

Verrill Dana_{LLP}

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July 25, 2011

By E-mail & Hand Delivery

Frederick W. Todd, Project Planner
Land Use Regulation Commission
18 Elkins Lane
Augusta, ME 04333

Re: Champlain Wind, LLC
Bowers Wind Project DP 4889

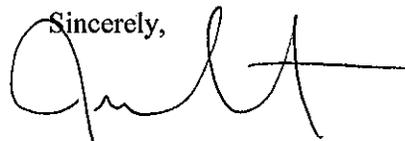
Dear Fred:

Enclosed please find a paper copy and CD of the Applicant's responsive information to issues raised during or following the public hearing. Due to the size of the exhibits, I am providing by e-mail a copy of the narrative portions only and am sending by overnight mail a CD of the complete response, including exhibits, to the intervenors. Additionally, I am providing a copy of the Forest Society of Maine's June, 2011 letter to Neil Kiely, which provides additional follow-up on FSM's role in administering the Bowers Mountain Fund.

Finally, I understand that you have not yet received copies of Appendices A-C to the 2005 Downeast Lakes Land Trust Economic Report. I request that the record remain open for the limited purpose of accepting those appendices.

Thank you for consideration of these materials.

Sincerely,



Juliet T. Browne

JTB/mtr

Enclosures

cc: Sean Mahoney (via e-mail & U.S. Mail)
Amy Mills, Asst. Attorney General (via e-mail & Fed Ex)
Catherine Carroll (via e-mail)
Samantha Horn Olsen (via e-mail)
Kevin Gurall (via e-mail & U.S. Express Mail)
David Corrigan (via e-mail & U.S. Express Mail)
D. Gordon Mott (via e-mail & U.S. Express Mail)
Neil Kiely
Geoff West
Joy Prescott

STATE OF MAINE
LAND USE REGULATION COMMISSION

IN THE MATTER OF DEVELOPMENT)	Responsive Information to Issues
APPLICATION DP 4889)	Raised During or Following the
CHAMPLAIN WIND, LLC)	Public Hearing
BOWERS WIND PROJECT)	

VOLUME I

- A. Consultation with Tribes and Potential Visibility from Tribal Lands
 - A-1. Stantec Inquiry letters
 - A-2. Letter from Penobscot Nation
 - A-3. Viewshed Analysis

- B. Property Values & Health Effects
 - B-1. The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-Site Hedonic Analysis (the "Berkeley Report")
 - B-2. Impacts of Windmill Visibility on Property Values in Madison County, New York (April 30, 2006)
 - B-3. The Effect of Wind Development on Local Property Values (May 2003)
 - B-4. Wind Turbine Neuro-Acoustical Issues, Dora Ann Mills, MD, MPH, Maine CDC/DHHS, June, 2009
 - B-5. Evaluation of the Scientific Literature on the Health Effects Associated with Wind Turbines and Low Frequency Sound, October 20, 2009 ("Roberts Report")
 - B-6. The Potential Health Impact of Wind Turbines, Chief Medical Officer of Health, Ontario, Canada, May, 2010 ("CMOH Report")
 - B-7. Wind Turbine Sound and Health Effects, an Expert Panel Review, December 2009 ("AWEA/CanWEA Report")

STATE OF MAINE
LAND USE REGULATION COMMISSION

IN THE MATTER OF DEVELOPMENT)	Responsive Information to Issues
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VOLUME II

- C. Information on Nighttime Lighting Mitigation Technology
 - C-1. FAA advisory circular 70/7460-1 K: Obstruction Marking and Lighting
 - C-2. Model light data sheets for Orga L350-864G
 - C-3. TowerShade deflector

- D. LandWorks Response
 - D-1. Downeast Map
 - D-2. Downeast Lakes Water Trails
 - D-3. Maine Snowmobile Association Support
 - D-4. July 19, 2011 Survey
 - D-5. Memorial Day Survey
 - D-6. Sporting Camps Survey Data
 - D-7. LD 1957
 - D-8. Guides Testimony in LD 1957

CONSULTATION WITH TRIBES AND POTENTIAL VISIBILITY FROM TRIBAL LANDS

In letters filed on the last days the record was open for public comment, the Maine Indian Tribal State Commission expressed concerns about the lack of consultation for the Project, and Donald Soctomah, the Tribal Historic Preservation Officer for the Passamaquoddy Tribe, expressed concerns about the Project's impact on Passamaquoddy tribal lands in Township 5 Range 1 in Penobscot County and Township 5ND in Washington County. The following summarizes the consultation undertaken by the applicant and the potential impact of the Project on tribal lands.

