THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

In the matter of the Petition of Antrim Wind Energy, LLC for Jurisdiction	)	**Docket No. 2014-05**

MOTION OF COUNSEL FOR THE PUBLIC FOR LEAVE TO RETAIN JEAN VISSERING AND FOR AN ORDER DIRECTING ANTRIM WIND ENERGY LLC TO BEAR THE COSTS THEREOF

NOW COMES Counsel for the Public, and hereby moves, pursuant to RSA 162-H:10, V, for leave to retain an expert consultant and for an order directing Antrim Wind Energy, LLC ("AWE" or "Petitioner"), to bear the costs of the consultant contract and reimburse Counsel for the Public in an amount up to $11,400.00. In support hereof, Counsel for the Public respectfully represents as follows:

1. On November 26, 2014, AWE filed a Petition for Jurisdiction over a Renewable Energy Facility pursuant to RSA 162-H:2, VII(g).

2. On January 23, 2015, Counsel for the Public appointed in *Petition of Antrim Wind, LLC*, N.H. Site Eval. Comm. No. 2012-01, filed an Objection to the Petition for Jurisdiction on the basis that the current proposed project was essentially the same project as that proposed in Dkt. # 2012-01. The Site Evaluation Committee ("SEC") denied the application for that project because the SEC found that facility would have an unreasonable adverse impact on valuable viewsheds in the region. See

Application of Antrim Wind, LLC, N.H. Site Eval. Comm. No. 2012-01, Decision and Order Denying Application for Certificate of Site and Facility, pp. 45 – 55, 4/25/13 [1]

3. In its Order on Pending Motions, Appointment of Subcommittee and Procedural Order the SEC appointed a subcommittee to address the issue of jurisdiction and in particular to consider if the proposed facility is "substantially different than the facility that was proposed and denied in the former docket Application of Antrim Wind, LLC NHSEC No. 2012-0." *Petition for Jurisdiction of Antrim Wind*, N.H. Site Eval. Comm., 2014-05, Order on Pending Motions, pp. 18-21, March 13, 2015. The SEC concluded that a period of discovery was warranted to address the issue of how the proposed Facility would differ from the proposed facility in Docket # 2012-01. *Id.* Further the SEC ordered that the Applicant shall identify witnesses and filed testimony on or before March 30, 2015, and Counsel for the Public and Intervenors shall identify witness and file testimony on or before April 13, 2015. *Id.*

4. Counsel for the Public has a need to employ a consultant to provide expert analysis and opinion to be presented in the form of testimony with respect to the proposed project's expected visual impacts.

5. Counsel for the Public wishes to employ Jean Vissering of Jean Vissering Landscape Architecture of Montpelier, Vermont to provide expert analysis and opinion concerning the visual impacts that the proposed project may be expected

[1] Subsequent to the filing the Attorney General appointed Counsel for the Public pursuant to RSA 162-H:9 for this instant docket. The SEC determined in its March 13, 2015 Order on Pending Motions that "...to the extent that Counsel for the Public filed a late appearance in this matter, we deem the Counsel for Public's Objection to Antrim Wind's motion to be a request for a waiver from the administrative rules and grant that request..." *Id.* at 17.

to produce, an examination of the results of the consultant employed by the Petitioner and whether the current project represents a substantial change from the project proposed in N.H. Site Eval. Comm. No. 2012-01.

6. Ms. Vissering provided a report and testimony on the visual impacts of the proposed facility in Docket # 2012-01, and that report and testimony provided much of the evidence upon which the SEC relied in its denial of the AWE's application for certification. Thus, it is appropriate for Ms. Vissering to provide an opinion and testimony on AWE's current proposed facility. Ms. Vissering's resume is attached as Exhibit "A." The details of the services Ms. Vissering will provide are set forth in the attached Exhibit "B". Ms. Vissering's rates are also set forth in the attached Exhibit "B." She estimates the total cost of her services and expenses for the engagement to be up to $11,400.00.

