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September 15, 2009

By E-mail

Mr. Mark Margerum
Bureau of Land and Water Quality
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

Re: Oakfield Wind Project, Aroostook County, Maine
DEP # L-24572-24-AN; IL-24572-TF-B-N

Dear Mark:

The Town of Oakfield (the “Town”) established a Wind Energy Review Committee (the “Committee”) to discuss siting and environmental issues associated with the above-referenced application for the Oakfield Wind Project. Over the course of the last several months, the applicant, Evergreen Wind Power II, LLC (“Evergreen”), has worked with the Committee and the Committee’s experts to provide information through a series of public workshops, as well as meetings with the Committee and meetings and discussions with the experts retained by the Committee. The Committee’s Final Report, dated September 4, 2009, includes a summary of the key issues evaluated throughout the process, and a number of recommendations. I understand that a copy of the report has already been provided to the Department.

At its September 4, 2009 meeting, the Committee adopted a number of resolutions, including a request that the Board of Selectmen adopt a resolution seeking adoption of the Final Report in lieu of a moratorium or any opposing motion made at the Town Meeting currently scheduled for September 28, 2009. There are a number of articles related to the project proposed for the warrant for the September 28, 2009 Town Meeting, and the Selectmen are scheduled to adopt the Committee’s Final Report and finalize the warrant for the Town Meeting at their meeting on September 16, 2009.

Evergreen has committed to working with the Town to implement the recommendations set forth in the report and, to that end, I am writing to inform the Department that Evergreen hereby amends its application as follows:

First, Evergreen has developed a Sound Complaint Response and Resolution Protocol to provide a transparent process for identifying and responding to potential sound complaints. It includes measures to ensure a consistent approach to documenting complaints, a process for communicating with the Town and DEP regarding potential complaints, and flexibility for ensuring appropriate actions are taken in response to potential complaints. A copy of the Sound Complaint Response and Resolution Protocol is attached as Exhibit A and is hereby incorporated into Section 5 of Evergreen's application.

Second, there are a number of recommendations in the report that Evergreen intends to implement by amending its application as follows:

- Section 20 of the application is amended to specify that pre-blast surveys will include bedrock wells and Evergreen (or its contractor) will provide written notice to the Town and all landowners with structures located within 2,000 feet of any blasting area at least three (3) days prior to commencing any blasting operations.
- Section 5 of the application is amended to specify that Evergreen will implement a post-construction monitoring protocol consistent with the following:
 - Within 12 months from when the project becomes operational, Evergreen shall conduct sound monitoring at two or more representative locations around the project. These locations shall be chosen in consultation with the DEP and the Town based on how well they represent local meteorology and their relative noise impact from the wind turbines (highest potential to exceed the applicable noise standards). In addition, special consideration shall be given to landowners that have registered sound complaints. The April 6, 2009 Rollins protocol shall be followed except that the weather conditions in Section b of the protocol will be relaxed if either A or B are met:
 - A is met if (i), (ii) and (iii) are satisfied:
 - (i) the difference between the LA90 and LA10 during any 10-minute period is less than 5 dBA, and
 - (ii) the surface wind speed (10 meter height) is 6 mph or less for 80% of the measurement period and did not exceed 10 mph at any time *or* the turbines are shut down during the monitoring period and the difference in the observed LA50 after the shut down is equal to or greater than 6 dB, and
 - (iii) observer logs or recorded sound files clearly indicate the dominance of turbines sounds.
 - B is met if (iv) is satisfied:
 - (iv) the overall 10 minute LAeq is 40 dBA or less.
- Section 5 of the application is amended to specify that if tonal sounds cause an exceedance of Chapter 375.10 sound limits, Evergreen will promptly notify the DEP and the Town. Evergreen will then expedite an investigation of the sound level exceedance and the associated tonal sound and develop a mitigation plan and schedule to achieve compliance with the applicable sound level limits. Evergreen will provide copies of the mitigation plan to the DEP and the Town,

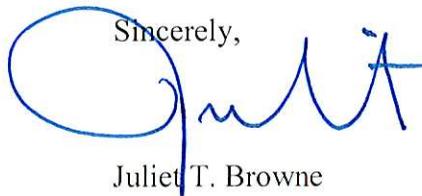
implement the mitigation plan, and provide a written report describing the actions taken and new measurement results that demonstrate compliance. Mitigation options could include reduction of the overall sound level and/or the tonal sound component.

