

STATE OF MAINE

LAND USE REGULATION COMMISSION

**BOWERS WIND PROJECT
CHAMPLAIN WIND LLC, DEVELOPMENT PERMIT DP 4889
CARROLL PLANTATION, PENOBSCOT COUNTY
KOSSUTH TOWNSHIP, WASHINGTON COUNTY**

INTERVENOR TESTIMONY

**- PARTNERSHIP FOR THE PRESERVATION
OF THE DOWNEAST LAKES WATERSHED -**

EXECUTIVE SUMMARY:

We, the Partnership for the Preservation of the Downeast Lakes Watershed (hereinafter the “Partnership”) urge LURC to deny Champlain Wind LLC’s Permit DP 4889 that seeks a permit to construct an industrial wind project in Carroll Plantation, Penobscot County, and Kossuth Township, Washington County. The Partnership is a group of more than 185 concerned property owners, residents and small business owners who are committed to protect this scenic area.

Exhibit 1 – The Partnership’s Mission Statement



Our argument for denial is straightforward.

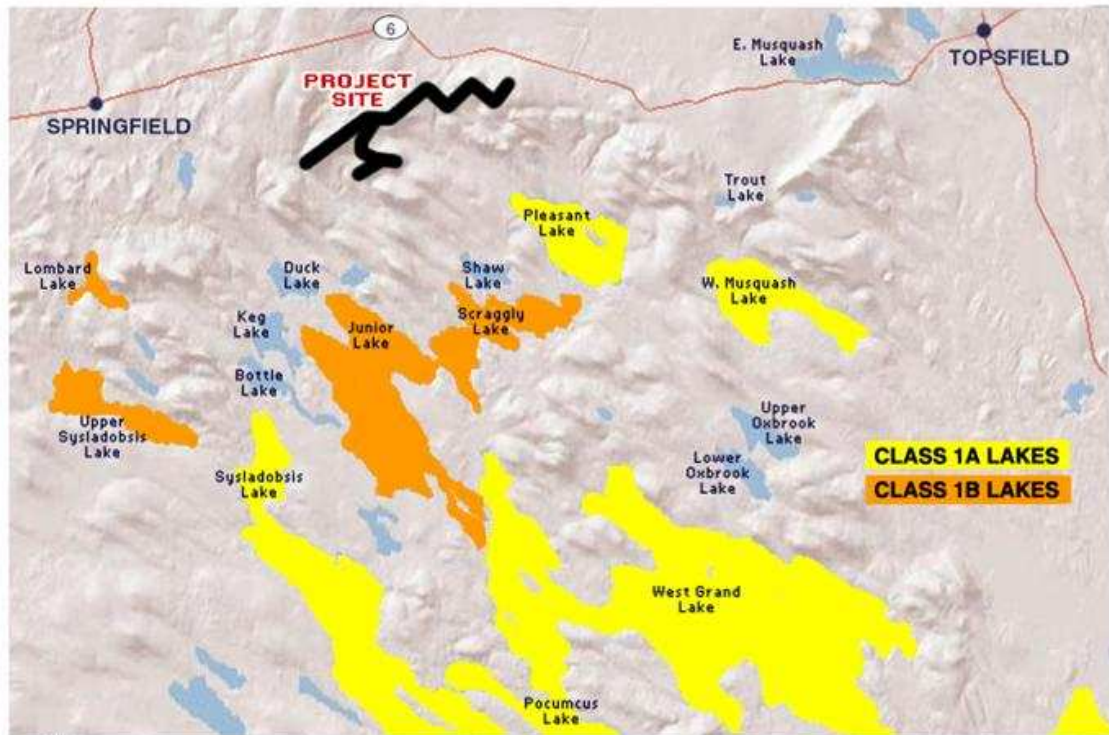
First, the project will have an unreasonable adverse effect on the scenic character of the scenic resources of state or national significance anticipated in the Expedited Wind Law. This project, if constructed, would “significantly compromise views from a scenic resource of state or national significance, such that the development has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of the scenic resource of state or national significance.”¹ This negative scenic impact cannot be mitigated and therefore the project must be denied.

