessed by the Penobscot Nation and the Passamaquoddy Tribe with respect to expedited wind energy development within their respective Indian territories pursuant to Title 30, section 6206.

[2009, c. 642, Pt. A, §5 (NEW) .]

9. **Scenic resource of state or national significance.** "Scenic resource of state or national significance" means an area or place owned by the public or to which the public has a legal right of access that is:

A. A national natural landmark, federally designated wilderness area or other comparable outstanding natural and cultural feature, such as the Orono Bog or Meddybemps Heath; [2007, c. 661, Pt. A, §7 (NEW).]

B. A property listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, including, but not limited to, the Rockland Breakwater Light and Fort Knox; [2007, c. 661, Pt. A, §7 (NEW).]

C. A national or state park; [2007, c. 661, Pt. A, §7 (NEW).]

D. A great pond that is:

(1) One of the 66 great ponds located in the State's organized area identified as having outstanding or significant scenic quality in the "Maine's Finest Lakes" study published by the Executive Department, State Planning Office in October 1989; or

(2) One of the 280 great ponds in the State's unorganized or deorganized areas designated as outstanding or significant from a scenic perspective in the "Maine Wildlands Lakes Assessment" published by the Maine Land Use Regulation Commission in June 1987; [2007, c. 661, Pt. A, §7 (NEW).]

E. A segment of a scenic river or stream identified as having unique or outstanding scenic attributes listed in Appendix G of the "Maine Rivers Study" published by the Department of Conservation in 1982; [2007, c. 661, Pt. A, §7 (NEW).]

F. A scenic viewpoint located on state public reserved land or on a trail that is used exclusively for pedestrian use, such as the Appalachian Trail, that the Department of Conservation designates by rule adopted in accordance with section 3457; [2007, c. 661, Pt. A, §7 (NEW).]

G. A scenic turnout constructed by the Department of Transportation pursuant to Title 23, section 954 on a public road that has been designated by the Commissioner of Transportation pursuant to Title 23, section 4206, subsection 1, paragraph G as a scenic highway; or [2007, c. 661, Pt. A, §7 (NEW).]

H. Scenic viewpoints located in the coastal area, as defined by Title 38, section 1802, subsection 1, that are ranked as having state or national significance in terms of scenic quality in:

(1) One of the scenic inventories prepared for and published by the Executive Department, State Planning Office: "Method for Coastal Scenic Landscape Assessment with Field Results for Kittery to Scarborough and Cape Elizabeth to South Thomaston," Dominie, et al., October 1987; "Scenic Inventory Mainland Sites of Penobscot Bay," Dewan and Associates, et al., August 1990; or "Scenic Inventory: Islesboro, Vinalhaven, North Haven and Associated Offshore Islands," Dewan and Associates, June 1992; or

(2) A scenic inventory developed by or prepared for the Executive Department, State Planning Office in accordance with section 3457. [2007, c. 661, Pt. A, §7 (NEW).]

[2007, c. 661, Pt. A, §7 (NEW) .]

10. **Tangible benefits.** "Tangible benefits" means environmental or economic improvements or benefits to residents of this State attributable to the construction, operation and maintenance of an expedited wind energy development, including but not limited to: property tax payments resulting from the development; other payments to a host community, including, but not limited to, payments under a community benefit agreement; construction-related employment; local purchase of materials; employment in operations and maintenance; reduced property taxes; reduced electrical rates; land or natural resource conservation; performance of construction, operations and maintenance activities by trained, qualified and licensed workers in accordance with Title 32, chapter 17 and other applicable laws; or other comparable benefits, with particular attention to assurance of such benefits to the host community or communities to the extent practicable and affected neighboring communities.

[2009, c. 642, Pt. A, §6 (AMD) .]

11. **Wind energy development.** "Wind energy development" means a development that uses a windmill or wind turbine to convert wind energy to electrical energy for sale or use by a person other than the generator. A wind energy development includes generating facilities and associated facilities.

[2007, c. 661, Pt. A, §7 (NEW) .]

SECTION HISTORY
2007, c. 661, Pt. A, §7 (NEW). 2009, c. 642, Pt. A, §§2-6 (AMD).

