



March 23, 2017

Senator Tom Saviello, Chair
Representative Ralph Tucker, Chair
Committee on Environment and Natural Resources
100 State House Station
Augusta, ME 04333-0100

RE: Testimony in Opposition – LD 901, "An Act To Amend the Laws Governing the Determination of a Wind Energy Development's Effect on the Scenic Character of Maine's Special Places"

Chairman Saviello, Chairman Tucker, members of the Environment and Natural Resources Committee, my name is Jeremy Payne and I am the Executive Director of the Maine Renewable Energy Association (MREA). MREA is a not-for-profit association of renewable power producers, suppliers of goods and services to those producers, and other supporters of the industry. MREA members manufacture electricity in a sustainable manner from hydro, biomass, wind, tidal, solar, and waste to energy.

The MREA is opposed to LD 901 as it would be a dramatic expansion of an already unpredictable subjective visual standard. In fact, this bill's title could easily be renamed "An Act to Expand Subjectivity." As children, many of us heard our parents say "beauty is in the eye of the beholder" – we can reasonably conclude that some people find wind farms to be visually appealing, a sign of energy independence, or in many important cases the ability to build these farms represents a job and food on their family's dinner table. And still others do not share those opinions. Given this, we are perplexed by the idea that expanding a subjective standard further will provide greater clarity. To that end, we have included in our testimony some very recent photos taken of the Saddleback Ridge Wind Farm from various distances that articulate a few points: 1) how difficult it is to see turbines at even six miles, and also at 7.6 miles; 2) that existing regulations are indeed protection of scenic vistas; and 3) precisely how subjective a statutory visual standard can be.

We have heard supporters say this bill "isn't a prohibition on wind development, but is an update to reflect changing industry standards" – but expanding subjectivity will only lead to one reasonable outcome: more denials, and less investment and employment for Maine and Maine companies.

Specifically, what would this bill change? Current statute requires the Department of Environmental Protection (DEP) to consider visual impacts on Scenic Resources of State or

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National Significance (SRSNS) through a Visual Impact Assessment (VIA) if a proposed wind farm has resources within three miles. DEP may also require a VIA out to eight miles, but most applicants have chosen to proactively provide that VIA beyond the three mile requirement. Under current law, the three mile regulatory review impacts 2,304 square miles. **If LD 901 were to become law, this impact balloons to 9,244 square miles, or 5.9 million acres.** This means this bill would impact well over a quarter of the state's land mass.

We have had a number of very respectful and productive conversations with various representatives of the Appalachian Trail (AT) advocacy groups over the last six months; however, we have been unable to identify a middle ground regarding their desires to add additional protections, and our needs to ensure opportunities for development and employment across Maine. While we certainly appreciate their attempt to narrow the scope of this proposal, the practical impact of the restrictions for these viewpoints along the AT creates one long continuous 15-mile protection area along the entire trail. Thus, the scope has effectively not been narrowed at all as you can see in the images attached to this testimony.

There are other approaches that could be pursued by the bill proponents through conservation easements and other land purchases. We have attached a recent example that occurred as part of the Bingham Wind Farm settlement, whereby the developer agreed to provide \$2.75 million for various conservation projects. We believe these types of arrangements are the kind that engenders good will between land conservation groups, landowners, project investors, and interested parties alike.

Here are two vital examples of what is at risk if we over-regulate this industry and permanently scare off its investment:

In 2015, we asked Economics Professor Charlie Colgan to examine the investment and employment benefits of wind farm development, and his findings were clear and undeniable: wind is good for Maine's economy, environment, and energy independence. Specifically, in 2015 helped to create and support 4,200 jobs – the vast majority of which are in rural areas of western, eastern, and northern Maine. Also, wind farm development was projected to provide more than \$250 million in employee earnings.

Additionally, a 2015 report completed by Sustainable Energy Advantage titled "Analysis of Estimated Emissions Benefits of Maine Wind Farm Generation" found that our wind fleet is allowing Maine to avoid very harmful emissions and pollutants from fossil fuel power plants. For example, in 2013 our wind farms helped to avoid carbon dioxide emissions equal to removing the pollution of 94,000 passenger vehicles. By 2020 that number is projected to grow to avoiding the pollution of approximately 400,000 cars, which is nearly half of all registered vehicles in the state.

In conclusion, we object to further expansion to an already unpredictable and subjective standard. This bill would greatly expand the DEP-enforced regulations and potentially derail the critical economic and environmental benefits it provides to the state.

We respectfully urge you to vote ought not to pass.¹

Thank you for your time and consideration.

¹ All of the views expressed in this document do not necessarily represent the positions of each of our members. Since MREA represents a broad spectrum of companies, we anticipate some members may submit comments of their own.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Payne', written over a large, stylized circular flourish.

Jeremy N. Payne
Executive Director