

**Meeting Minutes**  
Policy Committee  
Massachusetts Wind Working Group

January 11, 2006  
10:00 – 12:00

Healey Library, University of Massachusetts Boston

In attendance: Keren Schlomy, Jack Wiggin, Co-chairs; Glen Berkowitz, Beaufort Power; Bob Grace, SEA Advantage; Bill Green, BHI, Subcommittee for Renewable Energy and Sustainable Design; John Harper, Birch Tree Capital; Mark Kalpin, Wilmer Hale; Richard Michaud, DOE; Dave Publicover, AMC; Jose Rotger, SEA Advantage; Joe Turnbull, CyberNauTech;

Teleconference: David Cash, EOEА; Sally Wright, Renewable Energy Research Lab, UMass Amherst.

*David Cash*, Director of Air Policy, EOEА reviewed status of EOEА's efforts on five priority topics identified during EOEА's regional meetings last year:

1. Article 97: EOEА has been working on a position regarding the siting of wind turbines on Article 97 land (both Commonwealth and Municipally owned). Had been considering lowering the threshold for approval, but no longer being considered given the importance of the purposes for which Article 97 land is originally acquired. EOEА's position is that wind power does provide environmental benefits which will be a favorable factor in agency reviews of such proposals.

*Mark Kalpin* noted there is a current proposal in Orleans to use Article 97 land for wind development to power a wastewater treatment facility. The land in question was acquired for watershed protection. Two questions are raised with such proposals (1) is it a change in use (from what the property was taken for and/or is currently being used for)? and (2) is a change in control of the site proposed, e.g., will the site be leased to a private operator? If it is either one, the Article 97 process is triggered and a 2/3 vote of the General Court (legislature) is needed. Concerning (1) there is an argument that powering an existing water treatment facility is the same use, but a converse argument that generation of power is a new and different use.

Concerning (2) one way to address the Article 97 issue in this case (change in control over the site), is for MTC to do the project with a revocable license, which is not considered a change in control. Other options are to seek Article 97 approval or attempt to amend the statute. MTC has purchased two Vestus 1.6 MW turbines to be delivered in September 2006 for this project, which was to be done by a private developer. MTC will host an informal meeting on this topic in Westborough on January 26.

2. Small wind on Non-Article 97, state-owned land: EOEa will be active in promoting wind development on such land used for correctional facilities, university campuses, properties of Mass Highway and the Mass. Turnpike Authority, for example. There is a current proposal to use wind power for electrification of a truck stop on the Mass Pike in Blanford(?).

*Sally Wright* asked if this is to be an off-grid facility and, if so, there are problems associated with such a facility.

3. Protocols for use in avian/bat studies: There was an initial meeting on this issue on August 17, 2005, attended by representatives of government, universities, NGOs. EOEa has been working on development of policy guidance and hopes to have the secretary issue something by next spring. Alternatively, the recommendation may become part of MEPA. Specifics still being discussed are whether there should be different protocols for large v. small projects, for areas where bird/bats are known to use v. where they are unlikely to use, etc. There will be a follow up meeting on January 19 at the DFW field headquarters in Westborough
4. & 5. Model municipal bylaw and guidance document for wind development: Rough drafts have been developed; currently being circulated through the legal staff, then to others. Will come out sometime in the future. Keren will follow-up with EOEa's general counsel on asking if this committee can review the drafts and offer comments.

## **Updates:**

*John Harper*

- \* Announced the upcoming March 1, 2006 Northeast Energy and Commerce Association (NECA) conference. Agenda due out soon. Check here for information: <http://www.necanews.org/>
- \* Draft regulations for the Clean Renewable Energy Bond (CREBs) program out in December 2005; can be found on the IRS website. This draft will likely be the regulations governing the program. Applications are due April 26, 2006. Mass Development is preparing an omnibus application to cover multiple projects with a single bond issue. So, if there are projects that would benefit from CREB financing, contact Mass Development. <http://www.irs.gov/pub/irs-drop/n-05-98.pdf>
- \* \$800 million in bond financing will be available over two years; \$300 million of this is reserved for nongovernmental cooperatives. These funds are meant for public sector projects not eligible for the production tax credit. The developer only pays back the principal amount, the bond holder receives tax credits. **John has given a presentation on this topic and has sent a PDF which has been sent to the WWG for dissemination to the larger group.**

*Bob Grace*

- \* reported on hydro-related legislation that would make additional (e.g., existing) hydro projects eligible under the RPS. **He will report further at the WWG meeting.**

- \* DOER issued its Annual RPS Compliance Report for 2004 on January 9, 2006  
<http://www.mass.gov/doer/rps/rps-2004annual-rpt.pdf>
- \* NREL is offering matching funds to support the *New England Wind Forum* newsletter and website for another three years if other funding sources are found.
- \* The next *New England Wind Forum* newsletter is due out any day now  
<http://www.eere.energy.gov/windandhydro/windpoweringamerica/newengland.asp>

*Dick Michaud* announced that DOE's Northeast Regional Office will be closing in June. The basic functions will be moved to West Virginia and Boulder, Colorado.

*Keren Schlomy* reported that she has been attempting to talk with the FAA about a study they are conducting on radar interference but, so far, no word on when that will be completed and released. The person responsible is Rene Balanga, Spectrum Engineering Services, FAA DC.

*Sally Wright* noted that they are seeing more "determinations of presumed hazard" with no explanations. FAA has asked RERL for more information on blade specifications, but it is unclear what they are doing with that information.

*Dave Publicover* reported that a group in Maine coordinated by Maine Audubon is developing a guidance document on recommended studies for avian/bat impacts; final due at the end of the month. The document will have no authority, but represents the understanding of a broad constituency. Contact is Jodie Jones of Maine Audubon.

*Joe Turnbull* noted in a follow-up e-mail after the meeting that The U.S. Department of Interior's Mineral Management Service is currently seeking comments on how it should regulate energy development other than oil and gas on the outer continental shelf (OCS). Comments are due by February 28th.

*Keren and Jack* asked the group to consider the future agenda/goals of the Policy Committee.

*Glen Berkowitz* suggested inviting the campaign staffs of the four gubernatorial candidates to present their positions on renewables and educate them, as appropriate.

*Joe Turnbull* added that the group might develop high level policy pieces for the governor's race.

Over the next couple of weeks, the committee will try to determine topics on which members can reach consensus positions. Consensus on net metering is a probability. Others to consider are Article 97, hydro issue, applicability of standby charges, avian/bat studies (particularly thresholds for different levels of study), working with the FAA, wind and RGGI.