35-A §3452. DETERMINATION OF EFFECT ON SCENIC CHARACTER AND RELATED EXISTING USES

1. **Application of standard.** In making findings regarding the effect of an expedited wind energy development on scenic character and existing uses related to scenic character pursuant to Title 12, section 685-B, subsection 4 or Title 38, section 484, subsection 3 or section 480-D, the primary siting authority shall determine, in the manner provided in subsection 3, 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. Except as otherwise provided in subsection 2, determination that a wind energy

development fits harmoniously into the existing natural environment in terms of potential effects on scenic character and existing uses related to scenic character is not required for approval under either Title 12, section 685-B, subsection 4, paragraph C or Title 38, section 484, subsection 3.

[2007, c. 661, Pt. A, §7 (NEW) .]

2. **Exception; certain associated facilities.** The primary siting authority shall evaluate the effect of associated facilities of a wind energy development in terms of potential effects on scenic character and existing uses related to scenic character in accordance with Title 12, section 685-B, subsection 4, paragraph C or Title 38, section 484, subsection 3, in the manner provided for development other than wind energy development, if the primary siting authority determines that application of the standard in subsection 1 to the development may result in unreasonable adverse effects due to the scope, scale, location or other characteristics of the associated facilities. An interested party may submit information regarding this determination to the primary siting authority for its consideration. The primary siting authority shall make a determination pursuant to this subsection within 30 days of its acceptance of the application as complete for processing.

[2007, c. 661, Pt. A, §7 (NEW) .]

3. **Evaluation criteria.** In making its determination pursuant to subsection 1, and in determining whether an applicant for an expedited wind energy development must provide a visual impact assessment in accordance with subsection 4, the primary siting authority shall consider:

A. The significance of the potentially affected scenic resource of state or national significance; [2007, c. 661, Pt. A, §7 (NEW).]

B. The existing character of the surrounding area; [2007, c. 661, Pt. A, §7 (NEW).]

C. The expectations of the typical viewer; [2007, c. 661, Pt. A, §7 (NEW).]

D. The expedited wind energy development's purpose and the context of the proposed activity; [2007, c. 661, Pt. A, §7 (NEW).]

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 [2007, c. 661, Pt. A, §7 (NEW).]

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 the scenic resource of state or national significance and the effect of prominent features of the development on the landscape. [2007, c. 661, Pt. A, §7 (NEW).]

A finding by the primary siting authority that the development's generating facilities are a highly visible feature in the landscape is not a solely sufficient basis for determination that an expedited wind energy project has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a scenic resource of state or national significance. In making its determination under subsection 1, the primary siting authority shall consider insignificant the effects of portions of the development's generating facilities located more than 8 miles, measured horizontally, from a scenic resource of state or national significance.

[2007, c. 661, Pt. A, §7 (NEW) .]

4. **Visual impact assessment; rebuttable presumption.** An applicant for an expedited wind energy development shall provide the primary siting authority with a visual impact assessment of the development that addresses the evaluation criteria in subsection 3 if the primary siting authority determines such an assessment is necessary in accordance with subsection 3. There is a rebuttable presumption that a visual impact assessment is not required for those portions of the development's generating facilities that are located

more than 3 miles, measured horizontally, from a scenic resource of state or national significance. The primary siting authority may require a visual impact assessment for portions of the development's generating facilities located more than 3 miles and up to 8 miles from a scenic resource of state or national significance if it finds there is substantial evidence that a visual impact assessment is needed to determine if there is the potential for significant adverse effects on the scenic resource of state or national significance. Information intended to rebut the presumption must be submitted to the primary siting authority by any interested person within 30 days of acceptance of the application as complete for processing. The primary siting authority shall determine if the presumption is rebutted based on a preponderance of evidence in the record.

[2007, c. 661, Pt. A, §7 (NEW) .]

SECTION HISTORY
2007, c. 661, Pt. A, §7 (NEW).