In July 2009, Stantec sent inquiry letters (see Exhibit A-1) to the following individuals as part of the consultation for the Bowers project. These letters were sent at the same time as other state and federal agency inquiries.

1. Chief Victoria Higgins, Aroostook Band of Micmacs
2. Chief Brenda Commander, Houlton Band of Maliseet Indians
3. William J. Nicholas, Tribal Governor, Passamaquoddy Tribe of Indians, Indian Township Reservation
4. Richard Doyle, Tribal Governor, Passamaquoddy Tribe of Indians, Pleasant Point Reservation
5. Chief Kirk Francis, Penobscot Indian Nation

The only response to these letters was a "No Objection" letter from the Penobscot Nation via Bonnie Newsom in July 2009 (see Exhibit A-2).

Since no letter was received from the Passamaquoddy Nation, Neil Kiely and Geoff West went to meet with them on May 3, 2010, in Princeton. They met with Chief Nicholas, Deputy Joseph Socobasin (now Chief), as well as Dana Altvater (official wind coordinator), Bob Tyler (administrator-non tribal), and a few others that were sitting in. Champlain Wind discussed the Bowers Project, including its location and the number and size of turbines being used. It was a very positive meeting and no objections or concerns were expressed, and there was no request for any additional follow-up.

First Wind tried to set up a similar meeting with the Penobscot Nation. Verrill Dana provided initial introductions in spring 2010 with a contact at the Tribe, who indicated that Bonnie Newsom, who had provided the No Objection letter noted above, is in charge of the Tribe's Tribal Historic Preservation Office and recommended outreach contact be through the Chief Kirk Francis. Between May and July 2010, Geoff called the Chief several times but did not receive a response. He also called the Chief's Executive Secretary, Mary Settles, who told him the Chief would try to call him back. Geoff tried calling several times after that with no reply. First Wind did not learn of any concerns from the Penobscot Nation until we received a copy of the July 18, 2011 letter from the Maine Indian Tribal-State Commission to LURC.

In his comment letter, Donald Soctomah indicates that the Project is located “very close to Passamaquoddy tribal lands.” In fact, the nearest turbine is more than 6.7 miles from Passamaquoddy land in T5R1 and the viewshed analysis conducted for the Project indicates that there will be NO visibility of turbines within this land. The nearest Passamaquoddy land in T5ND is located more than 8-12 miles from the nearest turbine.

In their comment letter, the Maine Indian Tribal State Commission indicates that the Passamaquoddy Tribe expressed concerns about the “proximity of the project and its potential visual impacts on a Wabanaki sacred site and ceremonial grounds that are both located in Springfield.” No such concerns were expressed in the meeting described above. Additionally, although the specific locations of these sites are not described and are not disclosed or publicly available, Springfield is located more than 3 miles from the nearest turbine. The viewshed analysis (See Exhibit A-3) indicates that visibility throughout the town is limited and most of the locations with visibility would have potential views of only up to 4-6 turbines. However, this analysis was based on vegetation type from available digital landcover data (2004), and did not account for factors such as actual tree height and density, or site-specific vegetation. Analysis of current aerial photography indicates that these areas are now forested and are unlikely to have any visibility of turbines. The viewshed analysis also identifies one location along Bottle Lake Road that would have potential views of up to 24 turbines. Again, current aerial photography indicates that this area is also now forested, which would reduce or eliminate visibility of turbines. In addition, because the viewshed analysis is based on vegetation heights of 45 feet, while tree heights in the area have been documented closer to 60 feet, visibility is likely to be further reduced.

