



STATE OF MAINE

JOHN E. BALDACCI  
GOVERNOR

DEPARTMENT OF CONSERVATION  
LAND USE REGULATION COMMISSION  
18 ELKINS LANE - HARLOW BUILDING  
22 STATE HOUSE STATION  
AUGUSTA, ME 04333-0022



PATRICK McGOWAN  
COMMISSIONER

## MEMORANDUM

July 27, 2009

**To:** Commission Members

**From:** Marcia Spencer Famous, Senior Planner

**Re:** Proposed Changes to Appendix F: Expedited Wind Energy Development Area Designation; Chapter 10, "Land Use Districts and Standards for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission"

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### 1. Staff initiated corrections to the expedited permitting area

#### A. *Background.*

- (1) On April 18, 2008, "An Act to Implement Recommendations of the Governor's Task Force on Wind Power Development", P.L. 2007, ch. 661 became effective. The so-called "Wind Act" required certain actions by the Commission by September 1, 2008:
  - Identify within the Commission's rules specific places within the jurisdiction as an "expedited permitting area" identified in the Wind Act.
  - Identify "expedited wind energy development" as a permitted use in all Commission zoning subdistricts.
- (2) On October 1, 2008, the Commission adopted as Appendix F to Chapter 10 of its Land Use Districts and Standards the written description of the windpower expedited permitting area and the map of this area within the jurisdiction. The adopted map and written description are included with this memo as Attachment 1.

B. *Minor error correction.* Staff identified a typographical error in the introductory paragraph to Appendix F to Chapter 10, "Land Use Districts and Standards for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission". The correction changes "PL 2008, Chapter 661" to "P.L. 2007, ch. 661". The draft rule change to correct this formatting error is contained in Attachment 2.

C. *P.L. 2009, ch. 415, Part D.* On June 17, 2009, P.L. 2009, ch. 415, Part D (LD 1475), was signed into law. As stated in the summary of Part D of this bill:

- (1) Part D of P.L. 2009, ch. 415 "corrects discrepancies between the GIS shape file for the windpower expedited permitting area recommended by the Governor's Wind Energy Development Task Force and the written description of the areas corresponding to the shape file included in legislation adopting this Task Force

recommendation. The corrections to the description of the areas in Chain of Ponds and T25 MD BPP were identified prior to enactment of the legislation but were never incorporated into the final language of the bill. The corrections to the description for Skinner Township were discovered during the recent process of reviewing the legislation.”

- (2) P.L. 2009, ch. 415 also “deletes a reference to the time period after the enactment of P.L. 2007, ch. 661 and the effective date of rulemaking by the Maine Land Use Regulation Commission. During this time period, the language of P.L. 2007, ch. 661 delineated the expedited permitting area. The Maine Land Use Regulation Commission has authority to increase the area through rulemaking, but may not decrease the area established by P.L. 2007, ch. 661. The Maine Land Use Regulation Commission adopted rules that copy the language in P.L. 2007, ch. 661, so the inaccuracies are now in the rules. The amendment in Part D, section 1 increases the area of the expedited permitting area in the law; once Part D, section 2 goes into effect, the area defined by the Maine Land Use Regulation Commission rules will be smaller than that defined by law. Part D, section 2 deletes the transition period language to make clear that the law, as contained in Part D, section 2, takes precedence over the Maine Land Use Regulation Commission's rules.”
- (3) P.L. 2009, ch. 415 “directs the Maine Land Use Regulation Commission to change its rules to be consistent with these changes.”

D. The draft rule change pursuant to Part D of P.L. 2009, ch. 415 is included herein as Attachment 3. The other relevant sections of Part D of P.L. 2009, ch. 415 are contained in Attachment 4. The draft rule change pursuant to P.L. 2009, ch. 415 will be posted on LURC's website.

E. *Staff recommendation.* Staff recommends that the Commission release the draft rule changes in Attachments 2 and 3 for a 30 day written comment period.

## **2. TransCanada Maine Wind Development, Inc. petition to initiate Commission rulemaking to add to the windpower expedited permitting area**

- A. *Background.* On March 5, 2008, the Commission granted approval to TransCanada Maine Wind Development, Inc. (hereinafter “TransCanada”) for Zoning Petition ZP 709 to rezone two parcels located in Kibby Twp., and Skinner Twp., Franklin County for the purpose of constructing a wind energy development. On July 9, 2008, the Commission granted approval for Development Permit DP 4794 to TransCanada for the Kibby Wind Power Project (hereinafter “Kibby Project”), which is currently under construction. Kibby Twp. and the portion of Skinner Twp. where the Kibby Project is located are within the windpower expedited permitting area.
- B. *Proposal.* On July 1, 2009, TransCanada submitted to LURC a petition to initiate Commission rule-making to add to the windpower expedited permitting area an approximately 631 acre parcel located in Chain of Ponds Twp., Franklin County. The parcel abuts Kibby Twp., which lies within the windpower expedited permitting area designated by P.L. 2007, ch. 661, and adopted in rule by the Commission on October 1,

2008. The purpose of the proposed addition is to construct a wind energy facility that would be connected to the existing Kibby Project (reference Zoning Petition ZP 709 and Development Permit DP 4794). The draft proposed rule change for the addition to the windpower expedited permitting area is included herein as Attachment 5.