35-A §3453. ADDITIONS TO THE EXPEDITED PERMITTING AREA

The Maine Land Use Regulation Commission may, by rule adopted in accordance with Title 5, chapter 375, add a specified place in the State's unorganized or deorganized areas to the expedited permitting area. In order to add a specified place to the expedited permitting area, the Maine Land Use Regulation Commission must determine that the proposed addition to the expedited permitting area: [2007, c. 661, Pt. A, §7 (NEW).]

1. **Geographic extension.** Involves a logical geographic extension of the currently designated expedited permitting area;

[2007, c. 661, Pt. A, §7 (NEW) .]

2. **Meets state goals.** Is important to meeting the state goals for wind energy development established in section 3404; and

[2007, c. 661, Pt. A, §7 (NEW) .]

3. **Principal values and goals.** Would not compromise the principal values and the goals identified in the comprehensive land use plan adopted by the Maine Land Use Regulation Commission pursuant to Title 12, section 685-C.

[2007, c. 661, Pt. A, §7 (NEW) .]

Rules adopted by the Maine Land Use Regulation Commission pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2007, c. 661, Pt. A, §7 (NEW).]

SECTION HISTORY
2007, c. 661, Pt. A, §7 (NEW).

35-A §3454. DETERMINATION OF TANGIBLE BENEFITS; REQUIREMENTS

In making findings pursuant to Title 12, section 685-B, subsection 4 or Title 38, section 484, subsection 3, the primary siting authority shall presume that an expedited wind energy development provides energy and emissions-related benefits described in section 3402 and shall make additional findings regarding other tangible benefits provided by the development. The Department of Labor, the Executive Department, State Planning Office and the Public Utilities Commission shall provide review comments if requested by the primary siting authority. [2007, c. 661, Pt. A, §7 (NEW).]

1. **Documentation.** As part of any permit application for an expedited wind energy development, the applicant shall include the following information regarding tangible benefits, except that the applicant may submit the information required under paragraph D as an addendum to the permit application during the period in which the application is pending:

A. Estimated jobs to be created statewide and in the host community or communities, as a result of construction, maintenance and operations of the project; [2009, c. 642, Pt. A, §7 (NEW).]

B. Estimated annual generation of wind energy; [2009, c. 642, Pt. A, §7 (NEW).]

C. Projected property tax payments; [2009, c. 642, Pt. A, §7 (NEW).]

D. A description of the community benefits package, including but not limited to community benefit agreement payments, to be provided in accordance with the requirements of subsection 2; and [2009, c. 642, Pt. A, §7 (NEW).]

E. Any other tangible benefits to be provided by the project. [2009, c. 642, Pt. A, §7 (NEW).]

[2009, c. 642, Pt. A, §7 (NEW) .]

2. **Community benefits package requirement.** Except as provided in subsection 3, to demonstrate that an expedited wind energy development provides significant tangible benefits as required in Title 12, section 685-B, subsection 4-B and Title 38, section 484, subsection 10, the applicant for an expedited wind energy development is required to establish a community benefits package valued at no less than $4,000 per year per wind turbine included in the expedited wind energy development, averaged over a 20-year period. This subsection does not affect the property tax obligations of an expedited wind energy development.

[2009, c. 642, Pt. A, §7 (NEW) .]

3. **Community benefits package requirement; exceptions.** The community benefits package requirement under subsection 2:

A. Is waived for any expedited wind energy development that:

(1) Has an installed capacity of less than 20 megawatts; or

(2) Is owned by a nonprofit entity, a public entity or a quasi-public entity; and [2009, c. 642, Pt. A, §7 (NEW).]

B. Does not apply to those turbines included in the development that are located:

(1) In a host community in which the legislative body has voted to waive or reduce the community benefits package requirement;

(2) On Passamaquoddy Indian territory, as defined in Title 30, section 6203, subsection 6, unless the Passamaquoddy Tribe notifies the primary siting authority that it chooses to be considered a host community for the purposes of this chapter with respect to the expedited wind energy development;

(3) On Penobscot Indian territory, as defined in Title 30, section 6203, subsection 9, unless the Penobscot Nation notifies the primary siting authority that it chooses to be considered a host community for the purposes of this chapter with respect to the expedited wind energy development; or

(4) On Qualifying Band Trust Land unless the Aroostook Band of Micmacs notifies the primary siting authority that it chooses to be considered a host community for the purposes of this chapter with respect to the expedited wind energy development.

