



Natural Resources Council of Maine

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April 8, 2013

Senator Jim Boyle, Chair
Representative Joan Welsh, Chair
Joint Standing Committee on Environment & Natural Resources

Testimony of the Natural Resources Council of Maine

Neither For Nor Against LD 1147, “An Act to Protect Maine’s Scenic Character”

Senator Boyle and Representative Welsh,

NRCM has been an active participant in the development of wind power in Maine, helping craft policy and being involved in the permitting process for many individual projects. NRCM served on the Governor’s Wind Energy Task Force that worked for over a year to craft a set of balanced recommendations that led to Maine’s Wind Energy Act in 2008. The purpose of that Act was to foster greater wind power in Maine while protecting Maine’s environment and ensuring wind development benefited our economy and local communities. LD 1147 would significantly amend several aspects of that Act.

We believe wind power is an essential component of increasing Maine’s energy independence, reducing the harmful effects of power plant pollution, and providing economic benefits to Maine businesses, workers and ratepayers. All energy sources, even renewable ones like wind power have some negative impacts.¹ If we cannot accept some of the impacts of wind power, we will likely suffer greater impacts from alternatives. However while wind power can help protect the broader Maine environment from negative effects of climate change and air pollution, it can also unduly impact ecosystems and landscapes if not properly sited. Maine’s permitting laws must provide adequate guidance to ensure the proper balance between competing state goals of increasing renewable energy and protecting ecosystems and landscapes.

NRCM supports two concepts in the bill, although each probably needs further discussion and refinement: considering cumulative impacts and scenic impacts beyond 8 miles in some circumstances. Passage of some language on these two concepts would improve wind permitting in Maine without upsetting the careful balance between goals.

Because this committee has not been directly involved in most of the Wind Energy Act, we offer this brief summary of the substantive elements of the Act. When this committee considers amendments proposed in this bill, it is important to focus on the actual changes the Act made.

¹ This is yet another reason why reducing energy waste through energy efficiency is so valuable and should be a top priority.

1. **Making wind power an allowed use in 1/3 of the unorganized territory (UT); wind power projects otherwise would have required rezoning.**

Rezoning for major development in the UT is an intensive and time consuming process. In addition, leaving 2/3 of the UT—the core of Maine’s North Woods—outside the “expedited permitting area” helps guide development away from the most remote areas so essential to Maine’s character.

2. **Changing the standard for evaluating impacts on scenic resources and related uses to one more specifically tailored to wind development.**

35-A MRSA §3452 defines the evaluation criteria for assessing unreasonable (i.e. undue) adverse impacts, and limits the scope of scenic impacts considered to specified types of scenic resources within 8 miles of a proposed project.

3. **Limiting the role of the Board of Environmental Protection (BEP) to appeals of Department permitting decisions, and expediting appeals of BEP decisions directly to the Law Court.**
4. **Setting specific, ambitious goals for wind development in Maine.** These non-binding goals were based on an analysis of Maine’s wind power potential and our goals for reducing greenhouse gas emissions.
5. **Requiring wind development to provide tangible benefits to host communities,** which was further specified as a minimum of \$4000/year/turbine in excess of property taxes through a community benefits package that could include a variety of uses.
6. **A variety of more minor changes to make the permitting process more consistent across wind projects,** such as ensuring noise standards apply even to non-Site Law projects or listing the requirements for permit applications.

Between LD 1147 and several bills at the Energy, Utilities & Technology committee, the first three of these elements have been brought forward for repeal or significant amendment this year.²

NRCM supports two concepts in the bill, although each probably needs further discussion and refinement. One is the **clear inclusion of cumulative impacts in evaluating scenic impacts from wind power (included in section 1 of the bill.)** Cumulative impacts were recognized by the Wind Power Task Force as an issue needing attention, but there was no adequate policy framework developed at the time to fairly and predictably limit undue cumulative impacts. Indeed, such a framework will require additional work to develop, through further study, stakeholder process or

² NRCM helped develop LD 385, which would expand public participation in permitting, limit impacts to high elevation subalpine habitat, and allow the Department to require mitigation technologies that can reduce impacts.

rulemaking. It was also difficult to foresee precisely how wind projects would be developed across the Maine landscape. Now that Maine has moved from just a few initial wind projects to a dozen, the time has come to grapple further with cumulative impacts.

There can be several types of cumulative impact, for example:

1. Combined or Successive: Where a viewer sees multiple wind facilities or groups of turbines from a stationary point, either in one direction or multiple;
2. Sequential: Where a viewer sees more than one wind project as he/she travels along a linear route (trail, road, water body.)³ This may also apply to viewers who travel across a region or use resources of a particular scenic type, such as scenic lakes.

Regarding the geographic scope or distance for evaluating scenic impacts, we think there are circumstances where looking beyond 8 miles may be appropriate. Whether the limit should be 10, 12 or 15 miles, we are not sure, and the committee may need to consider that further. It would be most helpful to identify specific circumstances when considering impacts beyond 8 miles would be most important. For example, scenic impacts on hiking trails and mountain resources are more likely to carry across long distances than impacts on scenic ponds.

In conclusion, this bill contains a variety of provisions that must be carefully examined. We are very concerned that we maintain the balance between protection of Maine's scenic and remote resources and the need for wind power development to help address the problems of climate change. We believe there should be clear evidence of a problem, and a well-tailored solution, before you should make significant changes to the Wind Energy Act, and in concept we support the two provisions we have described.

Thank you,



Dylan Voorhees
Clean Energy Director

³ Wind Power Report of Office of Energy Independence and Security, March 2012