- C. In support of its proposal to initiate Commission rulemaking, TransCanada provided a draft of the proposed rule-change, and statements of: project purpose; the proposal and location maps; project financing/feasibility; project schedule; availability of transmission capacity; and title, right and interest. TransCanada also addressed the three relevant provisions of P.L. 2007, ch. 661 quoted above. Finally, TransCanada submitted a letter of support from an underlying landowner, a copy of the 2008 report of the Governor's Task Force on Wind Power Development, a copy of Zoning Petition ZP 709, a U.S. wind resource map, Section 9.4 of the application for ZP 709, the Kibby Visual Assessment included with ZP 709, and Dave Rocque's April 30, 2007 review comments on ZP 709. The petition submitted by TransCanada is available for public inspection, including being posted on LURC's website:

<http://www.maine.gov/doc/lurc/projects/Transcanada/Transcanada.shtml>

- D. P.L. 2007, ch. 661 provided for the following in Title 12, § 685-A(13):

*"Additions to expedited permitting area for wind energy development.* The commission may add areas in the State's unorganized and deorganized areas to the expedited permitting area for wind energy development in accordance with Title 35-A, § 3453." [see Title 12, § 685-A(13)]

P.L. 2007, ch. 661 also provided in Title 35-A, § 3453 that for the Commission to add a specified place to the expedited permitting area, it must determine the proposed addition would:

- (1) "Involve a logical geographic extension of the currently designated expedited permitting area;
- (2) Is important to meeting the state goals for wind energy development established in § 3404; and
- (3) 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." [see Title 35-A, § 3453]

- E. Excerpts from P.L. 2007, ch. 661 applicable to the expansion of the expedited permitting area are included herein as Attachment 6. The entire Act can be found on the web at <http://janus.state.me.us/legis/ros/lom/LOM123rd/123S1/PUBLIC661.asp>

- G. *Staff recommendation.* Staff recommends that the Commission release the draft rule change to expand the expedited permitting area proposed by TransCanada (Attachment 5) for a 30 day written comment period. In addition, staff recommends that the Commission grant approval to hold public hearing on the proposed rule change. Staff further requests that the Commission grant approval for staff to set the dates of the public comment period and the public hearing date.

### **3. Rulemaking procedures**

As Attachments 2, 3, and 5 are proposed changes to rules, they are subject to the provisions of LURC's Chapters 4 and 5 as well as the APA procedural guidelines for rulemaking and not to the provisions applicable to rezonings or permit applications. Thus, if the Commission initiates rulemaking, the public notices and time periods will follow the provisions for rulemaking. In addition, the rulemaking process does not include Intervenors, pre-filed testimony, or a prehearing conference. However, the public may comment during the 30 day comment period on the three rulemaking actions outlined above in Sections #1 and #2; and may testify at the public hearing regarding the proposal by TransCanada to expand the expedited permitting area (Section #2). All comments on each rule change would be incorporated into a basis statement and summary of comments, which would then be brought back to the Commission along with the draft rule for decision. It is at that time the Commission would determine whether the addition to the expedited permitting area satisfies the criteria set forth in Title 35-A, § 3453, and thus whether to amend the rule to add the specified place proposed by TransCanada.

LURC's website will be updated as needed to keep the public informed of deadlines and other events related to the rulemaking proposed herein.

### **Attachments**

1. Appendix F of Chapter 10, the Commission's Land Use Districts and Standards: Existing written description and map of expedited permitting area
2. Correction of typographical error in introductory paragraph to Appendix F to Chapter 10
3. Draft rule change in accordance with Part D of P.L. 2009, ch. 415 [reference LD 1475, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"]
4. Other sections of Part D of P.L. 2009, ch. 415
5. Draft rule change proposed by TransCanada to expand the windpower expedited permitting area; map of proposed expansion area
6. Excerpts from P.L. 2007, ch. 661 relevant to expanding the expedited area