The community benefits package requirement applies to any turbines of the development that are not exempted under subparagraph (1), (2), (3) or (4). [2009, c. 642, Pt. A, §7 (NEW).]

Nothing in this subsection limits a host community's authority to require an expedited wind energy development to enter into a community benefit agreement and to fulfill its property tax obligations.

[2009, c. 642, Pt. A, §7 (NEW) .]

4. **Community benefit agreement payments to counties.** When generating facilities of an expedited wind energy development are located within an unorganized or deorganized area other than within a plantation, community benefit agreement payments provided to the county as the host community in accordance with this section may be used for projects and programs of public benefit located anywhere within that county.

[2009, c. 642, Pt. A, §7 (NEW) .]

5. **Promoting economic development and resource conservation; assistance to host communities.** To the extent practicable within existing resources, the Department of Economic and Community Development and the Executive Department, State Planning Office, shall provide, upon the request of a host community, assistance for the purpose of helping the host community maximize the economic development and resource conservation benefits from tax payments and payments made pursuant to a community benefit agreement or a community benefits package in connection with expedited wind energy developments. As part of this assistance, the department and the office shall support host communities in identifying additional funding and developing regional economic and natural resource conservation strategies.

[2009, c. 642, Pt. A, §7 (NEW) .]

SECTION HISTORY
2007, c. 661, Pt. A, §7 (NEW). 2009, c. 642, Pt. A, §7 (AMD).

35-A §3455. DETERMINATION OF PUBLIC SAFETY-RELATED SETBACKS

In making findings pursuant to Title 12, section 685-B, subsection 4 or Title 38, section 484, subsection 3 on whether a wind energy development must be constructed with setbacks adequate to protect public safety, the primary siting authority must consider the recommendation of a professional, licensed civil engineer as well as any applicable setback recommended by a manufacturer of the generating facilities. The primary siting authority may require submission of this information as part of the application. [2007, c. 661, Pt. A, §7 (NEW).]

SECTION HISTORY
2007, c. 661, Pt. A, §7 (NEW).

35-A §3456. SITING CONSIDERATIONS FOR SMALLER-SCALE WIND ENERGY DEVELOPMENT IN ORGANIZED AREAS

1. **Construction and operation requirements.** A person may not construct or operate a wind energy development, other than a grid-scale wind energy development, that is located in the State's organized area without first obtaining a certification from the department that the generating facilities:

A. Will meet the requirements of the noise control rules adopted by the Board of Environmental Protection pursuant to Title 38, chapter 3, subchapter 1, article 6; [2007, c. 661, Pt. A, §7 (NEW).]

B. Will be designed and sited to avoid unreasonable adverse shadow flicker effects; and [2007, c. 661, Pt. A, §7 (NEW).]

C. Will be constructed with setbacks adequate to protect public safety. In making a finding pursuant to this paragraph, the department shall consider the recommendation of a professional, licensed civil engineer as well as any applicable setback recommended by a manufacturer of the generating facilities. [2007, c. 661, Pt. A, §7 (NEW).]

A person proposing a wind energy development subject to certification under this section shall apply to the department for certification using an application provided by the department and may not begin construction until the certification is received.

[2007, c. 661, Pt. A, §7 (NEW) .]

2. **Fees; outside review; approval process.** The department may charge a developer an appropriate fee for its review and certification pursuant to this section. Certification may be conditioned on specific requirements, including but not limited to setbacks from residential structures to address noise or safety concerns. The department may use an outside reviewer as provided in Title 38, section 344-A. If no other approval by the department is required for the development, the department shall issue its certification within 185 days of its acceptance of a request for certification as complete pursuant to Title 38, section 344. At the request of an applicant, the department may put the certification review period on hold. If another approval by the department is required for the development, the department shall consolidate its process for certification under this section with that regarding other approvals by the department as provided in the department's rules and may extend the review period as provided in those rules. Notwithstanding any other provision of law, the department's certification pursuant to this section regarding a development that does not otherwise require the department's approval pursuant to this Title is not itself subject to judicial review as final agency action or otherwise, except as an aspect of an appeal of a pertinent municipal land use decision.

