



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

Dear Permit Holder:

Please find enclosed your land use permit. The permit is presented in a format that includes findings of fact relevant to the criteria of the law under which the permit is issued, conclusions based on those facts and conditions of approval. Please carefully read your permit, especially the **conditions of approval**. If an error has occurred, please let us know and a corrected Order will be issued.

Appeal procedures have been enclosed for your information. Project modifications, condition compliance, and transfer are available upon request. Please call the nearest regional office to obtain those applications.

If we can be of additional service to you, let us know. Please write or call if you need more information.

Sincerely,

**JEFFREY G. MADORE, Director**  
Division of Land Resource Regulation  
Bureau of Land & Water Quality

**APPPACKE**

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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17      AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

MAINE MOUNTAIN POWER LLC	) SITE LOCATION OF DEVELOPMENT ACT
Carrabassett Valley, Franklin County	) NATURAL RESOURCES PROTECTION ACT
REDINGTON MOUNTAIN WIND FARM	) FRESHWATER WETLAND ALTERATION
L-22691-24-A-N (approval)	)
L-22691-TF-B-N (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 *et seq.* and 480-A *et seq.*, and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of MAINE MOUNTAIN POWER, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Project History: The applicant proposes to construct a 30-turbine wind farm that includes approximately 11.3 miles of transmission line; improvements to approximately 12 miles of existing road; construction of 12.5 miles of new road, and construction of a new substation. The project is shown on a set of plans the first of which is entitled "Redington Mountain Wind Farm Project," prepared by DeLuca-Hoffman Associates, Inc., and dated August 2005, with a last revision date of August 12, 2005. The project is located in unorganized territory and in the Town of Carrabassett Valley.

Pursuant to the provisions of 38 M.R.S.A. Section 488(9) and 38 M.R.S.A. Section 480-E (1), the portions of the project located within the jurisdiction of the Maine Land Use Regulation Commission (LURC) are exempt from the requirements of the Site Location of Development Act and the Natural Resources Protection Act. The applicant submitted a petition for rezoning and preliminary approval to LURC. LURC accepted the application on February 8, 2006 and it is currently under consideration.

Approximately 2.8 miles of the proposed 115kV transmission line proposed in the Town of Carrabassett is subject to review under the Site Location of Development and the Natural Resources Protection Act as described herein.

B. Project Summary: The applicant proposes to construct approximately 2.8 miles of above-ground electrical transmission line and 300 feet of underground transmission line in the Town of Carrabassett Valley to link the wind farm and associated transmission lines proposed in Redington Township to an existing substation at Route 27. The line

will consist of three-phase overhead wires built on wooden poles within a 150-foot wide corridor. H-frame construction will be used to minimize structure height and visual impact. The conductors will be sized to carry 90 megawatts. Communication lines and fiber optic cables will also be installed within the corridor.

The above-ground transmission line will cross the northwestern corner of Carrabassett Valley and then extend south along the Carrabassett Valley/Coplin Plantation Boundary Line. The underground portion of the transmission line extends approximately 300 feet north from the Central Maine Power (CMP) "Bigelow Subdivision" along the west side of Route 27. The project is shown on a set of plans the first of which is entitled, "Figure 1, Maine Mountain Power, LLC Proposed Redington Wind Farm, Main Line 115kV Project Location/Key Map," prepared by Woodlot Alternatives, Inc. and dated September 2006. The project is further described on Plan Sheets 2-5 of a plan set entitled, "Redington Wind Farm Project, Maine Mountain Power, LLC, 115kV Transmission Line Plan & Profile," prepared by M.A. Mortenson Company and last revised December 11, 2006.

The project will result in 25,632 square feet of wetland alteration associated with vegetation clearing along the transmission corridor. In addition, one pole set will be installed above elevation 2700 feet, which is considered a Fragile Mountain area under NRPA. The applicant submitted a Natural Resources Protection Act (NRPA) application for these impacts, described further in Finding 9.