According to the State of Maine’s Wildland Lakes Assessment,² six lakes with scenic resources of statewide significance lie within eight miles of the project area: Pleasant Lake, Scraggly Lake, Junior Lake, West Musquash Lake, Lower Sysladobsis, and West Grand Lake. The scenic views from these lakes will be significantly compromised by the proposed turbines and their flashing red strobe lights at night. The impact of the views will greatly alter the traditional recreational uses of these lakes and the viewer expectations of tourists who come to the area for a wilderness camping, fishing, hunting and remote wilderness paddling experience.

¹ Maine Revised Statute Title 35-A, Chapter 34-A: Expedited Permitting of Grid-Scale Wind Energy Development §3452.

² Maine Wildlands Lake Assessment, p. 8 defines lakes classified 1A and 1B as having ‘statewide significance’.

Exhibit 2 – 1A and 1B Rated Lakes in the Downeast Lakes Watershed



In addition, due to the existing industrial wind projects in the area (Rollins Mountain, Stetson I and Stetson II), the scenic impact on those who use the Downeast Lakes to fish, hunt and paddle would be cumulatively more damaging if the Bowers Mountain project were constructed. Visitors traveling to the area up Route 95 leave Bangor behind and enter forested lands. When they exit near Lincoln, they encounter the 40 turbines of Rollins Mountain. Then as they travel east on Route 6 toward the Downeast Lakes, they see the turbines of Stetson I and II. Tourists who then arrive at the Downeast Lakes will experience a cumulative negative impact if they then find another 27 turbines looming on the mountains above the scenic lakes of this watershed.

This proposed project is sited in the territory designated as 'Expedited' by the Governor's Wind Task Force. Yet the scenic impact is entirely in 'Non-expedited' territory that was meant to be protected from inappropriate wind development, an area where the federal government is endorsing land conservation to prevent further development. This is further cause for the project to be denied.

Second, this project will severely harm the traditional recreational activities of the region, which are the lifeblood of the watershed's tourism economy that for more than a century has co-existed with the local forestry industry. Any adverse change to the wilderness character of the region will cause severe damage to many small businesses and hundreds of tourism-related jobs. While the Expedited Wind Law restricts consideration of scenic impact to the area within eight miles of the proposed wind turbines, the economic impact of this project is much farther reaching and must be considered.

The Downeast Lakes region is home to more than a dozen sporting camps and similar hospitality businesses, as well as the largest per capita concentration of Maine Guides in the state. This is due to the topography of the watershed that gives fishermen, hunters, snow mobilers, paddlers and campers access to more than a dozen lakes. The fact that it is a chain of spectacular bodies of water with a distinct wilderness character is one of its main attractions. Defacing its scenic beauty on one end will impact the entire watershed and the tourism economy that is its largest employer. Tourists who spend their hard earned vacation dollars will not return to a chain of lakes where wind towers dominate the skyline.

LURC's Comprehensive Land Use Plan has as one of its broad goals to "Conserve, protect and enhance the natural resources of the jurisdiction primarily for fiber and food production, outdoor recreation and plant and animal habitat," and to "maintain the natural

character of certain areas within the jurisdiction having significant natural values and primitive recreational opportunities.”³ We submit that this project will directly violate those goals in that it will alter and cause irreparable and permanent damage to the character of these significant assets and the economic activity that depends on it

THE DOWNEAST LAKES REGION AND WATERSHED:

The "Downeast Lakes Watershed" or the "West Grand Lake Scenic Watershed" is anchored by Almanac, Getchell, Bowers, and Junior mountains to the north, and the river and the village both named Grand Lake Stream to the south. A spectacular chain of lakes stretches between them. This area is well known across the country and indeed around the world, by fishermen, hunters and recreational paddlers. The entire area is a destination. It is not an area that people simply come upon or pass through. It offers a landscape that is uncluttered and serene, providing visitors with a sense of escape from our fast-paced world. The Downeast Lakes region has contiguous landscapes that cannot be separated at a political boundary or an arbitrary eight-mile marker.

Although very similar in size, scope, and significance to the Allagash Wilderness Waterway and Moosehead Lake, it carries a bit less cache with Maine residents - until they make their first trip there and discover its beauty. Like most of Maine, it has been logged over the centuries, but this has not altered its stunning wilderness character, particularly with modern forestry practices in place. There is sparse camp development on the vast majority of its shorelines, thanks to LURC's careful management.

³ LURC 2010 Comprehensive Land Use Plan, Chapter 1, p. 5.

