

SUPPORT

LD 385 – An Act To Improve Wind Energy Development Permitting

Sponsor: Representative BEAVERS of South Berwick.

Co-Sponsors: Representatives DUNPHY of Embden, McGOWAN of York, RYKERSON of Kittery and Senators JACKSON of Aroostook and YOUNGBLOOD of Penobscot

Summary: The purpose of the bill is to make targeted improvements to the process and standards for the permitting of large wind power projects, in order to increase public involvement and predictability and help ensure sustainable development of wind power in Maine. The bill requires the Department of Environmental Protection to hold a public hearing if there is sufficient public interest, and makes other changes that improve opportunities for public comment. The bill also prohibits development in high elevation subalpine habitat and gives DEP authority to require best available practices to mitigate impacts on natural or scenic resources when permitting a wind power project, such as requiring the use of radar technologies to reduce aviation night lighting or operational standards to reduce risks to bats.

Explanation: In order to decrease pollution and limit our contribution to climate change, Maine needs to develop additional renewable energy capacity. Wind power remains one of the most cost-effective ways to produce large amounts of clean energy. In 2007, NRCM supported the development of a sensible and balanced framework for promoting and permitting wind power in the state, including with the purpose of guiding wind development toward the most appropriate locations. Subsequently we have found opportunities to adjust or build on that framework—such as legislation we helped craft in 2009 to ensure concrete “tangible benefits” for communities that host wind projects. LD 385 reflects targeted improvements to permitting that have become necessary based on evolving permitting practices—such as the transition of all wind power permitting statewide to the DEP—and evolving science and technology regarding mitigating environmental impacts. NRCM helped develop this legislation with Maine Audubon and the Appalachian Mountain Club.

Public participation in wind power permitting is essential. While we recognize that the DEP has recently sought to increase public participation in wind permitting, the DEP has only held one public hearing on a wind power project out of at least nine permitting proceedings. (A public “hearing” provides a fuller opportunity for public input.) The bill improves the DEP process by creating thresholds for holding public hearings or full adjudicatory public hearings and by establishing clearer deadlines for public comments.

Although the clear trend in wind development in Maine is away from high elevation areas, we believe the time has come to establish that certain rare, subalpine habitat is off-limits from development. The documented high quality examples of this habitat type make up just 0.2% of Maine’s land area, more than half of which is on Mt. Katahdin or the Mahoosuc Range (and protected from development).

Finally, as technology evolves, so should our laws. This bill gives DEP greater authority to require technology or operational practices that would reduce environmental impacts, with consideration given to their economic feasibility.

NRCM Supports LD 385.