C. Current Use of Site: The transmission line corridor is located in an area that has been managed for timber harvesting. Several roads associated with timber management activities are located in and adjacent to the project area. Stoney Brook flows east across the Coplin Plantation/Carrabassett Valley Boundary and the proposed transmission corridor and continues north and east of the project area.

2. TITLE, RIGHT, OR INTEREST:

The applicant owns an option to purchase from Plum Creek a Right-of-Way (ROW) through the Town of Carrabassett Valley. The applicant submitted a copy of the Plum Creek Option agreement that includes terms for clearing, construction, reconstruction and maintenance of the transmission corridor.

The Department finds that the applicant has demonstrated sufficient title, right, or interest to develop the property as proposed.

3. FINANCIAL CAPACITY:

The total cost of the project within the Town of Carrabassett Valley is estimated to be \$2,443,000. The applicant submitted a letter of intent to fund from Edison Mission Energy. Edison Mission Energy is wholly-owned indirectly by Edison International

(EIX), which is listed on the New York Stock Exchange. The letter of intent included a copy of the EIX 2005 Annual Report, which indicates sufficient funds to finance the project.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards.

4. TECHNICAL ABILITY:

The applicant provided resume information **for key persons involved with the project** and a list of projects successfully constructed by the applicant. The applicant also retained the services of Terrence J. DeWan & Associates for visual impact analysis; Woodlot Alternatives, Inc. for natural resource impact assessments; DeLuca-Hoffman Associates, Inc. for civil engineering design; Albert Frick Associates, Inc. for soil surveys; E/PRO Engineering & Environmental Consulting for electrical transmission lines and interconnections; and SW Cole, Inc. for geotechnical engineering.

The Department finds that the applicant has demonstrated adequate technical ability to comply with Department standards.

5. SCENIC CHARACTER & EXISTING SCENIC, AESTHETIC, RECREATIONAL USES:

Approximately 30 sets of poles will be installed within the Town of Carrabassett Valley, ranging in height from 50 to 60 feet. Poles will be installed 450 to 550 feet apart. The conductors will be hung from insulators mounted on 34-foot wide cross arms. The right-of-way will be 150 feet wide and will be cleared of canopy trees. Remaining vegetation will be maintained at a height of 15 feet or less. The transmission corridor will not be lit.

**The proposed transmission line will extend to within one mile west of the Appalachian Trail (AT) at its closest point. The AT is considered a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses, the applicant submitted a Visual Impact Assessment specific to the transmission line in Carrabassett Valley prepared by Terry DeWan & Associates, and dated November 30, 2006. The assessment included three-dimensional aerial photographs showing the location of the transmission line relative to the AT and other land uses in the project vicinity.**

The project area is currently managed for timber harvesting and the proposed transmission corridor is located almost entirely within recently harvested areas. Several haul roads have been constructed in and adjacent to the transmission corridor. An existing transmission corridor exists north of the project area in Wyman Township (Boralex line).

The Appalachian Trail (AT) is located in dense evergreen forest near the ridgeline of Stoney Brook Mountain and Crocker Mountain. The AT descends into more deciduous forest areas approaching Route 27, where there are generally uncut buffers between the trail and recent timber harvests (at least 250 feet).

The applicant avoided scenic and aesthetic impacts of the project from the AT and other public viewpoints by proposing to use existing access roads wherever possible for construction and maintenance. **Adjustments were made in the transmission corridor alignment to minimize visibility and take advantage of existing vegetation and landforms.** Buffers are proposed at all stream crossings for natural resource protection and visual screening.

Based on the project's design, its location within previously harvested areas, and the presence of roads and other transmission lines in the project vicinity, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area. The Department further finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resources.

