

Report on the Viability of Wind Power Development in Maine, Maine Public Utilities Committee (Presented to the Utilities and Energy Committee of the Maine Legislature, January 27, 2005)

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In 2004, the Maine Legislature directed the Public Utilities Commission ("PUC") to study select issues regarding wind power development, assess the viability and development potential of this renewable energy option for Maine, and identify potential means to promote the industry in Maine. PUC prepared and presented its report, *Report on the Viability of Wind Power Development in Maine* (January 27, 2005), to the Legislature's Utilities and Energy Committee. The report focuses chiefly on matters regarding energy policy, economics and infrastructure and related potential obstacles to wind power development in Maine.

Parts F and G (p. 40-3) of the report's section on alternative approaches to promoting wind power siting in Maine, discuss, respectively, environmentally permitting and public acceptance in relation to wind power development. Acknowledging its lack of expertise on environmental permitting related matters that are the responsibilities of other agencies, the report suggests that consideration be given to the following recommendations based on input and observations provided during its study:

- Alternatives to improve environmental permitting (with LURC maintaining its land use planning and zoning authority in the unorganized territories). "Although the DEP and LURC do act to coordinate their processes, there may be approaches (such as placing all environmental review authority within the DEP or removing the circumstances in which both the DEP and LURC would conduct an environmental review over the same aspects of a project) that could create efficiencies, avoid duplication of effort among state agencies, and make the environmental permitting process more consistent for wind developers."
- Explicit modification of DEP's review standard to allow consideration of environmental benefits of wind facilities as part of the permitting process. "In particular, amendments should be considered that would allow the environmental review process to take into account the benefits of reduced air emissions."
- Amendment of current law to allow PUC to educate the public specifically regarding the benefits of wind power (as opposed renewable power generally), if the Legislature determines promotion of wind energy development in the State is a high priority.

In turn, the report identifies the following as approaches which likely do not merit further consideration:

- Development of separate regulations or application processes for wind power "at this early stage of the industry's development", which could be controversial, time consuming and delay project reviews. "Although the regulations are very general in nature, the current the DEP and LURC processes are quite flexible, involving a number of pre-application meetings to determine in advance the information and studies that would be necessary to support an application for a permit."
- Pre-identification of areas of the State as environmentally appropriate or inappropriate for wind development, which would be difficult, time-consuming, controversial, and inaccurate as technological changes make additional areas feasible for development. "It should be the task of project developers, at least in the first instance, to consider individual sites for their feasibility for wind development. Additionally, pre-identifying sites would likely remove certain areas from consideration, while not significantly reducing controversy regarding projects proposed for the pre-identified areas."