

Guidebook for New England Inland Wind Power Siting

***Prepared for the Massachusetts Technology Collaborative
By the Conservation Law Foundation
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(Excerpts from the Guidebook regarding Collaboration)

Where There's a Will (and Wind), There's a Way – Using the Collaborative Process

Collaborative Problem-solving for Communities Facing Wind Projects

How can local citizens, with limited resources, determine what the real impacts of a wind project will be on their community? What role can local citizens and officials play in ensuring appropriate siting of wind energy projects? How can local authorities and stakeholders guide defensible decisions on wind development in a manner consistent with environmental and community values? Communities across New England are asking these questions.

When a community faces the controversial issue of wind siting, there are several ways to react. It can go to state regulators and have the siting issue formally adjudicated, trying to convince the decision-maker to decide in its favor. It can bargain with the developer, never being sure if it has any real clout. It can use traditional public hearing processes, and hope everything will just work out in the community's best interest. Or, it can use a joint decision-making strategy known as collaboration. This latter approach – collaborative decision-making – is an emerging tool for successfully addressing the issues posed by wind development.

In collaborations, all affected stakeholders come together to attempt to reach consensus-based decisions regarding the appropriate location and development of proposed wind facilities. The strength of a collaborative process comes from its flexible, inclusive, voluntary, and participant-driven nature. Perhaps the most appealing aspect of collaborative decision-making is that locals can gain more control over wind-siting decisions. Wind developers also can benefit from collaboration as the process helps to inform local communities on the real benefits and costs of wind projects, rather than on speculative, sometimes incorrect concerns about lowered property values and ruined views. Collaboration also promotes effective communication between local officials and the wind industry, allowing for quicker and better decisions about whether a specific project should go forward or not.

For wind projects large and small, communities and developers can and are reaching agreements addressing land use and environmental concerns about wind energy through collaboration. For example, in Londonderry, Vermont, local officials recently convened a collaborative process to bring the wind developer, surrounding towns, project opponents, energy experts, and state regulators together to combine technical resources and knowledge to examine the objective costs and benefits of a wind project proposed in this rural community. Through collaboration, the host town will be in a better position to achieve a resolution of the siting conflict, and to head off potentially divisive litigation. Meanwhile, in Searsburg, Vermont, environmentalists face a serious conflict over the

proposed expansion of a wind farm into important bear habitat and remote areas on treasured public lands. To avoid unproductive litigation, the stakeholders formed a collaborative consortium and are exploring innovative ways to agree on a plan to allow the wind farm to go forward on other lands through a land swap that will increase overall wilderness protection while promoting renewable energy. These and other wind collaborations provide compelling reasons why local communities and environmentalists should consider use of collaboration as an alternative approach to resolve siting conflicts, to shape wind projects, and to better integrate economic, environmental, and community objectives.

Collaborative efforts for resolving environmental disputes continue to evolve and there is no comprehensive “how-to” approach. However, this guide provides some general recommendations on collaboration that reflect the experience gained over recent years. The recommendations are based primarily on case studies of two on-going collaborative processes in Vermont reviewing proposed wind projects. None of the guidelines suggested is completely original, and several have been suggested in other publications. We weighed information in the literature against the experience of our case studies.

Specific lessons from the case studies are presented in more detail below. The collaborations involve the proposed expansion of the Searsburg wind farm into Vermont’s Green Mountain National Forest, and the proposed development of the Mount Glebe Wind Farm in Londonderry, Vermont at the Magic Mountain Ski Area. Information was gathered by direct participant observation of meetings.

Reasons for Communities to Participate in Wind Collaborations

1. Collaboration is a successful way for communities and citizens to effectively understand and address the complex set of issues and concerns about wind development, and to shape wind projects.

Citizen groups and environmental organizations are accustomed to fighting to “win” disputes over the permitting of development and energy facilities. State and federal regulatory processes have institutionalized this adversarial process as the standard operating model for informing public decisions on the permitting of major developments. Such traditional regulatory processes, however, have many drawbacks, including delay, gridlock, expense, polarization of positions, and biased information. This adversarial approach often creates an atmosphere that actually exacerbates differences of perspective. Such processes also make it difficult for stakeholders, such as host communities and ordinary citizens, to have an effective voice in guiding development decisions. Confrontation and the adversarial process do not create an atmosphere conducive to resolving the countervailing environmental issues posed by wind development projects: clean energy versus clean vistas. The adversary process often results in neither side winning in the end, but rather in everyone losing.

In recent years, an alternative “collaborative” approach has been gaining increasing favor as a way to resolve development disputes. A collaborative approach is well suited to resolving conflicts over wind development. Through collaboration, host communities and interested parties are invited into the decision-making process at the

earliest opportunity to consider objectively the merits of a wind proposal in order to attempt to reach agreement about whether the project is appropriate or not, before presenting a proposal to regulatory authorities. Collaboration is not a way to stop all wind projects, nor is it an approach that says that communities must accommodate any wind project that presents itself. Rather, collaboration offers an opportunity for stakeholders to grapple with the issues presented by a wind project in a proactive, effective, and informed way to determine whether the project is consistent with the community's character, values, economy, and landscape.

In essence, a collaborative approach to wind development brings all interests that may be affected by a wind proposal (conservation groups, local officials, local citizens, affected landowners, state and federal regulators) together to build trust and try to reach agreement between the parties on what is the best outcome among competing interests, rather than surrendering this decision to developers and regulators. The collaborative process offers a better way for those concerned about wind projects to actually control the outcome of the project than would be realized by the traditional regulatory process.

Here is an example of how it can work. In Vermont, a major energy company proposes to construct a 50-megawatt wind farm in a remote, private in-holding surrounded by the Green Mountain National Forest. If left to the developer's plans, the wind development will prevent this road-less, wild land from being added to the national forest – a priority for environmentalists. Rather than fight the developer's plans and allow state regulators to determine the fate of the project, an environmental organization convened a collaborative consortium of state and federal agencies, the wind developer, other environmental groups, and local communities to discuss the project. After months of hard negotiation, the parties are exploring an innovative agreement that would provide for a land exchange, move the wind project to a more suitable location, and add substantial wilderness to the national forest that would be off limits to future wind development. Through collaboration, the parties are finding a way to accommodate wind energy while increasing public land protection.

