

MEETING SUMMARY

January 9, 2008 WIND POWER TASK FORCE MEETING

Introductory matters

Chair Alec Giffen opened the meeting and welcomed those in attendance. Mr. Giffen outlined the primary focus as consideration of additional information to assist the Task Force in developing recommendations for improvement of the regulatory process.

Mr. Giffen noted receipt of e-mail comments from Professor Richard Barringer, chair of the Governor's Council on Maine's Quality of Place. While noting the importance of wind power in addressing renewable energy and related environmental needs, Professor Barringer emphasized the need for avoidance of undue adverse effects on LURC territory, which is a uniquely significant and integral aspect of Maine's quality of place. Professor Barringer endorsed a stakeholder process for addressing siting opportunities previously suggested by his colleague Professor Merrill. Professor Barringer's comments are available on the project website - www.maine.gov/windpower (follow "Meeting Summaries" link).

Following up on discussion at the Task Force's December 18, 2007, meeting, Mr. Giffen distributed a memo from Dr. Robert Lindyberg (posted on the above-noted project website) outlining the research and development initiative of the University of Maine's AWEC Center regarding development and testing of new composite wind blade technology. A key aim of this initiative is to attract Vestas, one of the world's leading wind turbine manufacturers, to locate a planned North American research and development facility in Maine. The memo recommends that state and local government support this and related wind power economic development initiatives.

Presentations

David Lovejoy, Maine Department of Corrections, briefed the Task Force on his department's investigation of options for siting a wind project to meet power needs and cut operating costs at the state correctional facility in Charleston. Mr. Lovejoy said he would provide additional information which will be posted on the project website.

Steve Bennett, resident of Freedom, Maine, presented a letter to the Task Force (to be posted on the above-noted project website) which outlines his on-going concerns regarding the efficacy of local regulation of commercial wind power facilities based on his assessment of the town of Freedom's review of a project proposed there. In particular, Mr. Bennett expressed concerns about the potential adverse effects of projects that do not trigger state land use and environmental laws.

Representative MacDonald presented the draft recommendations of the Task Force's subcommittee on community wind power development. The draft

recommendations are posted on the above-noted project website. Following discussion, the Task Force accepted the recommendations for inclusion in its report, subject to further clarifications of the entity with lead responsibility of carrying out each recommendation, implementation schedules, and related details. In the discussion, Representative Fitts clarified that while the recommendations do not propose increase in net billing limits or directly address some other specific approaches suggested to the Task Force to facilitate community wind projects, they do call for support of such development through assistance with feasibility studies and other means.

Pat Strauch, Maine Forest Products Council, expressed his organization's reservations about prospective zoning in LURC territory regarding wind power development and emphasized the importance for involvement of landowners in zoning-related discussions.

Judy Dorsey presented for the Task Force's consideration potential recommendations regarding energy policy issues outlined in Section IV in the working draft outline of the Task Force's report. (At the December 18, 2007, meeting, Mr. Giffen solicited Task Force members' comments and suggestions on matters addressed in the draft report outline.) Following discussion, Ms. Dorsey, Dave Wilby, Representative Fitts, and Representative MacDonald agreed to form a subgroup to work with SPO and PUC staff to explore the potential recommendations and develop any resulting recommendations for the Task Force's consideration at its next meeting.

Commissioner Littell presented: 1) a memoranda outlining guidance on protocols and methods for consideration of wind power projects' potential impacts on bird and bat populations; and 2) a memorandum assessing of the efficacy of DEP's rules to address noise and shadow flicker impacts, and related recommendations. Both memoranda are available at the project website.

