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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

November 4, 2010 - 2:05 p.m.
Public Utilities Commission
21 South Fruit Street
Suite 10
Concord, New Hampshire

DAY 4

AFTERNOON SESSION ONLY

RE: SEC DOCKET NO. 2010-01
Application of Groton Wind, LLC,
for a Certificate of Site and
Facility for a 48 Megawatt Wind
Energy Facility in Groton,
Grafton County, New Hampshire.
(Hearing on the merits)

PRESENT:	SITE EVALUATION SUBCOMMITTEE:
Chairman Thomas B. Getz (Presiding)	N.H. Public Utilities Comm.
Robert Scott, Director	Air Resources Division - DES
Brook Dupee, Bureau Chief	Dept. of Health & Human Serv.
Richard Boisvert	N.H. Div. of Historical Res.
Stephen Perry, Chief	Inland Fisheries - N.H. F&G
Charles Hood, Administrator	Dept. of Transportation
Donald Kent, Administrator	Dept. of Resources & Econ. Dev.
Eric Steltzer	Office of Energy & Planning
Michael Harrington, Engineer	Public Utilities Commission

* * *

Counsel for the Committee: Michael Iacopino, Esq.

COURT REPORTER: STEVEN E. PATNAUDE, LCR No. 52

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ALSO PRESENT:

Counsel for the Applicant: Susan S. Geiger, Esq.
(Groton Wind, LLC) Douglas L. Patch, Esq.
(Orr & Reno)

Counsel for the Public: Peter Roth, Esq.
(Sr. Asst. Atty. General)
Michelle Thibodeau

Reptg. the Buttolph Group: Cheryl Lewis, Intervenor

Reptg. the Mazur Group: Dr. Lawrence Mazur, Intervenor
Sarah Mazur, Intervenor
Christine De Clercq-Mazur, Int.
Richard Wetterer, Intervenor

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 LAWRENCE A. MAZUR
 CHRISTINE G. de CLERCQ-MAZUR
 SARAH M. MAZUR

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P R O C E E D I N G

1
2 CHAIRMAN GETZ: Good afternoon,
3 everyone. We're back on the record in Site Evaluation
4 Committee Docket 2010-01, concerning the Application of
5 Groton Wind, LLC for a wind turbine facility in Groton,
6 New Hampshire. And, the first item of business this
7 afternoon is an opportunity for public comment.

8 So, if there's anyone from the public
9 who would like to speak this afternoon, please come
10 forward? And, if you can just state your name and address
11 for the record, and speak slowly, so Mr. Patnaude can get
12 the remarks into the transcript.

13 MR. ONNELA: I've got that down, "Speak
14 slowly". Kevin and Debbie Onnela. I started attending
15 these hearings in 2006, when our farm was put in. I have
16 listened to some very intelligent people speak about
17 subjects that were very -- that were way over my head. I
18 have also listened to some very misinformed people tell
19 about stories about 400-pound chunks of ice, flying 4,000
20 feet from turbines and the threatening the lives of
21 neighbors. Children with ADS would not be able to learn
22 because of the spinning blades. Next week, the wind farm
23 that surrounds my house will be two years old. And, I am
24 proud to say that none of these things that were -- were

1 true.

2 In our town, we have discovered that
3 wind farms are good neighbors. They do not use our
4 schools. In fact, they give our children a place to go
5 for field trips, to learn about alternative ways to
6 produce electricity. We hosted over a thousand grade
7 school students last year; to say nothing about the
8 students from Vermont Law, Colby Sawyer, and Keene State
9 Colleges. The police and the fire services have not been
10 needed for Lempster Wind. Trash from this farm is trucked
11 and disposed of by Iberdrola, with no cost to the
12 residents of Lempster.

13 Our Little League is supported through
14 donations from this company. Scholarships have been
15 given. And, the best asset they have brought to our
16 village of about a thousand residents is the taxes they
17 pay. People stop and thank us for lowering their taxes.
18 I just smile and accept their praise, even though it was
19 not me that lowered their taxes; it was Iberdrola
20 Renewables.

21 I have heard complaints that they are
22 foreigners. So, I did a little investigation on people
23 that I do business with. I have money in Citizens Bank,
24 in Claremont, New Hampshire. And, they are owned by the

1 Royal Scottish Bank. The second foreign-owned company
2 that I found that I do business with is Pike Industries.
3 They did most of the paving for the American Recovery Act
4 in New Hampshire, and I buy bluestone from them. They are
5 owned by Oldcastle, Inc., who is a subsidiary of CRH, a
6 publicly owned corporation in Dublin, Ireland. Last, but
7 not least, a company that I do a lot of business with is
8 Budweiser. They are owned by InBev, a Belgian company. I
9 hope this does not stop you from carrying the red, white
10 and blue.

11 If you drove to this meeting in your
12 Mercedes, BMW, Volvo, or Subaru, you did more to promote
13 foreign business than Iberdrola does. As their turbines,
14 which are produced mostly in this country, the blades for
15 our towers were built in Ebensburg, Pennsylvania, the
16 nacelles were built in Fairless, Pennsylvania. The
17 towers, I'm not sure where they were built, because they
18 were delivered through the port in Portland, Maine.

19 The last issue I'd like to address is
20 the subsidies that have become an issue. I ran a sawmill
21 for 30 years. I guess you would say that I got subsidies
22 for all those years. If I bought a piece of equipment, I
23 could write off the total cost of that piece in five
24 years. Many people do not realize this, because the only

1 thing you get to write off is the interest on your home
2 loan and your medical expenses. This is one of the
3 reasons small businesses did so well in the USA. These
4 are the incentives that make people like me invest the
5 money that I have made and create new jobs.

6 I hope the people of Groton and the
7 people of New Hampshire welcome this wind farm with open
8 arms, as it will be a win/win situation for all of us.
9 Thank you. Kevin and Debbie Onnela.

10 CHAIRMAN GETZ: Thank you. Other
11 speakers? Good afternoon.

12 MS. HAMEL: Good afternoon. My name is
13 Pamela Hamel. I live at 17 Old Rumney Road, in Groton. I
14 would like to thank you for this opportunity. And, I will
15 be brief. I have been living in the Plymouth area for 14
16 years. And, I've seen a number of changes. I saw Tenney
17 Mountain Highway go from a few businesses, with one
18 traffic light, to a lot of businesses, three traffic
19 lights, rumor of a fourth. Things are changing. I've
20 seen small businesses that have sprung up along Route 25
21 in Rumney. I've seen the hillsides become dotted with
22 single-family homes and condominiums.

23 I don't think that anyone can deny that
24 there has been growth and development in that area.

1 Growth and development mean a number of things, and one of
2 them is the need for energy. And, the energy needs to
3 come from somewhere. Is it right for us to expect to use
4 our cellphones, turn on our lights, drive our cars, our
5 boats, our snowmobiles, cook our meals, know that our
6 furnace is running and keeping us warm, watch a movie,
7 surf the Internet, listen to music, print out an admission
8 ticket for a play or a basketball game, light up our
9 Christmas tree, have our washing machine wash our clothes
10 and our dryer take care of things? The list goes on. Is
11 it right for us to expect to use all of those things and
12 somehow not be impacted by the production of the energy
13 that it takes to use those things?

14 Obviously, there is local impact to this
15 project, both positive and negative. It will change the
16 Baker River Valley. But I believe that that change is
17 positive. I believe it will be beneficial to the small
18 businesses in that area. I believe that there will be
19 educational benefits. This energy is green, it's
20 renewable. It will benefit us either directly or
21 indirectly. And, we have the privilege of seeing it
22 produced in our backyard, not sending it off to somebody
23 else's backyard.

24 I ask that you grant the Applicant a

1 Certificate of Site and Facility for this Project. Thank
2 you.

3 CHAIRMAN GETZ: Thank you. Sir.

4 MR. PITMAN: "Please Slow Down", okay.
5 My name is Greg Pitman. And, I am the Executive Director
6 of the New Hampshire Campground Owners Association,
7 representing over 175 public and private campgrounds in
8 New Hampshire. I'm here to represent the Baker River
9 Campground owned by Cheryl and Rick Lewis, in Rumney, New
10 Hampshire, and to make a brief statement.

11 Small business owners are the backbone
12 of New Hampshire's economy. Baker River Campground, owned
13 by Cheryl and Rick Lewis, in Rumney, is one of the small
14 mom-and-pop businesses in New Hampshire. They are very
15 concerned about the future of their campground that serves
16 a lot of tent campers who come for the peace and quiet of
17 the New Hampshire countryside.

18 The Lewises are not against wind power
19 as a viable source of electric power, as we find ways to
20 reduce our dependence on oil. But they are concerned that
21 the noise from the proposed wind farm close to their
22 campground will drive business away. How is this proposed
23 project working with neighboring properties to minimize
24 the impact of the wind farm on these businesses and

1 homeowners? Have the concerns of the abutting property
2 owners been taken into consideration? How will the
3 abutters be reimbursed, should there be a detrimental
4 effect upon their businesses?

5 Those are the questions we put before
6 you. Thank you.

7 CHAIRMAN GETZ: Thank you, sir. Others?

8 MS. STURGEON: Good afternoon. Cathy
9 and Norm Sturgeon, owners of Sturgeon's General Store, in
10 Lempster, New Hampshire. Personally, the resurrection of
11 12 wind turbines in Lempster did a lot for me, and I will
12 let my husband speak for what it's done for him.
13 Personally, it raised my awareness of wind power and
14 alternate, you know, sources of energy. You know, being
15 in Lempster, I just went about my daily business, and
16 there was things that I didn't pay much attention to.
17 And, when it came to our town, the crew specifically
18 taught me a lot. When they came into my store for lunch,
19 they told me a lot about how -- what goes into building
20 and exactly, you know, how much wind -- sorry, how much
21 power it was going to generate, and what it would do for
22 approximately 10,000 homes.

23 But it also, as a business, we were just
24 starting our business when the project went into place.

1 And, Ed Cherian, from Iberdrola, let them know that we
2 were starting up. And, that crew came down to our store
3 on a daily basis. And, it gave our company, our store,
4 the boost that it needed to get going in such a small
5 town. And, to this day, it still generates business for
6 us. We have people who come in on a weekly basis. They
7 inquire about the wind turbines. They spend money in our
8 store. So, it's an economy boost for our town as well.
9 It gives us the ability to stay open. And, Lempster
10 residents don't have to travel 14 miles for a gallon of
11 milk. So, it does a lot more than create the energy, and
12 it helps the economy. And, I know that there are concerns
13 out there about noise and the landscape. I, as a nature
14 lover, you know, love going out in the woods and
15 everything. But it is a blessing for me every day, when I
16 drive down the hill four minutes to my store, to look up
17 and see the wind turbines.

18 And, as far as noise, we have friends
19 who live right below one of them. And, we have actually
20 sat at their table, had a glass of wine and had dinner,
21 and not once heard the wind turbine running.

22 So, I would encourage people, because we
23 have had busloads, and we have another busload of folks
24 coming to view the wind turbines on the 13th of November.

1 And, I would encourage people who have concerns to do the
2 same thing. To arrange a tour to, you know, the wind
3 turbines, and check out what it's like to stand there.
4 Because I can stand right outside my store and look up at
5 those, and I don't hear a thing. So, --

6 MR. STURGEON: You did a very good job.
7 I would just say that, if you're running a dishwasher in
8 your house, you're not going to hear anything, other than
9 that dishwasher, if you have a turbine right above you.
10 It's that quiet.

11 MS. STURGEON: Actually, your dishwasher
12 makes more noise than a wind turbine does.

13 MR. STURGEON: That's what I'm saying,
14 yeah. And, to anybody that has a campground, who's
15 concerned about, you know, the detracting of wind
16 turbines. I would say, you're probably going to gain
17 campers, groups of people coming in from the curiosity
18 factor. And, it's just -- it's just not that big of a
19 thing. It has so many more benefits than it does
20 detractions.

21 MS. STURGEON: One of the other concerns
22 that I heard from folks was that the people who were
23 living close to the wind turbines is saying "I'll never be
24 able to sell my house now", and they were very upset.

1 Well, we actually have -- I know of two people at this
2 point who continually come to Lempster on a monthly basis
3 looking for real estate, because they want to live near
4 wind turbines.

5 So, again, it's more about educating
6 people about wind energy and the wind turbines, to gain
7 their respect as well. Thank you.

8 MR. STURGEON: Thank you.

9 CHAIRMAN GETZ: Thank you. Anyone else?

10 (No verbal response)

11 CHAIRMAN GETZ: Okay. It doesn't appear
12 that there are other members of the public who wish to
13 speak this afternoon. So, then we will resume the
14 hearings. And, I believe, Mr. Roth, we're turning to
15 Mr. Lloyd-Evans.

16 MR. ROTH: Finally. Thank you.

17 (Whereupon Trevor Lloyd-Evans was duly
18 sworn and cautioned by the Court
19 Reporter.)

20 TREVOR LLOYD-EVANS, SWORN

21 DIRECT EXAMINATION

22 BY MR. ROTH:

23 Q. Mr. Lloyd-Evans, good afternoon.

24 A. Good afternoon.

1 Q. Thank you for your patience in bearing with us these
2 few days.

3 CHAIRMAN GETZ: Mr. Roth, I think --

4 MR. ROTH: I'm sorry?

5 CHAIRMAN GETZ: -- Mr. Patnaude needs to
6 hear --

7 MR. ROTH: He knows what I'm saying
8 before I even say it.

9 BY MR. ROTH:

10 Q. I'm showing you a document that's labeled "Public
11 Counsel Exhibit 3", and identified as "Testimony of
12 Trevor Lloyd-Evans" submitted in this case. Is that
13 your testimony that you've prepared and submitted in
14 this case?