6. WILDLIFE, HABITAT AND FISHERIES CONSIDERATIONS:

The Maine Department of Inland Fisheries & Wildlife (MDIFW) reviewed the proposed project. In its comments, MDIFW stated that it found no records of any essential or significant wildlife habitats, or other wildlife habitats of special concern associated with the transmission line project area within the Town of Carrabassett Valley. As part of the joint application materials to LURC, the applicant submitted the results of natural community surveys and habitat assessments for fish, reptiles and amphibians, birds, mammals, and rare, threatened and endangered species.

**MDIFW fisheries biologists commented that Stony Brook, a tributary to Stratton Brook and Flagstaff Lake, Caribou Pond, and the South Branch of the Carrabassett River, and their unnamed tributaries are known or presumed to support wild trout and several cyprinid species common to the region. MDIFW commented that the applicant must strictly adhere to the erosion control plan and that the work window for any in-stream work must be July 15 to September 1 to avoid the early pre-spawning movement of brook trout typical in the sub-alpine conditions existing in the project area.**

The transmission line will cross two streams including Stony Brook (A07, Figure 2; A-13, Figure 3). However, no in-stream work is proposed as part of the transmission line installation within the Town of Carrabassett Valley. Buffers at least 100 feet in width will be maintained along each of the streams. Within these buffer areas, only large trees that would pose hazards to hanging lines will be topped off or selectively removed. One

pole pair (#24) will be located within 100 feet of a stream. No other poles or soil disturbance is proposed within 100 feet of the identified streams.

A field survey of the project area in May 2006 did not identify any naturally occurring vernal pools that met the criteria for a significant vernal pool.

MDIFW commented that, as proposed, the transmission line within the Town of Carrabassett Valley will not significantly impact wildlife or fisheries provided that stream **buffers are maintained and the project is constructed according** to the submitted erosion control plan.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The Maine Historic Preservation Commission reviewed the proposed project and stated that it will have no effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

The Maine Natural Areas Program database does not contain any records documenting the existence of rare or unique botanical features on the project site and, as discussed in Finding 6, MDIFW did not identify any unusual wildlife habitats located on the project site.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites or unusual natural areas either on or near the development site.

8. WETLAND IMPACTS:

**The applicant proposes to alter 25,632 square feet of freshwater wetland by clearing vegetation at ten wetland locations and two streams (one of which is Stony Brook), shown on a set of plans submitted with the NRPA application the first of which is entitled, "Maine Mountain Power, LLC, Proposed Redington Wind Farm, Maine Line 115kV Project Location/Key Map," prepared by Woodlot Alternatives, Inc. and dated September 2006.**

The applicant identified several hydrologic resources during the wetland delineation within the proposed corridor, shown on Sheets 4-10 of the submitted plan set, which did not meet the definition of a wetland using the methodology outlined in the Army Corps of Engineers' Wetland Delineation Manual (1987). However, the applicant recognized that these features, consisting of groundwater seeps and underground and surface drainages (natural and anthropomorphic) are important to maintain during construction of the transmission line.

The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, set forth the analysis the Department uses to determine whether wetland impacts from a proposed project are unreasonable.

A. Avoidance & Minimization: If there is a practicable alternative to the project that would be less damaging to the environments, wetland impacts may be found to be unreasonable. The amount of wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose of the project. Each application for a freshwater wetland alteration permit must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. **The applicant submitted an alternative analysis for the proposed project completed by Woodlot Alternatives.**

The proposed layout for the transmission line was selected after several phases of design, field surveys, and re-design. Each route option was evaluated based on slopes, soil conditions and assessment of visual/scenic quality and natural resources. In addition, the location of the corridor was located to limit impact on Plum Creek's future timber management activities.

