

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

DECEMBER 6, 2012 - 10:20 A.M. DAY 11  
Concord, New Hampshire MORNING SESSION ONLY

IN RE: SITE EVALUATION COMMITTEE:  
DOCKET NO. 2012-01: Application  
of Antrim Wind, LLC, for a  
Certificate of Site and Facility  
for a 30 MW Wind Powered Renewable  
Energy Facility to be Located in  
Antrim, Hillsborough County,  
New Hampshire.  
(Hearing on the merits)

PRESENT: SITE EVALUATION COMMITTEE:

Amy L. Ignatius, Chrmn. (Presiding Officer)	Public Utilities Comm.
Kate Bailey, Engineer	Public Utilities Comm.
Harry T. Stewart, Dir.	DES - Water Division
Johanna Lyons, Designee	Dept. of Resources & Econ. Dev.
Brad Simpkins, Dir.	DRED-Div. Forests & Land
Ed Robinson, Designee	Fish & Game Department
Craig Green, Designee	Dept. of Transportation
Richard Boisvert, Designee	Div. Historic Resources
Brook Dupee, Designee	Dept. Health & Human Svs.

COUNSEL FOR THE COMMITTEE: Michael Iacopino, Esq.

COUNSEL FOR THE PUBLIC: Peter C. L. Roth, Esq.  
Sr. Asst. Atty. General  
N.H. Atty.Gen. Office

COURT REPORTER: Susan J. Robidas, N.H. LCR No. 44

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I N D E X (CONT'D)

APPEARANCES: Reptg. Antrim Wind, LLC:  
Susan S. Geiger, Esq. (Orr & Reno)  
Douglas L. Patch, Esq. (Orr & Reno)  
Rachel Goldwasser, Esq.(Orr & Reno)  
Reptg. Antrim Board of Selectmen:  
Galen Stearns, Town Administrator  
Michael Genest, Selectman  
Reptg. Harris Center for Cons. Edu.:  
Stephen Froling, Esq.  
Reptg. Antrim Planning Board:  
Martha Pinello, Member  
Reptg. Abutters Intervenor Group:  
Susan Duley  
Reptg. Audubon Society of N.H.:  
Frances Von Mertens  
Reptg. Intervenors Allen/Edwards:  
Mary Allen  
Reptg. Industrial Wind Action Group:  
Lisa Linowes  
Reptg. North Branch Group  
of Intervenors:  
Loranne Carey Block  
Reptg. Stoddard Conservation Comm.:  
Scott Simmons

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I N D E X

WITNESSES:                   LORANNE CAREY BLOCK  
                                  RICHARD BLOCK

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## 1 P R O C E E D I N G S

2 CHAIRMAN IGNATIUS: Good  
3 morning. I'd like to open the hearing in the  
4 Antrim proceedings for the Site Evaluation  
5 Committee. This is Docket 2012-01, Antrim's  
6 Application for a Certificate of Site and  
7 Facility. This is our eleventh day of the  
8 adjudicatory evidence proceedings phase of the  
9 case, and we're back for the final panel of  
10 witnesses, the Blocks.

11 So let's begin first with  
12 identification of the Committee members and  
13 then appearances of the parties.

14 DIR. STEWART: Harry Stewart,  
15 Water Division, Department of Environmental  
16 Services.

17 MS. LYONS: Johanna Lyons,  
18 Department of Resources and Economic  
19 Development.

20 DIR. SIMPKINS: Brad Simpkins,  
21 Department of Resources and Economic  
22 Development.

23 MR. ROBINSON: Ed Robinson, New  
24 Hampshire Fish and Game Department.

1 MS. BAILEY: Kate Bailey, Public  
2 Utilities Commission.

3 CHAIRMAN IGNATIUS: Amy  
4 Ignatius. I'm Chairman of the PUC, and in that  
5 role I'm vice-chair of the Site Evaluation  
6 Committee.

7 MR. DUPEE: Brook Dupee, here on  
8 behalf of the Department of Health and Human  
9 Services.

10 MR. GREEN: Craig Green, New  
11 Hampshire Department of Transportation.

12 DR. BOISVERT: Richard Boisvert,  
13 New Hampshire Division of Historical Resources.

14 CHAIRMAN IGNATIUS: Thank you.  
15 And let's go to parties. Ms. Geiger.

16 MS. GEIGER: Yes. Susan Geiger  
17 and Doug Patch on behalf of the Applicant,  
18 Antrim Wind Energy, LLC. With us at counsel  
19 table today is Jack Kenworthy from the Company.  
20 Good morning.

21 MR. FROLING: Stephen Froling.  
22 I'm here representing the Harris Center for  
23 Conservation Education.

24 MR. STEARNS: Good morning. I'm

1 Galen Stearns. I represent the Town of Antrim.  
2 With me today is Mike Genest, selectman.

3 MS. ALLEN: Mary Allen for the  
4 Allen/Edwards intervenors.

5 MS. PINELLO: Martha Pinello for  
6 the Antrim Planning Board.

7 MS. DULEY: Susan Duley,  
8 representing Janice Duley Longgood for the  
9 abutters.

10 MS. VON MERTENS: Francie Von  
11 Mertens, New Hampshire Audubon.

12 MR. SIMMONS: Scott Simmons from  
13 the Stoddard Conservation Commission.

14 MS. LINOWES: Lisa Linowes,  
15 representing Industrial Wind Action Group.

16 MR. ROTH: Peter Roth, Counsel  
17 for the Public.

18 CHAIRMAN IGNATIUS: And sitting  
19 over at the witness table?

20 MS. BLOCK: Lorraine Carey Block  
21 for the North Branch Intervenors.

22 MR. BLOCK: And Richard Block,  
23 same.

24 CHAIRMAN IGNATIUS: Good

1 morning. Welcome, everyone.

2 Also, Michael Iacopino, who's  
3 passing out some materials right now, Counsel  
4 to the Committee.

5 The Blocks are our final panel  
6 of witnesses. Is there anything before we  
7 begin with their testimony that we need to  
8 take up? Ms. Linowes.

9 MS. LINOWES: Yes, Madam  
10 Chairman. I was -- I brought with me the  
11 latest release of the "Energy Information  
12 Administration's Annual Outlook for 2013." It  
13 was released on December 4th, and it is the  
14 executive summary. I would -- it is in direct  
15 reference to my testimony having to do with  
16 energy and natural gas use into the future, and  
17 I was going to ask the Committee to consider  
18 accepting judicial notice of that document.  
19 And I have a copy -- two copies with me today.

20 CHAIRMAN IGNATIUS: So are you  
21 asking that it be made an exhibit, or just make  
22 note of it and we accept it through the  
23 official notice process?

24 MS. LINOWES: Thank you, Madam

1 Chair. I think this is where my not being a  
2 lawyer --

3 CHAIRMAN IGNATIUS: That's all  
4 right.

5 MS. LINOWES: I'm not sure.  
6 What I want to do is make sure -- there were  
7 questions specifically as to the future health  
8 of natural gas. Ideally, it will be an exhibit  
9 as part of my testimony. But if the same -- if  
10 it carries the same kind of information  
11 delivered to the Committee, then it would not  
12 matter to me. I'm not sure if the Committee  
13 will see both -- or whether it's an exhibit or  
14 whether judicial notice is taken.

15 CHAIRMAN IGNATIUS: So let's  
16 think of it as an exhibit for the time being.  
17 Is this something you've discussed with other  
18 parties?

19 MS. LINOWES: I have not. I  
20 did -- I e-mailed it yesterday to all of the  
21 parties. That's as far as I was able to get.  
22 I was not aware that it was released until  
23 yesterday morning.

24 CHAIRMAN IGNATIUS: Do other

1 parties have a position on the request to make  
2 it an exhibit? Ms. Geiger.

3 MS. GEIGER: Yes, thank you.  
4 The Applicant would object. I don't believe  
5 that it qualifies or meets the standard for  
6 official notice under 541-A:33, V. I don't  
7 believe it meets any of the criteria or any  
8 of -- falls into any of the categories  
9 expressed under that section; therefore, I  
10 don't believe it's appropriate to take official  
11 notice of it.

12 In addition to that, even if  
13 it were arguably in one of those categories,  
14 I believe that at this late stage of the game  
15 it would be unduly -- it would be unfair to  
16 the Applicant to allow Ms. Linowes to bring  
17 in this information at this late date as  
18 evidence in the proceeding.

19 In addition to that, I believe  
20 the information she's referenced is called  
21 "an early release document." I don't believe  
22 it's a final document of EIA. And lastly, I  
23 haven't had a chance to review it and analyze  
24 it. And I would have no way of rebutting it,

1           because I don't believe these witnesses are  
2           witnesses with whom I can have a conversation  
3           about it.

4                        So the purpose of today's  
5           hearing is for cross-examination of the  
6           Blocks. I don't believe this document has  
7           any relevance to that cross-examination.

8                        And for all of the reasons I  
9           just gave you, I don't believe it should even  
10          be marked for identification. Thank you.

11                       CHAIRMAN IGNATIUS: Other party  
12          responses? Mr. Roth.

13                       MR. ROTH: I have no objection  
14          to the introduction of this document. It seems  
15          to me that it was discovered late and was  
16          released recently, and it should be considered  
17          by the Committee as relevant not to the Blocks'  
18          testimony but to Ms. Linowes' own testimony.

19                       CHAIRMAN IGNATIUS: So you would  
20          concede there is no opportunity for  
21          cross-examination unless we start recalling  
22          witnesses.

23                       MR. ROTH: Yes, that's correct.  
24          I'm not sure -- you know, you can take it for

1           what it's worth, essentially, not that -- I  
2           mean, there's plenty of documents in this  
3           record submitted by the parties, including the  
4           Applicant, that have not been subject to  
5           cross-examination and would make no sense to  
6           attempt to cross-examine the people about  
7           them -- newspaper articles, scholarly reports,  
8           web site pages, all kinds of stuff. I would  
9           just include this in that general rubric.

10                           CHAIRMAN IGNATIUS: All right.  
11           I'm going to take that under advisement. I  
12           want us to move on with the Blocks and not run  
13           the risk that we don't get to people. I know  
14           that some people have other commitments, and  
15           this isn't going to be one of our all-nighters.  
16           So we'll consider that and issue a ruling at  
17           some point later.

18                           MR. IACOPINO: So I understand,  
19           the request is either to make it an exhibit or  
20           to take official notice of it, either way? Is  
21           that --

22                           MS. LINOWES: Yes.

23                           CHAIRMAN IGNATIUS: All right.  
24           Anything else?

1                   If not, would you swear the  
2 witnesses in, please.

3                   (WHEREUPON, LORANNE CAREY BLOCK and  
4 RICHARD BLOCK were duly sworn and  
5 cautioned by the Court Reporter.)

6  
7 LORANNE CAREY BLOCK, SWORN

8 RICHARD BLOCK, SWORN

9                   DIRECT EXAMINATION

10 BY MR. IACOPINO:

11 Q.    Good morning, Mr. and Ms. Block.   Let me  
12 start with Ms. Block.

13                Would you please state your full name  
14 and address for the record.

15 A.    (Ms. Block) My name is Lorraine Carey Block.  
16 I live on 63 Loveren Mill Road, Antrim, New  
17 Hampshire.

18 Q.    And Mr. Block, would you be so kind as to do  
19 the same.

20 A.    (Mr. Block) Richard Block, also residing at  
21 63 Loveren Mill Road, Antrim.

22 Q.    And you're both part of the North Branch  
23 Intervenors Group; is that correct?

24 A.    (Mr. Block) That is correct.

1 Q. Ms. Block, I put before you a document marked  
2 as NB 3, entitled, "Prefiled Testimony of  
3 Loranne Carey Block, dated July 31, 2012."  
4 Is that prefiled testimony that you in fact  
5 prepared?