7. Pursuant to RSA 162-H:10, V, Counsel for the Public may employ such consultants as are necessary to further his or her duties under ch. 162-H. Also pursuant to RSA 162-H:10, V, the cost of such consultants "shall be borne by the applicant in such amount as may be approved by the Committee."

8. Counsel for the Public asks the Sub-committee to order and direct the Applicant to pay the consultant's fees and costs as presented on invoices from the consultant on a monthly basis and in accordance with the terms of the engagement letter attached hereto. Counsel for the Public has done her utmost to fairly and accurately estimate the total budget for the proposed services, but must nevertheless reserve to herself the ability and right to request additional sums should the need arise.

9. Counsel for the Public has requested the other parties to assent to this motion. The following parties assented:

Audubon Society of N.H.

Clark Craig

Janice Longgood

Richard Block and Lorraine Carey Block

Fred Ward

Annie Law and Robert Cleland

The Harris Center takes no position on this motion.

The Antrim Select Board takes no position on this motion.

Antrim Planning Board takes no position on this motion.

Brenda, Mark and Nathan Schaefer did not reply at the time of this filing.

Elsa Voelker did not reply at the time of this filing.

Windaction did not reply at the time of this filing.

Charles Levesque - unable to reach.

10. The Petitioner takes no position on this motion.

WHERFORE, Counsel for the Public prays that the SEC enter an order authorizing her to retain Ms. Vissering pursuant to RSA 162-H:10, V, and directing the Petitioner to bear the fees and costs, as incurred monthly, up to $ 11,400.00, and granting such other relief as may be just.

Respectfully submitted this 7thst day of April, 2015,

COUNSEL TO THE PUBLIC

By his attorneys

JOSEPH A. FOSTER
ATTORNEY GENERAL

Mary E. Maloney, Bar # 1603
Assistant Attorney General
Environmental Protection Bureau
33 Capitol Street
Concord, New Hampshire 03301-6397
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Certificate of Service

I, Mary E. Maloney, do hereby certify that I caused the foregoing to be served upon each of the parties named in the Service List of this Docket.

Dated: April 7, 2015

Mary E. Maloney

EXHIBIT A

Jean Vissering Landscape Architecture

3700 NORTH STREET MONTPELIER VERMONT 05602 802-223-3262/jeanviss@attglobal.net

RESUME

EDUCATION

Master of Landscape Architecture - 1975, North Carolina State University, Raleigh, NC, American Society of Landscape Architects Book Award.

Bachelor of Science in Landscape Architecture - 1972, University of Massachusetts, Amherst, MA. Cum Laude. Honors Thesis on Pedestrian Environments.

PROFESSIONAL EXPERIENCE AND EXAMPLES OF PROJECTS

Professional Consulting: Visual Resource Planning and Visual Impact Assessment Projects

- Currently working with the City of Burlington on Act 250 Review of the proposed Champlain Parkway.
- Currently providing independent review of telecommunications and electrical generation projects for the Vermont Department of Public Service under the §248 process.
- Prepared a methodology for state review of visual impacts of wind energy projects with the Clean Energy States Alliance (CESA), A *Visual Assessment Process for Wind Energy Projects.* The project is funded by a grant from the U.S. Department of Energy (DOE). A 2 hour webinar presentation was viewed by state and federal officials and organization representatives from around the country.
- Prepared visual impact assessment for the proposed Lowell Wind Project, Lowell, Vermont for the Green Mountain Club.
- Visual Impact Assessment of proposed shopping center outside Brandon village, Vermont for Preservation Trust of Vermont
- Work with the Preservation Trust of Vermont in evaluating the visual impacts of a proposed commercial facility in Ferrisburgh.
- Visual Impact Assessment for Kibby Expansion Project on Sisk Mountain in Chain of Ponds and Kibby Townships, Maine (TransCanada).
- Visual Assessment of proposed Fuel Station, Convenience Store and Restaurant Facility for Friends of Ferrisburgh.
- Visual Impact Assessment for Georgia Wind Project as an independent witness for the Vermont Public Service Department.
- Visual assessment of the Deerfield Wind Project on behalf of Iberdrola. The project is proposed within the Green Mountain National Forest and was approved by the Vermont Public Service Board and is currently under review by the GMNF.