15 A. It is.

16 Q. Okay. Did you prepare that testimony as a result of an
17 agreement that you reached with me and supported by the
18 Applicant to provide testimony in this case?

19 A. Yes.

20 Q. Thank you. Is there anything that you would care to
21 change in your testimony? Any corrections or revisions
22 that you think are necessary to maintain its accuracy?

23 A. I can think of no changes. The only thing that has
24 come up since I gave you this testimony is that some

1 more data have come from the proponent. And,
2 especially, the Spring and Summer 2010 Acoustic Bat
3 Survey Report. And, so, some of my objections to that
4 same data would be taken care of by that. But, other
5 than that, I stand by the --

6 Q. Okay. If I can refresh your recollection perhaps a
7 little bit, during the last couple of days, parties
8 have suggested that in your testimony you stated that
9 you hadn't had an opportunity to review the Applicant's
10 reports and information that had been provided either
11 with the Application or subsequent. Have you at this
12 point been able to review those materials and include
13 them in your opinion?

14 A. At this point, I have, yes.

15 Q. Okay. And, based on what you now are, having had the
16 opportunity to review those materials, and I suppose
17 including material received with I guess it was the
18 2010 Bat Survey?

19 A. (Witness nodding in the affirmative).

20 Q. Is your opinion and testimony still the same as is
21 presented there for the Subcommittee?

22 A. It is.

23 MR. ROTH: Okay. There being nothing
24 else, I'll make the witness available for

1 cross-examination.

2 CHAIRMAN GETZ: Okay. Thank you.

3 Mr. Sinclair, do you have questions of this witness?

4 MR. SINCLAIR: None. Thank you.

5 CHAIRMAN GETZ: And, Dr. Mazur?

6 DR. MAZUR: Yes. Hello, Mr.

7 Lloyd-Evans.

8 (Court reporter interruption.)

9 CHAIRMAN GETZ: Dr. Mazur.

10 DR. MAZUR: Oh, yes. Hello, Mr.

11 Lloyd-Evans.

12 WITNESS LLOYD-EVANS: Good afternoon,

13 sir.

14 CROSS-EXAMINATION

15 BY DR. MAZUR:

16 Q. Could you please share with those present in the room
17 core differences that you perceive between your own and
18 Mr. Gravel's testimony?

19 A. I believe that when one is trying to collect data that
20 will give us information on the relative abundance of
21 species and species present, mostly birds and bats,
22 that the main difference between my approach and Mr.
23 Gravel's is that I would really like to see more than
24 one year of information. This is because of the

1 natural variations and fluctuations from year to year,
2 may have to do with breeding seasons, weather, a number
3 of factors that are outside our control. And, that
4 probably is the biggest difference between the two
5 approaches.

6 Q. Would you suggest then that perhaps more bird and bat
7 pre-construction studies should be done at this time,
8 prior to this Committee's consideration of the
9 Applicant's Application?

10 A. I think that would be very appropriate, yes.

11 Q. Would you clarify whether you're asking for one more
12 12-month period of study or 12 months plus?

13 A. If I may take an example. Looking at diurnal raptors,
14 which have been a feature of many concerns amongst a
15 number of people in these hearings, we've had two
16 seasons from the proponent in one year, in spring and
17 in fall; although, in fact, this was 11 days in spring
18 and 10 days in fall. I would not view that as either
19 an appropriate time span during each of those seasons.
20 And, I would like to see at least one more season, to
21 have a reasonable idea of which raptors are passing
22 through, especially considering that a number of the
23 species that have already been observed are threatened
24 or endangered under New Hampshire law.

1 Q. And, in addition to recommending additional
2 pre-construction studies, do you have any other
3 recommendations that might be in addition to Mr.
4 Gravel's testimony?

5 A. I think we have all agreed that pre-construction
6 sampling is not going to give us any information
7 precisely about any mortality that may happen after the
8 turbines have been erected and are in operation. It
9 would seem sensible to have a thorough and reviewable
10 and independent study of any mortality that might
11 happen. And, so, I think the principal differences
12 between Mr. Gravel's proposals and what I would
13 recommend to the Committee have to do with the number
14 of years. That I would think at least three years
15 would be appropriate after construction. And, the
16 degree of review of the data, preferably on a yearly
17 basis, by suitable authorities, such as the U.S. Fish &
18 Wildlife Service or New Hampshire Fish & Game, so that
19 that could be integrated. And, then, following Mr.
20 Gravel's system of not just collecting data for data
21 sake, but being able to adapt the data collection to
22 make it more useful, I think that would be better
23 achieved by those methods.

24 Q. I think I have one last clarifying question. When you

1 recommend an "independent study", do you mean a study
2 carried out by parties that might be free of conflict
3 of interest in this matter?

4 A. That would be nice. Or, a study presumably more likely
5 to happen funded by the proponent, but reviewed by
6 suitable authorities, such as U.S. Fish & Wildlife or
7 New Hampshire Fish & Game, would give me a lot more
8 confidence in interpretation of the results.

9 DR. MAZUR: I want to thank you. And,
10 those are all the questions from this group.

11 CHAIRMAN GETZ: Okay. Thank you. Ms.
12 Lewis.

13 MS. LEWIS: Good afternoon, Mr.
14 Lloyd-Evans.

15 WITNESS LLOYD-EVANS: Good afternoon.

16 BY MS. LEWIS:

17 Q. My first question comes from your prefiled testimony,
18 Page 4. You have mentioned that you have strong
19 concerns regarding the methods the Applicant used in
20 determining the significance of the mortality counts.
21 And, after hearing his testimony over the last three
22 days, could you comment on whether you still have these
23 same grave concerns?

24 A. This is the post mortality surveys, Ms. Lewis?

1 Q. The significance of the mortality counts.

2 A. Of the post, yes. Post-construction mortality, yes.

3 MR. ROTH: If the witness could call his
4 attention to Public Counsel Exhibit 4. And, it's at Page
5 4, the paragraph at the top, and review that before
6 answering the question.

7 MR. IACOPINO: Four or three?

8 MR. ROTH: Is it 3? I'm sorry. It's
9 his testimony, whichever exhibit that is.

10 MR. IACOPINO: Three.

11 MR. ROTH: Three. Three then.

12 BY THE WITNESS:

13 A. So, in reference to post-construction mortality, what
14 would I prefer to see?

15 BY MS. LEWIS:

16 Q. As far as the methods themselves, yes.

17 A. As far as the methods themselves. The methods proposed
18 I think in the first year, by Mr. Gravel and his group,
19 involve carefully assessing with corpses what the rate
20 of success of finding these birds, these animals is,
21 and then evaluating that and adjusting the data. And,
22 they propose to do that for one year. It's an
23 extremely good method. I'd be very happy to see them
24 do that. But it would seem to me to make sense to do

1 this for a number of years. So, again, to revert to
2 the previous point, to avoid year-to-year fluctuations
3 and changes, changes in mortality at wind turbines have
4 been observed in other countries. I'm referring in my
5 testimony to the impact of wind turbines on birds in
6 Zeebrugge, Belgium; 161 terns were killed from a number
7 of turbines that were situated very close to a breeding
8 colony. And, the number of terns killed differ
9 dramatically from one year to the next, because of a
10 different flight direction away from the breeding
11 colony to food sources. And, that differed from year
12 to year. That's just an example of the sort of
13 year-to-year variation that may occur. So, this is why
14 I think a number of years may be appropriate.

15 The proponent also suggests that, after
16 this, they would continue, as a matter of course,
17 through the life of the Project, I believe, to have
18 personnel searching for any more mortality, noting down
19 the species, photographing, using a GPS. This seems
20 very appropriate and should be very useful.

21 Q. Thank you. Do you feel that the Applicant, through
22 their consultant's testimony, explained the impact on
23 the protected raptors during breeding seasons,
24 post-fledgling dispersal, and spring and fall

1 migration? And, how that would be mitigated, if there
2 is an issue? I know you had mentioned that as a major
3 concern in your prefiled testimony as well.

4 A. Again, we are getting to the question of how much work
5 has actually been done, and over what period. During
6 the fall migration, there was one season examination of
7 diurnal raptors, and that was, I believe, ten days.
8 And, the ten days were -- excuse me one minute. I
9 believe the ten days in Fall 2009 were from August 24th
10 to October the 26th. And, the number of -- the species
11 involved included a number of species of interest in
12 the state. This would be bald eagle, northern harrier,
13 peregrin falcon, and I think golden eagle. And, the
14 migrations of at least two of those species, the two
15 eagles, actually lie outside the dates of the single
16 year of the ten days of fall migration studies. So, I
17 would say that's not enough. I would like to see at
18 least another season's work there.

19 And, the fact that there are two
20 peregrin falcon nests, both within 5 miles, I believe 5
21 and 2 miles from the proposed site, would seem to be a
22 priori, a case of collecting at lease one more season's
23 data.

24 Q. And, how do you feel, though, regarding the responsive

1 mitigation if either a peregrin falcon or a bald eagle
2 was found killed from one of the turbines? Do you have
3 an opinion on what should be mitigation for that type
4 of situation?

5 A. I think that would very much be a matter for the legal
6 authorities in the State of New Hampshire. And, this
7 again would be important why the information should be
8 made available, planning and results, to the New
9 Hampshire Fish & Game or U.S. Fish & Wildlife Service,
10 whichever is the appropriate authority, so that this
11 can continue and be reviewed by appropriate
12 authorities. I don't have any personal opinions on
13 what should be legal and what should not in New
14 Hampshire.

15 MS. LEWIS: Thank you. That's all the
16 questions I have.

17 CHAIRMAN GETZ: Thank you. Ms. Geiger.

18 MS. GEIGER: Thank you. Good afternoon,
19 Mr. Lloyd-Evans.

20 WITNESS LLOYD-EVANS: Good afternoon,
21 Ms. Geiger.

22 BY MS. GEIGER:

23 Q. I want to make sure I understand what you're advocating
24 in this case. I thought I just heard you say, in your

1 oral testimony, that "the Applicant should conduct at
2 least three years of post-construction mortality
3 surveys." Did I hear that correctly?

4 A. Yes.

5 Q. But isn't it true, on the last page of your prefiled
6 testimony, you said that "the Applicant should, at a
7 minimum, conduct a two year post-construction mortality
8 survey"?

9 A. Yes.

10 Q. Okay. So, why have you apparently changed your mind
11 about that?

12 A. Having seen the data, and had a chance to -- a lot of
13 these data appeared a very short period before we had
14 to prefile our testimony. And, having now had plenty
15 of time to look at it, it seems to me that we have a
16 serious concern, in terms of raptors. And, I obviously
17 do not know whether any raptor will be killed by the
18 wind farm, but there are species of interest in the
19 state, both breeding and during spring and fall
20 migration.

21 And, then, secondly, I was able to
22 review the decision granting Certificate of Site and
23 Facility with conditions for the State of New Hampshire
24 for the Application of Granite Reliable Power, LLC.

1 And, I think many of us were all involved in that
2 discussion at that time. And, looking at the orders
3 there I found, if I may quote from it, "Applicant shall
4 implement a post-construction bird and bat mortality
5 study, designed by its consultants and reviewed and
6 approved by New Hampshire Fish & Game. The study
7 should be conducted for three consecutive years. A
8 full report and analysis should be produced after each
9 complete year. In addition, the Applicant shall be
10 required to conduct post-correction breeding bird
11 surveys that replicate the pre-construction surveys for
12 the project site. New Hampshire Game [sic] shall
13 review and approve the protocols", and so on.

14 And, it seems that we have at least as
15 many, if not more, of the species of interest to the
16 state, in terms of migratory and breeding diurnal
17 raptors in this study. And, so, it seems as if it
18 would be a very fair way of assessing the mortality.

19 Q. Now, what is your understanding of what the Applicant
20 proposes to do, in terms of its post-construction
21 mortality work?

22 A. I've heard Mr. Gravel's testimony. Without seeing it
23 directly in front of me, I understand that there will
24 be a first year in which the methods will be assessed

1 and the rate of discovery of experimental bodies of
2 birds and mammals be assessed, so that we can achieve a
3 reasonable correction. And that this will be continued
4 for one year. I did not see that this would be
5 continued for three years, either year 1, 3, and 5, as
6 in Granite Reliable Power. It seems to me that, after
7 that one year, there would be discussions with Fish &
8 Game. And, after that, it would be more a random
9 method of whatever the site personnel came upon in the
10 course of their other duties. Although, I understand
11 that you do have somebody who is designated as an
12 official in some way or part of their job is to look
13 for mortality.

14 Q. Okay. Now, have you reviewed the Applicant's --
15 actually, have you reviewed the Application, more
16 specifically, Page 78, where we describe exactly what
17 Groton Wind intends to do for a post-construction
18 survey?

19 A. I have done, but maybe don't recall the detail.

20 Q. Okay.

21 A. Refresh my memory.

22 Q. Well, would you be surprised or would you agree with me
23 that the Applicant has, in fact, committed to having a
24 qualified third party consultant, not just assess, but

1 actually conduct a year's worth of formal
2 post-construction monitoring, similar to what the
3 Applicant did at the Lempster Wind Project? Does that
4 sound familiar?

5 A. That sounds excellent, yes.

6 Q. Okay. Does that sound like a good idea?

7 A. It certainly does.

8 Q. Okay. And, isn't it also true that the Applicant has
9 committed to a second year of monitoring in the same
10 way, if mortality levels from the first year of
11 post-construction monitoring at the Groton Project are
12 higher than the then current threshold of mortality
13 ranges at wind projects in the Northeast?