- Section 5 of the application is clarified to state that the project will comply with the 45 dBA quiet nighttime limit during nighttime hours at applicable regulatory locations even if the pre-development ambient sound level is more than 35 dBA. Similarly, the project will comply with the 55 dBA quiet daytime limit during daytime hours at applicable regulatory locations even if the pre-development ambient sound is greater than 45 dBA.
- Section 5 of the application is supplemented to state that any future First Wind wind power project sited proximate to the project that is the subject of the application will be sited and operated in a manner to ensure that the *combined* sound, i.e., the sound associated with the existing project and potential future project, comply with the quiet noise limits at applicable regulatory locations.
- Section 29 of the application is amended to provide that on or prior to the end of calendar year 15 of the project's operation, Evergreen will simultaneously submit to the Town and the DEP the reassessed estimated cost of decommissioning (minus salvage value).

Finally, there are a number of other recommendations in the report that Evergreen is committed to working with the Town to implement, but which we do not believe require an amendment to the application. These recommendations are summarized in my e-mail of September 4, 2009 to counsel for the Town, which was provided to you previously.

We appreciate the hard work undertaken by the Committee and look forward to working with the DEP and the Town to implement these recommendations. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Juliet T. Browne". The signature is fluid and cursive, with a large initial "J" and a distinct "T" at the end.

Juliet T. Browne

JTB/prf

cc: Alec Jarvis
Brooke Barnes
Jim Sholler
Dale Morris
Andy Hamilton

EXHIBIT A

Oakfield Wind Project Sound Complaint Response and Resolution Protocol



Evergreen Wind Power II, LLC (herein referred to as Evergreen) submitted a sound level study completed by RSE. The sound level study was conducted to model expected sound levels from the proposed Oakfield Wind Project (the “Project”) and to compare model results to operation standards pursuant to the Site Location of Development Rules, Chapter 375 §10.

In recognition of the rural nature of the site, the applicant elected to apply quiet limits of the 55 dBA during daytime and 45 dBA at night at all nearby protected locations in accordance with Chapter 375 §10 (H) (3) (1). This is a conservative approach, because ambient sound levels under weather conditions suitable for wind turbine operation can exceed thresholds of 45 dBA daytime and 35 dBA nighttime. Conservative assumptions were also incorporated into the modeling of predicted sound levels from the project. Thus it is expected that sound levels from the operating Project will remain within predicted levels.

As an added measure, Evergreen will implement the following procedure for receiving input and responding to the public, in the event there are concerns regarding compliance with applicable sound level standards during operation of the Project. This procedure is in addition to the compliance testing protocol that will be implemented as part of the DEP Site Location Permit.

The intent of the sound complaint resolution protocol is to:

- 1. provide a transparent process for reporting sound complaints to Evergreen;**
- 2. provide a consistent approach to documenting complaints and to inform subsequent monitoring efforts; and**
- 3. provide a process for informing the Town and DEP of sound complaints.**

Evergreen will provide a contact person and 24 hour “hotline” telephone number for complaints regarding sound from the Project. Contact information along with a copy of this protocol and a “Sound Complaint Record Form” will be mailed to all abutters, consistent with the definition of abutters set forth in Chapter 2 of the Maine DEP regulations, and provided to the Town and DEP.