- Visual Impact Assessment for Granite Reliable Wind Park in Coos County, NH approved by the NH Siting Evaluation Committee, on behalf of Noble Environmental Energy.
- Visual Impact Assessment of the proposed Kibby Wind Energy Project in the Boundary Mountains of Maine on behalf of TransCanada (Approved by Maine LURC).
- Independent visual impact assessment of a proposed subdivision adjacent to Interstate 91 in Windsor Vermont District for the District #2 Environmental Commission.
- Visual Impact Assessment of the proposed Redington and Black Nubble Wind projects on behalf of the Appalachian Trail Conservancy (Maine LURC concurred with my findings, project denied).
- Appointed as member of the National Academy of Science Wind Energy Committee which produced a report, *Environmental Impacts of Wind-Energy Projects* (National Research Council of the National Academies 2007).
- Visual Impact assessment of a small wind turbine in Huntington for the Foundation for a Sustainable Future.
- Aesthetic review under §248 of the Vermont Electric Coop (VELCO) Northwest Reliability Project for the Addison County Regional Planning Commission.
- Preliminary assessment of a proposed wind energy project in the vicinity of Jordanville and Cherry Valley, NY for Otsego 2000.
- Assisted the Bennington Regional Commission and the Town of Manchester in a public information and review process by providing information regarding the aesthetic effects of the proposed Little Equinox Wind Energy Project.
- Scenic evaluation methodology and protection strategies for the Town of Huntington's Conservation Commission to be used as a tool for prioritizing conservation efforts.
- Visual assessment for the proposed Glebe Mountain wind project on behalf of the Town of Londonderry.
- Presentation to Scenic America's Board of Directors and Affiliates of the visual issues involved in wind energy development at their annual meeting in Washington, D.C.
- Visual assessment methodology for the Public Service Board, published as a brochure: *Siting a Wind Turbine on Your Property;* designed to encourage the sensitive siting of small wind turbines to protect scenic views.
- Prepared the report, *Wind Energy and Vermont's Scenic Landscape*, for the Vermont Public Service Department summarizing discussions among stakeholders concerning the visual impacts of wind energy. The guidelines are intended for use by the PSB, prospective developers, and by local and regional planning organizations.
- *Open Space Plan Views and Vistas Study* for the City of Montpelier's Conservation Commission. The Study recommended priorities for green space and open space protection.
- "Scenic Resource Evaluation Process": a team project to develop guidelines for Vermont Agency of Natural Resources' review of Act 250 projects.

Professional Consulting: Design and Planning Projects

- Design for the George Aiken Native Vermont Plant Garden viewed from the Statehouse cafeteria;.
- Work with the Trust for Public Land to facilitate discussions with stakeholders and illustrate

options for the development and conservation of Sabin's Pasture, a 100 acre parcel in Montpelier. Designs illustrated a compact neighborhood approach for up to 300 mixed use and affordable housing units, recreation paths and storm water retention areas.

- Design of a ceremonial garden the Center for Victims of Violent Crimes to honor those who have been affected by violent crimes. The garden is located on State property near the State House in Montpelier and includes a plaza and accessible pathway.
- Re-Design of City Hall Plaza in Montpelier
- Street Tree Plan for Route 2 in Plainfield, VT
- Design for Martin Bridge Park for the Town of Marshfield; the park includes parking and handicapped access to a historic covered bridge, information about the natural and cultural history of the area, picnic areas, and trails connecting to the Cross Vermont Trail.
- Design and construction supervision for numerous residential and institutional projects.
- Elm Court Park: a small pocket park and entry way developed by the Trust for Public Land and the City of Montpelier. The park includes a small plaza, sitting areas and demonstrates ecological approaches to design and contains a butterfly garden.
- Turntable Park, Stonecutters Way, Montpelier: design for restoration of an historic turntable, along with accommodation of recreational and theatrical use of a small park. (Designed in collaboration with the Office of Robert White).
- Randolph Family Housing and Templeton Court, landscape design for low-income housing projects in Randolph and White River Junction, VT.
- Plainfield Common, a public riverside park and small formalized parking area in the village center of Plainfield; this project involved extensive public involvement
- Streetscape Master Plan for Chelsea village: village plantings and other amenities for the village center's greens and streets, as well as for several parks and public areas.
- Street tree inventory and plan for the City of Montpelier.
- Conservation and development plans for landholdings in various towns including Hardwick and Calais. Plans provide for the protection of important resources including scenic values, agricultural lands, wetlands, and valuable forestland while identifying appropriate areas for development.

