



Downeast Wind License List and Environmental Overview

Local Permits

- **Intent to Build Form – Town of Columbia**
 - Certifies that Downeast Wind is in compliance with all Town ordinances and meets MDEP standards.
- **Utility Permit – Town of Columbia** (*received*)
 - This permit allows Downeast Wind to install underground utilities in a 1.25 mile section of Schoodic Road. This is not a town or state required permit but was applied for to complete project connection.

State Permits

- **LUPC Certification**
 - LUPC certifies that the proposed land uses are allowed and that proposed development activities comply with applicable LUPC land use standards. This includes submission to LUPC of portions of the Site Law applications that correspond to LUPC requirements, and any additional information that they need not included in the Site Law review. The land use standards established by LUPC and applicable to the project that are not specifically considered in MDEP project review include: Land division history, Dimensional requirements, Vehicular Access, Circulation and Parking, Lighting, Federal Emergency Management Agency (FEMA) flood zone management standards, and Signs.
- **Site Location of Development (Site Law) Permit**
 - The Maine Department of Environmental Protection (MDEP) review and approval of commercial wind farm projects is conducted under the auspices of Maine's Site Location of Development Law (Site Law). The regulations for this statute describe the 25 areas of concern that must be covered in any permit application, as well as the five additional topics that must be addressed for wind energy facilities (shadow flicker, public safety, tangible benefits, decommissioning plan, and visual quality/scenic character).
- **Natural Resources Protection Act (NRPA) Permit**
 - The MDEP also administers the review of projects under the Maine Natural Resources Protection Act (NRPA). There is significant overlap between the requirements of the Site Law and NRPA and so these applications are often submitted concurrently. The NRPA regulates impacts to protected natural resources which includes rivers and streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, coastal wetlands, and coastal sand dune systems. A NRPA permit is required when an activity will be located in, on, over, or adjacent to any protected resource. For unavoidable impacts to

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wetlands and certain significant wildlife habitats (e.g. inland wading bird and waterfowl habitats, significant vernal pool habitats, etc.), the MDEP and USACE may require compensation. Compensation may take the form of user-supplied mitigation (creation, restoration, enhancement, or preservation of natural resources) or through payment to the Maine/USACE administered in-lieu-fee program.

- **Section 401 Water Quality Certification**

- If this Project will require a Clean Water Act Section 404 permit from the USACE, the State of Maine must issue a certification that any such discharge will comply with State water quality standards. Where possible, the MDEP has combined the decision concerning water quality certification with the review of an application for a state permit that already requires compliance with state water quality standards. As such, this request is generally submitted concurrently with the NRPA application.

- **Coastal Zone Consistency**

- For Federally licensed, permitted, or funded activities in the Coastal Zone, the Maine Department of Marine Resources will perform consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456.

- **Maine DOT Driveway and Utility Permits** –Two permits are generally required from the Maine Department of Transportation (MDOT) for wind farms:

- Driveway and Entrance Permit: An application must be submitted to construct, change location, grade or use served by a driveway or entrance to property in accordance with Title 23 M.R.S.A. § 704 and §705.
- Utility Location Permit: A utility location permit is required when installing new facilities along or across a public highway corridor.

Federal Permits

- **US Army Corps of Engineers Clean Water Act Section 404 Permit**

- If wetland or stream impacts may be unavoidable Clean Water Act (CWA) Section 404 permit will be required for impacts to wetlands or other jurisdictional waters of the United States; this permit is issued by the U.S. Army Corps of Engineers (USACE). Issuance of an Individual Permit would be a federal action which would trigger compliance with the National Environmental Policy Act (NEPA). Individual permits require state water quality certification under CWA Section 401. If Project wetland impacts are larger than 20,000 square feet, USACE will require development of a formal compensatory mitigation plan (similar to the requirement of the NRPA discussed above).

- **FAA Hazard Determination**

- The FAA Notice of Proposed Construction or Alteration (Form 7460-1) must be submitted for installation of new structures over 200 feet tall; or for structures less than 200 feet tall but which extend into regulated air space near an airport (or as otherwise required under 14 CFR 77 Subpart B, Section 77.9).

Environmental Impact Overview

While the project footprint, including total disturbed area and final permanent footprint have not been determined at this stage, potential environmental impacts from Downeast Wind include:

- Wetland and stream impacts – A primary project design goal has been to avoid and minimize wetland and stream impacts. For electrical collection line siting, all perennial stream impacts and a majority of the wetland impacts are being avoided through the use of horizontal bores. Impacts to these resources have been further minimized through the use of existing roads for project access to the extent practicable.
- Wildlife impacts –The project has conducted numerous wildlife surveys to evaluate use of the project site by upland sandpiper, whimbrel, nocturnal migrants, bats, and other species, and has designed the project to avoid and minimize impacts to wildlife habitat. Turbines have been sited outside or on the edge of upland sandpiper and whimbrel habitat. As originally proposed a number of turbines would have been located in such habitat, however in the final design only one turbine is located in what is marginal value habitat. The project will operate with the use of motion activated lighting and no steady burning lights that might attract nocturnal migrants and expose them to collision risk. Additionally, the project will implement turbine curtailment to minimize collision risk to bats consistent with MDIFW guidance. Although the project has minimized and avoided impacts to reduce or eliminate wildlife impacts, the project is coordinating with the Maine Department of Inland Fisheries and Wildlife (MDIWF) regarding a mitigation and conservation plan to ensure the project has a net benefit to potentially impacted species.