

From: "[Laura T Singer](mailto:lsinger@maine.rr.com)" <lsinger@maine.rr.com>

To: "[Nixon, Matthew E](mailto:Matthew.E.Nixon@maine.gov)" <Matthew.E.Nixon@maine.gov>

Date: 6/29/2016 12:57:37 PM

Subject: Links to "Testing Ocean Energy" PDF document

Attachments: [testingoceanenergy.pdf](#)

Hi Matt,

I'm working with the Monhegan Energy Task Force on some facilitation and outreach as the community discusses a potential community benefit agreement with Maine Aqua Ventus. At the community meeting last week, questions were raised about the original site selection process in 2009. I found a document on-line that looks like a great document to answer these kinds of questions, but none of the links seem to pull up the relevant PDF materials (they go back to MCP homepage).

Is there any chance you could help locate these documents so I can share them on Monhegan?

Thanks and I hope all is well!

Best,

Laura

<https://www1.maine.gov/dacf/mcp/downloads/oceanenergy/testingoceanenergy.pdf>

From: "[Laura T Singer](mailto:lsinger@maine.rr.com)" <lsinger@maine.rr.com>
To: "[Nixon, Matthew E](mailto:Matthew.E.Nixon@maine.gov)" <Matthew.E.Nixon@maine.gov>
Date: 7/1/2016 11:01:42 AM
Subject: Re: Links to "Testing Ocean Energy" PDF document

Thanks, Matt.

I am in the process of conducting a survey (the 3rd so far) of the Monhegan community and there is a significant contingent of folks who are interested in pursuing the idea of actively working to have the MAV test site moved. I want to honor their interest and provide them with information about their options.

So, according to what I understand, the two ways Monhegan could work to move the test site would be to:

1) Petition the Commissioner of Dept. of Conservation, Bureau of Public Lands (under Title 12, Sec 1868, subsection 3)

"3. Modification of identified offshore wind energy test areas. Pursuant to the criteria under subsection 1, the department may, following notice and opportunity for public comment, add to, remove or otherwise modify the list of areas identified pursuant to subsection 1."

* It is important to note that a law suit was filed in 2010 to appeal the Commissioner's decision to designate the Monhegan test site. The Maine Superior Court upheld the Commissioner's decision in June 2011 concluding that "the Department's decision is supported by the evidence and is not otherwise unlawful."

2) Convince the legislature to change the current law by asking a legislative representative to submit a bill for the next regular session of the legislature (128th session) which begins next December 2016. The bill would potentially change the language of Title 12, Sec. 1868. A final decision by the legislature and enactment of the new legislation (if approved) would mostly likely be June 2017.

Anything else you'd add?

Thanks again and I hope you enjoy the weekend!

Best,

Laura

On Jun 30, 2016, at 11:12 AM, Nixon, Matthew E <Matthew.E.Nixon@maine.gov> wrote:

Hi Laura,

I'll do some digging and get back to you soon. Nice to hear from you!

-matt

-----Original Message-----

From: Laura T Singer [<mailto:lsinger@maine.rr.com>]

Sent: Wednesday, June 29, 2016 4:58 PM

To: Nixon, Matthew E

Cc: barbara hitchcock

Subject: Links to "Testing Ocean Energy" PDF document

Hi Matt,

I'm working with the Monhegan Energy Task Force on some facilitation and outreach as the community discusses a potential community benefit agreement with Maine Aqua Ventus. At the community meeting last week, questions were raised about the original site selection process in 2009. I found a document online that looks like a great document to answer these kinds of questions, but none of the links seem to pull up the relevant PDF materials (they go back to MCP homepage).

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Thanks and I hope all is well!

Best,

Laura

<https://www1.maine.gov/dacf/mcp/downloads/oceanenergy/testingoceanenergy.pdf>

From: "Barbara Hitchcock" <barbaramonhegan@gmail.com>

To: "Laura T Singer" <lsinger@maine.rr.com>

Date: 7/5/2016 3:52:32 PM

Subject: Re: Reminder: METF Community Survey #3

Hi Laura

I look forward to getting the info you refer to as,soon as possible.

Many thanks for your help.

barbara

Sent from my iPad

On Jul 5, 2016, at 11:41 AM, Laura T Singer <lsinger@maine.rr.com> wrote:

Hi Barbara,

In case you didn't get my e-mail over the weekend, I was in touch with Matt Nixon at the Maine Coastal Program about the data you have requested. I've attached a document I found on the web, but none of the links work anymore. Matt is working on digging up the information for you. I think the two documents listed under the "Siting Process Information" section may have what you are looking for. Matt also mentioned that there is a large Excel spreadsheet with data as well.

