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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

Maria Lentine-Eggett
Maine Department of Environmental Protection
106 Hogan Road, Suite 6
Bangor, ME 04401

For: Weaver Wind Project (SLC-6)
Weaver Wind, LLC
T22 MD BPP, T16 MD BPP and the Town of Osborn, Hancock County

Certification of Allowed Use

February 12, 2015

Dear Maria:

On December 24, 2014, Weaver Wind, LLC, a subsidiary of SunEdison Energy represented by its agent Normandeau Associates, Inc., submitted to the Land Use Planning Commission (LUPC) a Request for Certification for the Weaver Wind Project. The proposed Weaver Wind Project is located within the unorganized townships of T22 MD BPP, T16 MD BPP, and the Town of Osborn in Hancock County. The Request for Certification asks the LUPC to determine if the Weaver Wind Project (a) is an allowed use within the subdistricts in which it is proposed and (b) meets the land use standards established by the LUPC that are not considered in the DEP's permit review. The LUPC accepted the Request for Certification as complete for processing on February 9, 2015.

Proposal and subdistricts proposed for development

Weaver Wind, LLC proposes to construct the Weaver Wind Project, involving the construction of 23 wind turbines, installation of permanent and temporary met towers, installation of an electrical transmission line, expansion of an existing substation, construction of new access roads, and improving existing access roads. A portion of the Project is located in the Towns of Eastbrook and Aurora; however, a majority of the Project is located within unorganized or deorganized areas of the State. The subdistricts affected by the Project are the General Management (M-GN), Shoreland Protection (P-SL), and Wetland Protection (P-WL) subdistricts. The Project will be located entirely within the expedited permitting area for wind energy development.

Review criteria

The following statutory provisions are relevant to the determination of whether the Project is an allowed use in the subdistricts in which it is proposed to be located:

1. *12 M.R.S.A. § 685-B,(1-A),(B-1)*. "...a permit from the commission is not required for a development of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2. A project meeting that definition is reviewed under Title 38, section 489-A-1...The Department of Environmental Protection must receive certification from the commission that the proposed

development is an allowed use within the subdistrict or subdistricts for which it is proposed...before issuing a permit.”

2. *12 M.R.S.A. § 685-B(2-C). “Wind energy development; community-based offshore wind energy projects; determination deadline...*
 - A. The commission shall consider any wind energy development in the expedited permitting area under Title 35-A, chapter 34-A with a generating capacity of 100 kilowatts or greater or a community-based offshore wind energy project a use requiring a permit, but not a special exception, within the affected districts or subdistricts.”

Assessment of the Project as an Allowed Use in the Subdistricts in Which Development is Proposed

Based on the materials submitted by Weaver Wind, LLC, the LUPC, through its staff, determines that:

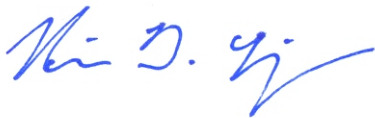
1. All parts of the Project, as proposed, are a wind energy development;
2. The portions of T16 MD BPP, T22 MD BPP, and the Town of Osborn in which the Project is proposed to be located are within the expedited permitting area for wind energy development; and
3. In the subdistricts in which the Project is proposed to be located, the (M-GN) General Management, (P-SL2) Shoreland Protection, and (P-WL) Wetland Protection Subdistrict, wind energy development is an allowed use (*See Chapter 10 of the LUPC’s Land Use Districts and Standards, Sections 10.22,A,3,c,(25); 10.23,L,3,c,(25); and 10.23,N,3,c,(17)*).

Therefore, the LUPC certifies to the DEP that the Project is an allowed use in the subdistricts in which it is proposed. Neither special exception approval nor rezoning is required for the Project.

Please note that this certification is not final agency action and pertains only to the staff’s determination of the use proposed by Weaver Wind. The LUPC will conduct a further review of the Request for Certification, including all application and administrative record materials to determine whether to certify to the DEP that the Project meets the land use standards established by the LUPC that are not considered in the DEP’s permit review.

If you have any questions or would like to further discuss this matter, please contact Stacie Beyer at the Bangor office by email (stacie.r.beyer@maine.gov) or at (207) 941-4593.

Sincerely,



Nicholas D. Livesay, Executive Director
Maine Land Use Planning Commission

cc: James Cassida, SunEdison
Ian Broadwater, Normandeau
Stacie Beyer, LUPC