Finally, the concerns expressed by the Tribes about wind projects are particularly surprising because both the Passamaquoddy Tribe and the Penobscot Nation are evaluating wind energy development in at least six remote areas of Maine. The Passamaquoddy Tribe has identified at least three potential wind sites and has met towers in T19 (DP 4726), and Prentiss (DP 4727) and a third site has been identified in T3R9. See Renewable Energy Initiatives presentation on the Passamaquoddy website (www.wabanaki.com/sed/Presentations/index.htm). All three sites are 4.5 miles beyond the boundary of the expedited wind permitting area. The Penobscot Nation has identified three sites as productive wind sites. According to the Institute for Tribal Environmental Professionals, “one is in preliminary development (Alder Stream) and two more are undergoing feasibility studies” (Caratunk and Carrabassett Valley). See Tribes and Climate Change website (www4.nau.edu/tribalclimatechange/tribes/northeast.asp). All of these sites were also identified in a staff memo to LURC. See memo from Marcia Spencer Famous, “Wind Energy development in LURC jurisdiction” dated September 27, 2010.



Stantec

July 15, 2009

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

Subject: Significant Historic Resources Information Request

Dear Chief Higgins:

The purpose of this letter is to request information on any significant historic resources associated with the location on the attached figure. We are assisting a client with evaluating the suitability of a site for a potential wind facility. Please review the attached map and let me know if there are any known or suspected historic resources associated with this potential development area. Should you have any questions, please feel free to contact me.

Thank you for your assistance in obtaining this information.

Respectfully,
STANTEC CONSULTING

Joy Prescott

Joy Prescott
Project Manager

PN 19560522



Stantec

July 15, 2009

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

Subject: Significant Historic Resources Information Request

Dear Chief Commander:

The purpose of this letter is to request information on any significant historic resources associated with the location on the attached figure. We are assisting a client with evaluating the suitability of a site for a potential wind facility. Please review the attached map and let me know if there are any known or suspected historic resources associated with this potential development area. Should you have any questions, please feel free to contact me.

Thank you for your assistance in obtaining this information.

Respectfully,
STANTEC CONSULTING

Joy Prescott

Joy Prescott
Project Manager

PN 19560522



Stantec

July 15, 2009

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

Subject: Significant Historic Resources Information Request

Dear Governor Nicholas:

The purpose of this letter is to request information on any significant historic resources associated with the location on the attached figure. We are assisting a client with evaluating the suitability of a site for a potential wind facility. Please review the attached map and let me know if there are any known or suspected historic resources associated with this potential development area. Should you have any questions, please feel free to contact me.

Thank you for your assistance in obtaining this information.

Respectfully,
STANTEC CONSULTING

Joy Prescott

Joy Prescott
Project Manager

PN 19560522



Stantec

July 15, 2009

Richard Doyle, Tribal Governor
Passamaquoddy Tribe of Indians
Pleasant Point Reservation
P.O. Box 343
Perry, ME 04667

Subject: Significant Historic Resources Information Request

Dear Governor Doyle:

The purpose of this letter is to request information on any significant historic resources associated with the location on the attached figure. We are assisting a client with evaluating the suitability of a site for a potential wind facility. Please review the attached map and let me know if there are any known or suspected historic resources associated with this potential development area. Should you have any questions, please feel free to contact me.

Thank you for your assistance in obtaining this information.

Respectfully,
STANTEC CONSULTING

Joy Prescott

Joy Prescott
Project Manager

PN 19560522



Stantec

July 15, 2009

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

Subject: Significant Historic Resources Information Request

Dear Chief Francis:

The purpose of this letter is to request information on any significant historic resources associated with the location on the attached figure. We are assisting a client with evaluating the suitability of a site for a potential wind facility. Please review the attached map and let me know if there are any known or suspected historic resources associated with this potential development area. Should you have any questions, please feel free to contact me.

Thank you for your assistance in obtaining this information.

Respectfully,
STANTEC CONSULTING

Joy Prescott

Joy Prescott
Project Manager

PN 19560522



July 15, 2009

Brian Swan
DMR Permit Reviewer
Maine Department of Marine Resources
21 State House Station
Augusta, Maine 04333-0021

Subject: Significant Marine Resources associated with land in Carroll Plantation and Kossuth Township, ME

Dear Mr. Swan:

I am requesting information on any marine resources associated with land in Carroll Plantation and Kossuth Township (also known as T7 R2 NBPP) as depicted on the attached map. We are assisting a client with evaluating the suitability of a site for a potential wind facility. Please review the attached map and let me know if there are any known or suspected marine resources in the vicinity of the outlined area.