## **Attachment 1: Appendix F to Chapter 10: Existing written description and map of expedited permitting area**

### **APPENDIX F. EXPEDITED WIND ENERGY DEVELOPMENT AREA DESIGNATION**

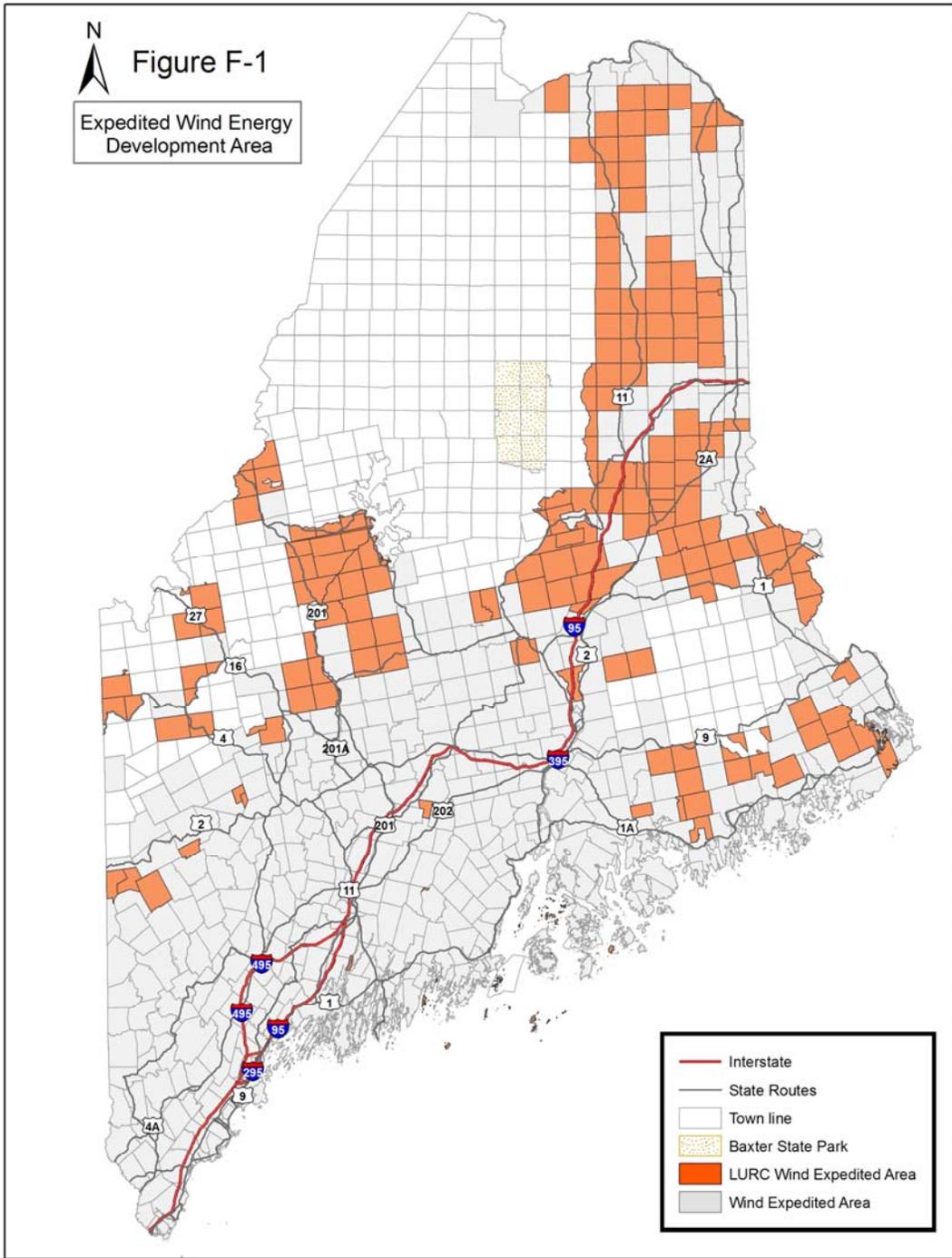
The following areas, not including areas below the high water mark of tidal waters, comprise the expedited permitting area for wind energy development to accomplish the purpose of “An Act to Implement Recommendations of the Governor’s Task Force on Wind Power Development”, PL 2008, Chapter 661. The Commission may add areas within its jurisdiction to the expedited permitting area for wind energy development in accordance with Title 35-A, section 3453.