2. Collaboration results in a faster, more informed, less expensive, less litigious process, with tremendous opportunities for cooperative problem solving and resulting benefits for all stakeholders. Collaboration gives local communities more of a voice on wind development proposals.

Disputes over energy facility siting issues, both in and out of court, can go on for years, and consume the time and energy of all involved. Worse still, litigation often results in unsatisfactory, narrowly based decisions by distant regulators that don't address many of the underlying issues. Collaboration, on the other hand, can reduce conflict and litigation. Collaboration can lead to agreements that avoid unproductive legal battles while addressing the real issues of concern to the local community.

In collaboration, participants make the decision. Rather than relying on a third party, such as a state regulator or the developer, the participants create the process and make the decisions. This control eliminates some of the uncertainty and creates unique opportunities to explore creative solutions.

Typically, communities rely on environmental and zoning regulations too heavily to achieve their goals. In fact, wind projects are often exempt from local zoning, while

state regulations are often out of touch with the ecological and social needs and goals of host communities. Most state energy siting regulations were not developed with wind project issues in mind. State regulations may be effective at preventing the worst in wind siting and development, but by themselves they cannot bring out the best. Over-reliance on regulatory approaches – without greater emphasis on innovative and inclusive approaches – will not ensure sustainable wind development.

For example, environmental regulations may require wind projects to avoid wetlands or sensitive bear habitat, but will not protect the sense of place or local viewsheds. Collaborative approaches allow participants to focus on the real issues at stake.

Perhaps the most important distinction between collaborative processes and traditional approaches is that collaboration allows the persons involved to remain in control of the resolution of the conflict. Here is an example: a proposal to site a 50-megawatt wind farm on Glebe Mountain in Londonderry, Vermont, was headed for an extended legal conflict. Laypeople in the community lacked information about the effects of the wind towers on property values and local viewsheds. The developer, however, was not very responsive to local concerns and the project was not subject to local zoning. Local officials, realizing that the state regulatory process was not designed to consider local values and quality of life issues, decided to initiate a collaborative process. Through the collaboration, residents now are getting the objective information and increased leverage they need to determine how the project will actually affect the local economy and natural surroundings. The collaborative is allowing citizens to shape the project's fate, rather than being victims.

3. Collaboration helps to leverage scarce resources for communities to better understand and manage wind energy developments.

Collaboration allows a host community to bring together a variety of players with technical, environmental, and energy information, such as state biologists and energy planners, to better inform local residents about the range of technical issues and opportunities posed by wind projects.

Again, the Glebe Mountain collaboration is a case in point. When faced with the large utility-scale wind energy proposal in their rural backyard, the volunteer boards and local citizens of Londonderry had no way to evaluate the project's effects on tourism, important viewsheds, and local resources, other than the developer's result-oriented reports. Faced with a lack of objective information, the local officials formed a collaboration that is bringing a number of state agencies to the table to educate local stakeholders about the real impact of the wind farm on the local economy, habitat and scenic roads, while identifying options and methodologies for conducting effective studies to guide the development's review.

4. Collaboration promotes innovation in ways to achieve resolution of wind siting issues and can integrate economic, environmental, and community objectives.

Collaborations present to local communities a better alternative to the threatened imposition of a rubber-stamped state regulatory approval of a wind project. Those most

affected by the project understand better than most government officials the issues presented by a wind project and the range of solutions available. Unlike single-focus regulatory or legal solutions, collaboration can provide a forum to reach comprehensive agreements that provide for appropriately-scaled wind development, additional preservation and enhancement of the environment, and meaningful local benefits. For example, collaboration can allow local stakeholders to achieve significant local benefits from a proposed wind development, such as a potential revenue stream from property taxes or payments in lieu of taxes.

In just this way, the Glebe Mountain collaboration in Londonderry is exploring ways by which the community can understand whether the wind project could be a local asset and how to ensure the project generates meaningful benefits to the local economy and contributes to added preservation of the rural landscape.

5. Collaborations don't shy away from the controversial topics.

Often, disputes over wind projects are really about quality of life, local views, or property value issues – issues not directly addressed by regulatory forums. Collaborations can address these heated issues. For example, the Glebe Mountain collaboration in Vermont is allowing local residents to honestly tackle a highly charged set of issues involving the tradeoffs between protecting the scenic quality of the local landscape and promoting the environmental value of clean energy.

What are the Fundamentals of Collaboration?

A truly collaborative process is built on several fundamental commitments:

1. The collaboration must be a bottom-up effort where local representatives and citizens are empowered to have a real voice, recognizing that the best solutions often come from the local level. It should be open to all stakeholders who want to take part in the process. Participants should include all major interests that will be affected by the wind project and those in a position to hinder or facilitate the implementation of decisions.
2. Participants must have ownership of the process. Therefore, there are no externally imposed procedural rules. Participants have the responsibility to design and make the process effective.
3. All parties are kept informed, openly share information, and are willing to entertain compromise and find ways to make the process successful. Note: this does not mean that all parties must agree to support the wind project, but they must be willing to objectively evaluate and try to solve the issues and conflicts presented by the project.
4. Parties actively develop and explore multiple options. Participants create a range of possible scenarios that could satisfy their concerns, from supporting a wind project under certain conditions to finding other, more appropriate sites for the project.
5. Decisions are made by consensus. Consensus does not mean complete agreement; rather it is reached when almost everyone can live with the results. No party feels that it must act to block the decision.