6 A. (Ms. Block) Yes, it is.

7 Q. And are the contents of that document true  
8 and correct to the best of your knowledge and  
9 belief?

10 A. (Ms. Block) Yes, they are.

11 Q. And if you were asked the same questions  
12 contained in NB 3 today as you were on  
13 July 31, would you give the same answers?

14 A. (Ms. Block) Yes, I would.

15 Q. Are there any changes or corrections at all  
16 for that particular document?

17 A. (Ms. Block) No, there aren't.

18 Q. Okay. Let me turn to Mr. Block for a moment  
19 then.

20 Now, Mr. Block you have before you two  
21 documents, one marked as NB No. 2, entitled,  
22 "Prefiled Direct Testimony of Richard Block,  
23 dated July 31, 2012." Do you have that in  
24 front of you?

1 A. (Mr. Block) Yes, I do.

2 Q. And you should have a second document marked  
3 NB 7, entitled, "Supplemental Prefiled Direct  
4 Testimony of Richard Block." I believe  
5 that's dated October 11th, 2012. Do you have  
6 that in front of you?

7 A. (Mr. Block) I do.

8 Q. Is that your prefiled direct testimony and  
9 supplemental prefiled direct testimony in  
10 this case?

11 A. (Mr. Block) Yes, they are.

12 Q. And are the contents of each of those  
13 documents true and correct to the best of  
14 your knowledge and belief?

15 A. (Mr. Block) They are.

16 Q. And if you were asked the same questions --  
17 let me deal with Document 2 first. If you  
18 were asked the same questions as contained in  
19 NB2 today, would you give the same answers  
20 today?

21 A. (Mr. Block) Yes, I would.

22 Q. And with respect to NB 7, if you were asked  
23 the same questions contained in that exhibit,  
24 would you give the same answers to those

1 questions today?

2 A. (Mr. Block) I would.

3 Q. Were there any changes or corrections at all  
4 that you needed to make to either one of  
5 those two documents?

6 A. (Mr. Block) No.

7 Q. Okay. My next question then goes to rebuttal  
8 testimony. I don't know as between the two  
9 of you how you are going to handle it, so I'm  
10 just going to simply direct the question.

11 Do either of you have any testimony that  
12 is in direct rebuttal to any of the  
13 supplemental prefiled testimonies filed by  
14 other parties after October 11th, I guess it  
15 was, when you filed your supplemental  
16 prefiled testimony?

17 A. (Ms. Block) Yes. Actually, each of us do.

18 Q. Which way do you intend to proceed? With  
19 each going by person?

20 A. (Ms. Block) We were going to go each  
21 separately, yes.

22 Q. And were you going to start, Mrs. Block?

23 A. (Ms. Block) I was.

24 Q. Okay. And what I'll ask you to do -- and Mr.

1           Block, when it becomes your turn, I'll ask  
2           you to do the same thing -- is before giving  
3           your rebuttal testimony, please provide as  
4           specific a reference as possible to the  
5           supplemental testimony that you are offering  
6           rebuttal testimony to so that we can ensure  
7           that it is in fact rebuttal testimony, but  
8           also understand what your testimony is about.  
9           Thank you.

10        A.    (Ms. Block) Thank you. My rebuttal testimony  
11        deals with the supplemental testimony of  
12        Valleau and Gravel filed October 11th of  
13        2012.

14        Q.    Can you pull that microphone good and close  
15        to you, please?

16        A.    (Ms. Block) And what I specifically want to  
17        address is Page 12 of 21, the sentence that  
18        says, "The remainder of the habitat that that  
19        the project area intersects is not ranked."  
20        And I read that as it's written. I believe  
21        there's a typo, but I read it as it's  
22        written. And in my testimony and in my  
23        prefiled testimony, I had submitted as an  
24        exhibit a map that was also submitted by --

1 in Susan Morse's testimony, labeled "SM1."  
2 So it's in both of the testimonies. And I  
3 just passed out color copies of that, as well  
4 as there is SM5.

5 And as a Covert's Cooperator for several  
6 years now, I went through Malin Clyde, who's  
7 the director of that program, and questioned  
8 early on about how to read these wildlife  
9 habitat maps. And I had information from  
10 her, as well as from Emily Brunkhurst, the  
11 wildlife biologist for New Hampshire Fish and  
12 Game. And my understanding from my  
13 communications with them is that all of this  
14 habitat -- that neither one of these maps  
15 should be used independently of the other,  
16 that they're really a mosaic of the areas and  
17 how they interact with each other. So you  
18 have to look at both maps. And just because  
19 something is -- does not have the magenta or  
20 the gold color does not mean it's not good  
21 habitat. All of this habitat is in the top  
22 25 percent. Rocky ridge does not mean there  
23 isn't any habitat at all. And you have to  
24 compare that with the lowlands spruce-fir and

1 the northern hardwood-conifer forest. The  
2 maps, as I said, should be used in context  
3 with each other.

4 And I was specifically warned that  
5 nature is a continuum with soft, not hard  
6 edges. And these maps present this mosaic.  
7 That is the end of my rebuttal on that.

8 MR. PATCH: I just would like to  
9 object for the record, now that I know what she  
10 said. I think she referred to Susan Morse, who  
11 has been a witness here. She's using hearsay  
12 about what Susan Morse told her. It would have  
13 been much better for Susan Morse to say that,  
14 if that's in fact what she believed.

15 A. (Ms. Block) I don't think I said anything  
16 that referenced Susan Morse. I just said it  
17 happened to be in Susan Morse's testimony, as  
18 well as in my -- as in mine.

19 CHAIRMAN IGNATIUS: That's what  
20 I think I had understood as well. So, Mr.  
21 Patch, unless there's something more specific  
22 that you're recalling, I'm going to overrule  
23 the objection.

24 All right. Please continue.

1 A. (Ms. Block) Okay. I'm done with my rebuttal.

2 A. (Mr. Block) I'd like to address a couple of  
3 comments in Jack Kenworthy's first  
4 supplemental prefiled testimony.

5 On Page 15 of his testimony, Line 10,  
6 he's responding to my prefiled testimony,  
7 which stated that I observed what appeared to  
8 be pre-construction logging activities on the  
9 ridge. And Mr. Kenworthy claims that there's  
10 no truth to these allegations. He denies it  
11 again in the following pages.

12 And although I do understand that the  
13 logging activities on the ridge were the  
14 project of the landowners, I just -- I do  
15 know that what I observed on the ridge was a  
16 long, narrow clear-cut that followed road  
17 flagging which identified the proposed  
18 location of the access road. And in several  
19 areas for, actually, approximately the first  
20 six turbines, there were large, completely  
21 clear-cut circles. In the center of each was  
22 wood stake with a flag hanging from it  
23 labeled, "WTG3," "WTG4," et cetera. So, I'm  
24 not a logger. But those of us who were on

1 the ridge at that point did observe that it  
2 appeared to follow the road location, and the  
3 turbine circles did not appear to follow any  
4 clearing operation -- any logging operation  
5 that we had -- that I had ever seen before.  
6 So...

7 Also on the final page,  
8 Page 23 of Mr. Kenworthy's prefiled  
9 testimony -- supplemental testimony, he  
10 challenges our -- challenges my questioning  
11 of his proposed capacity factors. My  
12 challenge to his capacity factors are based  
13 on, initially, our experience living in the  
14 area there and not observing, over two and a  
15 half decades, not observing a very large  
16 amount of wind. We did request the wind data  
17 from the met tower so that I could hopefully  
18 use that data to perhaps see if the proposed  
19 capacity figures had any basis in fact. We  
20 were challenged, saying that we have no basis  
21 for the challenge. The capacity factors --  
22 and I'm quoting from Line 11 here -- "These  
23 capacity factor estimates are generated by  
24 professional meteorologists with decades of

1           experience..." We did have two  
2           individuals -- one was a professional in the  
3           wind industry, and one was a meteorologist  
4           with decades of experience, both of whom were  
5           willing to help us understand what the data  
6           was. The only data we had to work with was  
7           the V-Bar data. Our wind industry  
8           professional told us that he thought it  
9           seemed to be properly executed; however, he  
10          questioned the lack of any 20-year  
11          projection. Without further information, we  
12          really couldn't go much further on that.

13                        I'd like to address a couple  
14          of items in the first supplemental prefiled  
15          testimony of John Guariglia. On Pages 8, 9  
16          and 10 of this document, there are several  
17          places where Mr. Guariglia relies on the  
18          information that he has provided in his  
19          initial testimony, that the -- and I quote  
20          from Page 8, Line 4, "...there is limited  
21          potential visibility of the project within  
22          the 5-mile study area, therefore limiting the  
23          potential for visual impact." He has  
24          described that, on Page 10, the project --

1 "There would be no visibility of the project  
2 from 95 percent of the study area."

3 Since, in my opinion, much of  
4 the information he provides is based upon  
5 that assumption, I have a hard time relying  
6 on that. In my own supplementary testimony,  
7 I provided a simulation, which you have in  
8 front of you -- or some of you have. It's NB  
9 7. I do have -- I don't know if anybody can  
10 help me with this. I provided -- I just did  
11 color copies of it, large instead of the  
12 small black and white ones that we have here,  
13 if people would like to look at these.

14 CHAIRMAN IGNATIUS: And  
15 remember, this is rebuttal. So stay focused on  
16 that as opposed to direct.

17 MR. BLOCK: Yeah. Okay.

18 CHAIRMAN IGNATIUS: If you want  
19 to -- sure, and people can pull it up  
20 electronically as well.

21 MR. IACOPINO: Just for the  
22 record, I think there is -- is this the  
23 blueberry field photo, Mr. Block?

24 MR. BLOCK: Yes, it is.

1 MR. IACOPINO: Okay. There is  
2 within Mr. Block's supplemental testimony --  
3 the color photo is in the electronic thing. I  
4 suspect that those who are working off of paper  
5 did get black and white because I did not have  
6 a color copier.

7 CHAIRMAN IGNATIUS: So this  
8 would be Page 5 of the electronic version of  
9 North Branch 7; is that correct?

10 MR. ROTH: Did you guys get the  
11 color?

12 CHAIRMAN IGNATIUS: It's in  
13 color electronically.

14 MR. ROTH: Do you have it in  
15 color? Everyone all set?

16 (Mr. Roth distributing document.)

17 A. (Mr. Block) Thank you. I would like to just  
18 point out in this picture, which is addressed  
19 in the transcript of Mr. Guariglia's  
20 testimony on November 2nd --

21 MS. GEIGER: I would object to  
22 this. I think that the limiting scope of  
23 rebuttal really is for information in the  
24 supplemental prefiled testimony, the written

1 testimony. Now we're starting to get into  
2 comments about oral testimony at the hearing,  
3 which I believe is beyond the scope of what's  
4 been permitted.

5 In addition to that, to the  
6 extent Mr. Block is now testifying about  
7 NB 7, that's something that he submitted, I  
8 believe, with his supplemental testimony. So  
9 he could have talked about it there.

10 MR. BLOCK: May I pose a  
11 question to the Committee?

12 CHAIRMAN IGNATIUS: All right.

13 MR. BLOCK: Perhaps I don't  
14 understand. But I thought that the rebuttal is  
15 permitted for prefiled supplemental testimony  
16 and comments that were made since October 11th,  
17 and specifically in testimony. Is that true?  
18 Or comments made about -- not in general, but  
19 comments made specifically referring to my  
20 testimony?

