

STATE REGULATORY FRAMEWORK: POTENTIAL DISCUSSION TOPICS

The following ideas were suggested by and to the Task Force in its meetings to date as means to address project siting issues and concerns. (These ideas are compiled here solely for purpose of stimulating further discussion. Inclusion of an idea on this list does not reflect endorsement by state agencies or the Task Force members.)

Ideas about the regulatory framework (different models):

- Status quo. Current process and standards are adequate.
- Support for state agencies. Ensure agencies have staff and other resources that are commensurate with the anticipated level and nature of development activity and adequate to allow thorough project review within time deadlines
- "True-up processes". Make targeted changes to ensure established regulatory timelines and protocols are consistently met and implemented
- Lead agency. Establish a lead agency for permitting with responsibility for improved coordination with and among other agencies
- Single environmental agency. Assign a single state agency to evaluate environmental and other siting issues
- Model after Maine's hydropower licensing process. Establish a lead agency (LURC or DEP) that considers environmental benefits as well as harms and establishes regulatory tests designed for relevant issues.
- "Energy siting board". Assign or establish a single state agency (e.g., energy facility siting board) to regulate wind power proposals in accordance with overall state energy policy (State of New York's Public Service Agency as a possible model)
- Local review authority. Develop guidance and/or other means to inform and facilitate exercise of local zoning and land use authority regarding wind power development where appropriate
- Scoping. Ensure thorough issue scoping up-front to identify siting issues and related information needs
- Facilitate pre-filing outreach and analysis. Develop a preliminary permit (as used by FERC) or comparable means to minimize competitive disadvantage that may result from additional public outreach and information sharing before permit applications are filed

Ideas about substantive review criteria:

- Quality of place. Ensure approval criteria are adequate to protect Maine's unique quality of place (remoteness, wilderness, natural beauty and other important values)
- Effects on neighbors. Improve processes and standards for evaluation and regulation of noise, flicker and strobe effects on neighbors
- Avian and bats impacts. Clarify information requirements and improve methods of evaluating bird and bat mortality issues.

Note: various reports recommend 1) making biological studies as standardized as possible to allow for building of baseline information and to ensure fairness when dealing with different projects; and 2) collaborating with wind power developers, other stakeholders, and applicable federal agencies to create a more complete regional picture of bird and bat migration patterns and characteristics, the potential effects of wind development on these migratory species, and ways to resolve potential conflicts.

- Siting guidance. Provide pre-regulatory review siting guidance (New Hampshire stakeholder proposal a possible model) that clarifies standards and related information needs
- Advance identification (differing ideas offered):
 - * Identify areas where wind power will not be sited;
 - * Explore development of criteria to identify areas suited to wind power development and identify regulatory changes and financial incentives to facilitate siting in such areas (Maine Rivers Policy a possible model); and
 - * Rely on market forces to decide where wind power development is suitable and foregoing efforts at advance identification
- Energy and emissions-related benefits. Explore options for addressing potential benefits of wind development regarding global warming (displacement of greenhouse gas emissions) and renewable energy benefits to Maine ratepayers in environmental decision making

9.20.07

- Balancing. Make improvements needed to ensure appropriately balanced consideration of project proposals' beneficial as well as their adverse environmental effects
- Require Decommissioning planning
- Respect LURC's zoning of high mountain areas as places unsuitable for development.

Ideas about related efforts:

- Demand-side reduction and conservation. Promote demand-side reduction and energy conservation through additional public education efforts to complement and reduce related environmental effects of construction wind and other new generation