

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Maine Land Use Regulation Commission

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CHAPTER NUMBER AND RULE TITLE: Amendment of Appendix F: Expedited Wind Energy Development Area Designation, Chapter 10, Land Use Districts and Standards

STATUTORY AUTHORITY: 12 MRSA, §§ 684; 685-A(7-A), (13); 685-C(5)

DATE AND PLACE OF PUBLIC HEARING:

Part I - December 16, 2009, at the Senator Inn, 284 Western Ave., Augusta, ME, starting at 9:00 am.

Part II - March 17, 2010, at Sugarloaf Inn, 5092 Sugarloaf Access Rd., Carrabassett Valley, starting at 10:00 am.

COMMENT DEADLINE:

Following the close of Part II of the hearing, there will be an additional 10 day period for written comments to be submitted ending on March 29, 2010, followed by a 7 day rebuttal period ending on April 5, 2010, at which time the record for the rulemaking will close.

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

The 123rd legislature enacted, “An Act to Implement Recommendations of the Governor’s Task Force on Wind Power Development”, Public Law 2007, Chapter 661 as emergency legislation that became effective April 18, 2008. The Act established the expedited permitting area for wind energy development in the jurisdiction of the Land Use Regulation Commission, and subsequently the Commission adopted through rule-making the description and map of the expedited permitting area. The description and map of the expedited permitting area were placed into the Commission’s rules as Appendix F to Chapter 10 Land Use Districts and Standards. 12 M.R.S. § 685-A(13) provides for expansion of the expedited permitting area by the Commission in accordance with 35-A M.R.S. § 3453, which states:

“The Maine Land Use Regulation Commission may, by rule adopted in accordance with Title 5, chapter 375, add a specified place in the State’s unorganized or de-organized areas to the expedited permitting area. In order to add a specified place to

the expedited permitting area, the Maine Land Use Regulation Commission must determine that the proposed addition to the expedited permitting area:

1. **Geographic extension.** Involves a logical geographic extension of the currently designated expedited permitting area;
2. **Meets state goals.** Is important to meeting the state goals for wind energy development established in § 3404; and
3. **Principal values and goals.** Would not compromise the principal values and the goals identified in the comprehensive land use plan adopted by the Maine Land Use Regulation Commission pursuant to Title 12, § 685-C.

Rules adopted by the Maine Land Use Regulation Commission pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.”

TransCanada Maine Wind Development, Inc. has proposed a rule change that would add a 631-acre parcel to the expedited permitting area for wind energy development in Chain of Ponds Township, Franklin County. The purpose of the proposed addition is to provide a future expansion opportunity for the existing Kibby Wind Project, which is currently wholly located within the expedited permitting area in Kibby and Skinner Twps.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

By adding the parcel to the expedited permitting area, any future wind energy development located within that parcel would be subject to the provisions of PL 2007, chapter 661. In the expedited permitting area, wind energy development is an allowed use with a permit, and no subdistrict rezoning is required.

FISCAL IMPACT OF THE RULE: None