Teaching Experience

- **2000-20011:** Landscape Design courses at Studio Place Arts in Barre.

- **1982 -1997: <u>Lecturer</u> (University of Vermont, School of Natural Resources and Department of Plant and Soil Science)**
  Teaching and Advising: Courses included *Park and Recreation Design* (Recreation Management); *Landscape Design Studio, Colloquium in Ecological Landscape Design* (Plant and Soil Science), and *Visual Resource Planning and Management* (Natural Resources graduate level), and *Environmental Aesthetics and Planning* (Natural Resources).

- **1996: Faculty (Vermont Design Institute)**
  Faculty facilitator for a summer workshop on finding patterns in rural landscapes and historic town centers which could be used as a planning and design tool.

- **1995: Lecturer (Norwich University, Department of Architecture)**
  Course in Landscape Design, the first to be taught in the school.

Additional Experience

- **1981 - 1982: State Lands Planner (Agency of Natural Resources, Department of Forests, Parks and Recreation)**
  Preparation and coordination of all land management plans for the Department of Forests, Parks, and Recreation; review of plans under Act 250 and Act 248 for aesthetic impacts; design services and related expertise to other Agency departments and to municipalities.
- **1978 - 1981: Park Planner (VT. Dept. of Forests, Parks and Recreation)**
  Design of state park facilities including site analysis, working drawings, grading plans, construction details, planting plans, and supervision of construction. Reviewed plans under Act 250 for aesthetic impacts. Helped organize a new state lands management unit.

PUBLICATIONS AND ILLUSTRATIONS

A Visual Assessment Process for Wind Energy Projects, Clean Energy States Alliance with Mark Sinclair and Anne Margolis, contributing authors, May 2011

Minimize the Visual Impact of Turbines, Burlington Free Press, January 17, 2010

Environmental Impacts of Wind-Energy Projects, National Research Council of the National Academies, May 2007

Sabin's Pasture: A Vision for Development and Conservation, Central Vermont Community Land Trust, March 2003.

Siting a Wind Turbine on Your Property: Putting Two Good Things Together, Small Wind Technology & Vermont's Scenic Landscape, Public Service Board, December 2002

Wind Energy and Vermont's Scenic Landscape: A Discussion Based on the Woodbury Stakeholder Workshops, Vermont Public Service Department, August 2002.

Scenic Resource Evaluation Process, Vermont Agency of Natural Resources, July 1, 1990. Guidelines to be used by the Agency of Natural Resources in reviewing visual impacts of development projects under Act 250 in areas of regional and statewide scenic significance.

"Impact Assessment of Timber Harvesting Activity in Vermont: Final Report-March 1990": a research project conducted by the University of Vermont on behalf of the Vermont Department of Forests, Parks, and Recreation. My focus was the visual impacts of timber harvesting.

"Landscapes, Scenic Corridors and Visual Resources": a chapter of the 1989 Vermont Recreation Plan which outlines a five year plan for protecting and enhancing scenic resources in Vermont.

"Healing Springs Nature Trail Guide": Guide for a nature trail at Shaftsbury State Park including text, illustrations (I also designed the trail and bridges).

"The View from the Sidewalk": a walking tour emphasizing the interconnections of environment and culture that shaped the cityscape of Raleigh, North Carolina, text and illustrations.