14 A. I don't think I would agree with that. I think there
15 is so little information about mortality in the
16 Northeast, after all, we have very few wind turbines in
17 operation. And, so, I think, absent the sort of
18 information that may indeed be appropriate in
19 California, where they have had these wind turbines for
20 much long, or other parts of the country, I think I
21 would like, as in the Granite Reliable Power, to see
22 three careful years of the sort of study that you had
23 described for year one, so that we can collect this
24 information, and then we will know a lot more about the

1 possible mortality associated.

2 Q. But isn't it true, under the Applicant's plan, that, if
3 after year one, the Applicant determines that the
4 mortality rates are higher than what are being
5 experienced at other wind farms in the Northeast, that
6 they will, in fact, study the cause of that and conduct
7 a second year of formal post avian construction?

8 A. I understand. And, I think I would rather see my
9 choice, and I guess Granite Reliable Power's situation,
10 three years conducted very carefully anyway by
11 professionals. And, I think a very important part of
12 this is the review, not a decision perhaps by the
13 Applicant or employees of the Applicant, but a review
14 by New Hampshire Fish & Game, so that this is taken out
15 of any possible conflict that might be perceived.

16 Q. Well, would it -- do you know whether, under the
17 Applicant's plan, that it -- what it will do with its
18 first year mortality survey results?

19 A. I believe there were going to be discussions with the
20 appropriate authorities. And, that is excellent.

21 Q. Okay. So, is it your position that, even if the first
22 year of post-construction surveys show that mortality
23 rates are within or lower than the range of mortality
24 found at other projects in the Northeast, hasn't the

1 Applicant agreed to continue to monitor the Project
2 with on-site operations personnel, such as what's been
3 described in its formal avian bat protection plan?

4 A. Yes.

5 Q. Do you believe that's reasonable?

6 A. I hate to hark back to it, but I really would like to
7 see three years of the original amount of effort, with
8 review at the end of each year with suitable
9 authorities. And, then, after that, I think what you
10 describe might be more appropriate. But that would
11 depend really on the result of the three years. I
12 don't believe any of us know at the moment what the
13 mortality is likely to be. So, it would be a way to
14 find out.

15 Q. So, do you think -- is it your opinion that it's more
16 reasonable to conduct the studies that have been
17 ordered in the Granite Reliable Project, knowing that,
18 after the last year of study, after that third year,
19 which occurs in actually year five, after the Project
20 is operational, that it's more reasonable just to do
21 that and do no further studies, as opposed to doing
22 what this Applicant has recommended, doing one year of
23 formal study, and then doing another year, if
24 necessary, and then carrying out all of the protocols

1 in its Avian & Bat Protection Plan?

2 A. I was impressed by the protocols in the Avian & Bat
3 Protection Plan, and I believe Iberdrola. And, it's
4 certainly a step forward to see this continuing. The
5 only question I guess that we are disagreeing on is how
6 many years of formal study there should be by
7 biologists and the regulatory authorities before that
8 takes over. I'm suggesting three.

9 Q. Are you aware that United States Fish & Wildlife
10 Service has helped to formulate and review and approve
11 the Avian & Bat Protection Plan that Iberdrola has in
12 place?

13 A. Yes, I am.

14 Q. Okay. Do you know whether there are any federal
15 regulations that require a particular amount of
16 post-construction mortality surveys for wind farms?

17 A. Not that I am aware of.

18 Q. Okay. So, this is your recommendation?

19 A. Yes.

20 Q. Okay. Now, do you know whether United States Fish &
21 Wildlife Service has required for this Applicant a
22 second year of post-construction surveys?

23 A. I don't know.

24 Q. If U.S. Fish & Wildlife has not required a second year

1 of post-construction surveys, would that change your
2 position in this case?

3 A. No. I was merely asked to give my opinion to the
4 Committee, and that would be my opinion to the
5 Committee. Whatever U.S. Fish & Wildlife decides to
6 do, it's obviously there.

7 Q. I'm just going to ask you, getting back to -- I believe
8 that you said some -- I just heard you say some
9 favorable things about the Applicant's Avian & Bat
10 Protection Plan. What is your understanding of what
11 that plan will consist of, once it's carried out
12 post-construction?

13 A. This is after the one year, two years, three years,
14 whatever the continuing process that --

15 Q. Yes. Yes.

16 A. I understand from Mr. Gravel, and from background
17 reading, that employees would be looking under the
18 turbines. And, in the event that they found any bird
19 or bat mortality, that they would photograph and take a
20 GPS reading. And, that this information would go into
21 a database and be made available to all of the
22 appropriate people who are interested.

23 Q. And, would an impact assessment occur as well?

24 A. I assume so, yes.

1 Q. And, wouldn't this trigger possibly additional actions,
2 like discussing impacts and mitigation with state
3 wildlife agencies and U.S. Fish & Wildlife?

4 A. Yes. We may find excessive mortality or we might find
5 none at all.

6 Q. Okay.

7 A. So, we're looking at this point, and we really don't
8 know.

9 Q. Okay. So, there would be an assessment and there would
10 be further discussions with the state and federal
11 agencies, correct?

12 A. I would hope so or I gather so.

13 Q. Okay. Now, isn't it likely that the monitoring that
14 will occur under the Avian & Bat Protection Plan will
15 document significant mortality events if they were to
16 occur beyond the second year of operation?

17 A. I would assume so. But, perhaps not as effectively as
18 the carefully designed plan for the first year. What's
19 good for the first year, it seems to me, it would be
20 good for a three year study, which would be more
21 appropriate in terms of year-to-year variation.

22 Q. Now, on Page 4 of your prefiled testimony, at the top,
23 you said that you were "greatly concerned by the
24 methods by which the Applicant will determine the

1 importance or significance of mortality counts." And,
2 then you go on to say that "it's not expected that any
3 one site will impact national or even regional
4 populations of individual species." Correct?

5 A. Yes.

6 Q. And, then, I think you suggest that the "Applicant
7 should provide a clear definition of what a
8 "biologically significant" impact [is]"?

9 A. I think this is the problem. I think everyone was
10 seeing "biologically significant" in different terms.
11 And, I was hoping that that could be reviewed and
12 clarified, so that we all understood what "biologically
13 significant" was. I think an example was that, if all
14 of the nesting peregrins were unfortunately to be
15 killed by the wind turbines, this would be two nests of
16 peregrins within 5 miles. And, that would be a very
17 significant factor, I think, for the State of New
18 Hampshire. Even though it may not, in the great scheme
19 of things, reduce the number of peregrins in the world
20 by very much. So, I think "biologically significant"
21 is a difficult -- a difficult definition, and we have
22 to be more accurate about that.

23 Q. Are you suggesting that the Applicant develop a
24 benchmark or some other measure that establishes what

1 an acceptable level for a "biologically insignificant
2 impact" of this project would be?

3 A. I would think that would come out of the discussions
4 with New Hampshire Fish & Game or U.S. Fish & Wildlife
5 Service. To me, that would be a very useful result.

6 Q. But would you agree or disagree that documented
7 mortality rates at other operational wind projects in
8 the Northeast would provide an appropriate benchmark
9 against which to judge the results that occur at the
10 Groton Project?

11 A. I think it's a useful benchmark, yes.

12 Q. Okay. Thank you. Other than wind turbines, are you
13 aware of other sources of avian mortality?

14 A. Yes.

15 Q. Could you give us some examples?

16 A. Loss reduction and alteration of habitat --

17 MR. ROTH: Mr. Chairman, I'm going to
18 object to this question, because the other methods of
19 avian mortality are not at issue here. So, you know, more
20 discussion about cats and automobiles is not before the
21 Committee this afternoon, or ever, hopefully. And, it's
22 just not relevant.

23 MS. GEIGER: Well, Mr. Chairman, I think
24 it is relevant. It seems to me that witnesses have been

1 given and questioners throughout this proceeding have been
2 given a wide latitude to ask about subjects that are
3 within the reasonable range of the subject matter that
4 witnesses are testifying about. And, we're talking about
5 "avian mortality". And, I know that we're talking about
6 this project. But I think that it's -- Mr. Gravel raised
7 the issue in some of his answers. And, I just think it's
8 fair, we have another witness on the stand on the subject
9 matter, and I'm just asking him some more questions.

10 CHAIRMAN GETZ: I'm going to permit the
11 question. I think it's relevant. It puts the issues of
12 mortality in some context. And, I think it may be
13 helpful, having heard from another witness generally about
14 this issue, to hear Mr. Lloyd-Evans' thoughts on this
15 issue as well.

16 MS. GEIGER: Okay.

17 BY MS. GEIGER:

18 Q. And, so, I asked you, Mr. Lloyd-Evans, what is your
19 understanding of sources -- of other sources of avian
20 mortality?

21 A. Many. The passenger pigeon was probably hunted to
22 extinction, this is billions of birds over a very short
23 period. Habitat alteration and breeding, important
24 migration stop-over in wintering areas. The sort of

1 direct mortality that I have heard other people talk
2 about; predation by cats, natural predation by raptors
3 and by carnivorous animals, many, many different
4 sources of mortality.

5 Q. Well, I'm going to show you a document that has been
6 marked for identification as the "Applicant's Exhibit
7 Number 28". And, this is a paper that has been
8 authored by Wallace Erickson and others, "A Summary and
9 Comparison of Bird Mortality from Anthropogenic Causes
10 with an emphasis on Collisions." Are you familiar with
11 this paper?

12 A. I am not in detail, but would be glad to see it.

13 Q. I would just like you to focus your attention on the
14 chart at the top of that page please.

15 CHAIRMAN GETZ: I'm sorry, what page?

16 WITNESS LLOYD-EVANS: Page 1039.

17 MS. GEIGER: Correct.

18 WITNESS LLOYD-EVANS: Table 2, "Summary
19 of predicted annual avian mortality."

20 BY MS. GEIGER:

21 Q. And, Mr. Lloyd-Evans, would you agree with me that in
22 that paper and that table that you've just cited, it
23 shows that buildings are estimated to cause
24 58.2 percent of avian mortality each year, while wind

1 turbines are estimated to cause less than 1/100ths of a
2 percent?

3 A. Yes. Those are the data, yes.

4 Q. Okay. Thank you. Now, at the top of Page 4 of your
5 prefiled testimony, you state that you are concerned
6 about the Applicant having determined a threshold for
7 the first year of mortality by comparing to a range of
8 other projects in the Northeast. And, you state this
9 threshold needs to be "articulated and well justified",
10 correct?

11 A. Yes.

12 Q. Now, are you aware of the Lempster Wind
13 Post-Construction Fatality Survey Report?

14 A. That was not available to me at the time that I wrote
15 this. That has subsequently been available. That was
16 one of the late pieces of information that came in,
17 along with the 2010 bat survey data.

18 Q. Have you looked at it, though?

19 A. Yes.

20 Q. Would you agree that post-construction fatality results
21 at a wind project that is approximately 40 miles away
22 from Groton, and which uses the same type of turbines
23 that will be used at Groton, is an appropriate measure
24 to use in determining whether post-construction survey

1 results at Groton are within an acceptable level?

2 A. I would be hesitant to say a simple "yes". The only
3 reason being that bird migration and nesting varies
4 from location to location to location. I guess every
5 site is different, and that's why we do the impact
6 studies. And, this is why we don't just collect data
7 for collecting data.

8 Q. Do you know how many post-construction survey reports
9 have been issued in the Northeast?

10 A. This is the only one that I'm familiar with.

11 Q. Would it surprise you to learn that there are over 30
12 post-construction studies with publicly available
13 results?

14 A. No, I wasn't aware there were that many.

15 Q. Now, in the middle of Page 4 of your prefiled
16 testimony, you state that you were concerned that the
17 Applicant doesn't have an adequate mitigation plan, in
18 the event a peregrin falcon or other protected raptor
19 species is taken by a turbine. And, that you believe
20 that "substantially effective mitigation [should] be a
21 minimal precaution, given that a protective species has
22 been observed within the study area," is that correct?

23 A. Yes.

24 Q. Could you please describe what a "substantially

1 effective mitigation plan" would be?

2 A. No, I'm not the person to design those sorts of plans.
3 This would be very much the area of the local experts.

4 Q. Okay. So, you would defer to Fish & Game, for example?

5 A. I think New Hampshire Fish & Game, in cooperation with
6 the data, would probably be able to come up with
7 something useful, yes.

8 Q. Okay. Now, isn't it true that the Applicant predicts a
9 very low likelihood of impact to peregrins?

10 A. Yes.

11 Q. Okay. And, are you aware that, during the first year
12 of post-construction monitoring at the Lempster Wind
13 Project, that no raptor fatalities were documented?

14 A. Yes, I read that.

15 Q. And, would you agree that it might be difficult to
16 offer a mitigation plan if no impact is expected?

17 A. Yes.

18 Q. At the bottom of Page 4 of your prefiled testimony, you
19 assert that "The Applicant should explain how impact on
20 protected raptor species during the breeding season,
21 the post-fledgling dispersal and spring and fall
22 migration will be mitigated." Is that correct?

23 A. Yes.

24 Q. And, again, based on the Stantec studies in the

1 Lempster report, isn't it reasonable to assume that
2 there's no need to provide a mitigation plan for
3 raptors, given the small likelihood that they will be
4 adversely affected here?

5 A. I think I would go back to an earlier point. We have
6 -- we were talking about dispersal of breeding birds
7 and getting into fall migration. We have the peregrin
8 study, in which peregrins were observed within the site
9 on a small number of occasions. And, we had those ten
10 days of the fall data on diurnal raptor migration.
11 There are many days of migration periods, both before
12 and after the ten days that we discussed, for
13 significant species, including both eagles. And, so, I
14 think it's really an open question, if we say there
15 have been very few events at New England turbines so
16 far, very little mortality observed so far. Of course,
17 we know that in other parts of the world, there has
18 been tremendous mortality at turbines.