**1. Entire townships and plantations.** The following entire townships and plantations: Albany Twp., 17802; Alder Stream Twp., 07801; Argyle Twp., 19801; Bald Mountain Twp., T2 R3, 25805; Baring Plt., 29040; Barnard Twp., 21030; Batchelders Grant Twp., 17805; Benedicta Twp., 03050; Big Moose Twp., 21801; Blake Gore, 25811; Blanchard Twp., 21040; Brookton Twp., 29801; Carroll Plt., 19080; Carrying Place Twp., 25860; Cary Plt., 03090; Centerville Twp., 29080; Chase Stream Twp., 25816; Chester, 19100; Codyville Plt., 29110; Concord Twp., 25818; Connor Twp., 03802; Cove Point Twp., 21805; Cox Patent, 03803; Cross Lake Twp., 03899; Cyr Plt., 03140; Dennistown Plt., 25090; Drew Plt., 19160; Dudley Twp., 03804; Dyer Twp., 29803; E Twp., 03160; East Moxie Twp., 25821; Edmunds Twp., 29804; Fletchers Landing Twp., 09804; Forest City Twp., 29806; Forest Twp., 29805; Forkstown Twp., 03805; Fowler Twp., 29807; Freeman Twp., 07808; Garfield Plt., 03220; Glenwood Plt., 03230; Grand Falls Twp., 19250; Grindstone Twp., 19802; Hamlin, 03250; Hammond, 03260; Harfords Point Twp., 21811; Herseytown Twp., 19803; Hibberts Gore, 15801; Highland Plt., 25150; Hopkins Academy Grant Twp., 19804; Indian Stream Twp., 25828; Jim Pond Twp., 07811; Johnson Mountain Twp., 25829; Kibby Twp., 07812; Kingman Twp., 19808; Kingsbury Plt., 21110; Lake View Plt., 21120; Lambert Lake Twp., 29809; Lexington Twp., 25831; Macwahoc Plt., 03360; Marion Twp., 29810; Mason Twp., 17811; Mattamiscotis Twp., 19810; Mayfield Twp., 25835; Milton Twp., 17812; Misery Gore Twp., 25837; Misery Twp., 25836; Molunkus Twp., 03806; Moosehead Junction Twp., 21816; Moro Plt., 03430; Mount Chase, 19450; Moxie Gore, 25838; Nashville Plt., 03440; No. 14 Twp., 29330; North Yarmouth Academy Grant Twp., 03807; Orneville Twp., 21821; Osborn, 09230; Oxbow Plt., 03500; Parkertown Twp., 17814; Parlin Pond Twp., 25839; Perkins Twp., 07818; Perkins Twp. Swan Island, 23801; Pleasant Ridge Plt., 25250; Prentiss Twp., T4 R4 NBKP, 25843; Prentiss Twp., T7 R3 NBPP, 19540; Rangeley Plt., 07160; Reed Plt., 03540; Saint Croix Twp., 03808; Saint John Plt., 03570; Sandbar Tract Twp., 25848; Sandy Bay Twp., 25850; Sandy River Plt., 07170; Sapling Twp., 25851; Seboeis Plt., 19550; Silver Ridge Twp., 03809; Squapan Twp., 03810; Squaretown Twp., 25854; Summit Twp., 19812; T1 R5 WELS, 03816; T1 R6 WELS, 19815; T10 R3 WELS, 03829; T10 R6 WELS, 03830; T10 SD, 09806; T11 R3 NBPP, 29817; T11 R4 WELS, 03833; T13 R5 WELS, 03856; T14 R5 WELS, 03867; T14 R6 WELS, 03868; T15 R5 WELS, 03879; T15 R6 WELS, 03880; T16 MD, 09807; T16 R4 WELS, 03889; T16 R5 WELS, 03890; T16 R6 WELS, 03891; T17 R3 WELS, 03897; T17 R4 WELS, 03898; T18 ED BPP, 29818; T18 MD BPP, 29819; T19 ED BPP, 29820; T19 MD BPP, 29821; T2 R4 WELS, 03817; T2 R8 NWP, 19817; T2 R9 NWP, 19819; T22 MD, 09808; T3 Indian Purchase Twp., 19806; T3 R3 WELS, 03818; T3 R4 WELS, 03819; T3 R9 NWP, 19823; T4 R3 WELS, 03820; T6 R6 WELS, 19829;

T7 R5 WELS, 03821; T7 R6 WELS, 19832; T7 SD, 09803; T8 R3 NBPP, 29815; T8 R3 WELS, 03822; T8 R4 NBPP, 29816; T8 R5 WELS, 03823; T8 R6 WELS, 19835; T9 R3 WELS, 03824; T9 R4 WELS, 03825; T9 R5 WELS, 03826; T9 SD, 09805; TA R2 WELS, 03813; TA R7 WELS, 19814; Taunton & Raynham Academy Grant, 25803; TC R2 WELS, 03814; TD R2 WELS, 03815; The Forks Plt., 25320; Trescott Twp., 29811; Unity Twp., 11801; Upper Molunkus Twp., 03811; Washington Twp., 07827; Webbertown Twp., 03812; Webster Plt., 19600; West Forks Plt., 25330; Williamsburg Twp., 21827; and Winterville Plt., 03680;