6. There must be adequate resources available for all stakeholders to have an effective voice. Steps must be taken to level the playing field between the resources of the developer and those of the local community. For example, to participate effectively, all parties must have a sound understanding of the technical issues. The truth is that wind developers often have more resources than do local governments and citizens. In some instances, an imbalance in resources can be remedied if the developer agrees to fund a technical advisor for local communities and stakeholders. For example, in the Glebe Mountain collaboration, the local community lacks resources to evaluate the visual impact of the wind project. To overcome this hurdle, the developer is considering funding the town so it can hire an independent planner to audit the visual analysis performed by the developer's consultant.

General Guidelines for Planning a Wind Collaboration

1. Conveners of collaborative groups are extremely important.

How a collaborative effort is initiated and organized can have a strong influence on the success of the process. The convener may be the developer, a state official, or an environmental organization, but the best convener is often a respected local leader who will be able to bring all needed stakeholders together. The person may be a local official or dynamic citizen. Even more important is the issue of control of the process. If one interest group is seen as controlling the group, it will be perceived as unfair. However, fears of bias based on who convened the process can be overcome with good facilitation and process design.

The issue of control of the process was a large concern in initiating the Glebe Mountain wind collaboration. Local town officials rejected the proposal by the developer to create the form, fearing developer control. They also rejected initiation by an environmental group perceived as being too pro-wind. Instead, they asked a neutral regional planning commission to convene the initiative, with help from a skilled facilitator to design and lead the initial meetings. A copy of the initial invitation letter is provided in Appendix C.

2. The design of the collaboration should not be predetermined but all stakeholders should be given the opportunity to meaningfully shape the process.

For the process to be seen as fair, all stakeholders must be given an opportunity for meaningful involvement in designing the collaboration. Trust must be built from its inception. If certain stakeholders feel excluded from the process design, the collaboration will start with a major credibility problem.

For example, the Searsburg collaboration faced a serious setback when several stakeholders were left out of the initial meetings. Several environmental groups dedicated to protection of wildlands in the national forest were not invited to initial collaboration meetings, later voicing legitimate concerns about the ground-rules for decision-making and potential conflict of interests in the selection and use of facilitators.

To avoid breakup of the collaboration, the ground rules and process design were revised to respect the input of these groups. However, the failure to include these stakeholders from the beginning created delay and mistrust that could threaten the eventual success of the process.

3. A diverse, inclusive group of stakeholders is required to achieve success.

Usually it is not difficult to get the most interested and committed players to the table; however, success often depends on getting all stakeholders involved. Wind development disputes generally affect large numbers of interested parties, from local communities to environmental groups to state regulators to regional planning commissions. All stakeholders who can affect the outcome or its implementation, who could be affected by possible outcomes, or who could oppose the outcome, should be involved in the collaboration. In fact, one of the most important reasons for identifying all parties is to avoid the blocking of an agreement through litigation by individuals that were not included in the negotiation process.

It also is very helpful to bring to the table those with special knowledge or expertise on energy and environmental issues to assist local communities in getting objective answers regarding wind projects. For example, in the Glebe Mountain collaboration, an independent energy expert was invited to participate to provide basic information on wind energy, how the electricity grid works, the actual societal benefits of wind generation, and whether wind energy will displace dirtier forms of energy generation affecting the local and regional airshed. This perspective engaged local stakeholders into thinking about the role of their community in promoting renewable energy. It used people's local concerns about wind siting as a starting point to focus on their larger roles as stewards for the long term, common good.

In the Searsburg collaboration, another type of technical assistance was enlisted to help decision-making. State wildlife biologists were asked to attend meetings to explain their assessment of the impacts of wind towers on bear and migratory bird habitats. This gave environmentalists a safe, more objective source of information to rely upon as an alternative to the often result-oriented studies presented by the wind developer.

4. Don't exclude outside, non-local stakeholders.

Often local citizens may want to limit membership in the collaboration to those in the communities directly affected. They may not think of those outside who may have legitimate interests in the outcome. For example, if public lands or important scenic landscapes are involved, environmental groups may want to be represented even though they do not live in the community. Groups involved in regional issues, like regional planning commissions, also may want input. Leaving such groups out can become a significant problem to the success of the collaboration. The goal is to be inclusive, rather than exclusive, with everyone welcome at the table.

For example, in the Glebe Mountain collaboration, some local officials questioned why state environmental groups should be involved in the local matter of wind siting. It was explained that open-minded participation and respect for all viewpoints is key to

success, as failure to include relevant stakeholders can scuttle even the best process. A key stakeholder, such as an environmental group, who is not allowed to join the group can prevent success, even after months or years of effort have been put into reaching an agreement, by challenging the outcome in regulatory forums and court.

What about the opposite situation in which important parties refuse to participate? While it is important to have all stakeholders involved, this often is not possible. Some parties are not ready to collaborate because they are too set in their position or believe they can get more out of the legal process. While missing parties with legal standing can disrupt implementation of agreed upon outcomes if not parties to the agreement, this does not mean that the collaboration should not go forward. A state agency head or local leader may be able to encourage reluctant stakeholders to join and stay at the table. And when it's not possible to bring in all key stakeholders, it may be possible to develop a proxy system to represent missing perspectives or to try to pull in a missing party later as progress is made. In some cases, however, if an important party is pursuing alternative pathways, such as litigation or a political process, it may be necessary to wait until that party is convinced that it cannot gain what it thought it could there.

5. Key decision-makers should be asked to participate in the collaborative process.

Because outcomes must be acceptable to government regulators who issue permits, public agencies should be at the table. Agency representatives also can provide invaluable technical information to assist the decision-making process. However, government agencies often are reluctant to participate because they believe their authority to make decisions is threatened. So, demand that they participate.

For example, in the Searsburg wind collaboration, the stakeholders insisted that key state and federal agency representatives be made available and stay involved during the entire process. State agency representatives include wildlife biologists, state energy planners, environmental permit regulators, and economic development officials. Federal participants include the Forest Service, U.S. Fish & Wildlife Service, and representatives from the Vermont Congressional delegation. While some of the agencies voiced concerns about time commitments and interference with their delegated authority to make decisions, objections were overcome by coordination with the Governor's office and agency heads, and the establishment of ground rules that emphasized that the agencies retained regulatory independence and are not legally obligated to sign or support any collaborative outcome.