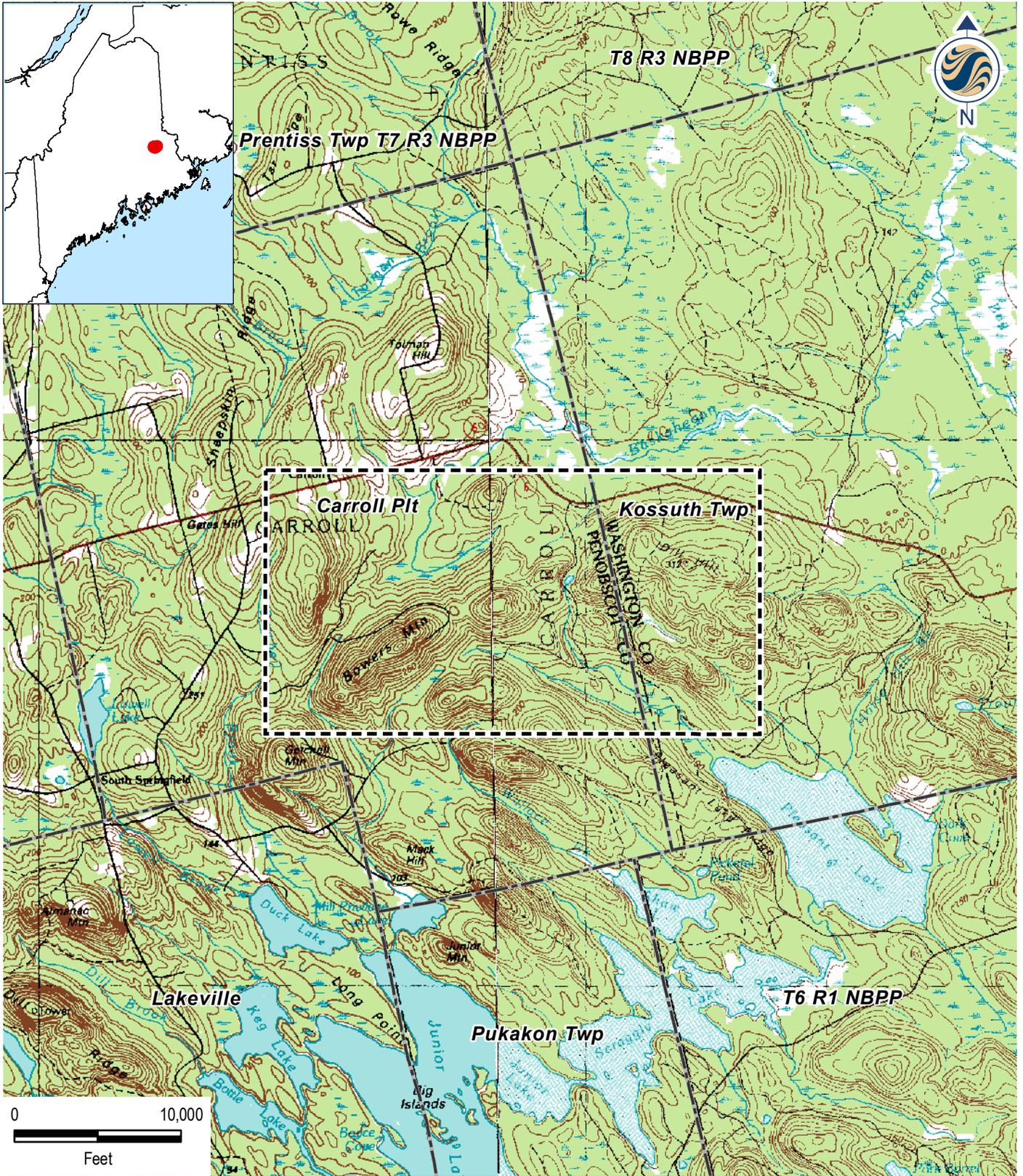
If you have any questions, please contact me at (207) 729-1199. Thank you for your assistance in obtaining this information.