21 CHAIRMAN IGNATIUS: You are  
22 correct, I think, in the sense of what people  
23 have prefiled in response to what you had  
24 prefiled. What we have not wanted to get into

1 is as the record continues to build and people  
2 go back to their transcripts to raise  
3 everything that witnesses have already said.  
4 And we did a little bit of that with Audubon  
5 witnesses. And you remember, I kept asking  
6 them to pare back the questioning to be very,  
7 very specific to things that were different  
8 than what had been previously testified to, so  
9 that there are things you couldn't have  
10 possibly have addressed before. If it's  
11 consistent with what was already in your record  
12 and what you brought out on direct, then doing  
13 this now wouldn't be appropriate. Since I'm  
14 not sure where you're heading here, it's a  
15 little bit hard to know. But we really can't  
16 get in a situation of going through the  
17 transcript and everything that you disagreed  
18 with that was testified to. Obviously, I know  
19 that's not what you're trying to do. But  
20 that's at the far extreme as a guidepost.

21 So, and I've lost track, I  
22 confess, on what it was, in looking at the  
23 electronic -- the simulation that you did.  
24 Is it just explaining the document that was

1 in your supplemental testimony, or is it  
2 something more specifically responding to  
3 others' testimony that you feel you need to  
4 rebut?

5 MS. BLOCK: If it's okay, I know  
6 that it was specific to what was said  
7 specifically about that in his testimony. It's  
8 just like one sentence.

9 CHAIRMAN IGNATIUS: Mr.  
10 Guariglia?

11 MS. BLOCK: Mr. Guariglia, with  
12 a specific criticism. And this is what I  
13 understood you could address during the  
14 Audubon's session, was that if there was  
15 something specific about something in your --  
16 you know, anyway, that's what I thought. So...

17 CHAIRMAN IGNATIUS: Well, I  
18 think we were trying to keep it focused on  
19 things not just specific to what you addressed,  
20 but things that were different than what had  
21 been previously done. What we don't want is  
22 then to have an opportunity for Mr. Guariglia  
23 and everybody else coming back to respond to  
24 what you say, and each person going on and on

1 and we never get to an end. One second.

2 (Discussion among Subcommittee Members  
3 off the record.)

4 CHAIRMAN IGNATIUS: We're not  
5 recalling Mr. Guariglia specifically addressing  
6 this photograph. And so, if he did, then why  
7 don't you go ahead and respond to it, if it  
8 was. I just don't recall that.

9 MR. BLOCK: Okay. It was in the  
10 testimony. But I will simplify.

11 CHAIRMAN IGNATIUS: All right.  
12 Thank you. And it may be that others bring it  
13 out. It's just sort of when the witness -- you  
14 don't want the witness sort of putting in their  
15 direct case through the guise of rebuttal.  
16 Thank you.

17 MR. BLOCK: Thank you.

18 A. Just to simplify, Mr. Guariglia does  
19 challenge this picture, saying that -- claims  
20 that the elevations I created show no  
21 vegetation; however, in the picture you can  
22 see a fair amount of vegetation in the  
23 foreground.

24 But the prime purpose of the picture is

1 to challenge his claim that his vegetated  
2 viewshed map is accurate and that 95 percent  
3 of the area will not see the turbines.

4 Just his assessment of the region where  
5 this picture was taken shows that, at the  
6 most, you would see one to two turbines. The  
7 intention of this photo was to show that that  
8 can't possibly be true, regardless of whether  
9 I showed vegetation at the base of the  
10 turbines or not, which I think is trivial in  
11 this case. In that picture, when standing up  
12 there, I realized I could see at least -- I  
13 would be able to see at least seven turbines.  
14 If I moved to the left or right, I could  
15 probably see all ten. So, I challenged that.  
16 Mr. Guariglia's own assessment of his  
17 turbines simulations don't agree with his  
18 map. If you look on his viewshed map, Salmon  
19 Brook Road shows that you would see no  
20 turbines. He shows three turbines in his  
21 photo.

22 CHAIRMAN IGNATIUS: And this, I  
23 think, was all prefiled. And people may bring  
24 that -- may want to ask you questions about

1           that.

2                               MR. BLOCK:   Okay.

3                               CHAIRMAN IGNATIUS:   But that's  
4           where we've been trying to be strict with  
5           people, to not restate all of their testimony.

6    A.   (Mr. Block) All right.  I may come back to  
7           that.  But he does make the assumption that  
8           that is accurate.

9                               He also makes an assumption in his  
10          supplemental prefiled testimony that the  
11          effect on resources would be limited.  One of  
12          the examples he gives is that, if Willard  
13          Pond is closed during the winter and closed  
14          at night, then that would limit it.  But  
15          we've already seen that that's not true.

16                              On Page 17 of his supplemental  
17          testimony, under Line 15, which are "Comments  
18          on Mr. Block's Testimony:

19                              "QUESTION: Mr. Block has  
20          stated that in the real world, the eyes see  
21          objects in 3D [sic]... Can you respond to  
22          this comment?"

23                              Mr. Guariglia's response to  
24          that -- essentially, Lines 19 through 22 and

1 continuing on the next page down to Line 5 --  
2 are really simply just restating. And he  
3 literally quotes what his original VIA stated  
4 and really does not address any reason why  
5 beyond that, that he disagrees with it. So  
6 he does not give any further information on  
7 there.

8 Below that, on Line 9, he  
9 says, "For the reasons discussed elsewhere in  
10 this testimony, the simulations... present an  
11 accurate depiction." And I've looked through  
12 this testimony several times, and I cannot  
13 find any place where he further discusses why  
14 his pictures are accurate.

15 On Page 21 of his testimony,  
16 in response to my questioning the shadow  
17 flicker, the shadow pattern questions, he,  
18 Mr. Guariglia, on Line 6 says, "Potential  
19 shadows and resulting shadow flicker is an  
20 east-west phenomenon." And Line 9 says, "In  
21 the morning, as the sun rises in the east, it  
22 will cause the shadows to be cast towards the  
23 west."

24 This is a rather simplistic response to

1           this. The sun rises in the east only if  
2           you're on the equator. This morning, the sun  
3           rose at my house in the southeast. And in  
4           the northern hemisphere, the sun rises toward  
5           the south -- partly toward the south, not  
6           just in the east. So I think that's a rather  
7           simplistic response to that.

8                     I believe I had one more comment. The  
9           final page, Page 24 of his testimony, this is  
10          still in response to my comments that, when  
11          the leaves are down from trees, it should  
12          increase the visibility of the project. And  
13          he says in here, and I quote, on Line 16,  
14          "...the presence of dense forest cover always  
15          provides significantly greater visual  
16          screening than a bare earth scenario."

17                    I don't disagree with that statement;  
18          however, I definitely challenge the presence  
19          of dense forest cover in and around Antrim.  
20          I pointed that out before, and I do not  
21          believe that there was sufficient field  
22          checking to see this.

23                    He mentioned that on the bottom, Line  
24          20, he references my photographs and says --

1           which were pictures from Lempster -- Line 19  
2           and 20, "In both cases, deciduous trees  
3           without leaves fully and/or partially screen  
4           the existing turbines." In those pictures,  
5           obviously you cannot see any turbines that  
6           are fully screened, but you do see partially  
7           screened turbines. And I believe that  
8           partial screening does not remove the impact  
9           of turbines.

10                           MR. BLOCK: I thank you. That's  
11           all I have at this point for rebuttal. I guess  
12           we are available for cross-examination.

13                           CHAIRMAN IGNATIUS: You are.  
14           Thank you. Both witness and counsel, doing  
15           double duty there.

16                           All right. Then, Mr. Roth.

17                           MR. ROTH: Thank you.

18                           CROSS-EXAMINATION

19           BY MR. ROTH:

20           Q.    Good morning, Mr. Block.

21           A.    (Mr. Block) Good morning.

22           Q.    I want to get oriented a little bit. I don't  
23           know if you have a chart up there. Maybe  
24           we'll start with AWE 41. That's the -- I

1 believe that's the noise impact map prepared  
2 by the Applicant's consultant. Are you  
3 familiar with that?

4 A. (Mr. Block) Yes.

5 Q. Can you indicate on the map where your  
6 residence is?

7 A. (Mr. Block) Yes. This blue square right  
8 here, right above where the map is marked  
9 "L2." It's the next house up from there.

10 Q. Okay. So you're at Location 2 for the sound  
11 monitoring?

12 A. (Mr. Block) Correct. Right above Location 2.

13 Q. Okay. What was the color of the line that  
14 was closest to your house, and what's the dBA  
15 level expected for that location?

16 A. (Mr. Block) I believe that's the purple line  
17 that says 35.

18 Q. Okay. Are you inside the purple line or  
19 outside?

20 A. (Mr. Block) Just outside it.

21 Q. Okay. And do you recall, from Mr. Tocci's  
22 report, the chart that he showed on Page 20  
23 which indicated people being annoyed or being  
24 very annoyed?

1 A. (Mr. Block) Yes, I do remember that.

2 Q. And at that location, did it identify the  
3 percentage of people at that location who  
4 might be annoyed or very annoyed?

5 A. (Mr. Block) I don't recall his exact  
6 statement about that.

7 (Pause in proceedings.)

8 Q. Just to keep this simple, I'm going to show  
9 you my exhibit. Do you see what it says  
10 there with respect to Location 2?

11 A. (Mr. Block) Yes, I do.

12 Q. And what was Mr. Tocci's estimate for  
13 percentages --

14 A. (Mr. Block) His comment says --

15 Q. -- of people annoyed or very annoyed?

16 A. (Mr. Block) His comment says, "Significant  
17 residential impact, 25-percent chance of  
18 residents annoyed, 18-percent chance of very  
19 annoyed."

20 Q. Okay. And I would take from his analysis  
21 that there's some people who will not be  
22 annoyed?

23 A. (Mr. Block) I would assume that would be  
24 true.

1 Q. Okay. How many people live out there near  
2 Location 2?

3 A. (Mr. Block) Near Location 2?

4 Q. Is it more than just you two?

5 A. (Mr. Block) Yes. In the general vicinity,  
6 there's probably about a dozen people on that  
7 hill.

8 Q. And based on your own experience and thought,  
9 what would you -- which category would you  
10 put yourself in? Not responding, annoyed or  
11 very annoyed?

12 A. I'm certain we would be very annoyed because  
13 of our past history with sensitivity to  
14 sound.

15 Q. Okay. And how would that manifest to you, in  
16 terms of your behavior or your emotional  
17 state or your physical condition?

18 A. (Mr. Block) I'm not sure about emotional  
19 state, but I know -- I'm certain that  
20 increased noise would disrupt sleep in our  
21 house, because anytime there is a situation  
22 where noise is increased, at this point it is  
23 an issue.

24 Q. Okay. So you would experience sleep

1 disturbance?

2 A. (Mr. Block) I think that would be a very  
3 serious issue, yes.

4 CHAIRMAN IGNATIUS: Mr. Roth,  
5 either your mic's not on or you're looking away  
6 from it. If you could realign it a little.

7 MR. ROTH: Sorry. There's not  
8 much left in my voice either. That's part of  
9 the problem. And I don't want to cough on the  
10 microphone.

11 BY MR. ROTH:

12 Q. So, sleep disturbance. Is there anything  
13 else?

14 A. (Mr. Block) General annoyance. I do not work  
15 in the home, but Lorraine does. She's there  
16 essentially 24/7.