Exhibit 3 – The Downeast Lakes Watershed



The watershed covers 233 square miles or approx. 143,000 acres and contains more than 20 lakes, and the internationally known fly fishing river known as Grand Lake Stream. This watershed has the highest concentration of lakes rated as Class 1A and 1B in the State of Maine. The Class 1A and 1B ratings designate these lakes as being "of statewide significance" by LURC's own Wildlands Lakes Assessment study. Although the applicant's Visual Impact Assessment asserts that the Wildlands Lake Assessment is out of date, it is still the definitive model for the management of these lakes. Six of its lakes carry the Class 1A rating, while another three lakes are rated 1B.

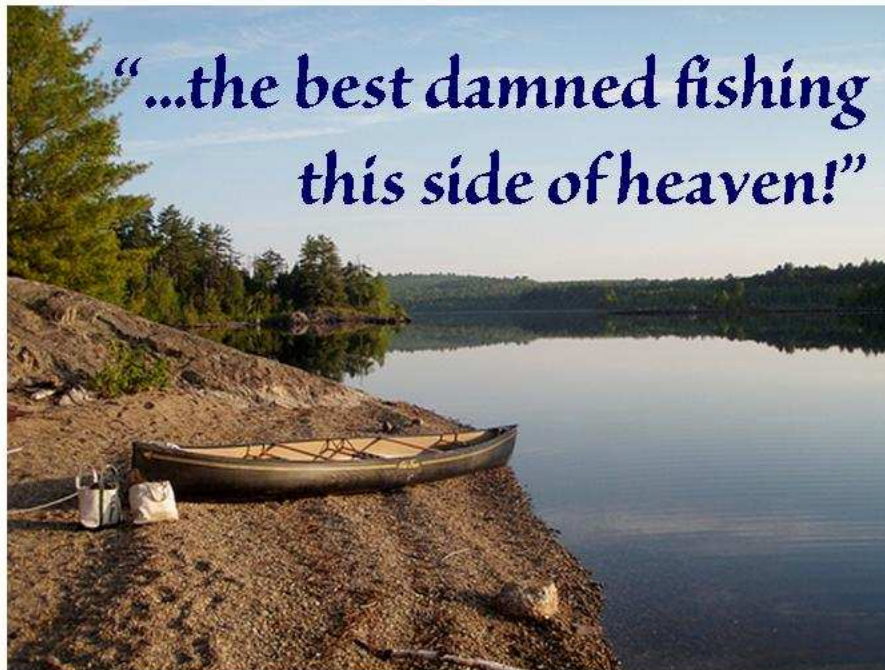
**HIGHLY RATED LAKES IN THE
DOWNEAST LAKES WATERSHED**

Lake	Resource Class
Big Lake	1A
Junior Lake	1B
Pleasant Lake	1A
Pocumcus Lake	1A
Scraggly Lake	1B
Sysladobsis Lake	1A
Upper Sysladobsis Lake	1B
West Grand Lake	1A
West Musquash Lake	1A

The Downeast Lakes Land Trust, founded in 2001, has worked hard to acquire land and conservation easements on more than 300,000 acres in the region in order to preserve its wilderness character and its traditional ways of life. Working with landowners, native tribes, and a nationwide network of donors, the Land Trust and its acres now under conservation protection are recognized by the Federal and State governments. Its current efforts to acquire forest lands on the shore of West Grand Lake have been awarded the #1 forest conservation priority, selected through a rigorous competitive process by the U.S. Forest Service Forest Legacy Program for 2011. LURC Commissioner Steve Schaefer is the Chairman of the Downeast Lakes Land Trust Board of Directors. The fact that he has recused himself from this permitting process suggests a possible conflict between the mission of the Downeast Lakes Land Trust and this proposed industrial wind project.

THE TRADITIONAL TOURISM ECONOMY AND RECREATIONAL ACTIVITIES

Exhibit 4 – Quote



– a sportsman describing smallmouth bass fishing in Scraggly Lake, a lake of statewide significance within three miles of the proposed Bowers Mountain wind project.

These words were spoken by Ted Williams, one of the most famous sportsmen of all time, a man who traveled the world in the pursuit of wilderness settings where he could find excellent fishing along with the friendship and guidance of a knowledgeable professional guide. Avoiding crowds was also important to him, as he lived his life in the limelight. He was a decorated fighter pilot and the best pure hitter that ever wore a Red Sox uniform. He was also the spokesperson for Sears' sporting goods line that bore his name, and was a first ballot Baseball Hall of Famer. He chose to fish the Downeast Lakes for many years.