[2007, c. 661, Pt. A, §7 (NEW) .]

3. **Enforcement of standards.** Following certification under this section and during construction and operation, the standards in subsection 1 for a wind energy development subject to certification under this section may be enforced by the municipality in which the generating facilities are located at the municipality's discretion pursuant to Title 30-A, section 4452. The department is not responsible for enforcement of this section.

[2007, c. 661, Pt. A, §7 (NEW) .]

4. **Exemption.** Certification under this section is not required for a wind energy development with a generating capacity of less than 100 kilowatts.

[2007, c. 661, Pt. A, §7 (NEW) .]

SECTION HISTORY
2007, c. 661, Pt. A, §7 (NEW).

35-A §3457. RULEMAKING; SCENIC VIEWPOINT; SCENIC INVENTORY

1. **Scenic viewpoint.** The Department of Conservation shall adopt rules to designate scenic viewpoints located on state public reserved land or on a trail that is used exclusively for pedestrian use, such as the Appalachian Trail, that have state or national significance from a scenic perspective based on criteria modeled after those used in the "Maine Rivers Study" published by the Department of Conservation in 1982 and "Maine Wildlands Lakes Assessment" published by the Maine Land Use Regulation Commission in June 1987 and consideration of the criteria in section 3452, subsection 3.

[2007, c. 661, Pt. A, §7 (NEW) .]

2. **Scenic inventory.** The Executive Department, State Planning Office shall adopt rules regarding the methodology for conducting a scenic inventory of scenic resources of state or national significance that are located in the coastal area, as defined by Title 38, section 1802, subsection 1, in a manner comparable to that used for an inventory listed in section 3451, subsection 9, paragraph H, subparagraph (1). The office may contract with an outside entity for the preparation of a scenic inventory conducted pursuant to the methodology developed pursuant to this subsection.

[2007, c. 661, Pt. A, §7 (NEW) .]

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2007, c. 661, Pt. A, §7 (NEW).]

SECTION HISTORY
2007, c. 661, Pt. A, §7 (NEW).

35-A §3458. JUDICIAL APPEAL; MUNICIPAL PERMITTING DECISION

Any judicial appeal of a municipal decision regarding permitting of an expedited wind energy development that is taken in the manner provided in the Maine Rules of Civil Procedure, Rule 80B must be heard and determined by the Superior Court as expeditiously as possible. [2009, c. 642, Pt. B, §2 (NEW).]

SECTION HISTORY
2009, c. 642, Pt. B, §2 (NEW).

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From: Rob Pforzheimer
Date: Thu, 8 Nov 2012
Subject: FW: Falmouth Conference on Human Rights « Wind Wise ~ Massachusetts
The siting commission should send a representative to this conference. It's Saturday and it's free.
http://windwisema.org/2012/10/15/falmouth-conference-on-human-rights/

Falmouth Conference on Human Rights
OCTOBER 15, 2012
tags: Falmouth MA

There is no shortage of personal hardship when residents endure wind turbine development. Encounters from Australia to Canada to Cape Cod and Southeast Massachusetts will be explored at the Falmouth Conference on Human Rights on November 10, 2012. Science, medicine and engineering will all be called upon to explain the impacts of living too close to industrial wind turbines.

An international line-up of speakers includes Carmen Krogh of Ontario, Canada, and Dr. Sarah Laurie of the Waubra Foundation in Australia. Speakers from the U.S. include Dr. Nina Pierpont, John Droz and Curt Devlin. Local speakers Lilli Green and Preston Ribnik, from Wellfleet, will also talk about the human toll they captured in their documentary as they interviewed victims of industrial-scale wind. Community panelists from turbine-impacted towns in Massachusetts will describe declining health in affected families and economic fallout–to homeowners and local governments–from wind development. Organizers David Moriarty of Falmouth and Marsh Rosenthal of Savoy promise an unvarnished picture of this human rights concern. Moriarty said, the community panelists "are encouraged to tell the conference and the media about the extraordinary measures that they have had to take to engage attorneys and to communicate their plight to the larger public."