This raises an important question for local communities. If a collaborative agreement does not bind official decision-makers, why use the process in the first place? It may seem pointless to spend the time and effort demanded by collaboration if there is no guarantee that the decision-makers will support the outcome. Why not just go directly to the regulatory process? The answer is that when a decision-maker is presented with a proposal that represents a consensus of all affected parties, most decision-makers will be inclined to support it. Of course, the proposal must fall within the bounds of the decision-makers' authority and be consistent with applicable rules and laws.

The Searsburg collaboration employed several strategies to help ensure eventual decision-maker support for any collaborative agreement. In the Searsburg case, a successful outcome likely will depend on approvals by both the state public service board and the United States Forest Service. On their part, state regulators flatly declined to participate in the process because Vermont administrative law allows no *ex parte* contacts that may bias an energy siting decision. So the strategy for ensuring state regulatory support for any collaborative outcome was to let the state regulatory board know it what was coming. The board's staff was informed and kept apprised of the collaboration's progress to leverage the board's future support for any collaborative proposal. Also, by involving other state agencies in the collaboration, from wildlife biologists to state land use planners, state energy regulators are more likely to defer to a collaborative outcome because it is informed and supported by fellow state agencies.

In contrast to the state regulators, the national forest supervisor agreed to participate directly in the Searsburg collaboration, provided the group established a ground rule expressly stating that any collaborative agreement did not bind him to any particular decision and that any agreement would be subject to all remaining decision-making processes required by law. While the ground rules preserved the agency's role as an independent decision-maker, it also allowed the federal regulator to become comfortable with the process as part of the collaborative team and ensure that the outcome would be compatible with the agency's mandates and mission. A copy of the ground rules is included in Appendix D.

6. Inclusion of all interested parties should occur even if the group becomes large.

Practical considerations demand that the numbers at the table be somewhat limited. Therefore, large groups can be managed through formation of subcommittees, election of spokespersons for like interests, and differing levels of involvement. Coalitions can be formed in which several parties can be represented by one spokesperson (e.g., an environmental group caucus). Subcommittees and working groups can be formed to address subsets of issues, such a lighting of towers, impacts on wildlife, and local economic issues. Regardless of group size, however, it is crucial that the individuals selected to be at the table have the ability and authority to be effective spokespersons for each group. Each representative must be able to speak for his constituency and have the authority to commit to agreements.

Proof that large groups can be effectively managed is demonstrated by the Searsburg wind collaboration, where some 30 groups are working together successfully. In the Searsburg case, several strategies are being employed to accommodate the large number of stakeholders. First, a coalition of several environmental groups has been formed to speak with one voice and through one spokesman regarding compatibility of the wind project with wilderness values and objectives. Second, state agency participation is being coordinated through the office of the state land use planner, designated by the Governor to represent several state agencies on the wind project. Finally, several work groups have been established to work in a targeted fashion on particular technical issues such as project impacts on scenic resources and wildlife habitat, with the sub-groups then reporting their findings to the full collaborative group.

7. A highly skilled facilitator who is viewed by all interests as fair and competent will greatly increase the chances of success in most collaboratives.

In wind siting conflicts, participants often are not ready or able to participate fully and effectively in the process. Developers and opponents may believe that they can achieve a better outcome outside the collaborative process, so they will not participate in good faith. Some stakeholders may not understand what their best approach is or how collaboration fits into their strategies or options. In these situations, or where the positions of stakeholders and wind developers are polarized, the use of a facilitator is an important tool. However, the facilitator must be acceptable to all stakeholders. The facilitator also must be skilled in designing and guiding meetings. Most important, the facilitator must be unbiased in the outcome of the collaborative, with no vested interest other than in conducting a trustworthy process.

Facilitators can provide several important services, including:

- determining initially whether the conflict can be significantly improved or resolved through collaboration;
- helping to define the problem to be solved and to clarify objectives of the process;
- helping to identify and ensure inclusion of all stakeholders;
- educating parties about the process, and helping them to decide whether participation will serve their interests;
- proposing a process design that it is credible to all stakeholders;
- working with the group to establish ground rules and to develop agendas and work plans;
- nudging the group to work on important issues;
- providing new ideas and outside wisdom for problem resolution;
- providing a directive role in achieving success and making the process responsive to needs of the participants.

To maximize success, a facilitator should have enough substantive knowledge to understand the issues raised by energy facility siting so that he or she is an effective problem solver in the subject matter. A facilitator also should understand the political and social context of the wind siting conflict to help with creating realistic, responsive options. The more knowledge the facilitator has about these issues, the better able he or she will be to foster a successful outcome.

The facilitator used in the Searsburg and Glebe Mountain wind collaborations was initially selected by the convener to lead the initial meetings, but then considered and chosen by consensus of all stakeholders after one or two sessions based on the facilitator's ability to demonstrate both fairness and effectiveness. The facilitator has extensive experience in leading collaborations dealing with energy project siting and land management conflicts. The facilitator was very familiar with many of the stakeholders from prior work. He also was familiar with governing regulations and laws. As a result, the processes were not slowed down by the need to first educate the facilitator. The facilitator was charged with designing the process, identifying all stakeholders, and writing ground rules. His most important contribution, however, was forcing participants

to speak candidly to the real issues and difficult tradeoffs posed by the wind projects, and in proposing innovative solutions to overcome polarized positions.

