

Issues Associated with Permitting of Wind Power Projects in Maine

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Draft

These issues are raised for the purpose of discussion and analysis by the Governor's Task Force on Wind Power Development, and not to affect wind power projects already in the permitting process (consistent with the Executive Order establishing the Task Force).

1. Two different agencies

DEP and LURC both process wind power applications, yet they have different missions, approaches, and standards. Is this approach working, to have projects treated differently depending on whether they are in DEP or LURC jurisdiction?

2. Timeliness of permit processing

LURC workload leaves applicant uncertain about when decisions will be made. Timeline for decisions on Stetson, Black Nubble and Kibby all are up in the air.

3. Agency Resources

- a. Pending wind projects have created a high demand on LURC staff, stretching resources
- b. It is unclear that DEP would have any easier time processing several permit applications simultaneously

4. LURC Evaluation Criteria

LURC's D-PD rezoning process was not developed with wind power projects in mind. Some evaluation criteria seem to be a forced fit, causing the applicant and review agency to stretch plausibility. Other evaluation criteria are unclear. Examples include:

- a. "fits harmoniously into the landscape" – not feasible for a utility-scale wind turbine
- b. "substantially equivalent level of protection" – meaning is unclear; purpose of this criteria also unclear
- c. "no undue adverse impact"
Lack of clarity/definition of what the meaning is of "undue." Undue compared to what?
- d. "demonstrated need"
Lack of clarity about what factors are being considered for purposes of this criterion, including: types of public support, demand for power, environmental benefits, economic considerations, geographic scope of need. If energy issues are fundamental to meeting this criterion, are the right decision makers involved.

e. “best reasonably available site”
Lack of clarity about what is required of applicant to meet this criteria

f. Mitigation
No clear guidance on whether mitigation is necessary, in what circumstances, and/or what type of mitigation will be considered.

5. Clean Energy Benefits

LURC criteria do not have a clearly articulated method for considering and weighing clean energy (off-site) benefits of a proposed project. DEP approach more clearly factors in environmental/air benefits.

6. Refinement needed on existing criteria

- a. Noise – no protocols about decibel level at nearest home/property line
- b. Decommissioning – no standard approach
- c. Avian and bat study protocols
 - i. Clarity needed of what is expected based on site risks
 - ii. Clarity needed on post-construction mortality studies or mitigation

7. Expedited permitting

No system exists for expedited permitting if applicant has selected a low-conflict project site

8. Lack of Siting Guidance

- a. No clear guidance to developers about the type of sites that would face lower risk through the permitting process
- b. No established list of sites considered off-limits to wind farm development