

Friends of Lincoln Lakes Files Brief in Appeal – Attacks Expedited Wind Law

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The Friends of Lincoln Lakes has filed its brief in their appeal of the August decision of the Board of Environmental Protection (BEP). At that time, the BEP affirmed the April 2009 Order of the Department of Environmental Protection, granting a license to First Wind for the construction of the Rollins Ridge Industrial Wind Farm in Lincoln and surrounding towns.

In their brief, the Appellants argue that the part of the Expedited Wind Law that mandates a direct appeal to the Maine Supreme Judicial Court is unconstitutional. Challenges to all other energy projects are afforded a court of intermediate appeal, the superior court, prior to their ultimate appeal to the Supreme Judicial Court. “Opponents of expedited wind power projects are treated differently than those opposing any other energy projects, including liquefied natural gas projects, hydroelectric dams, industrial solar installations and biomass plants. In fact, all DEP licensing decisions are appealed to the superior court, with the sole exception of expedited wind projects,” according to Lynne Williams, the Friends’ attorney.

Appellants also present detailed arguments challenging the noise assessments done by First Wind. Notes taken during conference calls between DEP staff and Warren Brown, the acoustic engineer chosen by the DEP to evaluate the First Wind noise assessment, strongly suggest that Mr. Brown had significant reservations about the accuracy of the First Wind assessment. In a March conference call, Brown discussed the noise model that was used, stating “it’s based on industrial noise, not wind power noise,” and we “haven’t been able to determine whether this model is accurate for wind turbines.” The noise assessment done for the Rollins Ridge project utilized the same model that was used in Mars Hill, where residents are currently experiencing significant health impacts.

According to Williams, “we are reaching a turning point as more technical information becomes available about the impacts of industrial wind. “Expediting” the construction of these facilities on our rural ridgelines was a big mistake.”

The appeal is *Friends of Lincoln Lakes, et al. v. Board of Environmental Protection*, Docket No. BEP-09-467. First Wind is an intervenor in the matter.

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