Most important of all, the facilitator was effective at moving people beyond their more parochial concerns and initial starting positions. He did not restrict people to their position as stakeholders only, but focused also on their roles as citizens for the long term, common good. The collaborative sessions became a catalyst to engage people in thinking about the larger role of wind energy in addressing climate change and regional air pollution. Through effective facilitation, the sessions revealed that people opposed to the wind projects really wanted to do the right thing, while maintaining what they value about their way of life. For example, in the Glebe Mountain collaboration, the facilitator created safe opportunities for the local wind opponents in Londonderry to explore the paradoxes they face between clean energy and protecting rural landscapes. In the Searsburg collaboration, the facilitator helped environmental groups opposed to the wind project to realize and consider the interconnections between the renewable energy project and reduction of acid rain on the national forest lands that they are trying to protect. He also proposed unique options for consideration by the parties, such as land swaps and habitat mitigation strategies.

In these wind collaborations, the facilitator was effective because he allowed the stakeholders room to explore options and implications, and work through the tradeoffs and links between issues without feeling backed into a corner by the wind developer. These case studies demonstrated that a wind collaborative, if guided by a skilled facilitator, can help stakeholders define and explore new means to practice stewardship for their community and future – ways that may allow for responsible wind projects to go forward consistent with local values.

8. There must be adequate funding to support a fair process.

Process costs can be considerable and include the costs of a facilitator, technical advisors, copying and mailing, staff time, and travel expenses. Local communities typically have few resources to allow for effective participation. Therefore, securing funds for the collaboration must be considered from the outset. Government agencies sometimes can provide some funding and resources. However, more typically, developers are asked to fund some of the basic costs, including the services of a facilitator, technical advisors, mailing, and meeting place. Private participants often need to provide for their own costs of participation.

In the Searsburg and Glebe Mountain collaborations, the wind developer is providing funding for the facilitator. However, this can present conflicts with ensuring the neutrality of the facilitator, perceived or actual. In the Searsburg situation, this conflict has been reduced through several procedural steps: (1) final selection of the facilitator by consensus of all parties, (2) consensus development of a specific work-plan for the facilitator's role, and (3) creation of a mission statement and ground rules that make it clear that the facilitator works for the collaborative group, not for the developer, and has no interest in the specific outcome of the process. Another approach to this conflict problem is to establish an independent escrow fund for handling of facilitator expenses, with the facilitator working directly for the collaborative team.

Government agencies also can offer various kinds of assistance other than funding. They can provide technical assistance, including data and expertise; process assistance, such as facilitators; and authority to solve problems, as allowable under law.

9. Encourage cooperative learning about wind development.

Collaboration can help to build a common and better understanding among all stakeholders of the novel issues posed by wind development by identifying sources of reliable information and data. The process helps to ensure that local communities have access to all relevant information. As participants work together to gather, analyze, and interpret data, they can grow to gain an objective understanding of the true impacts and implications of a wind project. Decisions then can be based on reliable, accurate and unbiased information.

Phases of Collaboration

1. Convening and Creating the Process

As discussed, a wind collaborative should be convened in a way that allows participants to control and design the process. A first step is to involve stakeholders in the selection of a neutral facilitator. Whether they choose the person who conducted the first session or select someone else, it is important that all participants support this decision. This step also is important in demonstrating the ability to work together.

The first meeting also should provide the opportunity for the stakeholders to plan and organize the process, reaffirm a decision to participate, share information and concerns about the wind project, and generally set the stage for future problem-solving and analysis of the project.

Another initial step is deciding on a mission statement or statement of purpose to govern the objectives of the process. Reaching this agreement will help ensure that each party fully understands the charge of the group and is comfortable that the process will address their interests and needs.

In the Glebe Mountain and Searsburg collaborations, there was substantial conflict and debate over the development of an appropriate statement of purpose. Many stakeholders were concerned that the process presumed that the proposed wind project would go forward, and that the scope of the group's work was only to decide under what conditions. These stakeholders were unwilling to participate under this premise. However, in each case, a statement of purpose eventually emerged that established a collaborative purpose that was fair and constructive for everyone. The resulting mission statement described that the collaboration's purpose was to explore, in good faith, the merits of the wind proposal, based on objective information. Based on this information, the group's charge was to determine, through mutual problem-solving, whether the project could be sited to protect the natural and human environment consistent with the requirements of law and with respect for the values of all stakeholders. The statement emphasized that there was no guarantee that the outcome would result in support for the wind project in the location proposed. This governing statement was crucial to

overcoming any confusion about co-optation of the outcome by the developer, and allowed the process to go forward in a way that was comfortable to all stakeholders.

A copy of the mission statement from the Searsburg collaboration is included in Appendix D.

2. Agreeing on Rules

Agreement on ground rules takes time and should not simply be assigned to the facilitator. There is no correct set of rules, but the following topics should be covered:

- Decision-making process. Usually by consensus. The specific definition of consensus is important – whether everyone must agree, whether everyone simply has to be able to live with the decision, or whether just one “no” prevents consensus. The group needs to decide what to do if there is deadlock. Will some form of super majority vote be required? Will the group disband if disagreement exists or will issues be “parked”
- Time frame for the process
- Participation and representation
- Role of participants
- Confidentiality
- Communication with the media
- Role of facilitator
- How information is to be generated, shared, and legitimized
- Commitment to invest time, energy, and resources necessary and to work towards consensus decisions that serve the needs of all stakeholders

The ground rules for the Searsburg wind collaboration are found in Appendix D.

3. Identifying the Issues

This step involves a preliminary determination by the group of the issues that are important to stakeholders in evaluating the wind project. The issues should not be limited only to those involving traditional regulatory issues such as water quality, wetlands, wildlife, and aesthetic impacts. For example, if the impact of the project on local property values is important to some stakeholders in determining whether to support the project, the issue must be considered. Not all of the issues will require studies, but many will, so it is important to identify them early so that the studies can be designed and implemented without delay. Issue identification, however, is an ongoing effort throughout the collaboration. Issues should be defined as specifically as possible to determine the specific questions that need answering.

A copy of the outline of environmental issues for the Searsburg collaboration is included in Appendix E.

4. Developing a Project Schedule

Successful collaborations take time. Time commitments need to be clearly communicated to the group at the outset. One issue here is that wind developers may have unrealistic timelines for the project and may not be willing to defer the project development process to allow for successful collaboration. On the other hand, there is a need to focus the collaborative group on realistic, but reasonable timeframes for gathering information and making decisions, so the collaboration does not bog down, waste parties' time, and simply fail to make the tough decisions.