The initial proposal included wetland impacts for access roads along the transmission corridor. Since then, the transmission line has been re-aligned such that no new roads are necessary. Temporary access points along existing roads and skidder trails will be used to reach the transmission corridor. The applicant submitted plans that show the approximate locations of poles. Temporary wetland and stream crossings will be avoided where possible during construction of the Carrabassett Valley segment of the 115kV transmission line. Where temporary wetland crossings or hydrologic features are proposed, crane mats will be laid on top of existing vegetation. A detail for proper installation of crane mats at temporary crossings was submitted with the application. Upon removal of the mats, wetland areas will be seeded and mulched in accordance with Appendix A of the Erosion and Sedimentation Control plan entitled, **"Seeding Plan Wetland Areas All Elevations"**. **No transmission line poles will be placed in wetlands.**

The proposed project will require clearing the entire transmission corridor to a width of 150 feet. Once the lines are installed, shrubs and low trees will be allowed to regenerate up to a height of 15 feet. The applicant does not propose any wetland fill or permanent alteration of wetland hydrology within the transmission corridor. According to Section 10 of the Joint MDEP/LURC application, impacts to wetlands from transmission line construction activities will include clearing of the tree canopy and maintenance of vegetation height to less than 15 feet. Additional protection measures will be provided at stream crossings in the form of buffer strips, described further in Finding 6.

Vegetation will be allowed to remain in place to the extent practicable. Vegetation management will selectively remove capable species, and dead or danger trees. Capable species are defined as those plant species that are capable of growing tall enough to reach within the required clearance between the conductors and established vegetation.

Generally, anything that can grow in excess of 8-10 feet is considered a capable species. Vegetation management will be performed on a four or five year cycle. Maintenance of vegetation height will be achieved primarily by hand cutting. Limited use of motorized equipment will be employed in areas directly accessible from public or private access roads or from an upland vegetated access way established within the ROW.

Section 4.1 of the submitted Erosion and Sedimentation Control Plan states that work within wetlands and sensitive areas will be completed in frozen winter conditions to the extent practicable. Work in these areas outside of the winter construction season will utilize tracked or high flotation vehicles and/or temporary mats or platforms to avoid soil rutting and minimize disturbance to ground vegetation. Original contours and vegetation will re-established immediately upon completion of work.

The Department finds that the applicant has avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

B. Compensation: Compensation is required when the Department determines that a wetland alteration will cause a wetland function or functions to be lost or degraded. The applicant identified the following functions of the wetlands in the project area: groundwater recharge/discharge; sediment/toxicant retention; and flood flow alteration. The project area is located within a previously harvested industrial forest with an existing network of forest roads. The project will not permanently affect wetland hydrology. The proposed project will convert previously disturbed forested and scrub shrub wetlands to early successional communities. Based on these factors, the Department determined that the project will not significantly affect wetland functions and values. Therefore, the Department did not require compensation for the proposed project.

9. SURFACE WATER QUALITY:

The proposed project is not located within the watershed of a lake or great pond. No discharges to surface waters are proposed. No herbicides will be used in wetlands or within 75 feet of streams. As described in Finding 11, the applicant is not required to provide stormwater quality treatment pursuant to Chapters 500 and 502 of the Department's Regulations. Measures to protect surface water quality during construction are described further in Finding 14.

The Department finds that the proposed project will not have an unreasonable adverse impact on surface water quality.

10. SOILS:

The applicant submitted a soil survey map and report and a geotechnical report based on the soils found in the project vicinity. This report was prepared by a certified soils



scientist and reviewed by the Maine State Soils Scientist. No specific soils issues were identified with respect to the transmission line within the Town of Carrabassett Valley.

The application states that blasting is anticipated for construction of the transmission line corridor to remove ledge and large rocks. Blasting will be limited to pole locations where bedrock is exposed or shallow or in areas where blasting could be used to move or break large boulders to provide access to pole locations. The applicant submitted a blasting plan and rock removal specifications. The specifications are consistent with the requirements of Chapter 375.10(C)(4) and the Blasting Guidance Manual of the United States Department of the Interior Office of Surface Mining Reclamation and Enforcement for airblast limits, ground vibration, and maximum peak particle velocity. Fly rock may not be cast off site or into protected natural resources, and blasting may not occur above elevation 2700 feet.