17 MR. BLOCK: Would you like to  
18 address how you would feel with extra noise?

19 BY MR. ROTH:

20 Q. I guess I'll ask you the question. Do you  
21 believe that you would be annoyed or very  
22 annoyed, Lorraine?

23 A. (Ms. Block) I have very sensitive ears. I  
24 know I was told -- we were told that it's a

1           35 dBA level in this room, for instance. And  
2           I'm sure a lot of people, it doesn't bother  
3           them at all. And honestly, I find it very --

4                       MR. PATCH: I'd just like to  
5           object to that testimony because I don't think  
6           that's what the record said. I think it said  
7           in the range of 42 decibels.

8                       MS. BLOCK: No. Actually, it  
9           said 35. It was --

10                      MR. PATCH: I can cite to the  
11           portion of the transcript because I looked at  
12           it before. I can't give it right now, but I  
13           just want to note that for the record.

14                      MS. BLOCK: Are we talking about  
15           Mr. O'Neal? I'm talking about Mr. O'Neal. It  
16           was misquoted later by Ms. Longgood, who  
17           thought it was 40.

18 BY MR. ROTH:

19 Q.    Ms. Block, can I just bring you back to the  
20           point?

21 A.    (Ms. Block) Okay. I'm sorry.

22 Q.    I'm trying to get what your experience is of  
23           annoyed or very annoyed.

24                      First, would you be annoyed or very

1           annoyed, or neither?

2    A.    (Ms. Block) I'm sure I'd be very annoyed. I  
3           work at home. I'm very sensitive to noise.  
4           We have a very quiet house. My son, at one  
5           point, checked the decibel level in our  
6           house, and it was 18 decibels. So I'm sure  
7           that that would affect us. My son is a  
8           musician. He does recording in our house.  
9           So I'm sure all of those things would factor  
10          in.

11   Q.    What kind of a musician is he? Does he play  
12          an electric guitar?

13   A.    (Ms. Block) No. My son is a traditional  
14          Scottish fiddler. He's on the national --  
15          he's nationally recognized.

16   Q.    Okay. Now, you have some dogs; right?

17   A.    (Ms. Block) We do.

18   Q.    What I might consider a lot of dogs. How  
19          many dogs do you have?

20   A.    (Ms. Block) We have approximately 30 dogs.

21   Q.    Thirty dogs. And they're large dogs, aren't  
22          they?

23   A.    (Ms. Block) They're Siberian Huskies. And we  
24          each have a team, my husband, my son and

1           myself.

2    Q.    Don't they make a lot of noise?

3    A.    (Ms. Block) They make a lot of noise when  
4           they're about to be fed, but they're  
5           otherwise amazingly quiet.  Otherwise, I'm  
6           out there saying, "You have to be quiet."

7    Q.    And they listen to you?

8    A.    (Ms. Block) They do listen to me.  They do.

9    Q.    I have to say, if I lived near people with 30  
10           dogs, I would abandon my home.

11                So I guess I'm challenging you, in terms  
12                of annoyed or very annoyed, when you have 30  
13                dogs that make the kind of noise that most  
14                people would find really difficult to deal  
15                with.  So, I mean, what about a wind turbine  
16                noise would sort of stand out from all that  
17                racket those dogs must make?

18   A.    (Ms. Block) The dogs, as I said, make a lot  
19           of noise when they're about to be fed, and  
20           then they quiet down.  Wind turbine noise is  
21           24/7.  It's continuous.  It's always there.  
22           It's not a natural noise in any way.  I mean,  
23           Siberian Huskies, I will admit, they  
24           occasionally howl as a group howl.  And I'm

1           sure some people could find that annoying.  
2           But honestly, you know, I actually really  
3           like that. It sounds like wolves howling.  
4           So I can't address that one.

5                     But it's -- wind turbine noise -- I have  
6           been to Lempster. I have been to Mars Hill.  
7           I have been to Searsburg. I have  
8           purposefully driven to exactly the distance  
9           that our house would be from the turbines,  
10          1.1 miles, and I -- in my car, I find the  
11          noise horrendous. And I know it's dependent  
12          on atmospheric conditions, and I know that  
13          some days will be better than others. We've  
14          been to Lempster several times. And some  
15          days it -- some days it's worse and some days  
16          it's better. But I find it very loud.

17   Q.    Do you have chickens?

18   A.    (Ms. Block) No, we don't. We have sheep.

19   Q.    Are sheep noisy?

20   A.    (Ms. Block) When they're about to be fed.

21   Q.    Now, I can't remember which one of you  
22          mentioned pre-existing health problems would  
23          be exacerbated by the wind turbines in your  
24          testimony. And forgive me, but I don't

1           remember which one of you said it. Is there  
2           anything more you want to say about those  
3           problems and how the noise might affect it?

4    A.    (Ms. Block) It was actually in my  
5           testimony --

6    Q.    I don't want to cross --

7    A.    (Ms. Block) -- but I think Richard is more  
8           willing to divulge health issues than I am.  
9           So...

10   A.   (Mr. Block) I have had an inner ear problem  
11          for ears. Most of the time it's under  
12          control and not a problem. But I can have  
13          bouts of ringing in my ears, and I have  
14          experienced dizziness if I'm not careful  
15          about my health. The first time I visited  
16          Lempster, within 40 minutes of being near  
17          there my ears were ringing and I had a very  
18          splitting headache. And I have not had a  
19          headache in 10 or 15 years. And I had a  
20          headache that did not leave until an hour or  
21          two after I left the premises. That made me  
22          very afraid about what the potential was for  
23          affecting my inner ear situation.

24   Q.    Okay. Now, you probably heard some

1 testimony -- and either one of you can answer  
2 this -- about the European study showing that  
3 people's reaction is perhaps a combination of  
4 visual and the noise. Do you remember that?

5 A. (Mr. Block) Yes, I do.

6 Q. I think Mr. James took some issue with that,  
7 but I'm not going to ask you to repeat his  
8 testimony.

9 CHAIRMAN IGNATIUS: Mr. Roth,  
10 that's not my recollection of the testimony.  
11 But I guess that's -- we all have our -- and we  
12 can check our transcripts. But what I recall  
13 him saying was he referred to it as sort of a  
14 "double effect," but not that they exacerbated  
15 it, but that when you see it, you're more  
16 likely to be conscious of the sound; when you  
17 don't see it, you're less conscious of the  
18 sound. That's what I recall.

19 MR. ROTH: Okay. Fair enough.  
20 I was trying to be a little more general about  
21 it. But I think that the Chairman's  
22 recollection on that is correct.

23 BY MR. ROTH:

24 Q. The question that I have, though, is: Do you

1 expect that you are going to both see and  
2 hear them at the same time?

3 A. (Mr. Block) I know I would see them from my  
4 house quite clearly, and I assume I would  
5 hear them at the same time if I was looking  
6 in that direction -- see them and hear them  
7 if I was looking in that direction, yes.

8 Q. Now segueing into visual impacts. I take it  
9 that you disagree with both Ms. Vissering and  
10 Mr. Guariglia about the 95 percent, I  
11 believe. And if I remember the 95-percent  
12 issue correctly, it's that the project will  
13 not be visible in 95 percent of the area in  
14 the 5- or 10-mile radius; correct?

15 A. (Mr. Block) Yes, I do disagree with that.

16 Q. Okay. How much -- if you were to state a  
17 figure, what would you think it would be?

18 A. (Mr. Block) That would be speculation on my  
19 part. I base my questioning of that  
20 95 percent by the fact, even in the last  
21 couple of years, I can see that met tower  
22 from many, many places in the area when I  
23 drive around. I'm assuming if I can see a  
24 200-foot met tower, it'll be a lot easier to

1           see the 500-foot turbine that would be in  
2           place of that.

3    Q.    Do you believe Ms. Vissering followed an  
4           appropriate methodology when she was  
5           conducting her visual impact study?

6    A.    (Mr. Block) The problem I have with some of  
7           her methodology is she seems to have started  
8           with an acceptance of Mr. Guariglia's  
9           viewshed analysis and based a lot of her  
10          further study on that. And given the fact  
11          that I doubt the voracity or accuracy of that  
12          viewshed study, then I question everything  
13          that's built on that.

14   Q.    So if she determined, for example, that a  
15          number of turbines will be visible from,  
16          let's say Gregg Lake, because she accepted  
17          the viewshed study, you doubt her conclusions  
18          about Gregg Lake?

19   A.    (Mr. Block) No. Where viewshed studies were  
20          done from a specific location and plotted  
21          out, I don't question the number of turbines  
22          that might be seen, because I've done some of  
23          those calculations myself and understand how  
24          that works. It's when she's making the more

1           general assessments about overall viewshed,  
2           not the specifics.

3    Q.    Okay.  So if I can follow this, you disagree  
4           with her 95-percent acceptance.  And I guess  
5           what I don't understand is if you then go,  
6           for example, to each of the locations where  
7           she finds that there was a visual impact,  
8           such as Gregg Lake or Willard Pond, you don't  
9           disagree with what she did there?

10   A.   (Mr. Block) Not generally.  I don't disagree  
11           with perhaps the number of turbines she can  
12           see.  I still disagree somewhat with the  
13           photographic renderings.  But that I think  
14           comes down to a matter of philosophy and  
15           opinion.  But I don't question necessarily  
16           her assessment of how many turbines might be  
17           seen from a specific location.

18   Q.    I think it was you, Mr. Block, in your  
19           prefiled testimony who described the proposed  
20           project turbines as being -- or would be "the  
21           tallest freestanding structures in New  
22           Hampshire."  How do you know that?

23   A.   (Mr. Block) I've read that in a couple of  
24           places.  And I can't, off top of my head,

1           remember where I specifically saw that.

2    Q.    Okay.  Have you done any independent research  
3           on, for example, the height of the Merrimack  
4           power station smokestack?

5    A.    (Mr. Block)I haven't looked at smoke stacks.  
6           I did Google a while ago "tallest buildings  
7           in New Hampshire" and found that the tallest  
8           building in New Hampshire is 275 feet.  And I  
9           used that in my mind to give me a kind  
10          reference point to compare.  And this was  
11          back when we were talking about 400-foot  
12          turbines.

13   Q.    Okay.  Now, there was some testimony about, I  
14          think it was in cross-examination of Ms.  
15          Vissering, about how from a distance you  
16          can't tell a 200-foot turbine from a 400-foot  
17          turbine.  Do you remember that?

18   A.    (Mr. Block) I remember something to that  
19          effect.

20   Q.    Did I -- do you agree, for example, that if  
21          you're looking out your living room window at  
22          the project site, do you think you could not  
23          tell the difference between a 200-foot  
24          turbine and a 400-foot turbine?

1 A. (Mr. Block) Actually, I think I would tell  
2 the difference, because, for instance, if I  
3 sit on my couch in my living room and I look  
4 out, I've got an eight-foot picture window,  
5 and the view is Tuttle Hill. My estimate is  
6 that the turbines that I see above would  
7 pretty much fill the window. And that I  
8 estimated when we were talking about 400-foot  
9 turbines. So I would think 500-foot turbines  
10 will look bigger than that in my window.  
11 Two-hundred-foot turbines would look quite a  
12 bit smaller. I can see the met tower from my  
13 window, and that's 200 feet. And I know that  
14 looks quite a bit smaller than what I assume  
15 the turbines will appear.

16 Q. Regardless of whether you accept the 200- or  
17 400-foot phenomenon, do you think you could  
18 tell the difference between a 400- and a  
19 500-foot?