**2. Portions of townships and plantations.** The following portions of townships and plantations: that portion of Adamstown Twp., 17801, north of Route 16; Bald Mountain Twp., T4 R3, 25806, excluding areas of Boundary Bald Mountain above 2,700 feet in elevation; a 146.6-acre parcel in the northeast corner of the Chain of Ponds, 07803, along the border with Canada; the portion of Coplin Plt., 07040, north of Route 16; the portion of Dallas Plt., 07050, north of Route 16; the portion of Ebeemee Twp., 21853, east of Route 11; the portion of Kossuth Twp., 29808, north of Route 6; the portion of Lang Twp., 07813, north of Route 16; the portion of Lincoln Plt., 17160, north of Route 16; the portion of Long A Twp., 19809, east of Route 11; the portion of Long Pond Twp., 25833, south of Long Pond and Moose River; the 487.5-acre area above the 2,040-foot elevation around Green Top in Lynchtown Twp., 17810; the portion of Rockwood Strip T1 R1 NBKP, 25844, south of Moose River, Little Brassua Lake and Brassua Lake; the portion of Rockwood Strip T2 R1 NBKP, 25845, south of Little Brassua Lake and Brassua Lake; the portion of Salem Twp., 07820, south of Route 142; the portion of Sandwich Academy Grant Twp., 25849, south of Moose River, Little Brassua Lake and Brassua Lake; that portion of Skinner Twp., 07822, composed of the 193.3-acre area that follows the ridge to Kibby Mountain, bounded on the east and west by the 2,820-foot contour, on the south by the town line and on the north by the line from the 2,820-foot contour through the 3,220-foot contour from Kibby Mountain; the portion of Soldiertown Twp., T2 R7 WELS, 19811, east of the East Branch Penobscot River; the portion of T1 R8 WELS, 19816, south of Millinocket Lake; the portion of T1 R9 WELS, 21833, southeast of Ambajejus Lake; T24 MD BPP, 29822, excluding a one-mile buffer around Mopang Stream; the 51.9-acre area in T25 MD BPP, 29823, encompassing Black Brook and Black Brook Pond, and the area northeast of Holmes Falls Road; the portion of T3 R7 WELS, 19821, east of the Seboeis River and East Branch Penobscot River; the portions of T4 Indian Purchase Twp., 19807, area northeast of North Twin Lake and south of Route 11; the portion of T4 R7 WELS, 19824, east of the Seboeis River; the portion of T4 R9 NWP, 21845, east of Route 11; the portion of T5 R7 WELS, 19827, east of the Seboeis River; and the portion of T6 R7 WELS, 19830, east of the Seboeis River; and

3. Coastal islands in unorganized and deorganized area. All islands located in waters subject to tidal influence that are within the unorganized and deorganized areas of the State.



## **Attachment 2**

DEPARTMENT OF CONSERVATION

LAND USE REGULATION COMMISSION

### **DRAFT RULE CHANGES REGARDING AMENDMENTS TO WINDPOWER EXPEDITED PERMITTING AREA**

**DRAFT August 5, 2009**

Proposed Change to Chapter 10, “Land Use Districts and Standards for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission”

**The introductory paragraph of Appendix F to Chapter 10, “Land Use Districts and Standards for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission” is amended to read:**

The following areas, not including areas below the high water mark of tidal waters, comprise the expedited permitting area for wind energy development to accomplish the purpose of “An Act to Implement Recommendations of the Governor’s Task Force on Wind Power Development”, ~~PL 2008 P.L. 2007~~, ~~Chapter~~ 661. The Commission may add areas within its jurisdiction to the expedited permitting area for wind energy development in accordance with Title 35-A, section 3453.

## Attachment 3

### DEPARTMENT OF CONSERVATION

### LAND USE REGULATION COMMISSION

## DRAFT RULE CHANGES REGARDING AMENDMENTS TO WINDPOWER EXPEDITED PERMITTING AREA

DRAFT August 5, 2009

Proposed Change to Chapter 10, "Land Use Districts and Standards for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission"

Draft rule change pursuant to P.L. 2009, ch. 415 "An Act To Correct Errors and Inconsistencies in the Laws of Maine", Part D; (LD 1475), effective June 17, 2009, which amended P.L. 2007, ch. 661, § C-6, sub-§ 2:

**Section 2 of Appendix F to Chapter 10, "Land Use Districts and Standards for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission" is amended to read:**