Best,

Laura

<testingoceanenergy.pdf>

On Jul 2, 2016, at 8:01 AM, Barbara Hitchcock <barbaramonhegan@gmail.com> wrote:

Good morning Laura,

It's barbara hitchcock from Monhegan. at the recent meeting on the island habib dagher, in response to a question, spoke of a data base which played in the site selection. I was interested in reading through it and asked about assess to this data base. I believe I was told it could be found online.

Not being super computer savvy I asked if you would help make that available. Having poked around a bit I haven't come up with anything and am now turning to you to help me. I am looking for "...the data base which was used to reduce the 7 sites to three."

Many thanks,

barbara

Sent from my iPad

On Jul 1, 2016, at 6:45 PM, Laura T Singer <lsinger@maine.rr.com> wrote:

Please give the Monhegan Energy Task Force (METF) YOUR input on potential community benefits from the Maine Aqua Ventus offshore wind project! **The survey will close on midnight, July 6th so make your opinion known.** (Thank you if you have already participated in the survey.)

Please follow this link: https://www.surveymonkey.com/r/METF_Survey_3 to participate in the survey. If you have a problem with the link, the survey is also available on the METF website at www.MonheganEnergy.info under "Latest News".

METF NEEDS YOUR INPUT BEFORE JULY 6!

Thank you for taking the time to provide your thoughts.

METF

Note: Please see www.MonheganEnergy.info for the most recent information about the project.

From: "[Laura T Singer](mailto:lsinger@maine.rr.com)" <lsinger@maine.rr.com>
To: "[Barbara Hitchcock](mailto:barbaramonhegan@gmail.com)" <barbaramonhegan@gmail.com>
Date: 7/5/2016 7:41:55 AM
Subject: Re: Reminder: METF Community Survey #3
Attachments: testingoceanenergy.pdf

Hi Barbara,

In case you didn't get my e-mail over the weekend, I was in touch with Matt Nixon at the Maine Coastal Program about the data you have requested. I've attached a document I found on the web, but none of the links work anymore. Matt is working on digging up the information for you. I think the two documents listed under the "Siting Process Information" section may have what you are looking for. Matt also mentioned that there is a large Excel spreadsheet with data as well.

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From: "[Barbara Hitchcock](mailto:barbaramonhegan@gmail.com)" <barbaramonhegan@gmail.com>

To: "[Nixon, Matthew E](mailto:Matthew.E.Nixon@maine.gov)" <Matthew.E.Nixon@maine.gov>

Date: 7/6/2016 2:57:33 AM

Subject: Re: Reminder: METF Community Survey #3

Good morning Matt

Thank you so much for your email. i look forward to email from you after your vacation.

barbara

Sent from my iPad

On Jul 5, 2016, at 10:03 PM, Nixon, Matthew E <Matthew.E.Nixon@maine.gov> wrote:

Good Evening Barbara,

Just to be clear, I can probably find a number of the documents referenced in the word doc that Laura circulated and I will gladly pass them on to you. The State's involvement in this process took place over eight years ago now though I think I can put a finger on them.

One thing, I noticed your original intent to "read through" the database in the email chain below. Aside from the nine months of on the ground outreach that the former State Planning Office and the former Department of Conservation conducted, the fishermen and community member surveys sent to every resident of adjacent communities, the three regional public meetings, over 40 separate community and interested party meetings, and extensive interagency and federal consultation, we used a GIS or Geographic Information System database for preliminary siting purposes.

We projected what's called a data layer or a spatial extent of something, in this case, the first cut were layers of the National Renewable Energy Lab wind map with a rating of over 5, water deeper than 60M, and a lack of unexploded ordnance. The database that Habib referenced cannot be read in the traditional sense. It's a computer program developed by ESRI that is in use in almost every DOT and Planning Department in the country called ArcGIS. It is a collection of data layers – one big map that shows a lot of different activities taking place.

Long story short, I'm not able to pass on the database as it literally cannot be passed on. The best approximation of what I'm talking about can be found here at the Maine Coastal Atlas: <http://www.maineoceanatlas.org/> under the "Energy and Infrastructure" tab. It has the original planning areas (7), the draft sites (4) and the final sites (3). We developed this site after the siting process to show not just the wind sites, but the data layers that went into the decision. The remainder of the tabs show most of the data we used in the process.

I'll get on finding those documents as soon as I return from vacation next Monday. I just didn't want either or you to think I was being unresponsive. Just enjoying a week with my toddler. Until next week.