The forum runs from 1 :00 to 4:00 pm at the Falmouth Public Library at 300 Main Street. The free program is open to the public and refreshments will be offered.

For further information, to donate or help out, contact David Moriarty (**waveydavei@aol.com** or **774-521-8474**) or Marsh Rosenthal (**marshsue@verizon.net** or **413-743-5256**).

From: Rob Pforzheimer <rpforz@hotmail.com>
Date: Thu, 8 Nov 2012
Subject: Ontario-Wind turbine noise severe
There are complaints of noise and health problems from wind turbines around the world. Here's one from Ontario.

Vt'ers health, property values and quality of life should not be sacrificed for inefficient wind generation that we don't even need. There's currently, and for the foreseeable future, an oversupply of generation in New England and no proof from anywhere in the world that wind turbines reduce CO2 emissions
Wednesday, November 7, 2012

Wind turbine noise severe, Kincardine residents ask for state of emergency to be declared

Media Advisory
http://www.wind-watch.org/news/2012/11/08/wind-turbine-noise-severe-kincardine-residents-ask-for-state-of-emergency-to-be-declared/

Kincardine, Ontario:

Residents with health problems linked to 115 Enbridge wind turbines ask Council for Municipality of Kincardine Council today to assist in forcing Enbridge to take accountability for the impact of their operation on the people who are living among the wind power project.

The delegation is asking the Council to adopt a resolution that includes:

- Recognition that the health and well-being of some residents are being affected by the wind turbines
- Order Enbridge to cease turbine operations and to identify a senior executive to work with the Municipality in resolving these issues.
- Declare a public emergency in Kincardine in order to qualify for provincial funding to relocate health-affected home owners.
- Request that the Federal government stop subsidies to the project under the ecoENERGY program.
- Request provincial follow-up on cases reported to the Grey-Bruce Health Board as required by provincial law.
- Commission independent testing for low frequency noise/infrasound in all affected homes.

According to spokesperson, Rachel Thompson, “These health problems are real— people are unable to sleep or lead normal lives. Many are experiencing a repetitive vibrating or pulsing sensation throughout their bodies, especially in the head and chest when the turbines are operating. That’s Low Frequency Noise and it feels like torture. Their lives are being ruined.”

Enbridge’s corporate values statement talks about taking accountability for the company’s actions and not blaming others, Thompson notes. "It’s time for Enbridge to demonstrate these values in this community and address the environmental problems being created by this wind power generation project.”

From: Rob Pforzheimer
Date: Thu, 8 Nov 2012
Subject: “Our peace has [redacted] our lives back.”

KINGSTON

Health board to consider legal options for turbine complaints

By Christine Legere http://www.boston.com/news/local/massachusetts/2012/11/08/health-board-consider-legal-options-for-dealing-with-local-wind-turbine-complaints/uIkdqbtu6DXnTF9flmgsbP/story.html
Globe Correspondent / November 7, 2012

Health officials in Kingston voted Monday to meet with the town's attorney as soon as possible to discuss what they can legally do to help homeowners who say they are adversely affected by four local wind turbines.

Board of Health member Daniel Sapir said shutdown of the turbines during certain times "is on the table," along with other potential measures. The board would begin by hiring its own expert to "analyze this thing and represent the health board's interests," he said.

Although most of Monday's discussion focused on the Independence wind turbine, built on town-owned land by a private developer, three other nearby turbines owned by businesswoman Mary O'Donnell would be included in the board's consideration, Sapir said.

But owners of the turbines say they are within their rights.

Kially Ruiz, co-owner of the Independence, said he does not intend to adjust his operation as long as it meets the state's legal requirements. "Until there is proof of a problem, we won't do anything," Ruiz said following the health board's vote.

O'Donnell expressed similar sentiments. "Everyone in the room Monday knows all my turbines are well within the limit for noise," O'Donnell said after the session.

At the meeting, neighbors of the turbines asked the health board to shut down the machines at night and during times when they say light-flicker from whirling blades drives them from their homes, but chairman Joseph Casna said his panel has to consider legal ramifications. "We don't want to do the wrong thing and have it thrown back and not accomplish anything," he said.