**2. Portions of townships and plantations.** The following portions of townships and plantations: that portion of Adamstown Twp., 17801, north of Route 16; Bald Mountain Twp., T4 R3, 25806, excluding areas of Boundary Bald Mountain above 2,700 feet in elevation; ~~a 146.6-acre parcel in the northeast corner of the Chain of Ponds, 07803, along the border with Canada;~~ Chain of Ponds, 07803, an approximately 1,578.4-acre parcel, bounded by the eastern town line at latitude 45.373, longitude -70.625484, proceeding westerly to latitude 45.370087, longitude -70.63231 then to latitude 45.368156, longitude -70.645478 where it intersects the 2,400-foot contour, proceeding along the 2,400-foot contour westerly and then northerly to the intersection of the 2,400-foot contour to the northern town line, following the town line eastward and then southward until reaching the beginning point, latitude 45.373, longitude -70.625484; the portion of Coplin Plt., 07040, north of Route 16; the portion of Dallas Plt., 07050, north of Route 16; the portion of Ebeemee Twp., 21853, east of Route 11; the portion of Kossuth Twp., 29808, north of Route 6; the portion of Lang Twp., 07813, north of Route 16; the portion of Lincoln Plt., 17160, north of Route 16; the portion of Long A Twp., 19809, east of Route 11; the portion of Long Pond Twp., 25833, south of Long Pond and Moose River; the 487.5-acre area above the 2,040-foot elevation around Green Top in Lynchtown Twp., 17810; the portion of Rockwood Strip T1 R1 NBKP, 25844, south of Moose River, Little Brassua Lake and Brassua Lake; the portion of Rockwood Strip T2 R1 NBKP, 25845, south of Little Brassua Lake and Brassua Lake; the portion of Salem Twp., 07820, south of Route 142; the portion of Sandwich Academy Grant Twp., 25849, south of Moose River, Little Brassua Lake and Brassua Lake; ~~that portion of Skinner Twp., 07822, composed of the 193.3-acre area that follows the ridge to Kibby Mountain, bounded on the east and west by the 2,820-foot contour, on the south by the town line and on the~~

~~north by the line from the 2,820 foot contour through the 3,220 foot contour from Kibby Mountain; Skinner Twp., 07822, an approximately 193.4-acre parcel that follows the ridge to Kibby Mountain, bounded on the east and west by the 2,820-foot contour, on the south by the town line where it intersects the 2,820-foot contour and on the north by a line drawn from latitude 45.4121, longitude -70.54402 to latitude 45.41587, longitude -70.5349 intersecting the 2,820-foot contour; the portion of Soldiertown Twp., T2 R7 WELS, 19811, east of the East Branch Penobscot River; the portion of T1 R8 WELS, 19816, south of Millinocket Lake; the portion of T1 R9 WELS, 21833, southeast of Ambajejus Lake; T24 MD BPP, 29822, excluding a one-mile buffer around Mopang Stream; the 51.9-acre area in T25 MD BPP, 29823, encompassing Black Brook and Black Brook Pond, and the area northeast of Holmes Falls Road; T25 MD BPP, 29823, an approximately 558.5-acre parcel in the Bear Brook and Black Pond area, bounded by a point along the southern town line, latitude 44.805142, longitude -67.741067, and proceeding in a counterclockwise direction through the following points, latitude 44.808871, longitude -67.744217, latitude 44.812645, longitude -67.750877, latitude 44.816887, longitude -67.76346, latitude 44.817639, longitude -67.768806, latitude 44.817596, longitude -67.770188, latitude 44.817259, longitude -67.771089, latitude 44.816282, longitude -67.771687, latitude 44.815068, longitude -67.771704, latitude 44.810286, longitude -67.767988, latitude 44.802482, longitude -67.759738 intersecting the town line, proceeding easterly along the southern town line to beginning point latitude 44.805142, longitude -67.741067; the portion of T3 R7 WELS, 19821, east of the Seboeis River and East Branch Penobscot River; the portions of T4 Indian Purchase Twp., 19807, area northeast of North Twin Lake and south of Route 11; the portion of T4 R7 WELS, 19824, east of the Seboeis River; the portion of T4 R9 NWP, 21845, east of Route 11; the portion of T5 R7 WELS, 19827, east of the Seboeis River; and the portion of T6 R7 WELS, 19830, east of the Seboeis River; and~~

## **Attachment 4: Other sections of Part D of P.L. 2009, ch. 415**

**Sec. D-2. P.L. 2007, ch. 661, Pt. C, §6, sub-§4** is amended to read:

**4. Transition; establishment of expedited permitting area and permitted use.** Notwithstanding any other provision of law, ~~prior to the Maine Land Use Regulation Commission's adoption of the rules required by this section,~~ the portion of expedited permitting area located in the State's unorganized and deorganized areas consists of the lands and state waters specified in this section and an expedited wind energy development, as defined in Title 35-A, section 3451, subsection 4, is a use requiring a permit, but not a special exception, subject to permitting by the Maine Land Use Regulation Commission or Department of Environmental Protection in accordance with this Act and other applicable law, in all districts and subdistricts located within the expedited permitting area.