A project schedule typically includes milestones for completion of study designs, review and approval of study plans, selection of consultants, mid-course study meetings with consultants, review of study results, identification of follow-up studies, negotiations, final decision, and implementation of any agreements.

5. Developing Studies and Information

One of the group's most important tasks is to identify the information that it will need to understand the issues and how this information will be obtained and assessed. For some issues, this simply involves educating each other about information that certain stakeholders already bring to the table. For example, the developer can readily provide information that describes the wind resource and the general suitability of the site for the project, without fear of gaming. Local officials can provide information on whether the project is consistent with town and regional plans. State agency biologists should be able to provide some basic information on the affected natural resources.

However, for most of the contentious environmental and social issues, new information is needed. For example, surveys, study plans, analysis strategies, and identification and assessment of potential mitigation will be required to understand the project's impacts on habitat and visual resources. By agreeing up front on how this information will be gathered and assessed through joint fact-finding, the group can avoid "dueling data" debates later in the process. This fact-finding phase must be handled with careful focus on specific data needs and formulating the critical questions to be answered as fact-finding will provide the basis for negotiations and final positions.

To start, the group will want to gather baseline data, inventories, GIS maps, and other available information. Then technical work groups should design study plans to develop the new information and analyses that are required to address specific stakeholder issues and to address regulatory requirements. Draft study designs should be brought back to the full group for review, revision, and approval. While not all issues will require formal studies, many will. For each issue area, the studies should be designed to provide the information necessary to satisfy state and federal regulatory requirements, understand the environmental impacts of the project, and to identify and evaluate the effectiveness of mitigation opportunities. Consultants should be selected by group consensus based on review of qualifications, experience, and bid selection criteria (when subject to bidding) so they will have the confidence of the entire group. The entire collaborative team or relevant work group should meet with the selected consultant(s) at a kick-off meeting where expectations and methods are discussed. The full team or work group also should actively monitor and receive frequent consultant reports on the progress of the studies, in order to allow for the identification of problems and revision of

study plans as needed. A copy of several study plans from the Searsburg collaboration is included in Appendix F.

Here is an example of effective joint fact-finding from the Searsburg wind collaboration. Environmental groups initially oppose the wind project expansion because it could eliminate important black bear feeding habitat provided by productive beech trees. There is concern by environmentalists that locating the wind project on ridgelines in and near the national forest could potentially impact hundreds of acres of significant bear habitat. For its part, the developer boldly asserts that wind projects are compatible with bear use. There is a great deal of new information needed to resolve this conflict. For example, the exact locations and extent of bear-clawed beech stands in the area are not known. The parties agree that they need to determine the location of beech stands near the wind site, the value of the stands to bear, bear movements in relation to the development site, and whether the wind facility will cause bears to avoid use of the area. Rather than having the developer and individual environmental groups present their own scientists and information to promote their initial positions, the parties agree to commission a noted, neutral bear biologist from a state university to provide them with specific information and assessment of the issue. Regardless of the results of the assessment, the parties agree to accept the results and base the outcome of the siting decision on this information.

Recognizing the limits of science. For wind projects, information needs and research must be focused on realistic, obtainable levels of information. It is important for the group to recognize that scientific information may be incomplete. Without this focus and recognition, it is easy to get bogged down in the search for ever more data, more science, and more research.

Environmental issues posed by a wind project, such as avian and habitat impacts, often involve much scientific uncertainty. However, there is still a core of real, verifiable knowledge that usually can be brought to bear upon these issues. By using consensus-building techniques, joint fact-finding, and the best available data, the collaborative process usually can develop answers to factual questions that are credible to all parties.

However, stakeholders must not allow lack of adequate, complete data to paralyze action and decisions. Good decision-making requires judgment; and adequate data is no substitute for judgment. For example, it is probably not possible to know exactly to what extent a wind project located near bear habitat will affect the behavior and movement of bears. And the important issue of evaluating the visual impacts of a wind project will always be somewhat subjective with perspectives varying widely among stakeholders. Knowing exactly what computer-generated viewshed analyses illustrate about how turbines will look from potential viewing areas probably will not answer the real question of whether the wind facility is visually appropriate. In the end, it will take careful judgment to figure out if a wind project's environmental benefits are substantial enough to make it acceptable to most people or if the ridgeline is just too memorable, prominent, or important to absorb the development.

Perhaps the best suggestion is for stakeholders to collect the best available information and then take action. It has been said that the window of opportunity for action occurs when decision-makers possess between 40 and 70 percent of the information needed. Having less information is acting in the dark, waiting for more can foreclose opportunities for results.

Faced with incomplete information, collaborative decisions also can be made that allow for future adjustments based on new information. For example, in the Searsburg collaboration, the Vermont Fish & Wildlife Department possesses only limited knowledge about the effects of wind facilities on bear habitat use. Answering this habitat question in definitive fashion will require performance of a rigorous, multi-year research project regarding the effects of wind development on bear habitat, using telemetry collars. However, regulatory decisions about near-term wind project proposals can't wait that long. Therefore, the collaborative team came up with a more pragmatic approach. State biologists will make recommendations on the current wind project proposal based on their best professional judgment, a careful assessment of the value and sensitivity of the habitat at the site, and a comprehensive review of existing research and literature regarding bear impacts from similar developments. State biologists also will be guided by the results of a recent telemetry study of the effects of ski development on similar bear habitat in southern Vermont. Looking to the future, the collaborative also is discussing how to secure funding for immediate initiation of statewide study that will examine the post-development impacts of wind farms on bear habitat. Decisions about future wind projects, and the need for further, post-development mitigation for the Searsburg project, if approved, will be based on this long-range study.