Residents of Oakfield are encouraged to fill out the Sound Complaint Record Form but they are not required to do so in order to make a complaint on the hotline. The purpose of the form is to ensure that a standardized set of basic information is collected for each complaint in order to facilitate analysis. The following information will be required from the complainant in order to process the form:

- Name and address of complainant
- Date, time and duration or periods of sound event
- Description of sound event—relative amplitude, source of annoyance, steady or fluctuating, low/mid/high or mix of frequencies/pitch, noticeable vibration, indoor or outdoor and specific location
- Description of other audible sounds from sources outside and inside the dwelling of the complainant.

Oakfield Wind Project Sound Complaint Response and Resolution Protocol



Evergreen will complete the Sound Complaint Record Form by providing the following:

- Nearest turbine to complaint location
- Date and time call or form processed
- Power output (kW), wind speed and direction of closest turbines during sound event
- Local/surface weather conditions—cloud cover, precipitation, relative wind speed and direction, temperature, and relative humidity
- Ground conditions – field, wooded, snow, foliage, frozen/icing

A log of complaints will be kept and managed by the operational staff at the Project site. Evergreen will provide a copy of the complaint log to the Town and DEP on a quarterly basis or more frequently upon request by the Town or DEP.

The response to each complaint will depend on each situation, but may include, without limitation, a visit to the location of the complaint; inspection of the operating condition of the turbines closest to the complaint location to evaluate potential upset conditions that might increase sound levels; informal sound monitoring by Evergreen; an informal evaluation of the complaint by Evergreen's sound consultant; or formal sound monitoring. In the event that Evergreen conducts formal sound monitoring at a complaint location, it will notify the Town ahead of time, allow the Town Manager the opportunity to observe, and will provide the results to the Town. In addition, if Evergreen conducts a visit to a complainant or conducts informal sound monitoring at a complaint location, it will undertake best efforts to notify the Town Manager and allow him or her the opportunity to observe. In any event, a Sound Complaint Response Form and Follow-up Record will be completed by Evergreen staff.

Evergreen will use the information collected during the first three months of operation to assist in selecting compliance monitoring locations for testing in accordance with the DEP post-construction sound level compliance assessment plan, as well as timing to ensure monitoring is conducted under weather and operating conditions when sound from the project is most noticeable.

If Evergreen or the DEP determines that there is a consistent pattern of complaints that suggest sound levels from the Project may exceed applicable DEP sound level limits, Evergreen will develop and implement an appropriate protocol for ensuring that the Project continues to meet applicable sound level limits. Evergreen shall take reasonable steps to provide a copy of the protocol to the Town and DEP prior to its implementation, and will provide the results of testing undertaken as part of the protocol to the DEP and the Town. If the Project is not in compliance with the DEP standards, and as set forth in the DEP Site Law permit, Evergreen will submit a revised operation protocol to the DEP and provide a copy to the Town that demonstrates the Project will be in compliance at all the protected locations surrounding the Project.

Oakfield Wind Project Sound Complaint Response and Resolution Protocol



Protocol Implementation:

Evergreen Wind will hold an initial public information meeting in conjunction with the Town to explain the complaint response and resolution process, including how to properly file complaints and complete the form(s).

Forms will be mailed to project abutters and will be available at the Town Office and the DEP.

The 24/7 hotline number will be mailed to abutters and posted at the Town Office.

For the first year of operations, Evergreen will hold quarterly meetings in conjunction with the Town to discuss complaints and their resolution. This process can also be used to report the results of compliance testing per the DEP protocol.

Evergreen Wind will develop and schedule in consultation with the DEP compliance testing to occur sometime after commercial operations but during the first year of routine operations so that complainant locations can be incorporated as appropriate.

The proactive and innovative measures identified in this sound complaint response and resolution protocol will facilitate a more complete understanding and evaluation of potential sound complaints and will ensure that those complaints are appropriately addressed. Evergreen invites the public to participate in this process to ensure that the Oakfield Wind Project remains a positive contributor to the community.