**Sec. D-3. Related rulemaking.** No later than June 1, 2010, the Maine Land Use Regulation Commission shall amend its rules adopted in accordance with Public Law 2007, chapter 661, Part C, section 6 to make them consistent with corrections to the descriptions of the expedited permitting area for wind energy development made under sections 1 and 2 of this Part.

## Attachment 5

### DEPARTMENT OF CONSERVATION

### LAND USE REGULATION COMMISSION

## DRAFT RULE CHANGES REGARDING AMENDMENTS TO WINDPOWER EXPEDITED PERMITTING AREA

DRAFT August 5, 2009

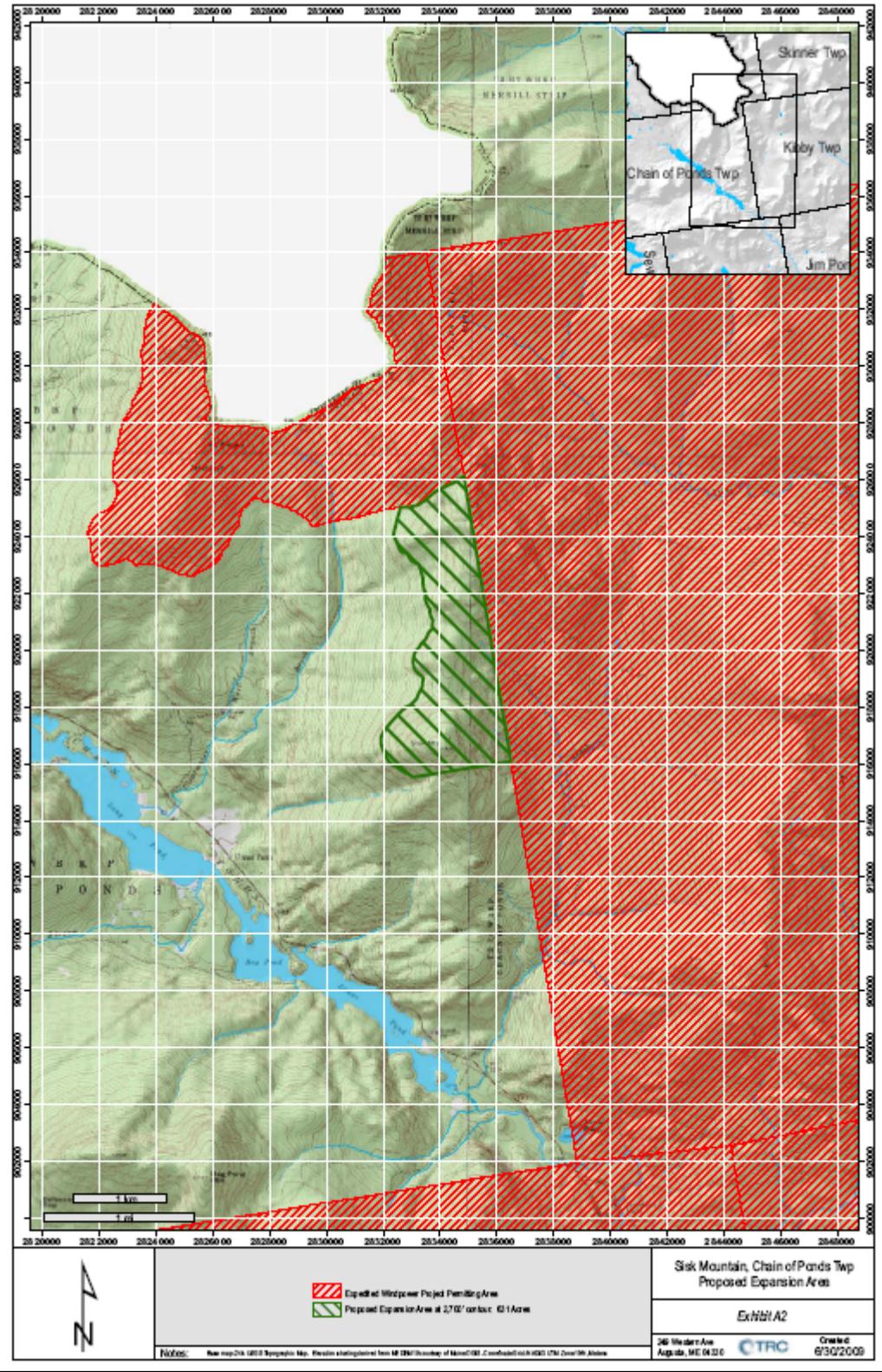
Proposed Change to Chapter 10, "Land Use Districts and Standards for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission"