The Department finds that the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices provided that blasting is completed in accordance with the submitted plan and as described above.

11. STORMWATER MANAGEMENT:

The Department's Stormwater Rules, Chapter 500 Section 4.B.3 states that a utility corridor is eligible for an exception from the General Standard if the project does not include impervious area; disturbed areas are restored to pre-construction contours and are revegetated following construction; mowing of the revegetated right-of-way occurs no more than once during any twelve month period; and a vegetation management plan for the project has been reviewed and approved by the Department.

**The proposed transmission line will not result in any new impervious area, and all disturbed areas will be revegetated. No grading is expected and pre-construction drainage patterns will be maintained. The applicant submitted a plan for inspection and maintenance of the transmission lines, found in Section 13-5(2.3) of the "Joint MDEP/LURC Permit Application," described further in Finding 13.**

Based on this information, the Department finds that the project meets the criteria for exception from the General Standards.

12. MAINTENANCE OF COMMON FACILITIES:

The applicant will be responsible for the maintenance of the project, which includes but is not limited to, any necessary erosion and sedimentation control measures as described in Section 14.2 and Section 13-5(2.3) of the "Joint MDEP/LURC Permit Application."

Visual inspections of the lines must be completed annually and each time there is an outage on the lines to look for damage to wires, insulators, and structural components. Vegetation clearing must be completed every four years to control vegetation height in the corridors. This is a four-step process to trim corridor sides; trim screens around roads and streams; trim tall softwoods within the corridors; and selectively spray to kill hardwoods and tall brush in upland areas more than 75 feet from streams. Infrared inspections must be completed every four years to assess corrosion and early failure of electrical connections. A climbing inspection of poles and crossarms must be done every 10 years to assess structural condition, wood decay, and biological damage.

Based on the submitted information, the Department finds that the applicant has made adequate provisions for maintenance of common facilities.

13. EROSION AND SEDIMENTATION CONTROL:

The applicant submitted an Erosion and Sedimentation Control Plan as Section 14 of the application. Details of the erosion control plan can be found on plan sheet T1 entitled "Redington Wind Farm Excerpt of Project Base Map," prepared by DeLuca-Hoffman Associates, Inc., dated December 15, 2005. Additional details are found a plan sheet entitled "Environmental Details, Redington Wind Farm Project, Maine Mountain Power LLC, 115kV Transmission Line Location and Index Map; Survey Notes and General Notes, Sheet 3 of 3," prepared by M.A. Mortenson Company, last revised November 11, 2006. The erosion control and plans sheets containing erosion control details were reviewed by the Departments Division of Watershed Management. DWM commented that the wood waste section of the erosion control plan for the transmission line corridor must be replaced with the specifications for erosion control mix outlined Section A-1 of the Maine Erosion and Sediment Control BMP Manual dated March 2003, entitled "Temporary Mulching". Prior to construction, the applicant must submit a revised **erosion control plan incorporating these specifications.**

**Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.**

Section 4.1 of the erosion control plan describes the installation process for the Transmission Line. Crews will use whole-tree harvesting machines to ground cut all vegetation that is two inches in diameter at breast height (dbh) and greater. Marketable timber will be sold for various forest products. Mowing machines and/or hand clearing crews will then remove or top any remaining capable species. All ground level vegetation will remain in place and the stumps from over story trees will remain in place unless necessary to install a pole or guy. The pole construction work area will not be grubbed or cleared of brush unless leveling of the area is required or it is necessary to level rough terrain to allow passage of tracked equipment along the corridors. Leveled areas will be restored to original grade and revegetated immediately upon completion of

work. No laydown areas are proposed. Poles will be hauled in by skidder on existing roads. Disturbed soils must be temporarily stabilized at all times until permanent vegetation is established.