Leland Road resident Doreen Reilly, speaking for her neighbors, said the lives of people who live near the turbines "have been turned upside down" since the Independence's start-up in May.

"This has caused more anxiety than I have ever experienced," Reilly said. "Our peace has been stolen from us. . . . We want our lives back."

Reilly said family members cannot sleep on nights when the whooshing noise from the blades permeates her house. In recent weeks, she said, the shifting angle of the sun has introduced the added problem of flicker, the light-shadow effect created by spinning blades.

"It causes headaches," Reilly said. "It's in every room of my house, and it makes you want to flee your home."

Reilly's neighbor Daniel Alves had e-mailed the Board of Health recently with complaints of ringing ears, headaches, and an elevated heart rate. He told the board Monday that he has contacted a doctor regarding his son, who suffered from epilepsy. "I'm very concerned about the strobe-like effect of flicker," Alves said.

Ruiz, who attended the meeting, called flicker “a mild annoyance” and a “transient condition” limited to sunny days in the fall and spring. “It’s not considered a health concern,” he said. “That’s not just my opinion. It’s the opinion of the experts.”

Ruiz said the turbine generates virtually no noise in nearby neighborhoods. He said the area has a train station, major highway, shopping mall, and waste-water treatment plant. “I think the neighbors are hearing a lot of things,” he said. “It’s just not the turbine.”

Sapir disagreed with Ruiz, saying he had witnessed the noise and flicker firsthand. “I went to the Reillys’ home at midnight, and I heard the whoosh,” he said. “You may say it’s not physically possible, but it’s happening. It’s real.”

Sapir said he experienced the flicker effect while watching a Patriots’ game at a friend’s house. “It was so annoying I couldn’t enjoy the game,” he said. “The poor dog was cowering in the bathroom.”

Local physician Piotr Lazowski, a Country Club Way resident who had lodged a written complaint over noise and flicker, pressed health officials Monday. “My question isn’t to Mr. Ruiz; my question is to our Board of Health,” Lazowski said. “What are you going to do?”

The Board of Health did take action last July, asking the Massachusetts Department of Health to conduct sound measurements on neighborhoods near the Independence turbine similar to those done in Falmouth and Fairhaven. State officials assigned the Kingston study to the Clean Energy Center, a quasi-public agency whose focus is on renewable energy development in the state.

The study has yet to move forward, and on Monday neighbors of O’Donnell’s turbines asked to have their area included in the testing.

Spokeswoman Catherine Williams said the Clean Energy Center should have a contractor on board by the end of this month and sound measurements will be taken once locations for study are selected. In a phone interview, she said results will not be ready until February “at the earliest.”

Residents concerned about the turbines filled the Board of Health’s meeting room and spilled into the hall Monday, and resident Tom Grifa told the board their numbers are even greater. “We are just a sample of all the people that are affected,” he said.

READER COMMENTS (2)

Sort: Latest first | Chrono order | Most liked

NoFreeWind
11/08/2012 08:24 AM
Every City and Town has a By-Law crafted by the stateâ€™s Executive Office of Energy and Environmental Affairs that encourages permits too close to residential areas. Every City and Town has an Energy Advisory Committee to push wind and solar projects through the local board permit process. You need to be alert to proposed wind turbine projects in your town. Go to the site below to learn what is going on.

http://windwisema.org/

You need to wake up now before you find yourself unable to sleep nights like the folks in Kingston, Falmouth, Fairhaven, Scituate, and elsewhere!