**Pursuant to TransCanada "Petition to Initiate Commission Rulemaking to Add to the Windpower Expedited Permitting Area" (received by the Land Use Regulation Commission on July 1, 2009): draft rule change to amend Appendix F to Chapter 10 to add to the windpower expedited permitting area, including a map of the proposed expansion area**

### APPENDIX F. EXPEDITED PERMITTING AREA FOR WIND ENERGY DEVELOPMENT

**2. Portions of townships and plantations.** The following portions of townships and plantations: that portion of Adamstown Twp., 17801, north of Route 16; Bald Mountain Twp., T4 R3, 25806, excluding areas of Boundary Bald Mountain above 2,700 feet in elevation; that portion of Chain of Ponds Twp. starting at 70° 37' 31.741" W, 45° 22' 22.800" N on the boundary between Kibby Twp. and Chain of Ponds Twp. and following a drainage west toward Clearwater Brook to 70° 38' 3.156" W, 45° 22' 11.790" N, then following the 2,700' contour south to 70° 37' 55.905" W, 45° 20' 38.088" N, then proceeding east to 70° 37' 7.852" W, 45° 20' 43.724" N, then following the boundary between Kibby Twp. and Chain of Ponds Twp. north to 70° 37' 31.741" W, 45° 22' 22.800" N; a 146.6-acre parcel in the northeast corner of the Chain of Ponds, 07803, along the border with Canada; and the portion of Coplin Plt., 07040, north of Route 16; the portion of Dallas Plt., 07050, north of Route 16; the portion of Ebeemee Twp., 21853, east of Route 11; the portion of Kossuth Twp., 29808, north of Route 6; the portion of Lang Twp., 07813, north of Route 16; the portion of Lincoln Plt., 17160, north of Route 16; the portion of Long A Twp., 19809, east of Route 11; the portion of Long Pond Twp., 25833, south of Long Pond and Moose River; the 487.5-acre area above the 2,040-foot elevation around Green Top in Lynchtown Twp., 17810; the portion of Rockwood Strip T1 R1 NBKP, 25844, south of Moose River, Little Brassua Lake and Brassua Lake; the portion of Rockwood Strip T2 R1 NBKP, 25845, south of Little Brassua Lake and Brassua Lake; the portion of Salem Twp., 07820, south of Route 142; the portion of Sandwich Academy Grant Twp., 25849, south of

Moose River, Little Brassua Lake and Brassua Lake; that portion of Skinner Twp., 07822, composed of the 193.3-acre area that follows the ridge to Kibby Mountain, bounded on the east and west by the 2,820-foot contour, on the south by the town line and on the north by the line from the 2,820-foot contour through the 3,220-foot contour from Kibby Mountain; the portion of Soldiertown Twp., T2 R7 WELS, 19811, east of the East Branch Penobscot River; the portion of T1 R8 WELS, 19816, south of Millinocket Lake; the portion of T1 R9 WELS, 21833, southeast of Ambajejus Lake; T24 MD BPP, 29822, excluding a one-mile buffer around Mopang Stream; the 51.9-acre area in T25 MD BPP, 29823, encompassing Black Brook and Black Brook Pond, and the area northeast of Holmes Falls Road; the portion of T3 R7 WELS, 19821, east of the Seboeis River and East Branch Penobscot River; the portions of T4 Indian Purchase Twp., 19807, area northeast of North Twin Lake and south of Route 11; the portion of T4 R7 WELS, 19824, east of the Seboeis River; the portion of T4 R9 NWP, 21845, east of Route 11; the portion of T5 R7 WELS, 19827, east of the Seboeis River; and the portion of T6 R7 WELS, 19830, east of the Seboeis River; and



## **Attachment 6: Excerpts from P.L. 2007, ch. 661 relevant to expanding the windpower expedited permitting area**

### **35-A MRSA, § 3453. Additions to the expedited permitting area**

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 deorganized 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 section 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, section 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.

### **35-A MRSA, c. 34-A § 3404. Determination of public policy; state wind energy generation goals**

**1. Encouragement of wind energy-related development.** It is the policy of the State that, in furtherance of the goals established in subsection 2, its political subdivisions, agencies and public officials take every reasonable action to encourage the attraction of appropriately sited development related to wind energy consistent with all state environmental standards; the permitting and financing of wind energy projects; and the siting, permitting, financing and construction of wind energy research and manufacturing facilities.

**2. State wind energy generation goals.** The goals for wind energy development in the State are that there be:

- A. At least 2,000 megawatts of installed capacity by 2015; and
- B. At least 3,000 megawatts of installed capacity by 2020, of which there is a potential to produce 300 megawatts from generation facilities located in coastal waters, as defined by Title 12, section 6001, subsection 6, or in proximate federal waters.