EXHIBIT B

Jean Vissering Landscape Architecture

3700 NORTH STREET MONTPELIER VERMONT 05602 802-223-3262/jeanviss@attglobal.net

PROPOSED SCOPE OF WORK

REVIEW OF PETITION FOR JURISDICTION
ANTRIM WIND (Docket #SEC2014-05)

For

Mary Maloney, Counsel for the Public, New Hampshire Department of Justice

April 7, 2015

1. Purpose

Jean Vissering Landscape Architecture (JVLA) submits this Proposed Scope of Work for evaluating a Proposal for Jurisdiction submitted by Antrim Wind LLC. A similar project was reviewed by the SEC in 2012 and denied on the basis of the project's failure to meet the requirements of RSA 162-H:16, IV(c). As stated in the Order on Pending Motions, issued by the SEC on March 13, 2015, a significant question that may be considered by the Committee is whether the facility as proposed in this docket is substantially different than the facility that was proposed and denied in the former docket, Application of Antrim Wind, LLC NHSEC No. 2012-01. The steps I will take in making this assessment are described below.

2. Description of Firm and Relevant Experience

My resume is attached to this proposal. Briefly, I have conducted visual impact assessments since 1978 while working with the Vermont Agency of Natural Resources. I served as a faculty member at the University of Vermont for 15 years, where I taught courses in Environmental Aesthetics and Visual Resource Planning at both the graduate and undergraduate levels. Since 1997 I have owned and operated Jean Vissering Landscape Architecture (JVLA) of which I am sole proprietor. My firm focuses on visual impact assessment, visual resource planning, community design and planning, and residential design.

My experience working with aesthetic impacts of wind energy facilities began in 2002 when I worked with the Vermont Department of Public Service and Renewable Energy Vermont to help facilitate stakeholder meetings examining the issues of wind energy in Vermont. Since then I have assessed the impacts of wind energy projects in various capacities for local and regional planning commissions, state agencies, organizations, and developers. I have spoken to groups and organizations around the country such as CESA, NEWEEP, Scenic America, and the New England Chapter of the American Planning Association. As a member of a committee appointed by the National Research Council of

the National Academies, I authored a chapter on aesthetic impacts in *Environmental Impacts of Wind-Energy Projects* (2007). In 2011, I served as principal author for *A Visual Assessment Process for Wind Energy Projects* with Clean Energy States Alliance (CESA). The study proposed best practices for developing and evaluating wind energy projects and was produced under a grant from the U.S. Department of Energy. I have worked both in support of and in opposition to wind energy projects. While I believe such projects can be accommodated on many particular sites, there are some sites for which the aesthetic impacts will unduly compromise important and unique scenic resources.

I have testified before the Vermont Public Service Board, the New Hampshire Site Evaluation Committee, and the Maine Land Use Regulatory Commission on wind energy projects. In addition, I have reviewed many other types of utility and development projects ranging from transmission lines, communications towers, biomass heating plants, solar projects, residential subdivisions, and commercial projects. Although I have been involved with numerous wind energy projects, those that have received regulatory review are listed below. The regulatory bodies involved issued decisions supporting my position in all of these projects.

- Antrim Wind Project for the Counsel for the Public, NH Department of Justice (denied)
- Georgia Wind Project for the Vermont Department of Public Service (approved)
- Lowell Wind Project on behalf of the Green Mountain Club (approved with conditions)
- Deerfield Wind Project on behalf of Iberdrola (approved by Vermont Public Service Board and the Green Mountain Forest Service)
- Granite Reliable Wind on behalf of Noble Environmental (Approved)
- Kibby Wind Project on behalf of TransCanada (Maine Land Use Regulatory Commission: approved)
- Redington/Black Nubble Wind Project on behalf of the Appalachian Trail Conservancy (Maine LURC, denied)

3. Possible Subcontractors: Viewshed Analysis and Photo Simulations

I do not prepare photographic simulations or viewshed analyses in house, but rather subcontract with other reputable firms for this work. Should this type of technical information be required, I would expect the Petitioner to produce it. Only if the Petitioner refuses and the information is critical to my analysis would I need to subcontract for these services myself. I include a budget for them below in the Cost Estimate, but it is unlikely to be needed.