20 A. (Mr. Block) Possibly. I don't know. I've  
21 never experienced 500-foot turbines, so I  
22 don't know for sure.

23 Q. All right. You also spoke -- I think both of  
24 you spoke about this in your testimony, with

1           respect to the proportionality problem. From  
2           your view, is that proportionality problem  
3           going to be manifested, or is that something  
4           that's going to be seen from somewhere else?

5       A.   (Mr. Block) Well, I think the proportionality  
6           is at the heart of the whole issue here. I  
7           believe 400-foot turbines are way out of  
8           proportion for that hill; 500-foot turbines,  
9           to me, enter the realm of absurdity. Ms.  
10          Vissering discussed her opinion that she felt  
11          that the turbines in Lempster were  
12          proportioned better than the proposed  
13          turbines here. If that is true, the turbines  
14          in Lempster are --

15                               MR. BLOCK: Do you remember the  
16          height on them?

17       A.   (Ms. Block) The turbines in Lempster are  
18          400 feet, and the vertical rise in Lempster  
19          is 1,000 feet; whereas, the vertical rise for  
20          Tuttle at that point is 650 feet. So if you  
21          have a 400-foot turbine and a 1,000-foot  
22          rise, it's 40 percent. If you take a  
23          500-foot turbine and put it on a 650  
24          elevation -- 650 feet of elevation, it's

1 something like 77 percent. So, using Ms.  
2 Vissering's own math proportions there, if  
3 you took 40 percent of a 650-foot rise, it  
4 would give you a 260-foot turbine. And  
5 that's -- you know, it's based on  
6 proportions. And it's just a very big  
7 turbine for a very small hill.

8 Q. I take it from what you've just said -- and  
9 maybe I'm wrong, but I'll ask you. Ms.  
10 Vissering suggested in her testimony that one  
11 of the ways that some mitigation would be  
12 achieved would be to use smaller turbines.  
13 And I think she spoke favorably, though I  
14 could be exaggerating this, not  
15 intentionally, about the idea that the  
16 Lempster-size turbines would work better on  
17 Tuttle Hill. Do you agree with that?

18 A. (Ms. Block) Well, I think 400-foot turbines  
19 are better than 500-foot turbines. But  
20 that's still twice what she was saying in  
21 terms of proportions.

22 A. (Mr. Block) Still about two thirds of the  
23 height of the hill.

24 Q. Now, in your testimony there was some

1           comments about -- or information about the  
2           North Branch River Corridor. And I think you  
3           referred to "the Cedar Swamp."

4    A.    (Mr. Block) Correct.

5    Q.    And as I recall, you expressed some concerns  
6           about project impacts on the cedar swamp, and  
7           I think in particular, the water quality. Is  
8           that fair to say?

9    A.    (Mr. Block) I'm concerned that I have not  
10           seen any concern -- I'm concerned I haven't  
11           seen any attention given to what the  
12           potential impact might be to the cedar swamp.  
13           The Loveren Mill Cedar Swamp is a very  
14           significant natural community. It's the  
15           largest -- from what I understand, it's the  
16           largest Atlantic cedar swamp in the state, I  
17           believe.

18   A.    (Ms. Block) Second largest.

19   A.    (Mr. Block) Or the second largest in the  
20           state. There are a number of other factors  
21           that make it very unique. I know it's of  
22           high concern. Loranne and I have been aware  
23           of this and involved with this since we moved  
24           to Antrim. At this point, it's probably over

1           20 years ago that we led a trip into the  
2           cedar swamp with the Harris Center, and did  
3           that in order to bring it to their attention.  
4           What happened over the next bunch of years  
5           after that was the Harris Center did get  
6           involved in that. The Nature Conservancy  
7           came in, and eventually the cedar swamp was  
8           preserved by the Nature Conservancy. We have  
9           served as unofficial stewards for that area  
10          since then because of our interest in it.

11        Q.    Have you looked at the DES permits that have  
12          been issued for the project?

13        A.    (Mr. Block) Briefly.

14        Q.    Okay. So is it possible that the answer to  
15          the cedar swamp water-quality problem is in  
16          there?

17        A.    (Mr. Block) It's possible, but I don't  
18          remember anything addressed on the other side  
19          of Route 9. And from the cedar swamp, it's  
20          on the north side of Route 9. And it's less  
21          of a water-quality issue, I believe. I don't  
22          think that the water quality is necessarily  
23          the problem there. The inherent uniqueness  
24          of the cedar swamp has more to do, from what

1 I understand and what I've read, with the  
2 geologic and geographic layout of it, and the  
3 air flow that keeps it cooled in there. And  
4 that's what I'm concerned with. I don't know  
5 if anybody has looked into how putting large  
6 turbines on the hill might affect the air  
7 flow into the swamp area. And I'm concerned  
8 that might happened.

9 Q. How far is the project from the cedar swamp?

10 A. (Mr. Block) This is the cedar swamp here  
11 (indicating). So I don't know what the  
12 distances are on here. But it's probably in  
13 the range of between one-half and one mile,  
14 or covering the distance between one-half to  
15 one mile of the project.

16 Q. Okay. And is there a considerable change in  
17 elevation as well?

18 A. (Mr. Block) Not within the swamp.

19 Q. No, between the swamp and the project.

20 A. (Mr. Block) Yes. Yes, there's -- the swamp  
21 is about 650 feet below the top.

22 Q. Do you have any information or evidence that  
23 suggests that a wind turbine project located,  
24 let's call it a minimum of a half-mile away,

1 and a considerable elevation away, would have  
2 any air-flow impact as you described on --

3 A. (Mr. Block) I do not have that information.  
4 I haven't been able to find it. And I would  
5 like to learn more.

6 CHAIRMAN IGNATIUS: One second.  
7 Just for clarity of the record, did you say,  
8 Mr. Block, that your house is 1.1-mile away  
9 from the closest turbine?

10 MR. BLOCK: Yes, I did.

11 CHAIRMAN IGNATIUS: And the  
12 swamp area you just pointed to just to the west  
13 of your -- I assume that's west of your  
14 house -- then would also be somewhere in  
15 that -- I mean, I'm having a hard time of how  
16 you could have estimated that might be a  
17 half-mile from the turbine site.

18 MR. BLOCK: I believe Route 9 is  
19 about a half a mile from there, and it starts  
20 just on the other side of -- there's Route 9  
21 (indicating), and it starts just on the other  
22 side of the road there and extends quite a bit.

23 BY MR. ROTH:

24 Q. Could you point out your house, again,

1 please?

2 A. (Mr. Block) This is the cedar swamp... this  
3 is the access to the cedar swamp in here  
4 (indicating).

5 CHAIRMAN IGNATIUS: So, part of  
6 it would begin a little past the half-mile  
7 point, if we're gauging this right, and then  
8 continue on well into the 1-1/2-mile area.

9 MR. BLOCK: I think that's  
10 right, yes.

11 CHAIRMAN IGNATIUS: Okay. Thank  
12 you.

13 BY MR. ROTH:

14 Q. I guess I look at your testimony, and I don't  
15 see anything about air flow. And what I see  
16 is North Branch -- on Page 6 you say,  
17 "Consideration should certainly be given as  
18 well to both the North Branch River and the  
19 Loveren Mill Cedar Swamp" -- this is the one  
20 we're talking about; right -- "particularly  
21 with the runoff issues from road  
22 construction, blasting and foundations for  
23 this project, especially from the siting of  
24 Turbine No. 1 and the proposed substation and

1           then the Hattie Brown Swamp, Gregg Lake,  
2           Willard Pond," et cetera.

3                       So are you saying that now you're not  
4           sure that there's going to be a water-quality  
5           impact?

6   A.    (Ms. Block) Excuse me, though. It is in --  
7           what Richard was talking about was actually  
8           in my testimony. I'm sorry about that.

9   Q.    Well, this is your testimony I was looking  
10          at, Lorraine, on Page 6.

11   A.    (Ms. Block) On Page 6 it says, "Its boreal  
12          nature is due to its relatively high  
13          1,083-foot elevation and the surrounding  
14          hills which funnel cold air to the site. A  
15          lichen study revealed a number of species  
16          that indicate high air quality and lack of  
17          disturbance, largely due to the extensive  
18          intact woodland that surrounds and buffers  
19          the swamp." And then I just go on to say --

20   Q.    Actually, now I find it. I'm sorry. You did  
21          say in the next paragraph, just so the record  
22          is clear, "Siting 500-foot turbines less than  
23          a mile from this unique natural feature  
24          should be a primary concern and warrant

1 further analysis to determine how generated  
2 turbulence would affect this 4,000-year-old  
3 cedar habitat." So that's what Richard was  
4 talking about a minute ago?

5 A. (Ms. Block) Yes, I think that's what he was  
6 referring to.

7 Q. Now, since this is in your testimony, the  
8 question I asked Mr. Block about, I'll ask  
9 you: Do you have any evidence that there  
10 will be any effect caused by Turbine 1 or any  
11 of the project on the swamp? Any studies  
12 you've read or anything like that?

13 A. (Ms. Block) The only studies I've read about  
14 air quality was something in Texas, where it  
15 talked about the ground temperature actually  
16 had risen because of the turbulence of the  
17 air. And that's -- I wasn't proposing to be  
18 an expert at all. I was just questioning  
19 this and questioning, saying that this is a  
20 new -- a different situation, and I thought  
21 it would be questioned. As far as the runoff  
22 question, you know --

23 Q. Have you reviewed the DES permits and  
24 documentation about them?

1 A. (Ms. Block) I have looked at all of them,  
2 yes.

3 Q. And are you saying there's nothing in there  
4 that addresses the runoff issue with respect  
5 to the swamp?

6 A. (Ms. Block) well, I didn't see anything, no.  
7 I'm sorry.

8 Q. I can't point you to anything, but I would  
9 imagine the Applicant might. So...

10 A. (Ms. Block) Okay.

11 Q. And regardless of whether you think the  
12 project is going to have any benefit in this  
13 respect, do you believe that global warming  
14 is likely to have a significant impact on the  
15 cedar swamp in the future?

16 A. (Ms. Block) I don't think I'm in the position  
17 to answer that. I mean, I'm sure global  
18 warming could. But I don't feel like I'm the  
19 one to state whether that's true or not.

20 Q. Okay. So you don't think that, if, for  
21 example, there were significant amounts of  
22 additional water that were put in the swamp,  
23 that that would have an effect on it?

24 CHAIRMAN IGNATIUS: Mr. Roth, I

1 think she said she didn't feel qualified to go  
2 there. So do you --

3 A. (Mr. Block) I can actually address that. I  
4 was on the Antrim Conservation Commission  
5 years ago when somebody came -- somebody from  
6 Antrim came to the commission with a proposal  
7 to rebuild the old dam on Loveren Mill -- the  
8 Loveren Mill Dam on the North Branch. And at  
9 that point I did a quick survey of the topo  
10 maps and realized that, if that dam were  
11 reconstructed, it would probably change/raise  
12 the water table, the water level in the  
13 swamp, by a foot or two. And without going  
14 into further analysis of what that would  
15 mean, it seemed to me that that was  
16 definitely a prime consideration at the time.  
17 I don't remember if the commission turned the  
18 idea down or if he just lost interest in it,  
19 but it never happened. But I know at that  
20 point I was concerned that the water level  
21 there would be affected -- would have an  
22 effect on it.

23 In terms of the wind project, the North  
24 Branch River is in between both; in between

1 the project and the swamp. So I'm not sure  
2 that I am as concerned about water levels in  
3 the swamp as I'm concerned about the air  
4 quality.