19 So, I think the sensible thing to do
20 would be to collect a reasonable amount of information,
21 evaluate it with the U.S. Fish & Wildlife or New
22 Hampshire Fish & Game, and proceed from the basis of as
23 much information as possible. And, that would seem to
24 protect the public interest and these species as much

1 as can be expected.

2 Q. Mr. Lloyd-Evans, you talked about fatalities in other
3 areas. And, I think earlier in your testimony you
4 talked about fatalities in Europe. You talked about
5 terns, is that correct?

6 A. Yes.

7 Q. Are there any terns near this site?

8 A. No, there are not. Except in the sense that there are
9 terns in Vermont, in Lake Champlain, which I believe is
10 a protected species, and that they presumably must
11 migrate down to the ocean at some point. But there
12 have been no data showing terns, to my knowledge,
13 migration through this area. Again, our sample of fall
14 migration data has not been very great.

15 Q. Now, do you know, with respect to the Applicant's
16 pre-construction surveys, are you aware that the United
17 States Fish & Wildlife Service and New Hampshire Fish &
18 Game had approved the methodology and time frame for
19 the studies that were performed?

20 A. Yes, I read that. And, I believe New Hampshire Audubon
21 also had some input into some of the studies.

22 Q. Okay. And, in light of that, do you still have
23 concerns about how those pre-construction surveys were
24 conducted?

1 A. Yes. I would really like to see more data. I believe
2 that the small amount of data that we have merely sort
3 of emphasizes that we need more data to look at, year
4 to year variation, and to see what sort of a problem we
5 are potentially having, before we erect these turbines,
6 and, of course, their remedial damage. So, it makes
7 sense to me to have a reasonable number of years of
8 data. And, having read the information, it seems as if
9 three years is an appropriate number.

10 Q. Turning to Page 2 of your prefiled testimony, you state
11 there that "the study" -- "the study results", the
12 Applicant's "study results do not seem to be a factor
13 in the Applicant's conclusion of minimal impact on
14 raptor species." Is that your testimony?

15 A. I think, if I could expand on that a little bit. We
16 are collecting information before any wind turbines are
17 built. And, as I think Mr. Gravel has said, it's
18 almost impossible to extrapolate from that how many
19 raptors would be killed once the towers are there. But
20 the information we do gain is the period during
21 spring/fall migration, breeding season, when potential
22 species of interest are present, what species are
23 present, and then some idea of the relative abundance
24 of those species, because any sampling method is only

1 going to take a random sample or a statistical sample.
2 And, so, the larger the sample, the better information.

3 Q. But, if I understand your testimony, your prefiled
4 testimony, you seem to be saying that the Applicant's
5 consultant didn't take into account its study results.
6 Am I understanding your testimony correctly?

7 A. I think -- I did not mean it to sound quite like that.
8 I think, if I can restate it, I think we need more
9 information before the study results will inform us as
10 to the possibilities of some of these species being
11 impacted once the towers are erected. For example, I
12 was looking -- the Applicant's references include the
13 Birds of North America as one of the standard
14 references looked at. This is a very standard
15 reference, a national summary for each of these
16 individual species. And, just looking at the bald and
17 golden eagles, we find that these animals can migrate
18 in the north any time from about the second week of
19 September, right through into mid November. We just
20 don't have data anywhere beyond the earlier or later
21 than the ten days of the single season. And, so, I
22 think I was seeking to find more data on these
23 significant species, in terms of New Hampshire.

24 Q. But, overall, in terms of the amount and the time

1 frames within which the Applicant conducted its raptor
2 migration studies, do you have any difficulty with
3 that?

4 A. I'd be delighted to know that 2010 studies had been
5 collected this year, but I believe they have not, is
6 that correct?

7 Q. Well, I'd like to focus your attention on I believe
8 what's been marked as "Applicant's Exhibit 28" --
9 excuse me. It's "Applicant's 30".

10 A. Yes.

11 Q. Have you seen that chart?

12 A. Yes, I have. I believe I have it right here.

13 Q. Okay.

14 A. Yes.

15 Q. And, do you know what this chart represents?

16 A. Applicant's 28 [30?]. This is a graph compiled I think
17 by Mr. Gravel, of seven years of fall raptor counts,
18 and this is from "Pack Monadnock Raptor Migration
19 Observatory", which I gather is about 60 miles away
20 from the site?

21 Q. Correct.

22 A. And, looks at those in multiple years, and looks across
23 the range of fall migration, in terms of number of
24 species observed -- or, not "number of species

1 observed", but -- yes, species and data.

2 Q. And, would -- is it fair to say that, based on that
3 chart, that, in terms of the abundance of raptors
4 migrating during the period from September 8th through
5 approximately September 28th, from year to year over
6 those seven years is about the same?

7 A. There are substantial differences of the peaks within
8 that period. But, within that period, that certainly
9 does comprise the majority of fall raptor migration,
10 yes.

11 Q. So, would there be any benefit of doing yet another
12 season of study for raptors, when we have -- at least
13 we know, at least for Pack Monadnock, over seven years,
14 from 2003 to 2010, that we can expect to see -- we
15 expect to know when the peaks of migration will be?

16 A. Looking at the data you present in 28 [30?] here, I see
17 some migration from the 26th of August through until I
18 guess it would be the 6th of November. Then, again, I
19 come back to the -- which species are we talking about?
20 I think species that are protected by New Hampshire and
21 the feds would be expected to be actually more frequent
22 out in those tails than they might be during the peak
23 period. The peak period, as I believe your report
24 showed, was mostly species like red-tailed hawks and

1 broad-winged hawks. And, those do account for the
2 largest numbers. But some of those species we are most
3 interested in may be migrating as late as mid November.
4 So, yes, I would like to see more data.

5 Q. Do you know -- but, if there were, for example, bald
6 eagles migrating during the periods that are shown on
7 this chart --

8 A. There were.

9 Q. There were. Okay. I guess I don't understand what you
10 mean by "if we look at the tail end of the periods that
11 we would expect to see" -- are you saying that there
12 would be more bald eagles migrating at that time?

13 A. Of course, I don't know. But, since bald eagle
14 migration traditionally continues much later in the
15 year, and golden eagles are notoriously late migrants,
16 then, if I were setting up a survey to examine those
17 species, I would go much earlier and later into the
18 year, if possible.

19 Q. How much later than November would you go?

20 A. I would go from last week of August through till about
21 the second week of November. These data seem to
22 proximate pretty well with the summaries I've read on
23 the national scale for those species.

24 Q. Okay. This study ends November -- approximately

1 November 5th. Is that it?

2 A. Yes.

3 Q. You would go an extra week?

4 A. Well, some of the information in the individual species
5 reports suggest that there may be golden eagles and
6 peregrin falcons later than November 5th. But --

7 MR. ROTH: Mr. Chairman, I'm a little
8 bit confused. What study is she talking about? Mr.
9 Gravel's compilation of a chart based on the HMANA
10 results, over -- which we don't really know anything about
11 the study methodology of those seven years by the HMANA
12 volunteers, other than they have counts that have been
13 graphed in some methodology by Mr. Gravel that we don't
14 really know?

15 MS. GEIGER: That's all this is. It's
16 just being offered. We're not representing it more than
17 what it is. It was Mr. Gravel's depiction. He made a
18 chart and graphed data from a publicly available site,
19 showing the peaks in migration, hawk migration -- or,
20 excuse me, raptor migration at Pack Monadnock over a three
21 year -- seven years, from 2003 to 2010. That's what we're
22 talking about.

23 BY THE WITNESS:

24 A. Might help if I refer back to an exhibit labeled

1 "Buttolph 15", which speaks to this. This was the Gil
2 Randell, the Chairman of the Board of Directors of the
3 Hawk Migration Association. And, he does address
4 golden eagles in this case. He says "Some sampling for
5 golden eagles in November is unacceptably vague.
6 Spring sampling dates (late March to the end of May)
7 could miss the bulk of golden eagle migration." So, I
8 think he says "golden eagles are early migrants." And,
9 I think we all know golden eagles are early migrants
10 and late migrants. The migration period is spread out
11 over a very long period.

12 Q. Do you know how many species were -- how many raptor
13 species were surveyed or were documented by Stantec at
14 the project site?

15 A. Yes, I read the reports. I don't have it in my mind,
16 in my head right now, but --

17 Q. Does the number 13, subject to check, sound reasonable?

18 A. Sounds reasonable, yes.

19 Q. Okay.

20 CHAIRMAN GETZ: Let me just address one
21 administrative issue quickly. Are we talking about
22 Exhibit 29, not "28"?

23 MR. ROTH: I thought it was Exhibit 30.

24 MS. GEIGER: I think Exhibit 30.

1 CHAIRMAN GETZ: I think there have been
2 references to "Exhibit 28", which was the Erickson paper,
3 and this -- okay. So, the chart then is "Applicant 30",
4 okay.

5 MS. GEIGER: Correct.

6 CHAIRMAN GETZ: All right.

7 WITNESS LLOYD-EVANS: Thank you, Mr.
8 Chairman.

9 CHAIRMAN GETZ: Are we done with
10 discussion of that exhibit?

11 MS. GEIGER: For now, yes. I just want
12 to follow up with Mr. Lloyd-Evans on the question
13 concerning the number of raptor species that the Applicant
14 detected.

15 BY MS. GEIGER:

16 Q. And, you said, subject to check, you thought it was 13,
17 is that correct?

18 A. You said "13", and I said "that sounds, subject to
19 check, about right," yes.

20 Q. Okay. And, how many raptor species total are found in
21 New Hampshire, do you know?

22 A. I don't know precisely.

23 Q. Okay. If I were to suggest to you there's 15, would
24 that sound approximately right or in the ballpark, or

1 is it way more than that?

2 A. Assuming that when we say "raptor", we are referring to
3 hawks, eagles, falcons, species like this?

4 Q. Correct.

5 A. Not including owls or any of the other raptors. Well,
6 I sit on a committee in Massachusetts, which is
7 supposed to evaluate rare birds in my spare time. And,
8 when you look back over two hundred years in
9 Massachusetts, you often find one example of something
10 or other that has occurred. But, absent those
11 extremely rare events, it sounds as if most of the
12 species that might be expected in New Hampshire
13 commonly do migrate through the site, yes.

14 Q. Okay. Now, Mr. Lloyd-Evans, have you ever personally
15 conducted acoustic surveys or bat mortality surveys?

16 A. No, I have not.

17 Q. Have you ever personally visited the Groton Wind
18 Project site?

19 A. I have passed through the area, but I have not -- I
20 have driven over the roads. But I have not walked up
21 into the site, knowing that it was the site, no.

22 Q. Okay. So, you have not conducted, personally conducted
23 any survey?

24 A. No. No.

1 Q. Okay. Are you aware of any site in the Northeast that
2 has resulted in a catastrophic event, in terms of avian
3 mortality?

4 A. There have been some fairly major oil spill kills that
5 I was associated with off Nantucket, during an oil
6 spill back in the 1970's sometime. And, there have
7 been a number of fairly high mortality events
8 historically around lighted towers, lighted windows,
9 and towers associated with, I think, television and
10 radio transmissions. But there have been hundreds of
11 birds have died on occasion.

12 Q. How about at any wind sites in the Northeast?

13 A. Not to my knowledge.

14 Q. Okay.

15 A. Not from the published references.

16 MS. GEIGER: Okay. Thank you. I have
17 nothing further.

18 CHAIRMAN GETZ: Redirect, Mr. Roth?

19 MR. ROTH: If I may have a moment with
20 the witness?

21 CHAIRMAN GETZ: Sure.

22 (Atty. Roth conferring with Witness
23 Lloyd-Evans.)

24 CHAIRMAN GETZ: Mr. Roth, I got ahead of

1 myself.

2 MR. ROTH: Committee first?

3 CHAIRMAN GETZ: Yes.

4 MR. ROTH: Okay.

5 CHAIRMAN GETZ: I apologize to the
6 Committee. Are there questions for Mr. Lloyd-Evans from
7 members of the Subcommittee? Mr. Harrington.

8 MR. HARRINGTON: Yes. Good afternoon,
9 Mr. Evans.

10 BY MR. HARRINGTON:

11 Q. I'm just trying to follow the logic here on this idea
12 of how much post-operation studies or post-construction
13 studies to do. It appeared what we were told by Mr.
14 Gravel this morning or early the afternoon that his
15 plan was to do a -- make a plan for a one-year study,
16 and then review the results of that study. And, then,
17 if there were significant, which remains to be seen
18 exactly what that means, but let's assume someone can
19 determine that, significant fatalities of the various
20 species, then a new plan would be developed in
21 conjunction with federal and state officials that would
22 be tailored to address the results of the first year.
23 And, I'm hearing you say this afternoon that that's not
24 the preferred method. That it's better to come up with

1 a two-year study, where you make the study in advance,
2 and then just follow through for two years, and then
3 presumably make the same decision after two years that
4 Mr. Gravel's proposing to make after one?

5 A. These are, first, mortality studies, and I think
6 post-construction mortality studies. I think the first
7 thing we need are data. I mean, after all, as the
8 proponent has suggested, there are very few data on
9 mortalities at wind turbines in the Northeast. And,
10 that's because there have been very few large turbine
11 arrays operating for any length of time in the
12 Northeast. So, it behooves us to be very cautious.

13 This is why we suggest that three years
14 after construction would give us a good baseline of
15 very carefully collected data, in the same manner that
16 Mr. Gravel suggested for the first year for three
17 years. And, with any improvements after yearly
18 consultation and data sharing with New Hampshire Fish &
19 Game, U.S. Fish & Wildlife. And, at that point, then
20 perhaps the Applicant's method of continuing to look
21 for mortality would be entirely appropriate. But I
22 guess what we need are data first. And, once we have
23 those data, and once they have been evaluated by the
24 appropriate authorities, then it would be time to move

1 onto the next stage.