Wetland and stream areas as well as areas with steep slopes have been identified within the transmission line corridor. Construction of the transmission corridor in wetlands and adjacent to streams must not occur during spring or fall mud seasons. Section 8.2 of the submitted erosion control plan lists procedures for stabilization of disturbed soils and **disturbed slopes (> 15%)**. **The plan includes special provisions for areas above elevation 2700 feet; however, except for installation of one set of poles, no soil disturbance is** proposed above elevation 2700 feet. A seeding plan for wetland areas was also provided.

The applicant proposes specific erosion control measures for work in and adjacent to non-regulated hydrologic features. Where required, crane mats will be laid on top of existing vegetation. Upon removal of the mats, disturbed areas will be seeded and mulched in accordance with Appendix A of the Erosion and Sedimentation Control plan entitled, "Seeding Plan Wetland Areas All Elevations".

Given the size and nature of the project site, the applicant must retain the services of a third party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order.

The Department finds that the applicant has made adequate provision to control erosion and sedimentation provided that the applicant submits a revised erosion control plan incorporating specifications for erosion control mix; construction of the transmission corridor in wetland and adjacent to streams is completed outside of spring and fall mud seasons; the applicant retains a third party inspector; and construction and stabilization occurs as described above.

#### 14. GROUNDWATER:

The project site is not located over a mapped sand and gravel aquifer. The proposed project does not propose any withdrawal from, or discharge to, the groundwater.

Potential sources of groundwater contamination during construction include fuel, hydraulic and lubricating oils used by construction and transportation vehicles and machinery. The applicant must prepare a project-specific Spill Prevention and Cleanup Plan for construction based on industry Best Management Practices for safe storage and handling of fuels and oils, spill cleanup guidelines, and definitions and reporting procedures for significant spills, including emergency contact phone numbers. Prior to construction, this plan must be submitted to the Bureau of Land and Water Quality and must be given to all contractors and subcontractors.

The Department finds that the proposed project will not have an unreasonable adverse effect on ground water quality provided that a spill prevention plan is submitted and distributed as described above.

15. WATER SUPPLY & WASTEWATER:

The project does not require a water supply. No wells or use of public water supplies are proposed. The project will not generate wastewater.

16. SOLID WASTE:

The transmission corridor in the Town of Carrabassett Valley will not generate any general solid waste during operation.

Marketable timber harvested during construction of the transmission corridor will be sold. Non-marketable timber and brush associated with clearing the transmission line corridor will be chipped and sold for fuel.

Most of the stumps in the transmission line corridor will be left in place. Incidental stumps and grubblings generated will be disposed of on site or transported to a licensed facility in compliance with Solid Waste Management Regulations of the State of Maine. Any chipper used must be on site less than 30 days and all stockpiled chips must be utilized in erosion control mix within 30 days of completing chipping.

All construction waste generated at the site must be transported by a Department-licensed non-hazardous waste Category A&B transporter to a Department-licensed solid waste facility in accordance with the Solid Waste Management Regulations of the State of Maine.

**The Department finds that the applicant has made adequate provision for solid waste disposal provided that solid waste is disposed of as described above.**

17. FLOODING:

The proposed project is not located within the 100-year floodway of any river or stream.

The Department finds that the proposed project is unlikely to cause or increase flooding or cause an unreasonable flood hazard to any structure.

18. NOISE:

Noise from construction activities will not exceed the sound limits outlined in Site Location of Development Rules, Section 10.C.2. Noise from blasting activities must not

exceed the limits outlined in Chapter 375, Section 10.C.4. No other regulated sources of noise were identified.

19. ODORS:

No significant sources of odors have been identified.

20. ALTERATION OF CLIMATE/WATER VAPOR:

The proposed project does not involve any significant sources of water vapor emissions.