5 Q. Okay. What if the water in the level --  
6 excuse me. What if the water level in the  
7 swamp were to decrease significantly? Would  
8 that affect the health of the swamp do you  
9 think?

10 A. (Mr. Block) I imagine it would. But the  
11 swamp is hundreds, if not thousands, of years  
12 old. So I'd be concerned. I mean, it's  
13 remained pretty stable for countless years at  
14 this point. I am concerned if something were  
15 to happen to affect that.

16 Q. I just have a couple more.

17 Now, Mr. Block, you said in your July  
18 testimony that -- you said, "We know that in  
19 the event this major industrial facility is  
20 constructed next to us, we will not be able  
21 to live in our home anymore."

22 A. (Mr. Block) Yes.

23 Q. So are you saying with certainty that if the  
24 project is constructed, you will move?

1 A. (Mr. Block) I think we would have to.

2 Q. Okay. Have you -- do you own a second house  
3 somewhere already?

4 A. (Mr. Block) No. Everything we have is tied  
5 up in our 230 acres of land there.

6 Q. And are you planning to retire there? Or are  
7 you thinking like me, and you want to go  
8 somewhere warm and sunny?

9 A. (Mr. Block) The plan was -- no, no. With  
10 sled dogs, we don't want to go anyplace warm  
11 and sunny. If we go anyplace, it would be  
12 north. But the plan was --

13 Q. With all the noise they make, you could leave  
14 them behind.

15 A. (Mr. Block) The plan was potentially to go to  
16 the other side of our property, which is  
17 accessed from Liberty Farm Road, and perhaps  
18 build a smaller house for ourselves there and  
19 then take our current house and leave that to  
20 my son.

21 Q. Okay. If you were to do that, construct on  
22 the other side of your property, would you no  
23 longer have views of the project, and would  
24 you be outside the noise area?

1 A. (Mr. Block) Unfortunately, every one of our  
2 230 acres is south slope and facing Tuttle  
3 Hill.

4 Q. Is the area in front of your house south? I  
5 guess you said south-facing?

6 A. (Mr. Block) Right.

7 Q. Was that intentionally cleared by you?

8 A. (Mr. Block) No, it was cleared -- that was  
9 part of why we were attracted to the house.  
10 There was a clear view -- actually, when we  
11 first bought the house, we had a view from  
12 Tuttle Hill all the way over to Crotched  
13 Mountain. We've allowed some of the trees in  
14 the last few years to grow up more there  
15 without trimming to partially block some of  
16 that.

17 Q. But over the years you've had to maintain  
18 that clearing?

19 A. (Mr. Block) No. Actually, we've allowed it  
20 probably more to grow than to clear. We only  
21 cleared in the immediate vicinity of the  
22 house.

23 Q. Okay. So let me, so I understand it. I know  
24 that if I don't mow my property for a couple

1           years -- sheep she says. Okay. So you have  
2           sheep?

3       A.     (Mr. Block) We have two sheep left at this  
4           point. At times we've had over 30, and we  
5           used to graze them in the area around our  
6           house. That kept the land without us having  
7           to do it.

8       Q.     So they bag their own clippings, so to speak;  
9           right?

10                   [Laughter]

11      Q.     With only two sheep -- now, this is a serious  
12           question. With only two sheep, do you have  
13           to maintain it yourself?

14      A.     (Mr. Block) Yes, I do have to mow  
15           occasionally now. But it's a smaller area at  
16           this point that's left.

17      Q.     Now I'm looking at NB 7. And this is my last  
18           question or questions. This is the picture  
19           from the south crest of Windsor Mountain to  
20           the blueberry field.

21      A.     (Mr. Block) Yes.

22      Q.     Can you point on that map where this is?

23      A.     (Mr. Block) There's a blue square up here  
24           (indicating), and it's just east of that.

1           That's a seasonal home. And the property  
2           actually technically belongs to the people  
3           who own that. But it's just east of that.

4   Q.    And is that near a road?

5   A.    (Mr. Block) No.

6   Q.    Okay. And how do you get to that place?

7   A.    (Mr. Block) Well, there's an old, I assume  
8           it's a logging road. That driveway --  
9           Loveren Mill is a Class 6 road. Loveren Mill  
10          is a Class 6 road up to the town line. It's  
11          still Class 6 along the town line. Their  
12          driveway goes in from there. And beyond  
13          there, they've kept it open. They've mowed  
14          that field and kept it open over the years.  
15          It was a town road.

16   Q.    And is your view that this view would not be  
17          possible under Mr. Guariglia's analysis?

18   A.    (Mr. Block) No. And he -- on his viewshed  
19          map he shows that as having a 40-foot tree  
20          cover there --

21                   (Court Reporter interjects.)

22   Q.    I want to make sure the record is clear about  
23          the question and the answer. I asked you:  
24          Is it your view that this view would not have

1           been possible in Mr. Guariglia's analysis?

2           And you said "No." And I think what you -- I

3           just want to make sure --

4    A.    (Mr. Block) Oh, yeah, I believe this view  
5           would not have been possible in his analysis.

6    Q.    Okay.

7                           CHAIRMAN IGNATIUS: I'm sorry.  
8           I heard the words, but I don't know -- can you  
9           just describe, when you said, "It would not  
10          have been possible," what you mean? Can you  
11          restate it a little bit?

12                           MR. ROTH: Just I'll give you  
13          what I think just transpired. I asked Mr.  
14          Block about this view. And my intention was  
15          to, I think, understand whether Mr. Block  
16          believed that the way Mr. Guariglia did his  
17          analysis, that under Guariglia's analysis he  
18          would not have been able to see the turbine in  
19          this view. I hope I made that clear.

20   A.   (Mr. Block) My interpretation of his analysis  
21          is that, in that region up there, you would  
22          see either no turbines or, at the most, one  
23          to two in a couple of spots there.

24                           MR. ROTH: That's all, and

1           that's all the questions I have. Thank you.

2                         CHAIRMAN IGNATIUS: Still

3           pondering that one. All right.

4                         Mr. Froling, any questions?

5                         MR. FROLING: No questions.

6                         CHAIRMAN IGNATIUS: Mr.

7           Bebrowski.

8                         (No verbal response)

9                         CHAIRMAN IGNATIUS: Mr. Simmons.

10                        MR. SIMMONS: Yes.

11                        MS. GEIGER: Excuse me. I have

12           a question, Madam Presiding Officer. I know

13           Mr. Simmons has been here before. Is he now

14           the official representative of the Stoddard

15           Conservation Commission? Is that correct?

16                        MR. SIMMONS: That is correct.

17                        MS. GEIGER: Okay. I don't know

18           if he's filed an appearance, and I just want to

19           know for future communications. I don't

20           believe that he's on a service list or

21           anything. So at the appropriate time, I guess

22           I would just want to make sure that if he is

23           appearing on their behalf, that he file and

24           appearance and give us all whatever information

1 we need to communicate with him.

2 CHAIRMAN IGNATIUS: Well, he  
3 certainly has identified that he was here on  
4 behalf of the Stoddard Conservation Commission  
5 instead of Mr. Jones. And making sure we have  
6 appropriate contact information is a good  
7 point. Thank you.

8 Go ahead, Mr. Simmons.

9 CROSS-EXAMINATION

10 BY MR. SIMMONS:

11 Q. This question is to you, Mr. Block. You said  
12 somewhere in your testimony that you needed  
13 to see and/or analyze the data from the  
14 meteorological tower. Do you still need to  
15 see that data?

16 A. (Mr. Block) At this point, I think it's  
17 probably late in the procedure. In order to  
18 analyze that properly, I think it would have  
19 taken time that we don't have anymore.

20 MR. SIMMONS: May I approach the  
21 Bench, so to speak?

22 CHAIRMAN IGNATIUS: The witness?  
23 Certainly.

24 MR. SIMMONS: Okay.

1 (Mr. Simmons hands document to witness.)

2 CHAIRMAN IGNATIUS: And Mr.  
3 Simmons, before you ask a question, let's  
4 identify. What did you just give Mr. Block?

5 MR. SIMMONS: Oh, a couple of  
6 items here. One is a glossary of some  
7 meteorological terms; and the other one, I  
8 believe, is the -- some meteorological data  
9 from various locations around the state,  
10 including Concord and so forth.

11 CHAIRMAN IGNATIUS: And do you  
12 have copies for other parties to see?

13 MR. SIMMONS: Do we have any  
14 extra copies? We have just one more.

15 UNIDENTIFIED SPEAKER: One more  
16 complete set.

17 MR. SIMMONS: Okay.

18 CHAIRMAN IGNATIUS: Why don't  
19 you make at least one available to the  
20 Applicant to take a look at. And other  
21 parties, you guys can have a show of hands of  
22 who wants to be the other one to have the copy.

23 MS. GEIGER: I guess before we  
24 get further afield, if we could get an offer of

1 proof from Mr. Simmons as to what he intends to  
2 use this information for. I may or may not  
3 have an objection based on what he says.

4 CHAIRMAN IGNATIUS: Okay. Mr.  
5 Simmons, could you just provide us with a  
6 sentence or two of where you're going with the  
7 documents and why they're relevant to this, and  
8 then the Applicant will know better whether  
9 it's appropriate, in her view, to introduce at  
10 this late date.

11 MR. SIMMONS: Yeah. We really  
12 want to get at what is the worst-case noise.  
13 And so this data here has some bearing on that.

14 CHAIRMAN IGNATIUS: And is it  
15 your view that Mr. Block or Ms. Block has the  
16 expertise to evaluate what the noise would be?

17 MR. SIMMONS: No. I think  
18 really the question is, is that they didn't  
19 have necessary data provided to them to make  
20 this assessment on what would be the worst-case  
21 noise. So as they brought up earlier, they  
22 were talking about, you know, the amount of  
23 noise that they would hear around their home  
24 and maybe had some question as to where is this

1 data really coming from; how are they able to  
2 derive that particular dBA level.

3 CHAIRMAN IGNATIUS: Ms. Geiger,  
4 response?

5 MS. GEIGER: I object to this  
6 line of questioning. These witnesses had the  
7 wherewithal to hire an expert who testified  
8 here. And it seems to me that this information  
9 could have been provided for their expert. And  
10 perhaps this is a back-door way of getting new  
11 information to the record. Moreover, even if  
12 it's not, it seems to me this line of  
13 questioning should have been addressed to  
14 Mr. James, and perhaps other experts like Mr.  
15 Tocci and Mr. O'Neal. So I object to using  
16 these witnesses for the purpose of getting in  
17 information that I am not sure relates to their  
18 testimony.

19 MR. SIMMONS: I really think the  
20 point here is to point out there is a lack of  
21 information. I just think that needs to be  
22 pointed out.

23 CHAIRMAN IGNATIUS: All right.  
24 Well, I know that at least that point you did

1           make in asking about the met tower data, and  
2           Mr. Block testified to that.

3                           Any other comments about  
4           whether to go into these documents before we  
5           make a determination? Mr. Roth?

6                           MR. BLOCK: I feel I can  
7           address --

8                           MR. ROTH: If I can, my only  
9           suggestion is let's hear what kind of questions  
10          he has before we determine he can't ask them.  
11          That may prove to be useful or may prove to be  
12          unimportant. But I think before we preclude  
13          him from questioning, at least let's find out  
14          what kind of questions he has.

15                          CHAIRMAN IGNATIUS: Mr. Block.

16                          MR. BLOCK: And I was saying, I  
17          think without getting all --

18                          CHAIRMAN IGNATIUS: Yeah, don't  
19          speak to the documents.

20                          MR. BLOCK: I think I can  
21          address probably what some of his concerns  
22          might be, if I know where he -- if I'm correct  
23          in knowing where he's going with this.