Respectfully,
STANTEC CONSULTING

Joy Prescott

Joy Prescott
Project Manager

PN 19560522



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

Legend
 Project Area

Project Location
 Carroll Plt and
 Kossuth Twp., Maine

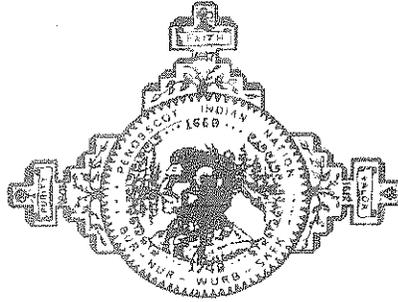
Figure No.
1

Title
Project Location Map

July 14, 2009

PENOBSCOT NATION
TRIBAL ADMINISTRATION

COMMUNITY CENTER
INDIAN ISLAND, MAINE 04468
TEL.: 207/827-7776



Bonnie Newsom, THPO
Penobscot Indian Nation
12 Wabanaki Way
Indian Island, ME 04468
Phone No.: (207) 817-7332
Fax No.: (207) 817-7463

FAX SHEET

DATE: 7-27-09

FAX NO.: 729-2715
No. of Page(s) 2

TO: Joy Prescott

FROM: Bonnie Newsom

SUBJECT: Carroll Pt. - Kossuth Twp.

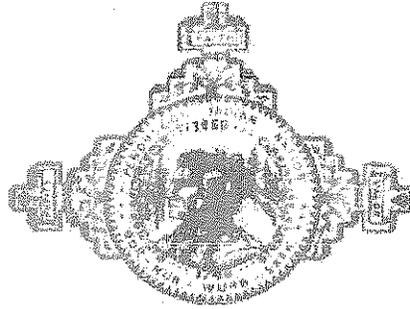
MESSAGE:

Please find attached a no objection letter
from Bonnie Newsom, THPO for the Penobscot
Nation.

If you have any questions, please do
not hesitate to contact her.

Thank you!

Catha Lewey
Office Manager



PENOBSCOT INDIAN NATION
BONNIE NEWSOM - ARCHAEOLOGY DEPARTMENT
12 WABANAKI WAY, INDIAN ISLAND, ME 04468
E-MAIL: bnewsom@penobscotnation.org Fax: 207-817-7463

NAME	Joy Prescott
ADDRESS	Stantec Consulting 30 Park Drive Topsham, ME 04086
OWNER'S NAME	Unidentified
TELEPHONE	(207) 729-1199
FAX	(207) 729-2715
EMAIL	
PROJECT NAME	Wind Facility
PROJECT SITE	Carroll Pkt./Kossuth Twp., ME
DATE OF REQUEST	July 15, 2009
DATE REVIEWED	July 27, 2009

Thank you for the opportunity to comment on the above referenced project. This project appears to have no impact on a structure or site of historic, architectural or archaeological significance to the Penobscot Nation as defined by the National Historic Preservation Act of 1966, and subsequent updates.

Also, if Native American cultural materials are encountered during the course of the project, please contact me at (207) 817-7332. Thank you.