Commissioner Littell explained that the memorandum providing guidance on consideration of potential bird and bat impacts, with some minor clarifications, reflects current DEP practice. Commissioner Littell emphasized that DEP envisions publication of such a document as guidance (not rules) and that no change in the statutes or rules DEP administers are needed to implement the guidance, which is based on the best available scientific information, as reflected in the draft study protocol compiled by Maine Audubon and previously distributed to the Task Force. Commissioner Littell noted that the guidance is consistent with the approach recommended by the National Academy of Sciences in its May 2007 wind power study report. In order to promote a consistent, statewide approach to this issue, Commissioner Littell suggested that LURC, with which DEP has shared the memo outlining the protocol, consider adoption of the approach outlined in the memo. Marcia Spencer-Famous, LURC, noted that based on an initial read of the memo, the approach outlined comports with how LURC assesses bird and bat impact issues and that LURC will consult further with DEP regarding adoption of a common guidance document. In response to a question, Commissioner Littell and Steve Timpano, DIFW, clarified that the guidance envisions that an applicant will assess the potential effects of its particular project rather than conduct a generally applicable

scientific study. Commissioner Littell concurred with the suggestion that it would be useful and possible for state agencies (DIFW, DEP and LURC) to develop a list of research needs related to assessment of bird and bat impacts that may be useful to university and other researchers in designing studies.

In presenting the memo on noise and shadow flicker issues, Commissioner Littell explained that with one exception, DEP has determined no change in its rules is needed to address wind power projects' potential noise or shadow flicker-related impacts. Commissioner Littell noted that shadow flicker, which may be an issue with some proposals, is an issue which is amenable to objective, quantitative assessment and that DEP and LURC, under existing authority, should require applicants to provide information on this issue as appropriate. As outlined in its memorandum, DEP suggests that Site Law rules (Chapter 375.10(E)) be amended to give DEP clear authority "to establish any reasonable requirement to ensure that the developer has made adequate provision for the control of noise." In addition, DEP suggests several refinements of its approach, under existing law, for assessing wind projects' potential noise impacts both prior to and after construction. Commissioner Littell explained that site specific issues, atmospheric conditions, and a number of other variables must be considered in assessing a project's noise impacts. Gore Flynn added that about 16% percent of the population has a pronounced sensibility to noise, a fact that complicates noise regulation.

Pete Didisheim, Dylan Voorhees, and Bob Grace (by phone) presented the most recent draft analysis available from the study being conducted by Mr. Grace and his consulting team to address the following questions: how much additional renewable energy must be built to meet RGGI goals; how much of that additional generation is likely to be wind power; and lastly, where in Maine might it be economic to site wind power projects? Mr. Didisheim explained that this analysis is preliminary, subject to change following more detailed review; and the report would be made available to the Task Force when completed. Mr. Didisheim explained that the revised draft analysis reflects different modeling assumptions suggested by the Task Force and others, including assumptions that development in less windy areas will become economic and that more energy may be produced given technological improvements and higher turbine hub heights. Mr. Grace emphasized that these numbers are theoretical only, given underlying assumptions including those related to the efficacy of power generation in less windy areas. In response to questions, Mr. Grace observed that significant improvements in Maine's transmission infrastructure would be needed to accommodate wind development at a level needed to meet RGGI goals. Mr. Grace agreed to provide additional information on how the requisite amount of wind power could be absorbed in the ISO-NE system. Mr. Grace suggested that ISO-NE is investigating pertinent system reliability issues and that the experience in other jurisdictions suggests that the ISO-NE grid could handle the level of wind power generation the model predicts is needed to meet RGGI.

Maine Maritime Academy (MMA) professor Richard Kimball described the collaborative project of the University of Maine, MMA, and the College of the Atlantic to obtain meteorological data on Mount Desert Rock, a small island approximately 20 miles south of Northeast Harbor, Mount Desert Island. He explained that information obtained

through these efforts will be very valuable in assisting in the development of offshore technology. His presentation is available on the project website - www.maine.gov/windpower.

Next steps.

The Task Force scheduled its next meeting for February 1. The Task Force will make every effort to complete its work on this day. If necessary, the Task Force will also meet on February 8, 2008.