Many other celebrities have come to this watershed to fish and hunt, including Calvin Coolidge, Dwight Eisenhower, and General Jimmy Doolittle, as well as more contemporary celebrities like Norman Mailer and George Carlin. These men had the financial resources to fish anywhere they wanted to in the world, but they came here not only for the quality of the fishing, but also for the wilderness setting and character they coveted, along with the anonymity they desired.

Locals here have depended on sporting tourism to earn a living for almost 200 years. Passamaquoddy guides were catering to "sports" as far back as 1830. These businesses include, but are not limited to Lodges, Sporting Camps, guides, several stores and all the employees and ancillary businesses needed to support them. For decades, the traditional forestry industry has actually aided tourists' enjoyment of the area. The logging companies' well-maintained roads allowed sports and their guides to enjoy many remote ponds, streams and hunting spots. Using these roads, as well as the miles of still waterways, sports regularly venture from their base sporting camp or lodge to fish in Junior, Scraggly and Pleasant Lakes and to hunt in the hills near the project area.

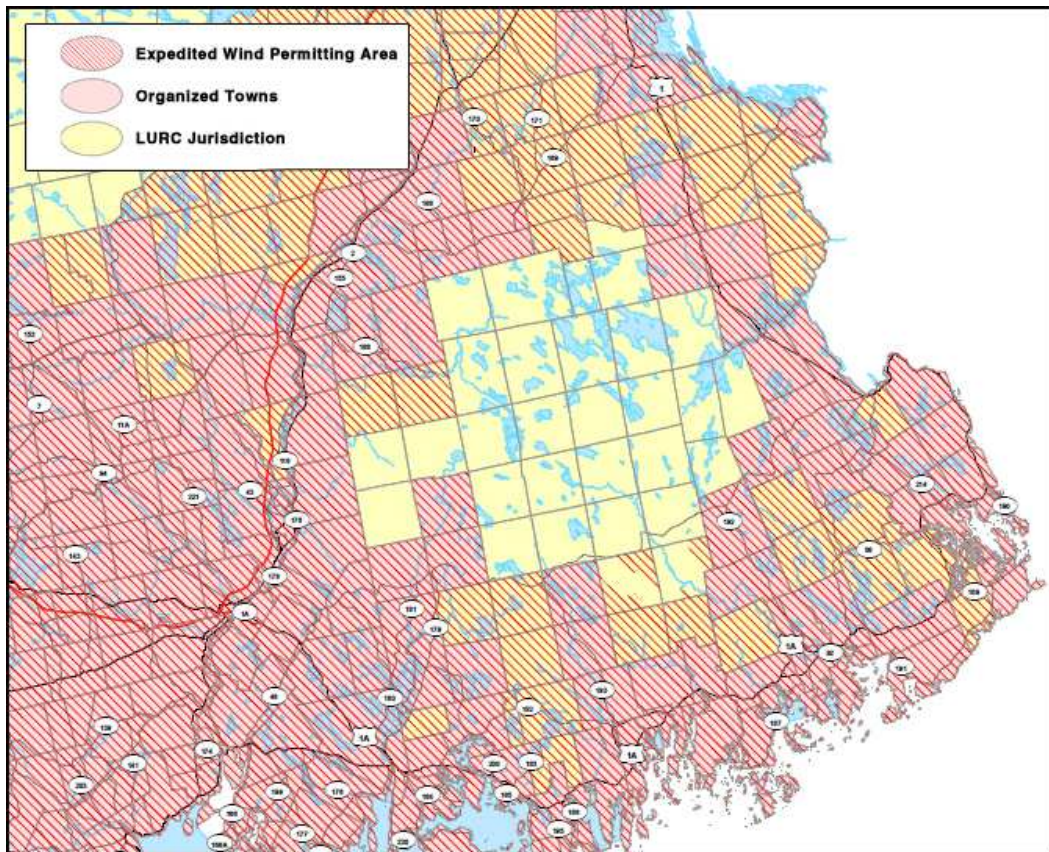
In addition to its legendary fishing for smallmouth bass and lake trout, the Downeast Lakes watershed is also world famous for its landlocked salmon fishery. As one of only four watersheds that was an original home to the landlocked salmon, its value was acknowledged very early on, when the Maine DIF&W built the first salmon hatchery in Grand Lake Stream in 1877, a hatchery that is still of extreme value today, since 75% of the salmon stocked in all of Maine's other lakes come from there. This watershed is still known to have the purest strain of land locked salmon in the state, if not the country.

