



# Maine Forest Products Council

*The voice of Maine's forest economy*

---

## Maine Forest Products Council Testimony in Opposition to LD 1323 An Act Regarding Wind Power Siting in the Unorganized Territory January 13, 2014

**Patrick Strauch, Executive Director**

Sen. Cleveland, Rep. Hobbins and members of the Energy, Utilities and Technology Committee, I am Patrick Strauch, executive director of the Maine Forest Products Council (MFPC). I am speaking today in opposition to LD 1323.

The MFPC is a trade association formed in 1961. We have about 300 member companies, which represent all segments of the forest industry in Maine. We speak for logging contractors, sawmills, paper mills, biomass energy facilities, pellet manufacturers, furniture manufacturers, and on behalf of more than nine million acres of commercial forestland in Maine.

Forestland owners view opportunities to diversify income from their land as a way to stabilize their investment and support their core function of sustainable forest management. Landowners only allow wind power where it is compatible with other forest uses; many view wind power as part of the multiple use forest economy.

I want to sound a note of caution about LD 1323 and the other bills before you this session to amend Maine's Wind Power Act. It may be, as LD 1323's amendment notes, "in the public interest to reduce the potential for controversy regarding siting of grid-scale wind energy development," but that cannot be achieved by taking away the rights of those who own the land. Nor is it fair to change the legal requirements for landowners who have invested several years and many thousands of dollars into wind projects.

LD 1323 would eliminate zoning for wind power use within the expedited zone and force an applicant to apply for rezoning of their property. For landowners who are considering or already involved in wind power development, this is both a violation of their rights and a change in the law that would negatively affect business investments.

This theme continues in one of the other wind power bills you'll be considering this session. LD 616 would create the dangerous precedent of allowing the right to petition LUPC **to change the zone of someone else's property to prohibit a previously approved use.** The process outlined in LD 616 for the selective removal of townships from the expedited permitting area contains no principles or criteria. It does not even establish who would have standing – a next door neighbor, a resident of another town, an organization from another state? – to petition LUPC for such a change.

If this process is created, we also are concerned that subdivisions and concept plans could be undone by neighbors. Forestry practices could be eliminated as a zoned use.

The Wind Power Act was designed to cut through the multiple layers of bureaucracy that existed in 2008, just as LURC's reinvention as LUPC did in 2012. Yet LD 1323 would repeal the provision of law specifying that an expedited wind energy development is a use requiring a permit but not a special exception. It repeals the

requirement that LUPC make expedited wind energy development a use allowed with a permit in expedited permitting areas.

There is no need to resurrect or reinvent a process that was time-consuming, expensive, inefficient and a poor way to establish public policy. LD 1323 and the other wind power bills you will be considering are simply an attempt to reestablish avenues to endlessly delay or even halt a project.

We strongly oppose such efforts, especially in light of the improvements to the planning process since 2008.

Small and large landowners in the Unorganized Territory have worked hard to return the planning and vision for the jurisdiction closer to the regions (vs. other regions of the state having a disproportionate influence over the northern region). We have encouraged regional planning within the revised scope of the enabling LUPC statute to consider landowner equity, along with other considerations.

However, when communities elect to disorganize or when individuals move to an unorganized town, they forfeit home rule powers and in effect are part of one 8-million-acre municipality. Ascribing rights to this group beyond those allowed in an organized town is a big problem.

Furthermore, allowing individuals the right to rezone the land of a neighbor is unprecedented. Within LUPC an individual must now have the right, title and interest in a piece of land before they can petition LUPC for rezoning. Just imagine what would happen in your town if your neighbor could change the zoning on your property to alter allowed uses.

Zoning is not intended to be a precise process. It designates areas, but site-specific criteria are determined during the permitting process, which is now under the authority of the Maine Department of Environmental Protection. That's where individuals can express their concerns about a project.

Whether it is LD 1323 or LD 616, it is a dangerous precedent to remove landowners' rights or change the rules in the middle of the game.

Please oppose this bill and others with the same goals.