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Report of the Governor's Task Force on Wind Power Development in Maine

Summary

The Task Force on Wind Power Development in Maine was established on May 8, 2007, by an Executive Order signed by Governor John Baldacci. After months of analysis, the Task Force concluded that each of the goals established by Governor Baldacci could be achieved: Maine can become a leader in wind power development, while protecting Maine's quality of place and natural resources, and delivering meaningful benefits to the economy, environment, and Maine people.

Wind Power Development Goals: The Task Force recommends that Maine seek to host at least 2000 MW of installed wind power capacity by 2015, and at least 3,000 MW by 2020. The Task Force believes that at least 300 MW of the 2020 goal could be achieved with projects built off-shore.

Energy and Climate Context: Wind power should be developed as part of a broad energy policy to reduce dependence on fossil fuels, increase energy security, diversify energy sources, and reduce impacts caused by energy generation. Increased energy efficiency, development of other renewable energy technologies, and reduction of greenhouse gases from all sources must also be pursued. Collectively, these strategies can help Maine meet a goal of reducing greenhouse gas emissions to 10% below 1990 levels by 2020 – a goal agreed to by all New England Governors and Eastern Canadian Premiers in 2001 and enacted into Maine law in 2003.

New England Wind Resource: Because of its size and geography, Maine has as much wind resource potential onshore as the rest of New England combined. Maine should be a leader in wind power development, but the Task Force believes that the other New England states must do their part in reducing our dependence on fossil fuel and meeting our climate goals. There may be a limit to how much wind power development the people of Maine will accept over time as part of their contribution toward the broader common purpose of addressing climate change, especially if other states are not also making similar commitments.

Expedited Permitting Areas: The Task Force identified Expedited Permitting Areas in Maine where streamlined permitting procedures would apply. The Expedited Permitting Areas would include all organized towns, portions of Maine's unorganized territories that generally are on the fringe of the Land Use Regulation Commission's jurisdiction, and areas within approximately one township of certain public highways. Approximately one-third of LURC jurisdiction is proposed to be included in the Expedited Permitting Areas, and about two-thirds (approximately 14 million acres) of the entire state.

Streamlined Permitting: Within Expedited Permitting Areas, the Task Force recommends that a project's effect on scenic character be limited to consideration of the visual impact of the wind turbines on public resources of statewide or national significance. The Task Force report includes a list of such resources (Attachment G). A visual impact assessment will only be required for projects within three miles of such a resource, unless otherwise determined necessary by the permitting agency. For projects in the expedited areas within the unorganized territories, rezoning would not be required. For such projects, the Department of Environmental Protection (DEP) may assume jurisdiction for permitting if transmission lines for the project extend into organized towns. The Task Force recommends that the DEP Commissioner be responsible for issuing all original permits from that agency, with an expedited process and decisions generally expected within 185 days. The Task Force recommends that Maine's Board of Environmental Protection serve as an appeals board to decisions made by the Commissioner, and that legal appeals from decisions go directly to the Law Court rather than to Superior Court.

Consistent Permitting Processes: The Task Force recommends that DEP and LURC harmonize their two regulatory approaches to wind power projects, to facilitate the process of reaching decisions as soon as practicable.

Permitting Standards: The Task Force recommends that LURC adopt DEP’s approach and standards for the review of bird and bat impacts, noise, shadow flicker, and impacts on scenic resources of state and national significance. (See Attachments G and M of report).

Guidance for Bird and Bat Studies: The Task Force endorsed guidelines for assessing potential avian and bat impacts, noise impacts, and shadow flicker, and recommends that these approaches be utilized by review agencies – as deemed appropriate given professional and scientific judgment and changes in the state of the science on these issues.

Tangible Benefits for Maine People: The Task Force believes that wind power can be developed in a fashion in Maine that contributes tangible benefits to Maine people and our economy. Consistent with this objective, the Task Force recommends adding regulatory review criteria for wind projects requiring applicants to provide a showing of significant benefits to Maine people and our environment, and to describe those benefits in their application. Such benefits may include construction-related employment; local purchase of materials; property taxes; reduced electrical rates; natural resource conservation; or other comparable benefits, with particular assurance of such benefits to the host community.

Economic Benefits: The level of wind power proposed by the Task Force could provide significant economic benefits for Maine. Construction of 3000 MW of wind farms would involve billions of dollars in capital investment and would generate more than \$25 million in annual property payments. Lease payments also could be substantial. If projects are built in lower-lying areas, such as under consideration in Aroostook County, then lease payments to farmland owners could represent a significant new source of revenue. Construction of wind projects would involve dozens of Maine companies and employ hundreds of workers over an extended period. Each megawatt of installed capacity is likely to generate over \$125,000 in construction wages.

Community Wind Power: The Task Force believes that small- and community-scale wind power projects have a meaningful role in Maine, and could be facilitated through development of a model municipal ordinance, actions to remove obstacles at the pre-construction stage, creation of a data clearinghouse, and establishment of a

range of financial incentives. Specific recommendations are provided by the Task Force in each of these areas.

Offshore Wind Power: Offshore wind power projects may not be economically viable in the near term, yet the Task Force strongly recommends that Maine actively work to understand the potential for offshore projects and be in a position to promote such projects as the technology and economics allow. Specifically, the State should develop rules regarding leasing for large scale projects that would utilize the state’s submerged lands; develop guidance regarding siting of offshore projects; monitor federal regulatory programs for offshore wind; and help Maine’s universities, colleges, and private engineering and construction firms explore ways to become leaders in offshore wind power.

Tracking Progress: The Task Force recommends that the Office of Energy Independence and Security on an annual basis track progress toward meeting Maine’s wind power development goals. The Task Force also recommends that a comprehensive assessment be conducted in five years, by December 2013. The full review should assess the status of meeting the 2015 goal and likelihood of achieving the 2020 goal; examine experiences in the permitting process; review technology trends and developer projections; and evaluate progress by Maine and each of the New England states in making progress toward reducing greenhouse gas emissions. The assessment should provide recommendations to the Legislature, including any revisions deemed appropriate to the wind power development goals, permitting process, and policies.