2 Q. Okay. Just one additional question. Now, if I'm
3 hearing this right, you said it's important to get data
4 that's from the Northeast, as compared to, I guess, a
5 much bigger geographical area, you mentioned California
6 quite a bit.

7 A. Yes. Yes.

8 Q. But, in response to a question by Ms. Geiger, you said
9 that you really couldn't look at the results of what
10 was happening in Lempster, which is basically just a
11 few miles away, with the exact same wind turbines.
12 And, that it would really have no basis on what you
13 would expect to happen at this project. So, why would
14 getting it from more -- other projects further away in
15 the Northeast be of any value at all?

16 A. I think every location is different, which is why we do
17 impact studies before we go into major construction
18 projects like this. Migration routes may vary from
19 mountaintop to mountaintop, even within a fairly narrow
20 limit. And, although in the context of the Northeast,
21 it seems that Lempster is reasonably nearby, it
22 certainly seems to make sense to collect data before we
23 build the towers, and to have a mechanism to evaluate
24 those data in the light of reality, after we have the

1 turbines. If there then is mortality, we'll be able to
2 assess it. If there isn't it, it's a wonderful thing
3 and we'll all be very happy. But we need the
4 information.

5 MR. HARRINGTON: Thank you. No further
6 questions.

7 WITNESS LLOYD-EVANS: Thank you, sir.

8 CHAIRMAN GETZ: Other questions? Mr.
9 Perry.

10 MR. PERRY: Good afternoon.

11 WITNESS LLOYD-EVANS: Good afternoon.

12 BY MR. PERRY:

13 Q. Could you offer an opinion on other assessment models
14 that would only require one year's worth of data
15 collection to be able to draw any conclusions?

16 A. I think you can do a very careful study in one year.
17 And, the proposed study for the first year seems to be,
18 and which was contributed to by Fish & Wildlife or Fish
19 & Game, seems to be a good way to go about one year of
20 data. The problem is that biological data tends to
21 vary so much from year to year. And, so, it seemed
22 appropriate, in the case of Granite Reliable, that
23 there should be three years of post-construction
24 mortality surveys to try to address this question of

1 the variability from year to year, depending on the
2 preponderance of winds that aid these migrants as they
3 head south in the fall or north in the spring,
4 depending on the number of young produced in any one
5 year, which may increase the population size, or
6 decrease it, if there's poor productivity. In most
7 biological data, you get a much better information base
8 if you have a number of years. In the case of Granite
9 Reliable, it was deemed to be three years. And, that
10 seems appropriate in this case.

11 MR. PERRY: Thank you.

12 CHAIRMAN GETZ: Thank you.

13 MR. IACOPINO: If I could go before
14 Dr. Kent?

15 CHAIRMAN GETZ: Mr. Iacopino.

16 MR. IACOPINO: Thank you. I just have a
17 couple of questions for you, Mr. Lloyd-Evans, along the
18 lines that I asked of Mr. Gravel.

19 BY MR. IACOPINO:

20 Q. You've reviewed the Avian/Bat -- Avian and Bat
21 Protection Plan from Iberdrola, that's correct?

22 A. Yes.

23 Q. And, if I understand your previous testimony, you find
24 it to be a good plan?

1 A. Yes.

2 Q. Have you also reviewed the Wind Turbine Guidelines
3 Advisory Committee's recommendation for tiered site
4 analysis prior to construction?

5 A. Yes, I have. I believe that would be State's Exhibit
6 PC 14?

7 Q. Correct.

8 A. Yes, sir.

9 Q. And, do you agree with Mr. Gravel that the two
10 documents are consistent with each other, with a few
11 minor discrepancies?

12 A. I think we are, I mean, as I understand this document,
13 and I haven't committed it to memory, it's a very thick
14 document, but I think we got to the point of Tier 3
15 would kick in when we have shown that there are species
16 of concern present. And, it seems that we now have
17 information that there certainly are species of
18 concern, at least in diurnal raptors present. And, so,
19 this tiering system seems to be quite appropriate.
20 It's based on a very wide range of people. Yes.

21 Q. And, so, do you believe that your three year request is
22 consistent with the Tier 3 recommendations from the
23 U.S. Fish & Wildlife?

24 A. What it does not do here, and I think sensibly, is it

1 does not suggest numbers. When reading this, there
2 would be -- this is for pretty much all of North
3 America, or at least the United States, and I'm sure
4 it's applicable to Canada also. And, so, there are
5 going to be tremendous differences across this whole
6 continent. And, we've all heard a number of times
7 about the large number of deaths, particularly golden
8 eagles, in Altamont, California, probably more than we
9 care to. But there are great differences across the
10 country, north and south. And, we have heard that
11 migration in the fall tends to migrate down towards the
12 south. And, therefore, at the southern end of the
13 country, there is a higher density of these migrants
14 passing through, and in the north there are fewer.

15 And, so, I believe that Tier 3 leaves
16 the number of years or the exact dates of any studies
17 to be assessed under the local regime. And, that would
18 probably be best achieved by taking the Applicant's
19 data and working with New Hampshire Fish & Game and
20 coming up with whatever is appropriate for the local
21 New Hampshire series of events.

22 Q. Okay. I understand what you just said now. But could
23 you now explain to us please what the difference
24 between that and what Mr. Gavel has proposed? Isn't

1 that exactly what he proposed? To do the first year of
2 post mortality studies, and then to have Fish & Game
3 review them, to determine what would be done
4 thereafter?

5 A. Yes.

6 Q. Maybe I'm missing something, I don't know.

7 A. No, I think you would end up with one year of studies.
8 You would presumably cover a fairly high proportion of
9 the mortality in that first year, presumably, because I
10 believe they are suggesting at least spring, fall, and
11 summer, maybe not winter. But, then, you would have
12 one year of data. And, again, I come back to this
13 point that, if we had more than one year of data, we
14 would have a much better sample, a much better idea of
15 the actual mortality. Which, at the moment in the
16 Northeast, just is not known from wind turbines.

17 Q. The other question that I had for you dealt with your
18 response to Ms. Lewis's question. You had indicated --
19 she basically asked you, I think it was Ms. Lewis, what
20 -- "what had changed?" Or, maybe it was Public Counsel
21 that asked you, "what had changed?" And, one of the
22 things that you referenced was the "Granite Reliable
23 order" --

24 A. Yes.

1 Q. -- being one of the reasons why you changed from two
2 years to three years. You were a witness in the
3 Granite Reliable case, isn't that correct?

4 A. Yes.

5 Q. You were aware at the time that that order was issued
6 that there was a three -- three years of
7 post-construction study issued?

8 A. (Witness nodding in the affirmative).

9 Q. That was something you already new, right?

10 A. I think the order is actually dated "July 15th, 2009".
11 It was considerably after the time that I gave my
12 testimony. But, yes, certainly.

13 Q. Well, when it was issued, were you aware of what the
14 Committee had ordered?

15 A. Yes. Yes.

16 Q. So, can you -- when you say that that contributed to
17 the change in your recommendation from two to three
18 years of post-construction studies, can you explain to
19 us how that did that? Isn't that something you already
20 knew?

21 A. I had a chance to see what the -- I had a chance to see
22 more than one year of bat surveys, just recently, this
23 2010, the study did not finish, and so the data were
24 not available. And, I had then had a chance also to

1 see the first report on the post mortality study from
2 Lempster, which was not available at the time I
3 originally wrote. And, so, putting those together, I
4 think we now have, at least from the one year,
5 basically, 2009, for all of the birds, and then
6 2009-2010 for bats. We still have only information
7 from one year to base any possible -- any possible
8 estimate of which species may be involved in potential
9 mortality after this. And, so, I think, having seen on
10 that one year that there were a number of species,
11 including, if I remember rightly, bald eagle, golden
12 eagle, northern harrier, and peregrin falcon, all of
13 which are specifically protected in New Hampshire, as
14 well as a couple of other species, I believe
15 red-shoulder hawk, osprey, and common loon were
16 detected at various times. And, as Ms. Geiger
17 suggested, quite a proportion of all of the raptors in
18 New Hampshire pass through this area, then it seemed
19 more appropriate to regard this as potentially a site
20 where there could be problems with wind turbines, since
21 all of these raptorial species move along ridgelines
22 and take advantage of the updrafts, as Mr. Gravel has
23 testified. And, so, since we seemed like we may have a
24 potentially serious problem, in terms of the Northeast,

1 then a three year study, such as Granite Reliable
2 Power, seems like an awfully good model to follow.

3 Q. Okay. In your preparation for the filing of your
4 testimony, did you review what's Appendix 28 to Volume
5 4 of the Application, which is the Applicant's Bird and
6 Bat Risk Assessment?

7 A. Yes.

8 Q. The "weight-of-evidence" approach.

9 MR. IACOPINO: And, that's in
10 Applicant's Exhibit 4 for the record.

11 BY THE WITNESS:

12 A. Don't have it right in front of me, but, yes, I did
13 review it.

14 BY MR. IACOPINO:

15 Q. Okay. And, when you reviewed that, you found that they
16 basically assessed the risk to, I believe, both birds
17 and bats as being low?

18 A. Yes.

19 Q. Do you agree with that assessment?

20 A. We have two years of bat data now. There actually was
21 a higher number of bat calls registered in the second
22 year. But, as Mr. Gravel pointed out, if any high
23 proportion of these were possibly from one individual
24 flying around the locator and --

1 Q. A foraging bat.

2 A. A foraging bat, perhaps the same individual. Who
3 knows? But that seems like a very likely explanation.
4 So, we have two years of data there. And, they were
5 illustrative. Because, as Mr. Gravel said, if you take
6 those two out, then there perhaps isn't a lot of
7 difference. We still just have this one season of bird
8 data.

9 Q. Okay. But the risk assessment wasn't based just on the
10 data that they collected at the site. It was also
11 based upon characterization of the habitat, --

12 A. Yes.

13 Q. -- literature reviews, --

14 A. Yes.

15 Q. -- and things like that. Do you believe that that
16 "weight of evidence" type of assessment is a proper way
17 to do risk assessment?

18 A. I think it's a very good way to start a risk
19 assessment. But it is much better when accompanied by
20 data which are readily collectible before the turbines
21 are erected, so that we can then take this essentially
22 literature and habitat survey and apply real bird data
23 carefully collected to it.

24 Q. Do you agree that, based upon all of the data, not just

1 the data collected at the site, but the literature
2 reviews and the other, the habitat characterization,
3 the other things that went into the bird and bat risk
4 assessment at Appendix 28. That the conclusions that
5 the risk to both birds and bats were low, were the
6 correct conclusions given that assessment?

7 A. I think I personally would prefer to see more data.
8 You know, I would prefer to have the Committee see more
9 data before they accepted that conclusion.

10 Q. So, if I understand what you're saying is, there was
11 not enough on-site data collected for you to answer
12 that question?

13 A. Yes, sir.

14 MR. IACOPINO: Okay. I have no further
15 questions.

16 CHAIRMAN GETZ: Thank you. Dr. Kent.

17 BY DR. KENT:

18 Q. Have you reviewed correspondence from Fish & Wildlife
19 Service to Stantec or the Applicant, indicating that
20 they're in agreement with their methods?

21 A. I haven't reviewed the actual information, Dr. Kent.
22 But I have seen that statement in the Stantec data,
23 yes.

24 Q. You've seen -- I'm sorry, you've seen a statement in

1 Stantec's testimony?

2 A. They say that their methods were reviewed by Fish &
3 Wildlife.

4 Q. But you haven't seen anything from Fish & Wildlife
5 Service to verify that statement?

6 A. No, sir.

7 Q. Okay. I'd like to refer you to Table 2.1 in the
8 Stantec 2009 Bird & [Bat] Risk Assessment. And, which,
9 for me, is Appendix 28. I don't know --

10 MR. IACOPINO: It's Volume IV of the
11 Application, which was also marked as "Applicant's Exhibit
12 4".

13 MR. ROTH: Sorry, what table?

14 DR. KENT: Table 2-1. And, that's
15 Page 6, the 2009 Bird & Bat Risk Assessment.

16 (Atty. Roth providing document to the
17 witness.)

18 WITNESS LLOYD-EVANS: Page 6, yes.

19 BY DR. KENT:

20 Q. Yes. On Table 2.1, the "Fall 2009 Raptor Migration
21 Survey". Do you have that row in the table? It's
22 second row from the bottom of Table 2.1.

23 A. Oh, yes. I do.

24 Q. Could you read those dates to me please?

1 A. The "Fall 2009 Raptor Migration Survey" was conducted,
2 the dates were "8/24/09 to 10/26/09", "10 days", "2
3 locations surveyed simultaneously".

4 Q. And, in your opinion, are those dates the appropriate
5 dates for -- or adequate dates for determining
6 potential for risk?

7 A. In light of the species that we know were present, and
8 especially the very early and late migrants, I think we
9 really need to see information from earlier and later
10 in the fall, and preferably in the spring, given the
11 option, but especially in the fall. Because of the
12 importance, as we've mentioned before, of species like
13 bald eagle, golden eagle, and peregrin falcon, all of
14 which are protected in New Hampshire, and which might
15 be expected to migrate later than 10/26, which is
16 rather an early date to stop raptor migration, fall
17 raptor migration surveys, in my opinion.

18 Q. Thank you. The post-construction monitoring plan that
19 we've -- that's been discussed this morning and this
20 afternoon, after the first year, I want to be clear,
21 I'm talking about after that first year, when we've
22 monitored.

23 A. Yes.

24 Q. And, I believe you testified, your understanding is

1 that employees of the Applicant will, whenever they're
2 on the site, they will look for carcasses. And, if
3 they find them, take pictures and GPS that in and
4 presumably write down the time and date and so forth?