21. ACCESS TO SUNLIGHT:

The proposed project will not cast shadows on any adjacent properties.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities provided that the project is completed as proposed and as described in Finding 6; and no herbicides are used in wetlands or within 75 feet of streams.
- C. **The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit** the natural transfer of soil provided that blasting is completed in accordance with the submitted plan and as described in Finding 10.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C provided that the applicant submits a revised erosion control plan incorporating specifications for erosion control mix as described in Finding 13; construction of the transmission corridor in wetland and adjacent to streams is completed outside of spring and fall mud seasons; the applicant retains a Third Party Inspector; and construction and stabilization occurs as described in Finding 13.

- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur provided that a spill prevention plan is submitted and distributed as described in Finding 14.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities, solid waste disposal and roadways required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipality or area served by those services provided that the project is completed as **described in Finding 17; and solid waste is disposed of as described in Finding 16.**
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life provided that stream buffers are maintained as described in Finding 6 and the project is constructed according to the submitted erosion control plan and as described in Finding 13.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters provided that no herbicides are used in wetlands or within 75 feet of streams; the applicant submits a revised erosion control plan incorporating specifications for erosion control mix as described in Finding 13; construction of the transmission corridor in wetland and adjacent to streams is completed outside of spring and fall mud seasons; the applicant retains a third party inspector; and construction and stabilization occurs as described in Finding 13.

- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the application of MAINE MOUNTAIN POWER LLC to construct transmission line associated with a 30 turbine wind farm, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Prior to construction, the applicant shall submit to the Bureau of Land & Water Quality a copy of the Final Development Plan Permit pursuant to LURC's Zoning Petition ZP 702 and Preliminary Development Plan.
4. Stream buffers 100 feet in width shall be maintained as described in Finding 6.
5. Blasting shall be completed in accordance with the submitted Blasting Plan. In addition, fly rock shall not be cast off site or into protected natural resources. Blasting shall not occur above elevation 2700 feet or in protected natural resources.
6. **Prior to construction, the applicant shall submit a revised erosion control plan for the transmission line corridor that incorporate the specifications for erosion control mix outlined Section A-1 of the Maine Erosion and Sediment Control BMP Manual dated March 2003, entitled "Temporary Mulching".**
7. Construction of the transmission corridor in wetlands and adjacent to streams shall be completed outside of spring and fall mud seasons.
8. The applicant shall retain the services of a third party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order.
9. The applicant shall prepare a project-specific Spill Prevention and Cleanup Plan for construction based on industry Best Management Practices for safe storage and handling of fuels and oils, spill cleanup guidelines, and definitions and reporting procedures for

significant spills, including emergency contact phone numbers. Prior to construction, this plan shall be submitted to the Bureau of Land and Water Quality and shall be given to all contractors and subcontractors.

- 10. The applicant shall dispose of incidental stumps and grubblings in compliance with Solid Waste Management Regulations of the State of Maine. Any chipper used on site shall be on site less than 30 days and all stockpiled chips shall be utilized in erosion control mix within 30 days of completing chipping.
- 11. All construction waste generated at the site shall be transported by a Department-licensed non-hazardous waste Category A&B transporter to a Department-licensed solid waste facility in accordance with the Solid Waste Management Regulations of the State of Maine.
- 12. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED AT AUGUSTA, MAINE, THIS 24<sup>TH</sup> DAY OF May, 2007.

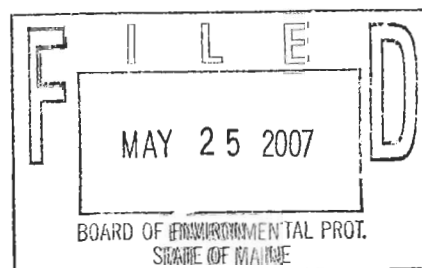
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:   
 DAVID P. LITTELL, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: December 20, 2005 (Site)      October 3, 2006 (NRPA)  
 Date of application acceptance:      January 9, 2006 (Site)      October 24, 2006 (NRPA)