This region's beauty takes a back seat to no other area in Maine, or in all of New England. Its history and unique setting are far too valuable to be destroyed by the proposed wind power project. If approved, this project will irreparably and permanently change the entire character of this watershed and bring an eventual end to the many small traditional businesses here.

Clearly, this is one of those special places that helps define Maine's international reputation for its "Quality of Place" which was identified in the recent Brookings Institute study as not only Maine's "brand", but also the primary link to its future.

EXPEDITED WIND PERMITTING ZONE AND THE DOWNEAST LAKES

Exhibit 4 – Carve-out of Downeast Lakes Region from Expedited Wind Territory



When viewing the map of the Expedited Wind Permitting Law expedited zoning for this are of Maine, it is clear that the Governor’s Task Force that crafted the zones made the conscious decision to leave the area around this watershed ‘non-expedited’. PPDLW President Kevin Gurall spoke directly to R. Alec Giffen, who formerly headed the Maine Forest Service and was chairman of the Task Force. Giffen said that while he couldn't remember all of the specifics about the conversations concerning this area, he said, "It was the Task Force's direct intent to protect this important resource from development". Further, the Natural Resources Council of Maine (NRCM) stated the following regarding this matter during the proceedings in which the

applicant successfully petitioned to expand the expedited territory into Kossuth as part of the proposed project.

"As members of the Governor's Task Force on Wind Power Development, we were intimately involved with the drafting of the proposed expedited permitting area boundaries. The proposed area lies at the very northern edge of a large area round the Downeast lakes that was intentionally excluded from the expedited area because it represents a broadly treasured landscape with significant conservation values – where wind development was not appropriate for any expedited review."⁴

It's clear that the Task Force's intent was to preserve this area from industrial development that would alter its very character, but they made one mistake in drawing the boundary line for the expedited zone using the Carroll Town line rather than Rte.6, and now the applicant is trying to take advantage of that mistake with absolutely no regard for the consequences of that action.

⁴ Letter from Maine Audubon, AMC and NRCM to LURC, dated October 4, 2010.

PARTNERSHIP WITNESS TESTIMONY:

The following witnesses are testifying in support of the Partnership's position.

1. **Kevin Gurall, President of the Partnership for the Preservation of the Downeast Lakes Watershed** – Opening Remarks
2. **Michael Lawrence, ASLA** – Visual Impact Assessment of the proposed project.
3. **Andrew Buckman, Darrow Camp, Grand Lake Stream** – Visual and economic impact of the proposed project.
4. **Steven A. Norris, Owner, The Pines Lodge and Camps, Sysladobsis Lake** – Economic impact on the Downeast Lakes recreational economy.
5. **Charles Driza – Owner, Leen's Lodge, Grand Lake Stream** - Economic impact on the Downeast Lakes recreational economy.
6. **Lindsay Wheaton – Owner, Grand Lake Lodge, Grand Lake Stream** – Economic impact on the Downeast Lakes recreational economy.
7. **Louis Cataldo – Master Maine Guide, First Selectman of the town of Grand Lake Stream** – Economic impact on the Downeast Lakes recreational economy.
8. **Jerold A. Hamza, Sport Fisherman, Grand Lake Stream** – Scenic Impact on traditional recreational uses and expectations.
9. **Gary Campbell, Lakeville** – Economic Impact of the project on the Downeast Lakes recreational economy.
10. **Kevin Gurall – President, Partnership for the Preservation of the Downeast Lakes Land Trust** – Closing Remarks.

CONCLUSION:

We urge LURC to deny this permit on the grounds that it will have an unreasonable adverse impact on important lakes of outstanding statewide scenic significance within eight miles, and will do irreparable harm to the traditional tourism economy of the entire Downeast Lakes region.

LURC's own Comprehensive Land Use Plan (CLUP) should guide the Commissioners' decision on this proposed project.