5 A. That's my understanding. In fact, I believe that might
6 actually be a work requirement for some employee, is at
7 least part of their job. Yes. That was after two
8 years, if I remember, Dr. Kent. I think that they
9 would do the first year, and they would reassess. And,
10 then, after the second year of assessed studies,
11 whatever that might be, depending on their discussions
12 with Fish & Wildlife, then they would go to this search
13 method, yes.

14 Q. Was it your understanding that there would be
15 experiment to establish timely correction factors?

16 A. Yes.

17 Q. So, there will be?

18 A. For the first year.

19 Q. For the first year?

20 A. Yes.

21 Q. And, then, the monitoring part, after that first year,
22 will the monitoring part include timely experiments to
23 establish timely correction factors?

24 A. My understanding was that it would not. That these

1 would merely be corpses that were observed and picked
2 up, as opposed to any corrections that would be made in
3 the experimental approach earlier. But you might want
4 to check with the Applicant on that.

5 Q. Let me ask, if we have a little confusion here, I can
6 ask a general question then. In the absence of
7 correction factors, can we estimate mortality or do we
8 simply have an index?

9 A. I think we have what we randomly find. During the
10 formal studies, and personnel who are undertaking them
11 are trained, and then there is a correction factor
12 applied, as I'm sure you know, by putting out dummy
13 corpses, and then having the trained individual try to
14 find them. There are correction factors, I believe,
15 for flat, open ground, versus stoney ground, versus
16 vegetation. And, you might expect it, for example, to
17 be less easy to detect a small myotis bat corpse in
18 vegetation, further away from the wind turbine, than
19 perhaps a large bald eagle that fell to the open ground
20 right below. There is also a temporal component. And,
21 I believe a number of days are monitored. And, so,
22 once these dummy corpses are put out, then a record is
23 kept of how long they survive in another of -- another
24 of the tests, which gives an estimate of removal by

1 predators.

2 Q. And, do we need that estimate of removal to estimate
3 mortality?

4 A. Yes. You then can put all this information into a
5 statistical model that I wouldn't pretend to
6 understand, perhaps Mr. Gravel can help me. Since he's
7 not a statistician either, maybe we'll leave it to
8 them. But, basically, it's understood that this is one
9 of the best ways in the industry, as it now stands, to
10 correct for those sorts of variables, and to get a more
11 reliable estimate of the number of actual mortality
12 events.

13 Q. I'd like to refer you to, which I think you have in
14 front of you, the Granite Reliable certificate. I
15 believe you had it there?

16 A. I do have it right here.

17 Q. You were having a discussion about that with Attorney
18 Geiger earlier?

19 A. Yes.

20 Q. And, Page 5.

21 A. Yes.

22 Q. Hopefully, our pages are numbered the same. Maybe not.
23 This is, at the top of my Page 5, is the condition that
24 refers to the post-construction breeding bird surveys,

1 the one, three, and five years that you were discussing
2 with Attorney Geiger.

3 CHAIRMAN GETZ: And, Mr. Lloyd-Evans, I
4 think it's towards the back of the document, the ordering
5 clauses and conditions. It wouldn't be the --

6 WITNESS LLOYD-EVANS: Okay.

7 CHAIRMAN GETZ: There's a separate
8 numbering after the order.

9 WITNESS LLOYD-EVANS: The version I have
10 runs from 1 through -- I see. So, this is after the
11 initial 60 pages?

12 CHAIRMAN GETZ: Off the record.
13 (Brief off-the-record discussion
14 ensued.)

15 WITNESS LLOYD-EVANS: "Further Ordered
16 that, the Applicant shall conduct --

17 CHAIRMAN GETZ: Back on the record.

18 WITNESS LLOYD-EVANS: -- post-
19 construction breeding bird surveys." Yes.

20 DR. KENT: So you know where we are?

21 WITNESS LLOYD-EVANS: Yes.

22 BY DR. KENT:

23 Q. And, I'll ask that you agree about that first
24 condition, because you've been discussing it with

1 Attorney Geiger. Would you read that next condition
2 down for me please.

3 A. "The protocol for said studies" or "Further Ordered",
4 the second paragraph?

5 Q. "Further Ordered".

6 A. Second paragraph reads: "Further Ordered that, if
7 after notice and an opportunity to be heard, the Site
8 Evaluation Subcommittee determines that the Project is
9 having an unreasonable adverse impact on any species,
10 it may take appropriate action within its
11 jurisdiction."

12 Q. Thank you. In your discussion with Ms. Geiger, that
13 she characterized the Granite Reliable study as having
14 requirements in years one, three, and five, and then
15 being complete. Given that condition you just read,
16 would you agree with that characterization?

17 A. No, I would not. It seems that there should be
18 continual evaluation. If there has been any
19 unreasonable adverse impact, and that that would be
20 decided not just by the proponents in either case, but
21 also in consultation with New Hampshire Fish & Game.
22 And, I believe I have read that, should there be
23 disagreement between those two authorities, then they
24 would come back to the Site Evaluation Committee for a

1 determination. And, that seems like an extremely
2 sensible order.

3 Q. Thank you. It is your -- is it your opinion that,
4 given evidence of potentially greater avian mortality
5 from other factors, we should excuse wind projects from
6 quantifying its impacts and attempting to minimize
7 those impacts?

8 A. I think we have an absolute necessity to minimize the
9 impacts. All of these impacts are additive. Anything
10 that happens to any bird or bat at a wind tower or a
11 wind turbine is in addition to all of the other
12 mortality that it is exposed to at this time. I think
13 it's extremely important for all species involved, but
14 particularly for state protected species, that we very
15 carefully consider any addition to the mortality that
16 we do impose by putting up these very large numbers of
17 wind turbines as advantages to society, and I think
18 they have to be weighed against disadvantages to our
19 natural wildlife.

20 Q. Is it your opinion that mortality at other facilities
21 is the appropriate standard for determining significant
22 impact?

23 A. I feel fairly strongly, I think, from my testimony, I
24 hope it's been obvious, that we should determine

1 mortality at this site. And, the mitigation, whatever
2 it may be, should be conducted at this site on relevant
3 data.

4 DR. KENT: Thank you.

5 WITNESS LLOYD-EVANS: Thank you, sir.

6 CHAIRMAN GETZ: Other questions?

7 Mr. Steltzer.

8 BY MR. STELTZER:

9 Q. Is it appropriate for me to -- where I'm going with
10 this question is about the characteristics of the
11 landscape, and that it was discussed by Mr. Iacopino
12 that that was one of the criteria that's in the
13 methodology that's used to assess the risk. Is it
14 appropriate for me to think that, there's been some
15 comparisons between the Granite Reliable Project and
16 this Project. Is it appropriate for me to think that
17 the Granite Reliable Project is larger, it's twice this
18 size, it's in a more pristine environment, having -- in
19 an area of the landscape that has been untouched,
20 versus a plot of land that is being actively timbered,
21 that the -- that we need to have the appropriate level
22 of analysis of the bird mortality for the two sites,
23 and that we can't necessarily overlay the same amount
24 of assessment for the Granite site compared to the

1 Project that's at hand?

2 A. Yes. I quite agree that we do have to look at each
3 site individually. And, again, this is why we do the
4 studies. At the Granite Reliable, there was
5 considerable interest in high altitude, over
6 2,700 feet, I believe, in that particular case. And,
7 that had its own unique set of flora and fauna,
8 including some rare birds and some rare plants.
9 Wetlands were involved. And, there was a separate
10 mitigation in that case, after a reasonable amount of
11 data had been heard, which set aside some of that land,
12 and I believe moved some turbines to a less, in your
13 words, pristine habitat.

14 In this particular case, we are further
15 south. And, on general principles, if you are saying
16 that we're concerned now about diurnal raptors, about
17 hawks and eagles and falcons flying south, then the
18 greater concentration of these species occurs as you
19 get further south. So, it isn't just the height or
20 just the pristineness necessarily of the habitat.
21 There may be guiding lines on some of the north/south
22 ridges as you come down into the area of Groton. And,
23 we really don't know, until we have good studies before
24 and good, long-term studies over a number of years

1 before construction, and we very carefully monitor what
2 happens afterwards.

3 I would suggest that it's perhaps just
4 as important, and we really don't know. So, why not
5 err on the side of caution, and follow a precedent
6 which has been very reasonably, in my view, set in
7 Granite Reliable.

8 Q. One further question. I'm trying to get an
9 understanding of the uniqueness of this parcel of land,
10 compared to the other areas around it, and I use that
11 in a very broad term. Recognizing, and it's my
12 understanding that this isn't -- that the flyway
13 essentially for the migration is fairly large, and that
14 it spans from the ocean, all the way into --

15 A. Yes.

16 Q. -- Upstate New York. And, so, I'm trying to put that
17 to scale to make an assessment of what would be an
18 unreasonable adverse impact. Could you help me get
19 through that process?

20 A. I think two of the unique characters of this area are
21 the ridges and mountains, which provides a natural
22 corridor for these birds that take advantage of updraft
23 on their migrations north and south. This, after all,
24 is how a broad-winged hawk that might be nesting in

1 Canada will make its way all the way down through
2 Vermont, and then will continue down the Appalachians,
3 cross over at Texas, go down through Central America,
4 and end up in South America, without a very large
5 amount of powered flight. And, this is just a happy
6 concatenation of the evolution of the migration path of
7 this species, and the ground structure that it flies
8 over in North America, and the prevailing winds.

9 So, we have that sort of general aspect
10 of the site, which is one of the unique factors. And,
11 also from the data collected so far by the proponent,
12 we find that there is a very rare bird, a peregrin
13 falcon, two of them breeding within five miles of the
14 site.

15 As concerns this broadfront migration,
16 there's actually some debate about that, and that, I
17 guess, is why we do the radar studies. If I could
18 quickly give you just a quote from, what do we have
19 here, we have "Phase I Avian Risk Assessment Groton
20 Wind Project, Grafton County, New Hampshire, Report
21 Prepared for Groton Wind", by Paul Kerlinger and John
22 Guarnaccia. And, on Page 3, they say, "Regarding
23 migration, there are no ecological magnets or barriers
24 that would attract or concentrate migrating birds in

1 large numbers at the Project site or nearby. For
2 nocturnal-migrant songbirds, raptors, and waterbirds,
3 migration will be broad front in nature and generally
4 at altitudes above the sweep of the wind turbine
5 rotors."

6 Now, we compare that with, in another
7 study here, "Bird Migration Through a Mountain Pass
8 Studied with High Resolution Radar, Ceilometers, and
9 Census", by Timothy Williams, published in The Auk,
10 Volume 118, Number 2, Pages 389 to 403. I believe this
11 was just the abstract, the beginning: "Under synoptic
12 conditions favorable for migration, broadfront
13 movements of migrants towards the south passed over the
14 mountains, often above a temperature inversion. [But]
15 birds at lower elevations appeared to be influenced by
16 local topography. Birds moving [southwards and]
17 southwest were concentrated along the face of the
18 mountain range." So, there seem, just within New
19 Hampshire, to be different opinions. And, I think,
20 until we look at each individual site, we can't quite
21 be sure what's going on. So, that's just an
22 illustration of the sort of problems that we face.

23 But I think, if I were to choose a
24 couple of important characteristics, the vegetation and

1 the extreme altitude is perhaps not so significant in
2 this area, as it was up in Coos County. But I think
3 the lead line features and the diurnal raptors that
4 have already been observed, and we hope will be
5 observed with more studies before construction, and the
6 known nesting sites of state protected species make
7 that an important point.

8 MS. GEIGER: Excuse me, Mr. Chairman. I
9 apologize for interrupting. But I wasn't -- I didn't
10 quite catch which exhibit number Mr. Lloyd-Evans was just
11 reading from.

12 WITNESS LLOYD-EVANS: I apologize. That
13 was not an exhibit number. I don't believe this has been
14 put in. I was merely doing some background reading while
15 I was waiting. And, so, this was from a published
16 journal, and I don't believe this is an exhibit number.

17 MS. GEIGER: What year?

18 WITNESS LLOYD-EVANS: This was Auk 118.
19 So, that would be 2001.

20 MR. ROTH: Mr. Chairman, if the
21 Subcommittee would like, we can ask Mr. Lloyd-Evans to
22 provide a clean copy of that article for the record.

23 CHAIRMAN GETZ: Let's do that, and add
24 it as another Public Counsel exhibit.

1 WITNESS LLOYD-EVANS: I was merely
2 quoting it, because it had been mentioned by Mr. Steltzer.

3 MR. ROTH: PC 17.

4 (PC Exhibit 17 reserved)

5 CHAIRMAN GETZ: Anything further,
6 Mr. Steltzer?

7 MR. STELTZER: Just one other quick
8 question.

9 BY MR. STELTZER:

10 Q. And, I don't know, having -- since you don't have
11 experience of going onto the site here, I don't know if
12 you're able to answer the question, but I'll ask it
13 anyways. Mr. Gravel had made some comments about
14 peregrin falcon and the activities of peregrin falcon
15 around the project site, and he mentioned that they
16 "pass through the site, but they do not use the site."
17 Would you agree with that statement or are you not able
18 to answer that?

19 A. Well, I can't answer of my own knowledge, because I
20 have not visited the site. But, reviewing the data, if
21 they pass through the site, then I suppose there is a
22 potential impact with a turbine. So, the significance
23 of "passing through" is that you may come close to
24 something you don't want to come close to. But, no, I

1 have not visited the site, so I would leave that to
2 Mr. Gravel.

3 MR. STELTZER: Thank you.

4 CHAIRMAN GETZ: Dr. Kent.

5 BY DR. KENT:

6 Q. You heard testimony from Mr. Gravel that the
7 pre-construction surveys don't allow us to predict the
8 level of impact post-construction?