 BONNIE NEWSOM, THPO
 Penobscot Nation

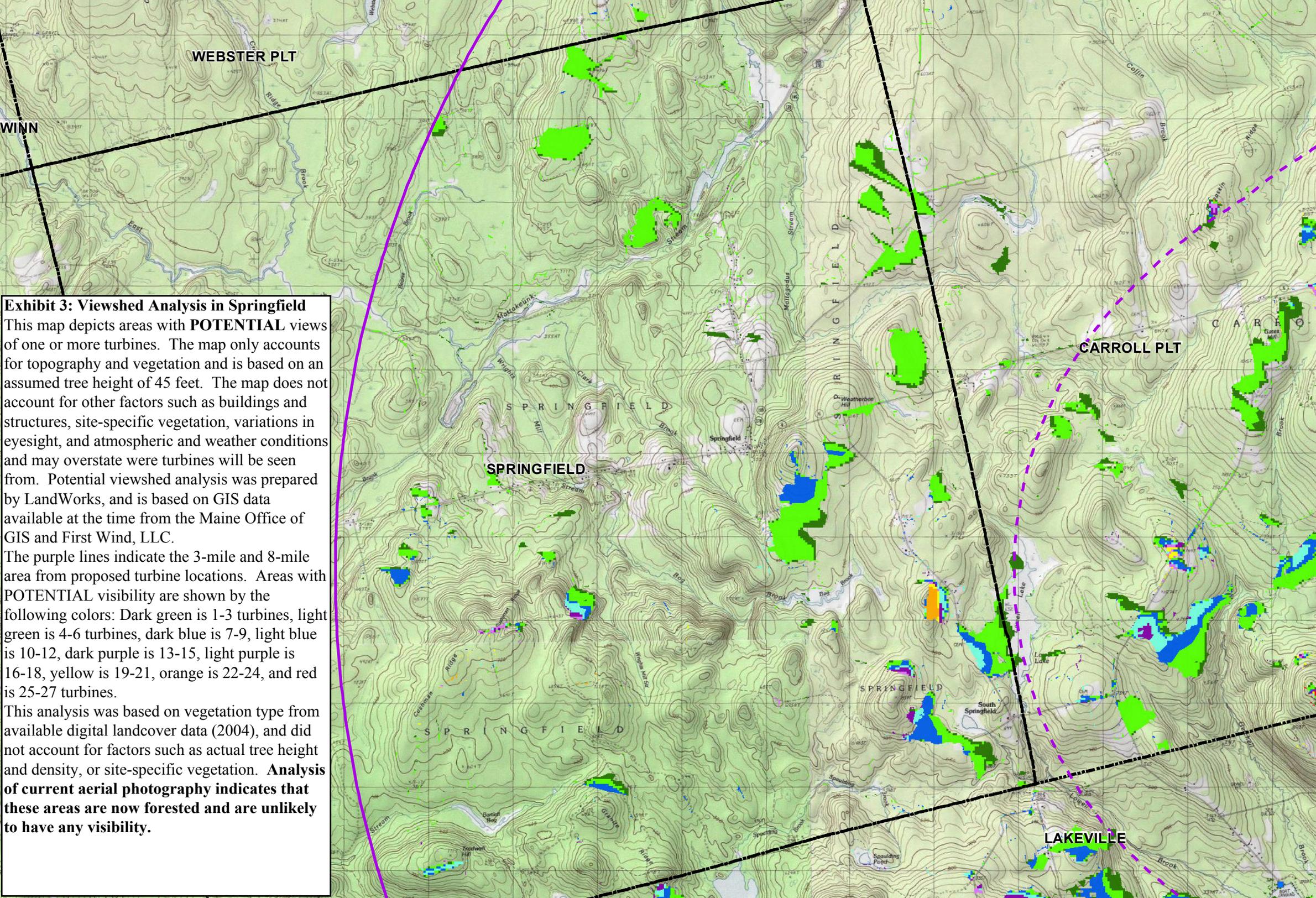


Exhibit 3: Viewshed Analysis in Springfield

This map depicts areas with **POTENTIAL** views of one or more turbines. The map only accounts for topography and vegetation and is based on an assumed tree height of 45 feet. The map does not account for other factors such as buildings and structures, site-specific vegetation, variations in eyesight, and atmospheric and weather conditions and may overstate where turbines will be seen from. Potential viewshed analysis was prepared by LandWorks, and is based on GIS data available at the time from the Maine Office of GIS and First Wind, LLC.

The purple lines indicate the 3-mile and 8-mile area from proposed turbine locations. Areas with **POTENTIAL** visibility are shown by the following colors: Dark green is 1-3 turbines, light green is 4-6 turbines, dark blue is 7-9, light blue is 10-12, dark purple is 13-15, light purple is 16-18, yellow is 19-21, orange is 22-24, and red is 25-27 turbines.

This analysis was based on vegetation type from available digital landcover data (2004), and did not account for factors such as actual tree height and density, or site-specific vegetation. **Analysis of current aerial photography indicates that these areas are now forested and are unlikely to have any visibility.**