-matt

From: Barbara Hitchcock [<mailto:barbaramonhegan@gmail.com>]

Sent: Tuesday, July 05, 2016 7:53 PM

To: Laura T Singer

Cc: Nixon, Matthew E

Subject: Re: Reminder: METF Community Survey #3

Hi Laura

I look forward to getting the info you refer to as,soon as possible.

Many thanks for your help.

barbara

Sent from my iPad

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Best,

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Thank you for taking the time to provide your thoughts.

METF

Note: Please see www.MonheganEnergy.info for the most recent information about the project.

From: "[Bensinger, Peggy](#)" <Peggy.Bensinger@maine.gov>

To: "[Burrowes, Todd](#)" <Todd.Burrowes@maine.gov>

Date: 7/12/2016 8:01:20 AM

Subject: off-shore wind

Hi, Todd. Are you aware of any special provisions in law for the Monhegan area in regard to the length of terms of the General Permit that can be issued?

Thanks.

Peggy

From: "[Bensinger, Peggy](mailto:Peggy.Bensinger@maine.gov)" <Peggy.Bensinger@maine.gov>
To: "[Burrowes, Todd](mailto:Todd.Burrowes@maine.gov)" <Todd.Burrowes@maine.gov>
Date: 7/12/2016 8:50:30 AM
Subject: RE: off-shore wind

Okay, thanks. Me neither. I received a question from Beth Nagusky, who now works in Ohio, and she said she thought she had seen that there was some special exemption for Monhegan that allowed a general permit there to last forever.

From: Burrowes, Todd
Sent: Tuesday, July 12, 2016 12:42 PM
To: Bensinger, Peggy
Subject: RE: off-shore wind

Hi, Peggy. I am aware of no such provisions other than the one regarding extension of the permit term, 38 M.R.S. §480-HH(9)(B) (<http://www.mainelegislature.org/legis/statutes/38/title38sec480-HH.html>).
- Todd

From: Bensinger, Peggy
Sent: Tuesday, July 12, 2016 12:01 PM
To: Burrowes, Todd
Subject: off-shore wind

Hi, Todd. Are you aware of any special provisions in law for the Monhegan area in regard to the length of terms of the General Permit that can be issued?

Thanks.
Peggy

From: "[Laura T Singer](mailto:lsinger@maine.rr.com)" <lsinger@maine.rr.com>
To: "[Nixon, Matthew E](mailto:Matthew.E.Nixon@maine.gov)" <Matthew.E.Nixon@maine.gov>
Date: 7/6/2016 6:41:27 AM
Subject: Re: Reminder: METF Community Survey #3

Thanks so much Matt! Enjoy this beautiful weather and sorry to bring up old nightmares :)

Laura

On Jul 5, 2016, at 10:03 PM, Nixon, Matthew E <Matthew.E.Nixon@maine.gov> wrote:

Good Evening Barbara,

Just to be clear, I can probably find a number of the documents referenced in the word doc that Laura circulated and I will gladly pass them on to you. The State's involvement in this process took place over eight years ago now though I think I can put a finger on them.

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Cc: Nixon, Matthew E
Subject: Re: Reminder: METF Community Survey #3

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12/5/2016

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Sent from my iPad

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Thank you for taking the time to provide your thoughts.

METF

Note: Please see www.MonheganEnergy.info for the most recent information about the project.

From: "[Beth Nagusky](mailto:bnagusky@leedco.org)" <bnagusky@leedco.org>
To: "[Burrowes, Todd](mailto:Todd.Burrowes@maine.gov)" <Todd.Burrowes@maine.gov>
Date: 7/18/2016 7:01:15 AM
Subject: Re: Hi

Thanks Todd and Matt:

I spoke to both last week. Somewhere I thought I'd seen that Monhegan had been exempted from the time limited nature of the permit but that appears not to be the case. Maybe I dreamed it!!

Take care,

Beth A.Nagusky
Lake Erie Energy Development Corporation
1938 Euclid Avenue, Suite 200
Cleveland, Ohio 44115
Email: bnagusky@leedco.org
Cell: (207) 592-1961
Fax: (216) 965-0629



Have you taken [The POWER Pledge](#) yet? By doing so, you will be first in line to buy a portion of your electricity from this clean, renewable source. You will help us show that there's a market for offshore wind energy.

This email message and any attachments are intended only for the addressee(s) and contain information which may be confidential. If you are not the intended recipient please do not read, save, forward or copy this email. If this email has been sent to you in error, please delete this email and any copies or links to this email completely and immediately.