Date filed with Board of Environmental Protection  
KH/56715&60919/L22691AN&BN





SITE LOCATION OF DEVELOPMENT (SITE)  
STANDARD CONDITIONS

**STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.**

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate.
3. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised November 1, 1979



## NATURAL RESOURCE PROTECTION ACT (NRPA) STANDARD CONDITIONS

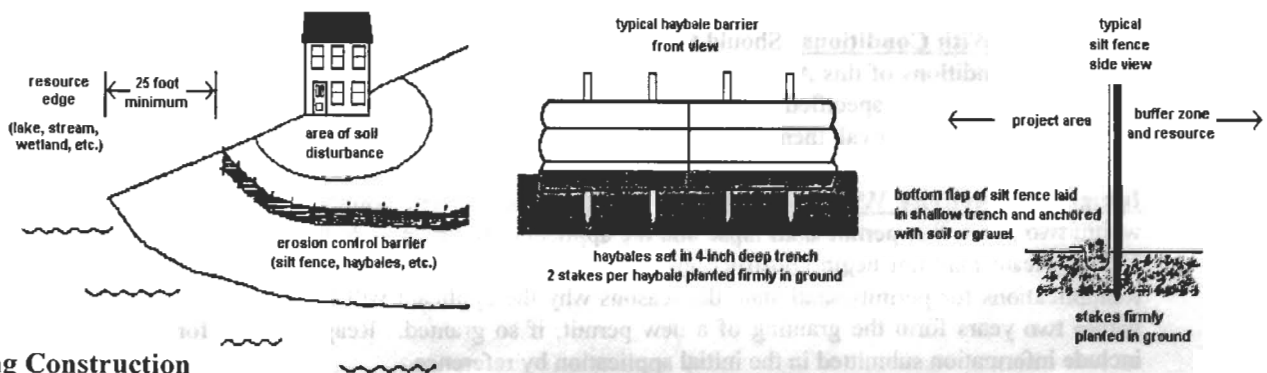
THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET. SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. **Approval of Variations From Plans.** The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. **Compliance With All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. **Erosion Control.** The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. **Compliance With Conditions.** Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. **Initiation of Activity Within Two Years.** If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years form the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. **Reexamination After Five Years.** If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. **No Construction Equipment Below High Water.** No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. **Permit Included In Contract Bids.** A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. **Permit Shown To Contractor.** Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

## Erosion Control

### Before Construction

1. If you have hired a contractor, make sure you have discussed your permit with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is and where it is located. Most people could identify the edge of a lake or a river. The edges of wetlands, however, are often not obvious. Your contractor may be the person actually pushing dirt around but you are both responsible for complying with the permit.
2. Call around and find sources for your erosion controls. You will probably need silt fence, hay bales and grass seed or conservation mix. Some good places to check are feed stores, hardware stores, landscapers and contractor supply houses. It is not always easy to find hay or straw during late winter and early spring. It may also be more expensive during those times of year. Plan ahead. Purchase a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the activity.
4. If a contractor is installing the barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level along the land slope, whenever possible. This keeps stormwater from flowing to the lowest point of the barrier where it builds up and overflows or destroys it.



### During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops striking the soil that causes a lot of erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. In that situation, stop work and figure out what can be done to prevent more soil from getting past the barrier.

### After Construction

1. After the project is complete, replant the area. All ground covers are not equal. For instance, a mix of creeping red fescue and Kentucky bluegrass is a good choice for lawns and other high maintenance areas. The same mix would not be a good choice for stabilizing a road shoulder or a cut bank that you don't intend to mow.
2. If you finish your project after September 15, then do not spread grass seed. There is a very good chance that the seed will germinate and be killed by a frost before it has a chance to become established. Instead, mulch the site with a thick layer of hay or straw. In the spring, rake off the mulch and seed the area. Don't forget to mulch again to hold in moisture and prevent the seed from washing away.
3. Keep your erosion control barrier up and maintained until the area is permanently stabilized.