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**Testimony in Support of 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"**

March 23, 2017

Good afternoon Senator Saviello, Representative Tucker, and members of the Environment and Natural Resources Committee. My name is Eliza Donoghue and I am the Forests and Wildlife Policy Advocate for the Natural Resources Council of Maine. I am here today on behalf of NRCM's 20,000 members and supporters in support of 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."

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 more than 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.

Background

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. If we cannot accept some of the impacts of wind power, we will likely suffer greater impacts from the status quo alternative. 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.

To put our comments in context, we offer a brief summary of key elements of the Wind Energy Act.

The Wind Energy Act:

1. Made wind power an allowed use in one-third of the Unorganized Territory; wind power projects in that area otherwise would have required rezoning.

2. **Changed 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 eight miles of a proposed project.

3. **Set specific, ambitious, non-binding goals for wind development in Maine.**

4. **Required wind development to provide tangible benefits to host communities,** which was further specified as a minimum of $4000/year/turbine (in addition to property taxes) through a community benefits package that could include a variety of uses.

5. **Made 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 and limited the role of the Board of Environmental Protection (BEP) to appeals of Department of Environmental Protection (DEP) permitting decisions, and expediting appeals of BEP decisions directly to the Law Court.

Scope of Scenic Impact Analysis

When the Wind Act was adopted, we had no experience with operating wind projects in Maine. Now, nine years later, we have a number of operating wind projects throughout the state. Based on that experience, we have concluded that the geographic scope or distance for evaluating scenic impacts should be increased from the current eight miles in certain circumstances. This conclusion is based on general experience in Maine with the development of the currently operating wind projects, as well as the fact that turbines continue to get taller. The fact that the turbines are taller is probably a net benefit from a siting perspective, because taller, more efficient turbines generate more clean electricity—that means fewer turbines and fewer projects are needed to achieve a given output. However the increase in height of turbines is significant—from below 400 feet previously to 500-600 feet today.

This height increase increases the geographic range in which scenic impacts are felt. Based on the experience to date, we are convinced that for certain particularly high-quality special places, the analysis of the impacts of a proposed wind project should extend to 15 miles from the project. The bill does not change the regulatory standard, nor in any way prohibits development within 15 miles of one of the scenic resources in the bill. It only broadens the geographic scope of review. Like the current eight miles, there is nothing magical about 15 miles; impacts don't change much from 14.9 miles to 15.1 miles. However it gives developers important predictability to have a specific cut-off range, further than which impacts will not be considered.

This concept has been presented in bills in previous sessions. NRCM has not previously supported those bills because we felt the increase in the geographic range was too broad and upset the balance in the Maine Wind Act between the sometimes competing state goals of increasing

renewable energy and protecting ecosystems and landscapes. However, the bill presented today is limited in scope in that it specifically lists those particularly high-quality special places that would warrant a 15-mile visual impact assessment. For the most part (i.e., except Baxter State Park), it is limited to scenic resources of national significance, in comparison to the full list of "scenic resources of state or national significance" for which the current eight-mile range for visual impact assessment would continue. We believe that this bill maintains the proper balance between those competing state goals.

We urge the Committee to vote Ought to Pass on LD 901.

Thank you.