From: "Burrowes, Todd" <Todd.Burrowes@maine.gov> >
Date: Thu, 30 Jun 2016 18:04:46 +0000
To: Beth <bnagusky@leedco.org> >
Cc: "Nixon, Matthew E" <Matthew.E.Nixon@maine.gov> >
Subject: RE: Hi

Hi, Beth. I think it's best that you address your questions re: the general permit's applicability to DEP and the AG's office. A good contact at DEP would be Mark Bergeron (207.215.4397; Mark.Bergeron@maine.gov), who's the director of DEP's Bureau of Land Resources, which administers that law, and Peggy Bensinger (207.626.8578; Peggy.Bensinger@maine.gov) who continues to represent DEP and BEP on licensing and permitting matters.

I passed along your greeting to Kathleen who was happy to hear from you and wishes you well.

It would be wild if the Cleveland Indians went all the way. I did hear that they've been on a tear since the Cavs' won the title.

- Todd

From: Beth Nagusky [<mailto:bnagusky@leedco.org>]
Sent: Thursday, June 30, 2016 11:03 AM
To: Burrowes, Todd

12/5/2016

Cc: Nixon, Matthew E
Subject: Re: Hi

Todd -- Oh yeah, I forgot that of course. How's that working out?? As well as the rest of his administration?? 😊

Here are my specific questions as I went back to look at the statute you wrote and we passed ages ago. Maybe Matt (where are you housed Matt?) can answer:

Do they still only need the general permit?

Was there an amendment that extended the GP term from a few years to indefinitely for Monhegan?

Is Kathleen still there? If so say hi!!

The Cavs were totally awesome, and the Indians are on a 12 game winning streak. Could CLE hope for a 2nd miraCLE in one year??

Beth

From: Burrowes, Todd <Todd.Burrowes@maine.gov>
Sent: Thursday, June 30, 2016 10:44:35 AM
To: Beth Nagusky
Cc: Nixon, Matthew E
Subject: RE: Hi

Hi, Beth. Nice to hear from you. I hope you are doing well.

Early on in the LePage administration, SPO was abolished; its programs were disbursed to other agencies. The Maine Coastal Program, where I continue to work, is in the Department of Agriculture, Conservation and Forestry (Conservation and Ag were combined).

The Maine Coastal Program has not been actively engaged in working on offshore wind power policy during this administration. I really don't have much to share on developments in that industry in recent years. I've copied Matt in the event he may know more. I understand from news accounts that DOE has recently selected the UMaine-led Aqua Ventus project as one of a few around the country, including the one you are working on as I recall, which may receive @\$50 million for construction if it continues to meet certain grant-related benchmarks. You may wish to touch base with Habib Dagher or Jeff Thaler for project-specific information. Also, I gather from Matt that the Aqua Ventus group has retained an ORPC-affiliated company to assist with its project-related community outreach.

Enjoy the summer! And congratulations on the Cavs victory.

- Todd

From: Beth Nagusky [<mailto:bnagusky@leedco.org>]
Sent: Monday, June 27, 2016 4:57 PM
To: Burrowes, Todd
Subject: Hi

Hi Todd: are you still at SPO? Working on offshore wind? If so I'd love to find out what's happened in the 3 years since I left!! I just started work for the offshore wind company that is proposing a 6 turbine project in Lake Erie and want to compare notes.