Quotes from the applicant's Visual Impact Assessment:

"This region of Maine has very low population, vast woodlands, and plentiful lakes. It is not recognized as a tourism center and there are primitive recreational opportunities ..."⁵

"As compared with other recreational areas in Maine, these lakes in general do not see a lot of use, and the area is not considered a tourism center."⁶

LURC's Comprehensive Land Use Plan responds:

"As exceptional as the jurisdiction's natural resources are, it is the jurisdiction's distance from population centers, sense of remoteness, and relative lack of development that sets it apart. There is something special about hunting, snowmobiling, fishing, hiking, or camping surrounded by 10 million acres of largely undeveloped forest lands. For many users, these remote, undeveloped qualities not only enhance, but essentially define, their recreational experience, distinguishing it from excursions in more populous areas. As recreational lands elsewhere are increasingly developed, opportunities for backcountry experiences will become scarcer, and the remote values of this jurisdiction will become even more highly prized."⁷

⁵ "Visual Impact Assessment for the Proposed Bowers Wind Project", LandWorks, 2011, p.2.

⁶ Ibid, p. 51.

⁷ LURC 2010 Comprehensive Land Use Plan, p. 109.

Another quote from the applicant's Visual Impact Assessment:

"This is an area that does not include any high value resources or landscape features that are identified or celebrated for their special qualities."⁸

LURC responds:

"There are also thousands of miles of scenic rivers as well as lakes and ponds scattered across the jurisdiction - one of the primary reasons that the area is perceived to be exceptionally attractive to outdoor enthusiasts of all kinds. This perception is intimately linked to the visual experience that lakes and rivers provide. Research shows that there is no greater positive influence on people's perceptions of the quality of the landscape than the presence of water. The scenic beauty of Maine lakes and rivers is invaluable to the quality of life and economy of this state. "⁹

And again, the applicant:

"In addition, the research, interviews and field review conducted yield the sense that local anglers and private camp owners occasionally visit these lakes, but they do not draw visitors extensively from out of state – there is relative little tourism infrastructure in the area in the form of lodging, restaurants and other amenities for visitors."¹⁰

No "Response Quote" is needed here. After the testimony we've heard from the lodge and sporting camp owners, and guides, we can let everyone who reads this draw their own conclusions as to the accuracy of the applicant's statements.

I'd like to add just one more short quote from Mr. Palmer's review of the LandWorks Visual Impact Assessment:

"The apparent scenic impact to the state and nationally significant resources is ADVERSE at some locations and VERY ADVERSE (at) others. It is my judgment that it will be very difficult to decide whether the scenic impact to some of the state or nationally significant scenic resources is UNREASONABLY ADVERSE without better information about the "extent, nature, and duration" of their use, the "expectations of the

⁸ LandWorks VIA., p.50.

⁹ LURC 2010 Comprehensive Land Use Plan, p. 128.

¹⁰ LandWorks VIA, p. 51.

typical viewer", and "potential effect ...on the public's continued use and enjoyment" of these resources." ¹¹

Mr. Palmer goes on to suggest that more studies, more clarification, and more analysis need to be done in order to reach a conclusion. We disagree with that assertion. We believe that after all of the testimony you will have heard by the end of these proceedings, that the only thing further required is a little old fashioned Yankee common sense. A little of that often goes a very long way.

Until now, LURC has yet to review a wind power application anywhere in the state that so clearly calls out for a unanimous "Deny" decision. Failure to do so here would immediately classify this watershed as "endangered", because it would be in danger of losing everything that makes it so special.

There is simply NO AMOUNT of mitigation money that would be appropriate for the damage that would result from this project – NO AMOUNT. The 185 property owners, residents, and small businesses who make up the Partnership for the Preservation of the Downeast Lakes Watershed membership strongly urge you to "DENY" this application and in doing so, deliver the message that there are indeed resource areas within your jurisdiction that are worth saving from the irreparable and permanent damage of an improperly sited industrial wind power facility.

¹¹ Palmer, James F., "Review of the Bowers Wind Project Visual Impact Assessment", 6/3/2011, p. 63.

We quote the words of the Commissioner of the Department of Conservation, Bill Beardsley, speaking to LURC Commissioners at their regular monthly meeting on March 2, 2011. “The important factor to me is that your board, you all can say ‘no’. There is nothing about the expedited process that says it’s easier to get a ‘yes’. It’s clearer, it’s faster, you know where you will have some legitimacy, but you’ve still got to meet LURC standards.”¹²

Kevin Gurall, Lakeville, Maine
President, Partnership for the Preservation
Of the Downeast Lakes Watershed
Date:

¹² Commissioner of the Department of Conservation, Bill Beardsley, speaking to LURC Commissioners at their regular monthly meeting on March 2, 2011