•

jole24
11/08/2012 08:37 AM
The Mass Clean Energy Center is NOT a regulatory agency! The DEP should have stepped in immediately once they were informed back in early June of the problems with noise...Commissioner Kimmell was informed in late May, and given the experiences down in Falmouth over the last 2 1/2 years he had the knowledge and duty to ACT ...what do we have here instead? Punting the responsibility over to the very agency that pushes renewable energy projects...the very agency that funded the Independence and all other misguided projects across our state!?!? The mass Clean Energy Center was communicated with over a month ago and asked a very simple question: As you push new wind projects in towns across our state has there been a change in setback recommendations based on what is happening in Falmouth, Fairhaven, Kingston and Scituate? The response: NO.....what does that say? and why is the Commissioner of the DEP kicking the responsibility can down the road? Also, the DEP regulations are antiquated, Wind Turbines pose new and complex "noise" issues...the DEP does NOT regulate "infrasound" and that is part of this "annoyance" equation and the DEP should be hiring experts or contract with consultants to protect the people of this state from this new and emergin "public health and safety emergency" Thank you Christine for reporting on this important story...so much more to it, if you care to peel back the layers...statring with why has the DEP DPH NOT released the final draft of their much ballyhooed Wind Turbine Health Impact Study as the National Academy of Sciences protocal outlines? last I knew the Mass DEP DPH were "reviewing" all the comments they recieved form experts who responded to the content and protocal of the study??? Crikets anyone...lots of questions for Commissioner Kimmell of the DEP...let's starting asking some, PLEASE

From:Rob Pforzheimer |
Sent: Saturday, November 10, 2012 9:35 AM
Subject: 60 Herkimer Co. NY residents file lawsuit against wind farm owner Siting Commission,

Please acknowledge receipt of emails. Thank you. Rob Pforzheimer
Sutton, VT

"concerns range from the negative impact the turbines have on the residents' enjoyment of their home to health problems and difficulty selling the property." 60 Herkimer Co. residents file lawsuit against wind farm owner By AMANDA FRIESObserver-Dispatch
http://www.uticaod.com/features/x1292891329/60-Herkimer-County-residents-sue-owner-of-wind-farm
Posted Nov 09, 2012 @ 09:01 PMLast update Nov 10, 2012 @ 12:23 o o o

Some Herkimer County residents near the Hardscrabble Wind Farm are fed up with the noise, the view and "negative impact" they say 37 wind turbines bring to their backyards. Frustrated by the wind farm that some residents say drives them "crazy," 60 Middleville, Fairfield and Norway residents have filed a lawsuit in state Supreme Court against the entities responsible for its construction, namely Iberdrola Renewables. "A lot of it has to do with the effect that it's having in being in close proximity to the residences," said Jeff DeFrancisco, an attorney from DeFrancisco & Flagiatano Law Firm of Syracuse.

Among the complaints, the lawsuit asserts that those responsible for the construction of the wind farm were negligent in assessing the site to determine whether it was properly suited for the project, and that the 450-foot turbines are a public and private nuisance. Iberdrola Communications Manager Paul Copleman said the company had no comment since it had not received the papers. DeFrancisco, who is working with Syracuse environmental Attorney Melody Scalfone, said the concerns range from the negative impact the turbines have on the residents' enjoyment of their home to health problems and difficulty selling the property. Noise concerns Jimmy Salamone, who lives on Davis Road in Fairfield, said he gets headaches and his ears ring. "The noise is literally driving me out of my house," he said.

Iberdrola installed a noise-reduction system at four turbines in Fairfield earlier this year. Prior to that, the town had requested sound studies. Fairfield Town Supervisor Henry Crofoot said he anticipates the preliminary results of the system to be presented within the next month. Salamone said the town leadership hasn't had the residents' best interests in mind. "I'm very, very disgusted with the way our town supervisor and Town Board have handled any of this," he said.

"These things are hurting people."Crofoot, who said he has not seen the lawsuit, said the town is doing what it can. "We will do whatever we can to help our residents within the letter of the law," he said. 'We've got to leave' Salamone said he hopes the lawsuit will encourage Iberdrola to shut down the wind farm, or that the plaintiffs will be "heavy compensated." "I would expect them to buy my house, whatever the lawsuit is, and we would leave," he said. "One way or another, we've got to leave." Leaving is difficult for many residents, DeFrancisco said, because the turbines can impact property values. "A lot of people don't want to live in that area because (turbines) obstruct the view," he said.

Others, Scalfone said, bought property intending to build a retirement home and now can't sell the land because of the turbines. The bottom line is the turbines are a nuisance, he said. "The New York law simply states it's unreasonable interference with the use and enjoyment of your property," Scalfone said. "The residents' quality of life has been significantly impacted."