9 A. (Witness nodding in the affirmative).

10 Q. In the absence of some predictive model, does it then
11 become critical to conduct some quantifiable
12 post-construction surveys, so we can then define
13 impact?

14 A. I would say it's absolutely critical. We have no idea
15 until we do the studies.

16 DR. KENT: Thank you.

17 WITNESS LLOYD-EVANS: Yes.

18 CHAIRMAN GETZ: Anything further?

19 (No verbal response)

20 CHAIRMAN GETZ: Redirect.

21 (Atty. Roth conferring with Witness
22 Lloyd-Evans.)

23 CHAIRMAN GETZ: Mr. Roth.

24 MR. ROTH: Thank you, Mr. Chairman. I

1 have a couple of questions.

2 REDIRECT EXAMINATION

3 BY MR. ROTH:

4 Q. During your cross-examination, Attorney Geiger asked
5 you if there were any regulations, federal regulations
6 concerning avian risk and mortality, and I believe your
7 answer was "no". But I guess I'd call your attention
8 back to the Wind Turbine Guidelines Advisory Committee
9 document, which was PUC Exhibit 14?

10 A. I have it.

11 Q. Okay. Now, that's not a regulation, but it's a -- what
12 is it? Can you tell the Committee what it is?

13 A. The Committee was assembled, knowledgeable individuals
14 from nonprofit organizations, people from Fish &
15 Wildlife, state and federal, and from academics. And,
16 they were charged with giving the Secretary of the
17 Interior their best attempt at guidelines to deal with
18 wind turbine problems.

19 Q. Okay.

20 A. So, it was essentially a pooling together of the best
21 minds who were informed about that subject.

22 Q. Okay. And, in that document, I ask you to turn to
23 Page 48.

24 A. Yes.

1 Q. And, again, looking at, on Page 48, there's a table
2 there. Now, if you look at the second column, the
3 third row, where it says "number of years of monitoring
4 1", if "no ESA species likely to be at risk." Correct?

5 A. Yes.

6 Q. And, then, the bottom row says "2 or more years of
7 monitoring if it [doesn't] meet all of the above
8 conditions", correct?

9 A. Yes.

10 Q. And, is it your view that, under these guidelines, that
11 that bottom line "2 or more" years applies?

12 A. Yes. Two or more years would be extremely important as
13 we have stressed.

14 Q. And, is that because, at a minimum, the previous tier,
15 where it says "no ESA species likely to be at risk"
16 cannot be met?

17 A. Yes. We've established this.

18 Q. So, based on the evidence that you've heard, do you
19 think that there are species, ESA species that are
20 present at or pass over the site that are likely to be
21 at risk?

22 A. I do.

23 Q. Okay. You were also asked if the mortality rates at
24 other projects would be a useful benchmark, and you

1 said "yes". And, then, I believe Mr. Harrington
2 suggested that he thought you said something quite the
3 opposite. But I just want to make clear is, while you
4 agreed with Attorney Geiger that that information might
5 be useful, is that the end of the analysis? Should we
6 just accept the Applicant's assertion that, you know,
7 as long as everybody else is doing it, it must be okay?

8 A. No, I did not mean to give that impression. I'm sorry
9 if I did. Useful, yes, in a broad sense. But, again,
10 if we do not have adequate information, then I don't
11 think we can make that determination. So, again, I
12 have stressed two or three years before, two or three
13 years after, and we begin getting into real data that
14 we can analyze.

15 Q. Okay. And, Attorney Geiger also asked you about
16 mitigation plan, and she asked you to agree with her
17 that, if there is no mitigation plan necessary if no
18 mortality is expected. And, do you understand that to
19 mean that an Applicant shouldn't have a plan at all,
20 just wait and see what happens? Or, do you think it
21 makes sense to have a plan for what to do with
22 mitigation, if there is something that goes wrong?

23 A. I think I misspoke then. There should obviously be a
24 plan for mitigation. But, then, the mitigation itself

1 could, if there were no mortality over a number of
2 years, then it would be unreasonable. You can't
3 mitigate for something that's not happening.

4 MR. ROTH: Okay. Thank you. That's all
5 my redirect.

6 CHAIRMAN GETZ: All right. Then, --

7 MS. GEIGER: Mr. Chairman, I just have
8 one thing to offer. It's not a question, it's just a
9 response to questioning from the Bench from Dr. Kent.
10 And, it's basically to make sure that the record is clear,
11 and to direct Dr. Kent to information that I think he was
12 looking from Mr. Lloyd-Evans concerning correspondence
13 that the Applicant has had with various agencies over the
14 studies that have been conducted. And, I would just
15 direct Dr. Kent and others, if they're interested, to
16 Appendices 18 and 19. And, they're found in Volume -- I
17 believe it's Volume III of the -- or, excuse me, I believe
18 it's Volume III of the Application that has been marked as
19 the "Applicant's Exhibit 3". So, I don't have a question.
20 I just have a comment to help round out the record.

21 CHAIRMAN GETZ: All right. Thank you.
22 All right. Then, there's nothing further for
23 Mr. Lloyd-Evans. You're excused. Thank you, sir.

24 WITNESS LLOYD-EVANS: Thank you very

1 much, Mr. Chairman.

2 CHAIRMAN GETZ: At this point, I'd like
3 to take a recess until 4:15. And, then, we'll have the
4 direct examination and cross-examination of Mr. Wetterer
5 and the Mazurs. Take a recess.

6 (Whereupon a recess was taken at 3:55
7 p.m. and the hearing resumed at 4:16
8 p.m.)

9 CHAIRMAN GETZ: Okay. We're back on the
10 record. And, turning to the prefiled testimony of Mr.
11 Wetterer and the Mazurs. And, for purposes of qualifying
12 the witnesses, Mr. Iacopino will conduct the questioning
13 of the direct examination.

14 MR. IACOPINO: Could I have them sworn
15 in.

16 (Whereupon Richard Wetterer, Lawrence A.
17 Mazur, Christine G. De Clercq-Mazur, and
18 Sarah M. Mazur were duly sworn and
19 cautioned by the Court Reporter.)

20 MR. IACOPINO: Thank you.

21 RICHARD WETTERER, SWORN

22 LAWRENCE A. MAZUR, SWORN

23 CHRISTINE G. De CLERCQ-MAZUR, SWORN

24 SARAH M. MAZUR, SWORN

1 DIRECT EXAMINATION

2 BY MR. IACOPINO:

3 Q. Why don't each of you identify yourselves for the
4 record please. Let's start with Dr. Mazur and go down
5 the row.

6 A. (L. Mazur) Okay. My name is Lawrence A. Mazur. And, I
7 reside at 774 Quincy Road, in Rumney, New Hampshire.

8 Q. Mr. Wetterer.

9 A. (Wetterer) I'm Richard Wetterer. And, I reside at 1819
10 Rumney Route 25, in Rumney.

11 Q. Thank you. Mrs. Mazur.

12 A. (De Clercq-Mazur) My name is Christine G. De
13 Clercq-Mazur. I'm Dr. Mazur's wife. Reside at 744
14 Quincy Road, in Rumney.

15 A. (S. Mazur) My name is Sarah Mazur. And, I reside on
16 744 Quincy Road.

17 A. (L. Mazur) I think they're nervous. It's actually "774
18 Quincy Road".

19 Q. What? You don't know where you live?

20 (Laughter.)

21 BY THE WITNESS:

22 A. (L. Mazur) There is no "744".

23 BY MR. IACOPINO:

24 Q. Okay. Dr. Mazur, let me start with you. I have in my

1 hand, and there's been copies passed out to the
2 Committee, a document that has been marked as "Mazur
3 Exhibit 13", dated August 11th, 2010, at 3:37 p.m., in
4 the form of a -- I guess it was in the form of an
5 e-mail originally. Is that your direct prefiled
6 testimony in this case?

7 A. (L. Mazur) Yes, it is.

8 Q. Okay. And, do you have any changes or corrections to
9 make to that testimony?

10 A. (L. Mazur) No, I do not.

11 Q. And, if you were asked -- if you were asked to provide
12 the same information today that you provided back on
13 August 11th, would that information be the same?

14 A. (L. Mazur) Yes, it would.

15 Q. Okay. Mr. Wetterer, I'm going to show you what's been
16 marked as "Mazur Exhibit Number 15". And, is that
17 you're prefiled direct testimony?

18 A. (Wetterer) Yes, it is.

19 Q. And, do you have any changes or corrections to make to
20 that prefiled testimony here today?

21 A. (Wetterer) No, I don't.

22 Q. And, if you were to be asked the same questions today
23 as you were asked on August 31st, 2010 in Exhibit 15,
24 would your answers be any different?

1 A. (Wetterer) No, they would not.

2 Q. Okay. Now, I'll do each of you, okay, one at a time.
3 Mrs. Mazur, show you what's been marked as "Mazur
4 Exhibit 14". Is that your prefiled testimony, and
5 that's dated October 12, 2010?

6 A. (De Clercq-Mazur) Yes, it is.

7 Q. Okay. And, do you have any changes or corrections to
8 make to that testimony?

9 A. (De Clercq-Mazur) Not at this point.

10 Q. Okay. And, if you were to give direct -- if you were
11 to give direct testimony here today, would it be the
12 same as contained in this document?

13 A. (De Clercq-Mazur) Yes.

14 Q. And, Sarah Mazur, the same thing. Is Exhibit 14, Mazur
15 Exhibit 14, is that your prefiled testimony as well?

16 A. (S. Mazur) Yes, it is.

17 Q. And, do you adopt it for the purpose of our record here
18 today?

19 A. (S. Mazur) Yes, we do.

20 Q. And, if you were asked to give the same information
21 here today, would it be the same?

22 A. (Witness S. Mazur nodding in the affirmative).

23 Q. Do you have any changes or corrections to make?

24 A. (S. Mazur) No.

1 MR. IACOPINO: Tender them for
2 cross-examination.

3 CHAIRMAN GETZ: Okay. Thank you. Ms.
4 Lewis.

5 MS. LEWIS: If I could start with Mr.
6 Wetterer please?

7 WITNESS WETTERER: Yes.

8 CROSS-EXAMINATION

9 BY MS. LEWIS:

10 Q. Could you tell us approximately how far you live from
11 the project site?

12 A. (Wetterer) I live less than a mile. It's maybe
13 seven-eighths of a mile.

14 Q. Do you also work at the same location?

15 A. (Wetterer) Yes, I do.

16 Q. Okay. Could you tell us what you do for work?

17 A. (Wetterer) I'm a potter, full-time potter.

18 Q. Okay. And, do you have a business there as well?

19 A. (Wetterer) Yes, I do. So, I spend basically 24/7
20 there.

21 Q. Do you have any concerns regarding the blasting that
22 will take place at the project site and any possible
23 impacts that it could have specifically on your
24 business?

1 A. (Wetterer) Well, I'm concerned about my property,
2 certainly. When any -- any time there's blasting done,
3 it could cause cracks in foundations and chimneys.
4 Where I live, the land is basically soil sand. It's
5 not on ledge. And, I know, in earthquake situations,
6 that that type of soil is more prone to damage of
7 structures than when the buildings are built on solid
8 terrain.

9 MS. GEIGER: Mr. Chairman, --

10 CHAIRMAN GETZ: Well, let me jump in
11 here. Ms. Lewis, your opportunity is cross-examination on
12 the testimony filed by the witnesses.

13 MS. LEWIS: Okay. I'm sorry. I
14 apologize.

15 BY MS. LEWIS:

16 Q. Could you tell me what your overall concerns are then?

17 MS. GEIGER: Mr. Chairman, same
18 objection. I don't think Mr. Wetterer has actually filed
19 -- I know not all the intervenors have filed their
20 prefiled testimony in the form of questions and answers.
21 But I'm not sure I have a document that contains anything
22 other, from Mr. Wetterer, that does anything except list
23 --

24 CHAIRMAN GETZ: Well, I guess I would

1 put it this way. On Mr. Wetterer's testimony, he has
2 asked us, and he's submitted a number of papers that
3 appear to be related to public health and noise exposure,
4 health effects of wind turbines, etcetera. So, I take it
5 that that's the concern that he's expressing, and that's
6 why he's submitted these papers. So, I think it's fair
7 for Ms. Lewis to inquire about his concerns as it relates
8 to these issues and/or why or what was the purpose of him
9 submitting these documents. But I think the inquiry,
10 Ms. Lewis, needs to --

11 MS. LEWIS: Okay.

12 CHAIRMAN GETZ: -- focus on what's been
13 filed by Mr. Wetterer.

14 MS. LEWIS: Okay. I understand.

15 BY MS. LEWIS:

16 Q. You stated in your prefiled testimony that you're
17 unable to get witnesses that could help you out
18 financially? In other words, you couldn't afford your
19 own witnesses. Could you tell us a little about that?

20 A. (Wetterer) Well, I'm a self-employed person. I have a
21 very small business. It provides me a living. I've
22 been a full-time potter for the past 35 years. But I
23 don't have financial resources to bring expert
24 witnesses from long distances and pay their travel

1 expenses or lodgings and meals.

2 Q. In light of that, I understand that you submitted some
3 documents. Could you explain some of these documents?

4 A. (Wetterer) Yes. Most of the documents relate to health
5 effects that have been alleged with -- caused by wind
6 turbines. The first is "An Analysis of Epidemiology
7 and Related Evidence on the Health Effects of Wind
8 Turbines on Local Residents." That was produced by
9 Carl V. Phillips, PhD. And, his testimony was for the
10 Public Service Commission in a Wisconsin docket in
11 relationship to the siting of a wind farm there.