24                          CHAIRMAN IGNATIUS: Well, let's

1 take Mr. Roth's suggestion and take it by  
2 question by question.

3 And Mr. Simmons, you've heard  
4 from this what our concerns are about not  
5 opening up whole new areas. But with that in  
6 mind, why don't you take a shot at your first  
7 question and we'll see where it goes.

8 BY MR. SIMMONS:

9 Q. So, anyways, if I wanted to submit a report  
10 by V-Bar which summarizes the meteorological  
11 results, isn't that report sufficient to  
12 determine the noise information which you  
13 want?

14 A. (Mr. Block) Can you repeat that last part?

15 Q. Yes. From the V-Bar summarized  
16 meteorological results, isn't that report  
17 sufficient to determine the noise information  
18 which you want?

19 A. (Mr. Block) No. I think what I got from the  
20 V-Bar report was information about how they  
21 sought data. But I didn't see any pickup on  
22 a lot of specifics about what that data was.

23 Q. So are you suggesting that their wind data is  
24 suspect?

1 A. (Mr. Block) I can't say because I don't have  
2 any wind data, essentially. So in my mind,  
3 it's -- I don't know.

4 Q. So are some of your concerns dealing with the  
5 extrapolation of the data?

6 A. (Mr. Block) It's interesting that you point  
7 that out, because on my copy of the V-Bar  
8 report, I had actually highlighted that  
9 sentence, "We then extrapolate wind speeds up  
10 to the hub," and I underlined "extrapolate."  
11 And I find it interesting that you gave me a  
12 copy of the glossary of meteorology. And I  
13 actually have this window still open on my  
14 computer. I Googled "meteorological terms,"  
15 and I actually found -- it came up online  
16 with a glossary of meteorology, which gave  
17 the definition of "extrapolation" as, and I  
18 quote, "the extension of a relationship  
19 between two or more variables beyond the  
20 range covered by knowledge." And I thought  
21 that was kind of an interesting definition.

22 It seems to me what you're doing here is  
23 you're projecting something that you don't  
24 know about, if I read this right. So you've

1 got some known figures, and now we're going  
2 to come up with other figures that we don't  
3 know. And I guess what I'm questioning is,  
4 do they then base the rest of their data on  
5 these speculative figures?

6 Q. So do you know where they were getting their  
7 data from for the prevailing winds?

8 A. (Mr. Block) There is mention in the V-Bar  
9 report that they used two stations, the  
10 Concord and Manchester Airport. And I guess  
11 I wonder about those, in terms of -- and I  
12 thought there was some mention that they were  
13 supposed to pick something close nearby. I  
14 don't understand -- I know there's an airport  
15 in Keene that's a lot closer. There's an  
16 airport in Silver Ranch Park, I think in  
17 Jaffrey, I think that's closer. Concord and  
18 Manchester don't -- maybe they're bigger  
19 airports and have more data available, but  
20 neither of them geographically seems to be  
21 similar. They're in a completely different  
22 part of the state, and they're at completely  
23 different altitude, as far as I know.

24 So, again, I'm not an expert. That was

1           the reason we did have an expert. We did not  
2           hire anybody, because I could not get the  
3           information data in order for him to work  
4           with. So we let it drop.

5    Q.    So what are the factors going to be affecting  
6           the noise generated from these towers that  
7           you think need to be really ascertained?

8    A.    (Mr. Block) Can you restate that or repeat  
9           it?

10   Q.    Yeah. What are some of the variables that  
11           need to be vetted -- or, rather, brought out  
12           that will have some bearing as to how to get  
13           a better handle on the noise that is  
14           generated?

15   A.    (Mr. Block) Well, I'm no expert on this, but  
16           some of the things I've learned, particularly  
17           in the last few weeks, working with Richard  
18           James and things I've learned, the noise  
19           propagation issue certainly seems logical  
20           that it would be affected by weather  
21           conditions. And I've learned that --

22                           MS. GEIGER: I'm going to object  
23           to further testimony along these lines. Seems  
24           to me that these questions should have been

1           asked of Mr. James. The Blocks submitted their  
2           testimony as a package with four separate  
3           witnesses. But it was their testimony in one  
4           group. Theoretically, all four witness could  
5           have been on the stand at the same time. And  
6           it seems to me, if that occurred, as what  
7           happened with the Audubon witnesses, for  
8           example, you would have had the right person  
9           here answering these questions. I just think  
10          it's totally inappropriate for this lay witness  
11          to be answering questions that should have been  
12          posed to their expert.

13                           CHAIRMAN IGNATIUS: Mr. Simmons,  
14          I think there is a question. Mr. Block has  
15          said that he's not an expert in this and that  
16          he's been learning as the case has gone on. I  
17          don't know how much more you're planning to go  
18          with him on that. I think the further you go,  
19          the less weight we can give it, because  
20          admittedly he's been learning this just through  
21          observing other testimony and discussions in  
22          this case. And we did have experts in the  
23          field who have come and gone at this point.

24                           MR. SIMMONS: Okay. I guess I

1 have no further questions.

2 CHAIRMAN IGNATIUS: All right.

3 Thank you.

4 Ms. Sullivan.

5 (No verbal response)

6 CHAIRMAN IGNATIUS: Ms. Duley

7 for Ms. Longgood.

8 MS. DULEY: Thank you. I do

9 have a couple questions.

10 CROSS-EXAMINATION

11 BY MS. DULEY:

12 Q. Earlier, I think this room learned that there  
13 was no study view, visual study view from the  
14 north. And I'm wondering if you asked for  
15 such to be provided to you as part of the  
16 findings in this process.

17 A. (Ms. Block) I know we questioned it. I  
18 believe your sister actually specifically  
19 requested. We did mention that there are --  
20 there's a public angling area on the North  
21 Branch River. That's Fish and Game and U.S.  
22 Forest Service, I guess, and --

23 MS. GEIGER: Excuse me. This  
24 isn't responsive to the question. I think the

1 question just called for a yes or no answer.  
2 Now we're getting more information about  
3 topography and geography that may exist in a  
4 particular area, and I just don't think it's  
5 appropriate.

6 CHAIRMAN IGNATIUS: Well, I  
7 think she's trying to answer the question.

8 But let's begin again and be  
9 as specific as you can in response.

10 MS. BLOCK: Okay.

11 CHAIRMAN IGNATIUS: Did you make  
12 a request for a simulation?

13 MS. BLOCK: Yes, we did make a  
14 question. And we did talk about public areas,  
15 as well as private homes.

16 MS. DULEY: If I may the follow  
17 up with a question based upon what Ms. Block  
18 just said.

19 BY MS. DULEY:

20 Q. Are there areas within this, or are there  
21 specific sites within this sort of northern  
22 view that you feel in particular needed to be  
23 represented by a visual study?

24 A. (Ms. Block) The project will have the

1           greatest effect on the area to the north,  
2           both for residents and for public areas and  
3           for current-use areas, like the blueberry  
4           field, travelers passing through on Route 9.  
5           It really -- that's the area that's the  
6           closest to the project site and, therefore,  
7           would have the best view. I mean, I don't  
8           mean that in the way it came out. But the  
9           most view, I guess.

10        Q.    And are you aware of any reasons provided for  
11            which this northern study, view study, was  
12            not prepared?

13        A.    (Ms. Block) I believe there was mention of a  
14            lack of public lands, and I think that was  
15            it.

16        A.    (Mr. Block) If I can add to that? I know Ms.  
17            Vissering, in her supplemental viewshed  
18            analysis, did include in some of her pictures  
19            of potentially sensitive areas one of the  
20            specific places I had suggested, and that was  
21            Route 9 as you're approaching, basically  
22            coming past the North Branch Firehouse as  
23            you're approaching Antrim from Hillsborough.  
24            She did include a picture of that, but she

1 did not use it as one of the pictures that  
2 she superimposed turbines on there. But that  
3 was a place I suggested, since there's a lot  
4 of traffic on there. And it would be, for a  
5 lot of people, their first view of Antrim as  
6 they come in. And I thought it would be  
7 interesting or important to show what they  
8 would see.

9 Q. Thank you. I know you've mentioned the  
10 blueberry fields, the cedar swamps and other  
11 areas. Is there any particular designation  
12 that the North Branch River currently holds?

13 A. (Ms. Block) Yes. The North Branch River does  
14 have specific protections. It's a protected  
15 river in the state. And it also has special  
16 protection, national -- actually, I would  
17 actually just like to find this so I can say  
18 it totally accurately.

19 (Witness reviews document.)

20 A. Besides the statewide recognition, which I  
21 think is state R.S.A. 483:15, there's also a  
22 national recognition from the National Park  
23 Service that was given in 1995. And I always  
24 get this -- it has three remarkable ORVs --

1 got it right -- which stands for Outstanding  
2 Remarkable Values. And that was in  
3 recreation, history and botany. It's a very  
4 special river, making it one of the most  
5 valued rivers in New Hampshire.

6 And under the 483:15 -- I just wanted to  
7 make sure I had that -- it's natural, scenic  
8 and recreational values of the river. And  
9 there's -- I mentioned this before. There's  
10 a public angling shore bank area right on the  
11 river now, and that's actually new within the  
12 last year or so. People have fished there  
13 for, you know, since we've lived there. But  
14 all of a sudden, we came home one day and  
15 there's a large wooden sign commemorating the  
16 fact that this is now a public area.

17 Q. Thank you. I'm going to move on to the  
18 question about noise and the noise studies  
19 done. And I guess I would like to ask you if  
20 you feel that the noise studies that were  
21 done to inform this process were adequate or  
22 lacking, flawed, lacking, insufficient,  
23 whatever term you might use. How would you  
24 characterize the noise studies done? Do you

1           feel that they completely and accurately  
2           provide the information that this Committee  
3           and this process should have available to it  
4           in making a decision?

5                           MS. GEIGER: I'm going to object  
6           to this question. I believe in Mr. Block's  
7           prefiled testimony, on Page 7, he's basically  
8           referring to Mr. James of E-Coustic Solutions  
9           for more details on this subject. I just don't  
10          think these are the appropriate witnesses to be  
11          answering these questions.

12                           CHAIRMAN IGNATIUS: Well, I  
13          think if you're -- if you were to have a  
14          technical analysis of the studies, I'd agree.  
15          I think for Mr. Block to comment on his  
16          layperson's reading and concerns he has from  
17          the studies, we'll allow that. But again, as  
18          in the other question from Mr. Simmons, these  
19          witnesses have said they're not experts in this  
20          field. And so beyond kind of a general read  
21          that they were able to give, I think it would  
22          be inappropriate.

23          A.   (Mr. Block) Without speaking technically, my  
24          concerns for the initial studies were that I

1 did not feel that enough -- or the proper  
2 locations were chosen for testing. I was  
3 concerned there was no testing done at  
4 Willard Pond, for instance.

5 I question the methodology in how the  
6 sounds are recorded. For instance: The L2  
7 location, which is on Loveren Mill Road, a  
8 few hundred feet below our house, did not  
9 mention anything about dogs barking, for  
10 instance; and yet, it was mentioned on Gregg  
11 Lake. Since there are dogs there, I would  
12 think that would have been noticed. And the  
13 fact that it wasn't leads me to question the  
14 entire -- the data. Is it correct?