Beth
207 592 1961

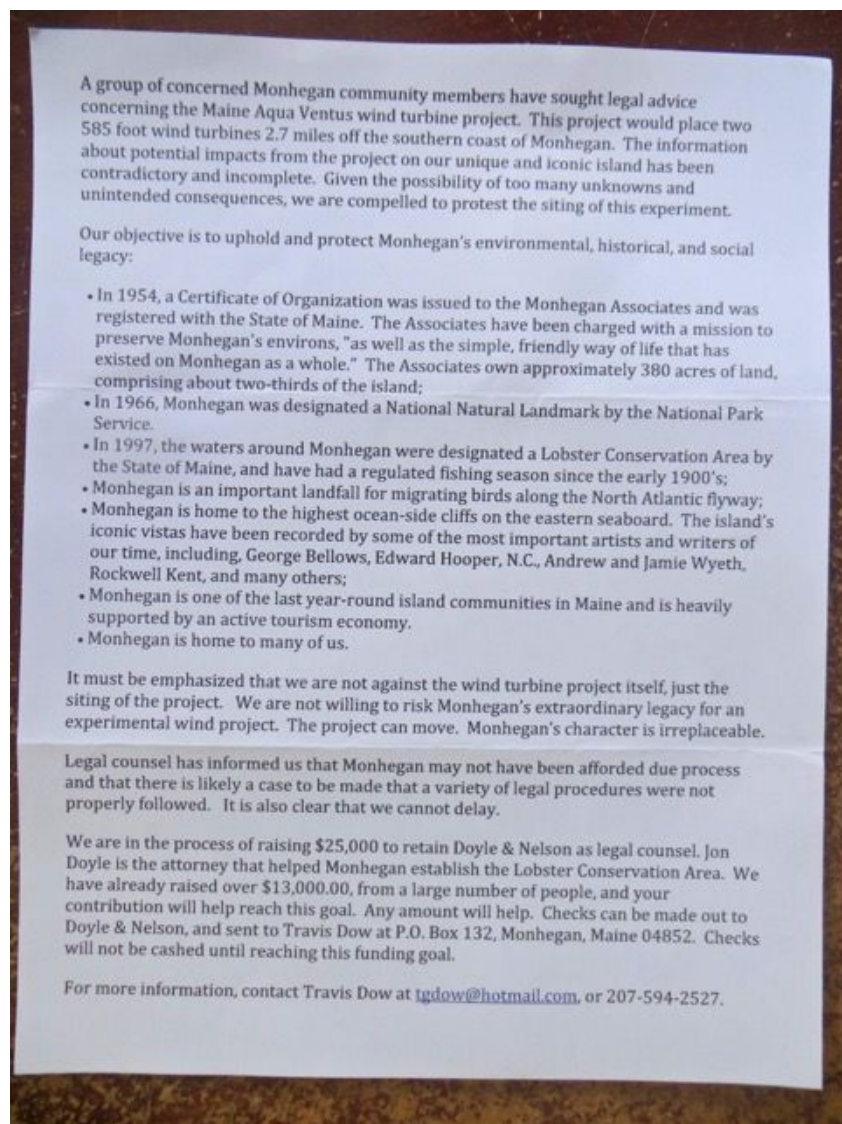
From: "[Nixon, Matthew E](mailto:Matthew.E.Nixon@maine.gov)" <Matthew.E.Nixon@maine.gov>
To: "[Leyden, Kathleen](mailto:Kathleen.Leyden@maine.gov)" <Kathleen.Leyden@maine.gov>
"[Burrowes, Todd](mailto:Todd.Burrowes@maine.gov)" <Todd.Burrowes@maine.gov>
"[Marvinney, Robert G.](mailto:Robert.G.Marvinney@maine.gov)" <Robert.G.Marvinney@maine.gov>
Date: 7/18/2016 10:35:44 AM
Subject: FW: Legal action

From: Laura T Singer [mailto:lsinger@maine.rr.com]
Sent: Monday, July 18, 2016 2:34 PM
To: Nixon, Matthew E
Subject: Fwd: Legal action

Hi Matt,

FYI ... you may have some more FOIA requests in the future.

Laura



Friends of Penobscot Bay
People who care about Maine's biggest bay.

November 14, 2016

To: Ms. Kathleen Leyden. Maine Coastal Program
Maine Department of Agriculture, Conservation and Forestry
93 State House Station
Augusta, Maine 04333-0038

Subject: Maine Freedom of Access Act request

Dear Kathleen

Please treat this letter as a request pursuant to 1 M.R.S.A. 408, the Maine Freedom of Access Act, to inspect and to copy as necessary the following records:

Public records in custody of you or your staff dating from April 1, 2016 to November 14, 2016 that pertain to the Maine Aquaventus /Voturnus floating ocean wind turbines project, slated to occupy the Maine Offshore Wind Test Center.

These include relevant paper and digital records of letters, faxes, email, phone notes, audio or video meeting recordings or other relevant paper or digital files received, written or sent by you and your staff during the April 1/November 14, 2016 time period.

I look forward to receiving your response within five (5) working days of your receipt of this letter, as required by 1 M.R.S.A. 409 (1).

I am prepared to inspect and review and copy these requested records at your office. Please contact me to set an appointment to review these records. If you choose to deny permission to so inspect or copy any of the requested records, please state the reason for the denial, including the appropriate legal citation(s).

If you require additional information to locate any of the documents requested, call me at 691-7485 or contact me by return email.

Sincerely,

Ron Huber

Ron Huber, executive director
Friends of Penobscot Bay
POB 1871, Rockland Maine 04841
e: coastwatch@gmail.com web: www.penbay.net
tel: [207-691-7485](tel:207-691-7485) cell [207-593-2744](tel:207-593-2744)

cc Brenda Kielty, Maine Public Access Ombudsman