4. Work Plan

Anticipated tasks are described below. Note that a site visit is not included in the scope of work, as I expect to be able to rely on my previous experience in working on the originally

proposed project for this analysis. Estimated costs are provided in Section 5. Work will commence as soon as a contract is signed.

- **Review of Petitioner's Proposals and Other Relevant Documents**
  Review of documents provided by the Petitioner as well as other relevant documents will inform the analysis.

- **Requests for Information**
  Additional information may be needed from the Petitioner in order to complete the analysis and will be requested if necessary.

- **Testimony**
  I will prepare testimony detailing my analysis and conclusions concerning whether or not the project is substantially different than the previously submitted project.

- **Technical Hearing and Responses to Requests**
  I will assist the Counsel for the Public in making inquiries of the Petitioner, prepare for my own presentation and responses, and provide appropriate additional responses following the hearing.

- **Prepare Independent Simulations/Viewshed Analysis (If Required)**
  It is possible that additional simulations may be required, and while I have budgeted for this, I would anticipate relying on the Petitioner's aesthetic expert to provide any additional visual simulations which may be needed for my analysis.

- **Adjudicative Hearing**
  Costs will include preparation and attendance at the hearing, and any additional assistance required to the Counsel for the Public before or after the hearing.

5. Fee Schedule, Cost Estimates and Scheduling

a) Rates and Fees

- **Jean Vissering Landscape Architecture**
  Professional Services: $100.00/hour
  Driving: $45.00/hour
  Administration: $45.00/hour
  Expenses
  - ✓ Mileage: Billed at Federal Mileage Rate
  - ✓ Meals, Lodging, Printing, Postage and Other Expenses: billed at cost
  - ✓ Contractual Expenses (Viewshed Analysis/Simulations): billed at cost submitted by contractor
  - ✓ No additional overhead is charged

b) Invoicing Procedure

Invoices will reflect work performed and will be sent monthly assuming work has been completed during the time period. They will provide a detailed summary of project

tasks completed, hours, and expenses for subcontractors (if relevant). Payment is expected within 30 days.

c) **Availability**
I am available for the Technical Hearing date and generally available over the next few months. However, I assume accommodations can be made for any conflicts I may have with regard to setting specific future dates for hearings or additional meetings.

d) **Professional Insurance**
I have professional insurance for up to $1,000,000 in professional liability and for automobile insurance. Certificates can be provided upon request.

e) **Cost Estimate and Scheduling**
The table below summarizes estimated maximum costs for review of Antrim Wind's Petition for Jurisdiction. Although the work will be performed for the Counsel for the Public pursuant to RSA162-H:10, payment for all fees and expenses will be the responsibility of the Petitioner and not the State of New Hampshire or the Counsel for the Public. Work project due dates are based upon the SEC's *Order on Pending Motions, Appointment of Subcommittee, and Procedural Order.* Not all dates have been finally determined. Any work requirements in addition to those outlined above in the Work Plan, and/or in the Estimated Fees and Expenses below may result in additional costs.

Task	Completion Date	Estimated Fees and Expenses			Total Estimated Costs
A. Review of Petition for Jurisdiction		Estimated Hours/Fees		Estimated Expenses[i]	
Review Documents	Ongoing	5	$500	NA	$500
Requests for Information	April 2015	3	$300	NA	$300
Testimony	April 13, 2015	30	$3,000	NA	$3,000
Technical Hearing	April 23, 2015	12	$1,200	$400	$1,600
Responses to Requests	TBD	10	$1,000	NA	$1,000
Adjudicative Hearing	May 7, 2015 (or earlier)	20	$2,000	$400	$2,400
	Subtotal	**80**	**$8,000**	**$800**	**$8,800**
B. Photographic Simulations/Viewshed Analysis	If Required	6	$600	$2,000	$2,600
	Maximum Total	**86**	**$8,600**	**$2,800**	**$11,400**

[i] Estimated expenses includes travel time, mileage, and possible meals.