6. Use of Technical Advisors

One significant hurdle to fact-finding is that the parties often are confronted with large volumes of information, requiring a wide variety of expertise to absorb and subject to honest differences in interpretation. Opinions and final positions often depend on the ability of some participants to credibly analyze the often-complex environmental information. So, it is important for participants to be provided with adequate staff and resources to participate effectively in understanding the information.

Many stakeholders, particularly local citizen groups, may lack sufficient resources to fully participate in understanding the technical issues. To overcome this hurdle, some successful collaborations have employed technical advisors. That is, in some cases, developers provide funding for technical advisors or outside consultants to assist and provide expertise to participants who lack resources to reach informed decisions about the project. For developers, often reluctant to fund technical advisors, experience shows that this is often crucial to the success of a collaborative process.

For example, in past collaborations addressing the licensing of major dam projects in the region, some of the progressive utilities provided funding for environmental group stakeholders to hire consultants to better understand the technical issues involved. While this may seem counterintuitive – why should a developer provide funding for potential opponents to negotiate with them – it is a practical solution that actually saves time and money, and ensures more informed stakeholders who can better understand the technical information. In short, technical advisors can be critical to a collaborative effort as residents and citizen groups need a sound, scientifically-based understanding of the resource and the impacts of a wind project in order to make good decisions.

A technical advisor's work involves several elements:

- attending meetings on behalf of the stakeholders;
- keeping stakeholders informed about studies and meetings;

- participating on behalf of the stakeholders in decisions on study design, process, and environmental impacts;
- reviewing studies and consultant reports;
- conducting independent analyses of issues needed for the stakeholder group's participation, such as mitigation strategies;
- drafting materials and agreements for the stakeholders; and
- coordinating and developing consensus and common positions about the stakeholders.

7. The Negotiation Phase

At this step, it is very important for the parties to approach the negotiations not as a contest to be won, but a problem to be solved. Therefore, the group should discuss the findings and information from the studies, and invite interpretation, analysis and recommendations from stakeholders, consultants, and agency representatives based on the studies. To begin the negotiation phase, the group should review its purpose statement. The parties should clearly state their interests and brainstorm to invent options for mutual gain. The parties must be honest and thorough in communicating their interests and possible solutions. They should employ a brainstorming session to think creatively about how to address their interests, without deciding on any particular option. The key to successful collaboration is to select from the greatest number and variety of options. It is important for the parties to broaden their thinking. They should not try to find the single best outcome, but identify many options that could be acceptable. Each party should be mindful of each other's interests and concerns while they are working through this step.

An example of inventing options is provided by the Searsburg wind collaboration. The parties were informed by state biologists that there are several beech stands used by bear that will be located within close proximity to the proposed wind farm, and that their professional opinion is that the wind turbines will cause bear to avoid use of these critical food supplies. The parties began brainstorming about possible solutions. Suggestions included letting state regulators at the public service board decide if the impact is too great, to delay the project from going forward until a long-term, developer-funded bear monitoring study is performed, requiring the developer to purchase and put conservation easements on adjacent undeveloped property containing bear habitat, and other ideas. The parties have not decided yet what the preferred option is, but the collaboration has allowed for exploration of innovative options that would not have emerged from an adversarial process.

If an agreement is reached on the siting of a wind project, its provisions should ensure that parties will honor the terms of the agreement. For example, most wind siting agreements will not be self-executing since wind projects must be approved by state regulators in a separate regulatory track. Therefore, the agreement must ensure that stakeholders will support the agreement's terms in regulatory proceedings, and the parties must agree to revise or refine the agreement as necessary based on government permitting decisions. It may be useful to include contingencies in the agreement to cover unforeseen circumstances or failure of regulators to accept all the provisions of the agreement. For example, there may need to be wording to the effect that if the state regulatory board does not approve the project under the terms of the agreement, and the

agreement can no longer be implemented, stakeholders will reconvene to make adjustments to the agreement, if possible, to address the provisions rejected by regulatory authorities.

A warning: Given the intensity of environmental conflicts, not all collaborative attempts will be successful. Agreement in the end is not guaranteed. If a wind development project is simply in the wrong place and cannot comply with environmental regulations, no amount of collaboration will overcome the project's fatal flaws. Organizational "culture" also plays an important part in the success of collaboration. Some conservation organizations or citizen activists believe so strongly in their missions that they are unwilling to compromise. If an environmental organization simply wants to stop a wind project rather than shape it or move it, collaboration could be a waste of time. Conversely, if a wind developer is only interested in pursuing maximum development plans and not changing the original plans, forget collaboration. However, even where no agreement can be reached, a collaborative process can provide other benefits to the stakeholders. The issues and facts of the siting conflict are more clearly defined, the stakeholders have gained a better understanding of each others' concerns, and relations between stakeholders may be improved.

Some Last Words on Collaboration

Any community interested in striving for solutions and local control in addressing wind development proposals should try collaboration. Make no mistake, the lessons and principles outlined here take plenty of time and effort. Collaboration is messy and success is never guaranteed. Every project will require an individually tailored collaborative approach. However, through collaboration, communities and local residents have a far better chance to understand, manage, and resolve the challenges they face from wind energy development.

VI. Making Wind Work for Your Community

One of the goals of this handbook is to provide a toolbox to help communities understand and address the issues surrounding wind power development. Understanding wind power and the role it plays in the future of energy production is an important first step. However, the real work comes in working through the many steps and difficult issues involved in the siting and permitting process. Communities can and should play an active role in the process, in order for their concerns to be voiced and addressed early in the development proposal process and in order to maximize the many potential benefits that can flow to the community from a wind development project. In this section, much of the previous discussions is brought together and suggestions for a way forward is outlined.

Getting Up To Speed

Throughout the process, many decisions and judgments will need to be made – and many important issues will be raised and analyzed – demanding an informed and objective understanding of wind power. As such, an important initial step is to gain a fundamental understanding of how wind power works and the role it plays in providing

clean renewable energy. Next, it is important to determine the wind resources and wind development potential of your community. There are numerous public resources, wind maps, and studies already available which provide a basic tool for determining potential locations within your community. Assessments and discussions about the suitability of those locations can then be initiated, taking into consideration the potential visual impacts and other environmental concerns. This exercise will provide a useful preliminary list of the best potential sites.