15 I also have been very concerned with  
16 what seems to be the idea that the  
17 projections are based on average figures, on  
18 average ambient sound -- or maybe a maximum  
19 ambient with average sounds, not on the --  
20 what I'm led to believe is the real  
21 worst-case scenario, which would be the  
22 minimum background sounds -- I guess we call  
23 this the L90 -- but the minimum background  
24 sounds, the quietest times compared to the

1           noisiest times for the turbines. And as soon  
2           as you start going to averages, then -- I  
3           always have to make analogies in my head, and  
4           I'm thinking about a hundred-mile stretch of  
5           road that is essentially smooth. But if  
6           there's a half-mile stretch with some serious  
7           potholes, they're bad enough to break an  
8           axle, that's what I would be concerned with.

9                        So, you want to look at the worst-case  
10           scenario, which would be the noisiest times  
11           the turbines are on and the quietest times at  
12           night.

13                       As Loranne mentioned, we have measured  
14           our house at 18 decibels in there. We do not  
15           have air conditioning, do not have central  
16           heat. It's quiet. And I'm sure that turbine  
17           noise will be heard. And I would want to  
18           know how bad would that be. I'd want to know  
19           when or what would be the worst-case  
20           scenario, not average or best-case scenario.

21    Q.    Thank you. You had mentioned that you had  
22           asked for certain data that you did not  
23           receive in conjunction, I guess, with the  
24           V-Bar report. And is it fair to conclude

1           that -- and you referenced that you had an  
2           expert, identified an expert to interpret  
3           this data, but the data was not available to  
4           be interpreted. Is it fair to conclude that  
5           if the data had been provided, that this  
6           would have been additional analysis and  
7           information presented to this Committee?

8    A.   (Mr. Block) I know we would have pursued it  
9           further and gone on to have that data  
10          analyzed, both from the meteorological  
11          standpoint and from the production-efficiency  
12          standpoint. Those were both things we were  
13          looking at. So, yes, we would have tried to  
14          get more information.

15   Q.   Do you feel, from your perspective as a  
16          participant in this process, that the absence  
17          of that data leads to questions that remain  
18          to be answered that are serious enough to  
19          call into question the noise data that's been  
20          presented thus far? And this is not a  
21          technical question. This is --

22   A.   (Mr. Block) In my mind, there's still a lot  
23          of questions about this. And it's not just  
24          this data. But to me, there's a lot of

1 pieces of information, as we've already said,  
2 that I would really like to know more about  
3 in order to know what the potential outcome  
4 for this project will be.

5 Q. And you mentioned that you have a sensitivity  
6 to noise, both of you. And I wondered -- you  
7 talked about the impact on yourself. Do you  
8 have any understanding of whether low-level  
9 noise, or any noise that might be generated  
10 from these turbines, has an impact on animals  
11 or animal health?

12 A. (Mr. Block) Actually, one of my data request  
13 questions was looking to see if anybody knew  
14 if there had been any studies on the effect  
15 of these low-frequency sounds with animals.  
16 And nobody came up with anything. So I'm  
17 still questioning that. But I know, based on  
18 information I've had from both Richard James  
19 and Susan Morse, I know that I am very  
20 concerned with the effect of wind turbine  
21 noise on the wildlife on the ridge itself,  
22 that I think it may be definitely something  
23 of concern.

24 Q. And what about your animals?

1 A. (Mr. Block) I don't know. I mean, if -- I  
2 have heard -- I read stories. I know I've  
3 read stories with horses, where the horses  
4 essentially seemed to be driven mad by wind  
5 turbine noise and ran around in circles and  
6 ran around in circles, and eventually they  
7 had to move their animals from the property.  
8 This is a concern.

9 I don't know. I know dogs have  
10 different range of hearing from humans, and I  
11 don't know if it's going to affect them. If  
12 it's going to make them howl at times, that  
13 would certainly not be pleasant.

14 Q. That concludes my questions. Thank you very  
15 much.

16 CHAIRMAN IGNATIUS: Thank you.  
17 Mr. Stearns.

18 MR. STEARNS: No questions.

19 CHAIRMAN IGNATIUS: Ms. Pinello.

20 MS. PINELLO: No questions.

21 CHAIRMAN IGNATIUS: Mrs. Von  
22 Mertens.

23 MS. VON MERTENS: Yes, thank  
24 you. A couple.

1 CROSS-EXAMINATION

2 BY MS. VON MERTENS:

3 Q. Mr. Block, you hiked the route of the  
4 turbines, which we both remember well.

5 A. (Mr. Block) Correct.

6 Q. And you took photos. You mentioned this  
7 morning about the forestry operation and the  
8 WTG flagging. And those are -- you took  
9 photos of all of that, but it's not in your  
10 testimony.

11 A. (Mr. Block) No. The photos I took are in  
12 Susan Morse's testimony, actually.

13 Q. I think it would be helpful if, as part of  
14 your testimony today, you gave those page  
15 numbers, which I happen to have looked up  
16 this morning.

17 CHAIRMAN IGNATIUS: If we can  
18 identify the exhibit number -- "we," meaning  
19 Mr. Iacopino, of course.

20 MR. IACOPINO: It's Exhibit  
21 NB 4, and I believe it's attachment... SM8,  
22 Photographs by Richard Block. It would be on  
23 Page 50 of the electronic document. And this  
24 document is NB 4, as indicated by this witness.

1 BY MS. VON MERTENS:

2 Q. And are there more pages that they're on, of  
3 the forestry and the numbered WTG stakes?

4 A. (Mr. Block) Specifically, Page 53,  
5 electronically, there are three pictures  
6 there, all of them you see a stake. One  
7 said -- the top one says WTG No. 6; the one  
8 below that said WTG 8; the one below that  
9 says WTG 9. So those are three of them.  
10 There's at least another one on the previous  
11 page.

12 Q. I just wanted that citation to be part of  
13 your...

14 And my other question: Chairman  
15 Ignatius asked Sue Morse the other day about  
16 the boulders. And I know that you have  
17 photos of the boulders. And I believe she  
18 asked about the -- I think Sue Morse said she  
19 wasn't a transportation expert. But the  
20 question was: Can the flagged route, the  
21 proposed route of the access road, be  
22 rerouted to avoid the boulders?

23 So my question there is: You have a  
24 photo of the boulder on Turbine 10, which is

1 right up on the level.

2 A. (Mr. Block) Yes.

3 Q. Were the other boulder fields -- I don't  
4 think you're qualified to map where we found  
5 them. But were they on slopes or on the  
6 level?

7 A. (Mr. Block) They were quite steep. The  
8 boulders were -- we were following the  
9 flagging. So the boulders were along the  
10 trail. There were places where we were  
11 almost climbing hand over hand to get up  
12 there. So I know it was quite steep in  
13 places there.

14 Q. So the boulder at Turbine 10 was the only one  
15 on a level easily avoided?

16 A. (Mr. Block) That was on the plateau on the  
17 top. However, when I questioned and asked  
18 about the prognosis for the boulder at No. 10  
19 during the testimony here, I was told it  
20 would probably be destroyed, reduced to  
21 gravel.

22 Q. Oh, that -- do you think that would be an  
23 easy reroute there? Didn't you pace it off,  
24 how many paces the boulder was from Turbine

1 No. 10?

2 A. It was about 50 yards from the WTG10 stake.  
3 And I asked about that. And they said that,  
4 since it's that close and they're clearing  
5 the whole area around it, it would be  
6 reduced. It would be demolished. It was not  
7 an issue of the road going through there; it  
8 was issue of the clearing for the turbines.

9 Q. Maybe just -- is that on Page 56 of Sue  
10 Morse's testimony?

11 A. (Mr. Block) The picture of the boulder is on  
12 Page 58.

13 Q. This one specifically on Turbine 10.

14 A. (Mr. Block) The large boulder on the summit  
15 of Willard Mountain, 50 yards from the  
16 turbine site, yes.

17 Q. On Page 56. That's all.

18 A. (Mr. Block) Page 58.

19 Q. Oh, I'm sorry. Page 58.

20 A. (Mr. Block) Yeah.

21 CHAIRMAN IGNATIUS: Can I --  
22 just for the sake of the record, I  
23 misunderstood, I think, the question and  
24 response. Ms. Von Mertens, you just said --

1           you asked about the location of boulders as it  
2           related to the road.

3                           And you had said, Mr. Block,  
4           in response to that, that you were told --  
5           that there was testimony, and I couldn't tell  
6           if you meant on the stand or something in  
7           discovery, that would -- that boulder would  
8           be reduced to rubble. And I certainly don't  
9           recall hearing that. So can you explain  
10          that? Maybe it was a day I wasn't here --  
11          oh, all right. It's one of the days I was  
12          out.

13                           MR. BLOCK: That was one of the  
14          days where I was -- it was in my  
15          cross-examination of -- I'm trying to remember  
16          who it would be.

17                           CHAIRMAN IGNATIUS: Is it Mr.  
18          Butler?

19                           MS. BLOCK: Yeah, that sounds  
20          right.

21                           MR. BLOCK: Yeah, it might have  
22          been Mr. Butler. I asked him about -- I  
23          pointed out the specific picture and asked him  
24          what he thought would happen to that boulder.

1 CHAIRMAN IGNATIUS: All right.  
2 Thank you. And I still have to get through all  
3 the transcripts. So that makes sense.

4 I apologize for interrupting.  
5 Did you have any other questions?

6 MS. VON MERTENS: No. Thank  
7 you.

8 CHAIRMAN IGNATIUS: All right.  
9 Ms. Allen.

10 MS. ALLEN: No questions.

11 CHAIRMAN IGNATIUS: Dr. Kimball.

12 (No verbal response)

13 CHAIRMAN IGNATIUS: Ms. Linowes.

14 MS. LINOWES: Yes, Madam  
15 Chairman. I have about 30 minutes of  
16 questions. Did you want to take a break before  
17 I get started, or do you want to just proceed?

18 CHAIRMAN IGNATIUS: Yeah, before  
19 we decide about that -- Mr. Block, we thought  
20 maybe we heard you say you had an obligation  
21 and you had to leave early. Is that right?  
22 Please tell me that's not right.

23 MR. BLOCK: I do have a class.  
24 I don't know if I'm going to be able to make it

1           in time. I think this is important, so I don't  
2           want to cut things short. I would have to  
3           leave about 1:30. So if that's -- so maybe I'm  
4           going to have to at some point just call in.

5                           CHAIRMAN IGNATIUS: Well, if  
6           it's all right with everyone to keep plugging  
7           away, take a short break, a five- to ten-minute  
8           break and not take a lunch break yet and see if  
9           we can make all of this work. Thank you.

10                           (Whereupon the lunch recess was taken,  
11           and this MORNING SESSION ONLY ended at  
12           12:15 p.m., with the hearing to resume in  
13           a transcript to be filed under separate  
14           cover so designated as "AFTERNOON SESSION  
15           ONLY".)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed  
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of the State of New Hampshire, do hereby  
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Susan J. Robidas, LCR/RPR  
Licensed Shorthand Court Reporter  
Registered Professional Reporter  
N.H. LCR No. 44 (RSA 310-A:173)

DAY 11 - MORNING SESSION ONLY - December 6, 2012  
 SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

	<b>address (11)</b> 12:14;16:17;19:2; 21:13;26:13;30:4; 36:18;40:4;58:3; 70:7,21	<b>6:4</b> <b>all-nighters (1)</b> 11:15	<b>Antrim (12)</b> 4:4;5:18;6:1,6; 12:16,21;31:19; 50:24;58:4,6;78:23; 79:5	<b>assessment (4)</b> 28:4,16;45:16; 68:20
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