The potential community benefits that a good wind site may offer should be thoroughly explored as part of this initial screening process, including potential tax and other financial benefits. A clear understanding of these potential community benefits will help substantially in early discussions to determine the importance of promoting wind power development within the community. This analysis then can be used in discussions with wind developers, and during the permitting process itself, to maximize the local benefits of a wind project. A final important step is to become acquainted with the relevant local and/or state permitting processes. Understanding the issues surrounding a wind development project and the points in the process where individuals and local communities can participate most effectively is crucial to maximize the chances of a best outcome from the community's perspective.

Getting Organized

It is usually not until a wind power project has been formally proposed, or is soon to be proposed, by a developer, that communities become involved in discussions surrounding a potential development. However, communities do have the opportunity to be proactive and engage in the wind siting planning process before a formal project proposal is made, and developers have already made important decisions about siting and design issues.

To do so, the community should contact their state energy office and determine if wind developers have identified local wind resources as having potential for development. If so, the community leaders should contact wind developers to ask for information and meetings as early as possible in the planning process. The potential timeline of pending project(s) should be determined. If a community is reacting to formal proposals, this timeline may well be substantially set, and require some "catch up". A community taking a proactive approach will have more ability to effect the siting process and its timing. Introductory meetings should be held to invite the developer to provide background information to educate community members about the environmental and potential economic benefits of wind development and to begin to identify the major issues and concerns regarding local wind development. As these meetings proceed, community members also can start the process of strategizing about what benefits should be pursued during the permitting process.

Often, the best and most appropriate spokesperson for the community are town selectboard members, or members of the planning commission or zoning board. Sometimes, a respected local leader will take the lead. Community residents should be invited to come together to consider the issues facing the community with a wind proposal. The goal of the community process is to develop negotiating strategies. This will require a thorough understanding of the concerns of the community, the potential

benefits felt by the community to be most important, and exactly how these issues can be raised prior to or as part of the formal permitting process. This Guidebook provides both tools and resources that can assist a community in meaningfully addressing local and environmental concerns and a roadmap for pro-active action.

A community that has organized itself may well be ahead of other parties to the wind development process, and can gain a strong voice in shaping state and local permitting reviews and decisions. Wind power permitting is still a relatively new process, and state and/or local regulators may have considerable leeway in determining the parameters and standards of the permitting processes. Where a community has identified its concerns, and the information needed to address those concerns, it has a strong chance of ensuring those concerns will be adequately addressed by the wind developer or by regulators.

Some Suggested Strategies- Maximizing the Role of Your Community

Local communities can play an important role in the wind siting process. Based on many of the lessons discussed in this Guidebook, we suggest the following strategies or “tools”.

1. Publicize the issue of wind power development in a community.

The goal of publicity is to engage the interest and dialogue of a broad base of people in the community in shaping wind project siting. Perceptions about wind power in a community depend largely on residents’ understanding of the role wind energy plays in providing clear air and renewable energy, or the lack of this understanding. Therefore, it is important that the community become informed about the merits of wind energy in order to make sound decisions.

2. Identify and address important community concerns and questions.

While often requiring a substantial amount of time and effort, this next step is critical. The goal is to develop a prioritized list of community concerns (environmental, conservation, aesthetic and others) about potential wind projects so these issues can be put on the table as early as possible with developers and local and state decision-makers. It also is helpful to develop a description of the types of compensation or benefits that will be sought by the town or municipality to support appropriately-sited wind projects. The result of this planning process should be a checklist of questions and information for developers to address. Ideally, this process will take place before formal permitting applications have been submitted, and before important siting and design issues are “cast in stone” from the developer’s perspective. A well thought out and articulated presentation of the community’s expectations provides the best opportunity for reaching a win-win solution at the end of the process.

3. Choose the developer.

Another potential benefit of proactive community involvement is the possibility of playing a role in actually choosing a responsible wind energy developer to pursue a

project. Some developers have demonstrated strong track records in listening to community concerns and working hard to address those concerns in working toward an outcome supported by the community.

4. Use local and/or state permitting processes to protect community interests.

Finally, a proactive community should determine whether the local and/or state permitting processes will allow meaningful participation and how best to use the processes to accomplish the best outcome from the community's perspective. For example, towns may wish to amend town plans to identify appropriate and inappropriate locations for wind farms. Zoning regulations can be revised to address the specific issues posed by wind projects, including such issues as requiring developers to provide decommissioning funds, pay impact fees, and provide resources for the town to undertake visual analysis studies of proposed projects. If the town learns that the current regulatory system does not protect local interests, decisions then can be made to advocate for legislative or regulatory changes on a state or local basis to improve the process.

5. Use Collaborative Decision-making Processes

As described in Part V, use of collaborative decision-making processes can give local communities the clout and voice they need to meaningfully understand and shape wind projects. Rather than allowing a state regulator or the developer to control a wind siting decision, collaboration can give a local community a more level playing field for getting objective information and ensuring that wind siting decisions are responsive to local values.

VII. Conclusion

As New England states seek to meet their energy needs, it is important to understand the increasing role that renewable technologies, particularly wind power, will and should play in the future of energy production. Our reliance on traditional large-scale fossil fuel based energy production has serious consequences climate change, human health, and the environment. Technological advancements and regulatory incentives have made wind power an increasingly competitive, clean alternative to conventional power plants.

By engaging proactively in the development of local wind resources, communities, landowners and other stakeholders may gain substantial financial, environmental and community benefits from wind energy projects. This guidebook will help communities to identify their wind development opportunities. It provides a "toolbox" for how to ensure that community concerns are identified and addressed and offers a framework for using a collaborative decision-making approach to engage developers and stakeholders in a process to ensure community-friendly siting of actual wind projects.