12 The second is a study of "Monitoring
13 Vibroacoustic Disease", by Branco and Pimenta and
14 Alves-Pereira.

15 The third one is entitled "Wind Turbine
16 Noise and Health", February 2007, by Dr. Amanda Harry.

17 The fourth is "Noise Radiation from Wind
18 Turbines Installed Near Homes: Effects on Health", by
19 Barbara J. Frey.

20 The fifth one is "Do Wind Turbines
21 Produce Significant Low Frequency Sound Levels?", by
22 G.B. -- G.P. van den Berg, University of Groningen, in
23 the Netherlands.

24 The sixth is "Findings and Rationale-

1 Montville Wind Turbine Generation Ordinance".

2 Q. Okay. You didn't -- given your review of those various
3 articles, do you feel that you are at risk for health
4 issues, given where you live?

5 A. (Wetterer) Yes, I do. In the first exhibit, Mazur
6 exhibit, the Carl Phillips document, under Executive
7 Summary it says "There is ample scientific evidence to
8 conclude that wind turbines cause serious health
9 problems for some people living nearby. Some of the
10 most compelling evidence in support of this has been
11 somewhat overlooked in previous analyses, including
12 that the existing evidence fits what is known as the
13 case-crossover study design, one of the most useful
14 studies in epidemiology, and [related] [reference]
15 (observed behavior) data of people leaving their homes,
16 etcetera, which provides objective measures of what
17 would otherwise be subjective phenomena. In general,
18 this is an exposure-disease combination where causation
19 can be inferred from a smaller number of less formal
20 observations than is possible for cases such as
21 chemical exposure and cancer risk."

22 DIR. SCOTT: Mr. Chair, can we get the
23 page?

24 WITNESS WETTERER: That's on Page 2.

1 DIR. SCOTT: Thank you.

2 BY THE WITNESS:

3 A. (Wetterer) And, then, his conclusion, on Page 28: "In
4 summary, there is substantial evidence to support the
5 hypothesis that wind turbines have important health
6 effects on local residents. If forced to draw a
7 conclusion based on existing evidence alone, it would
8 seem defensible to conclude that there is a problem.
9 It would certainly make little sense to conclude that
10 there is definitely no problem, and those who make this
11 claim offer arguments that are fundamentally
12 unscientific. But there is simple reason no" -- I'm
13 sorry. "But there is simply no reason to draw a
14 conclusion based on existing evidence alone; it is
15 quite possible to quickly gather much more useful
16 information than we have."

17 Those are the quotes from the article.

18 BY MS. LEWIS:

19 Q. Based on your health concerns, do you have any feelings
20 as to how far turbines should be put in relation to
21 residences?

22 A. (Wetterer) Well, the general feeling seems to be that
23 no one knows for sure, because adequate studies have
24 not really been done. But Vermont, for example, is

1 proposing two miles in mountainous terrain, one and a
2 quarter mile on more or less level terrain, as a useful
3 preliminary setback. And, there are other people, I
4 have another document, which was part of my pretrial
5 submission: "Noise Radiation from Wind Turbines
6 Installed Near Homes: Effects on Health", by Barbara
7 Frey. And, toward the middle of her paper, my copy
8 doesn't have the page number, okay, it says "Wind farm
9 noise in common with noise generally affects different
10 people in different ways. But the evidence suggests
11 that there is rarely a problem for people living more
12 than one to one and a half miles from a turbine. It
13 would be prudent that no wind turbine should be sited
14 closer than one mile away from the nearest dwelling.
15 This is the distance the Academy of Medicine in Paris
16 is recommending, certainly for the larger turbines, and
17 until further studies are carried out. There may even
18 be occasions where a mile is insufficient, depending on
19 the scale and the nature of the proposed development."

20 Q. Thank you. And, I'd just like to turn to the Mazurs
21 now, and any of you could answer this. I know that you
22 had mentioned that, from your home, you're in direct
23 view of the project area?

24 A. (De Clercq-Mazur) Yes.

1 Q. And, I just wondered if you could tell us a little
2 about what you feel that will do to the quality of your
3 life or your ability to enjoy your home and the view?

4 A. (L. Mazur) Well, we --

5 A. (De Clercq-Mazur) We are going to be in full view of
6 the turbines that will be erected on Mount Fletcher
7 from our living room. And, we -- our property is
8 fields, so there is not too many trees there. So,
9 we're going to have a grand view of the Project. And,
10 actually, from our bedroom, we can see the mountain,
11 the delineation of the mountains from laying down in
12 bed. So, once the turbines will be up, I guess we
13 definitely will be noticing them.

14 And, the quality of our life: We, at
15 this point, have been hearing the logging that's been
16 going on there that's very unusual. We moved to Rumney
17 seven years ago. And, suddenly, in April and May of
18 this year, we are being woken up around 5:00 in the
19 morning by noise of logging machine that's doing its
20 job on Mount Fletcher. We certainly don't see what's
21 going on there, it's not in our view, but we definitely
22 hear the motor running. So, I assume, if we can here a
23 logging machine, we will be exposed to the sound of
24 those wind turbines, if they do make noise. I mean,

1 which, from all our research, we have evidence that, in
2 fact, they should make noise and they will make noise.
3 Also, according to where the wind, you know, from where
4 the wind flows in. Because, on some days, we hear the
5 logging machine a lot better than on others, depending
6 on whether the wind blows in from the south or from the
7 north or the west.

8 Q. Is it your opinion that this logging that's taking
9 place is based on where the turbines will be put, and
10 this is in preparation of the Project?

11 A. (De Clercq-Mazur) We assume so. We haven't -- we
12 hadn't noticed this logging going on before. So, we
13 assume it's in preparation. Oh. We have noticed that,
14 in May, there was a stretch of deforesting going on
15 actually on the side of the mountain that goes up to
16 Mount Fletcher. It's in our view from our backyard.
17 And, to our knowledge, there hasn't been any logging
18 going on on those mountain slopes for a very long time.

19 Q. Okay. And, for Dr. Mazur, I just wondered if you could
20 give us some information as to your feelings of concern
21 regarding health issues?

22 A. (L. Mazur) Okay. When I first heard about this
23 Project, my wife and daughter went online to read up as
24 much as possible about wind turbines and related

1 matters. And, what they came across and what they
2 asked me to put my nose into was the excessive online
3 available literature regarding the phenomena referred
4 to as "Wind Turbine Syndrome".

5 There have been a number of clinicians
6 who have done field interviews over the past few years.
7 Nina Pierpont, an MD/PhD practicing medicine in Upstate
8 New York; Michael Nissenbaum, an MD/Radiologist,
9 practicing in northern Maine, at Northern Maine Medical
10 Center. And, they have interviewed and written about
11 patients' complaints, which they formulate to attribute
12 to the offensive effects of the wind turbines.

13 A syndrome, a hypothetical syndrome has
14 been formulated, first by Dr. Pierpont, which she calls
15 "Wind Turbine Syndrome". In which she includes the
16 symptoms such as sleep problems, headaches, dizziness,
17 unsteadiness, nausea, exhaustion, anxiety, anger,
18 irritability, depreciation, concentration/learning
19 problems, ringing in the ears, which she attributes to
20 living proximal to industrial turbine sites.

21 There are some folks who consider this
22 hypothetical syndrome plausible, and there are some
23 folks who tend to minimize it. And, it's not clear in
24 my mind whether this is a reasonable health issue of

1 concern or not. However, it seems that, since wind
2 turbines, you know, are a thing that is spreading
3 throughout the world, before a licensing authority,
4 such as this Committee, approve the installation of
5 turbines, they should give thought to whether there is
6 health hazard impact to innocent, nonvoluntary human
7 beings.

8 There is also brought to my attention by
9 Mr. Wetterer here a related syndrome, vibroacoustic
10 disease, which is made much of in Western Europe. It's
11 a 100 percent disability illness in Portugal, and it's
12 been discussed at various conferences in Europe over
13 the past few years. Initially, it was noted to affect
14 airline industry professionals, working in proximity to
15 plane turbines, such as a passenger crew or engineer or
16 mechanic crew. But articles have also been reported
17 finding the same type of pathology in civilian families
18 living in houses perhaps a few thousand feet, you know,
19 from turbine installations. And, pathology
20 demonstrated in children. They report one girl, age
21 10, as well as older individuals.

22 Now, these two syndromes are thought to
23 have in common the secondary ill side effects of sound
24 vibrations affecting the body of human beings. In the

1 case of Wind Turbine Syndrome, the hypothesis is that
2 the sound waves, audible or inaudible, infrasound or
3 ultrasound, make their way into a few, perhaps random
4 or pre -- or not everybody is prone to illness. I
5 mean, I'm happy to hear that the good folks from
6 Lempster testifying are free of any illness. But the
7 hypothesis that, in some folks, perhaps randomly, the
8 sound waves make their way into the inner ear and cause
9 an inner ear disturbance, which, in my mind, is similar
10 to what is referred to as "Meniere's syndrome", when
11 the inner ear becomes inflamed, and the individual
12 suffers intermittent episodes of dizziness and vertigo
13 and headaches, and has to be treated, because it can be
14 a quite offensive, obnoxious illness.

15 In the case of vibroacoustic disease,
16 the Portuguese, and they have done studies with
17 sophisticated radiologic x-ray imaging apparatus, with
18 cardiological apparatus, they divide vibroacoustic
19 disease into three stages. The first stage manifesting
20 psycho-neurological symptoms. The second stage
21 beginning to involve other inner organ symptoms. And,
22 the third stage particularly zeroing in on ill effects
23 on the heart and lung. Now, they write papers where
24 they have used very sophisticated technology,

1 evaluating the folks that have been diagnosed with this
2 illness. And, they demonstrate that there is signs of
3 cardiac myopathy, heart illness, and there is signs of
4 the pulmonary fibrosis, pulmonary illness of the lungs.
5 And, what they have hypothesized is that the sound
6 waves, just as intense -- this is their analogy, just
7 as the sound waves, if intense enough, can induce
8 damage to inanimate objects, such as houses or ceilings
9 or roofs, they believe that the sound waves can induce
10 damage to the connective tissue in the human being.
11 The connective tissue in the heart, requiring
12 restabilization. And, they claim in their papers that
13 they have evidence on these individuals that there's --
14 that they sustain heart damage, requiring, if the
15 patient survives, you know, restabilization of
16 connective issue in the heart, as well as in the lungs,
17 resulting in increased fibrosis of connective tissue,
18 further compromising the breathing. And, if going on
19 to getting worse and worse, incapacitating the
20 individual. And, they finally, in Portugal at least,
21 declared that, if such illness can be demonstrated in
22 an individual, then it's considered a disability that
23 can be reimbursed or supported by medical or social
24 funds.

1 So, I read about these things, and I say
2 "Well, I don't know. I mean, Jesus, you know," --
3 excuse me, I apologize, "I mean, you know, we all are
4 concerned about increased global warming and the
5 increased need to get to, you know, renewable energy
6 sources, and that's all fine and dandy. But do these
7 installations need to really be near human beings,
8 since questions have been raised about possible health
9 hazard?" And, I -- that was part of my questioning I
10 believe to Mr. Devlin a few days ago, whether it made a
11 difference, when a potential site was considered,
12 whether human beings were living there or not? And, I
13 think our -- we discussed this, you know, a number of
14 times over the month. I mean, we're just trying to
15 propose that, in the best of all possible worlds, these
16 installations, until proven otherwise, should not be
17 proximal to where human beings live, because they run
18 the risk of health hazards and negligence to those
19 humans.

20 And, we read, such as, you know, in the
21 State of Vermont, you know, which we've shared with
22 you, that the Legislature there is considering
23 setbacks, to try to have some, you know, a standard or
24 some attempt at putting proximity between humans and

1 individuals.

2 Now, in my mind, as I thought about this
3 subject back in May and June and through the summer,
4 and I discussed it with colleagues, colleagues at
5 Plymouth State University, we wondered it out, you
6 know, how one could truly objectively test the
7 hypothesis of illness that has come to attention due to
8 survey studies, which some critics and opponents, and
9 I'm sure we'll hear about it in a few minutes, find
10 substandard. Well, medicine progresses, you know,
11 through the millennia by observation. That's how --
12 science begins with observation. And, then, you
13 observe what you think is occurring in nature, and
14 then, with a scientific method, you try to design a
15 study with control variables and to test the
16 hypothesis, to test cause-and-effect. Cause-and-effect
17 laboratory objective studies regarding Wind Turbine
18 Syndrome or vibroacoustic disease have not really been
19 done with laboratory models. Nobody wants to subject
20 voluntary humans, studies have been done with prisoners
21 in the past, to possible illness. But studies could be
22 done to design an experiment with, you know, acceptable
23 laboratory models, such as rodents, if not primates, to
24 subject them to the equivalent of various sound waves,

1 audible or inaudible, infrasound or ultrasound, to see
2 whether they can induce replication of illness to
3 attempt to verify whether or not this is a acceptable,
4 plausible illness or not.

5 And, all I've been saying is that, until
6 which time such studies can be done, and I've written,
7 you know, to the National Institutes of Health
8 inquiring about such studies. I've written to
9 Secretary of Energy Chu, you know, inquiring about such
10 studies. Why run the risk of subjecting innocent,
11 involuntary human beings to the risk of harm?

12 Now, we appreciate that our good
13 neighbors in Groton have the right to participate in
14 renewable energy and prosper. But we do not agree that
15 they have a right to prosper at the potential risk of
16 their neighbors in abutting towns, such as Rumney or
17 Plymouth.

18 Q. Okay. If I understand you correctly then, in effect,
19 you feel, because there hasn't been studies conducted,
20 that, if this Project is approved, you and your family,
21 in effect, and Mr. Wetterer as well, would all become
22 ginny-pigs, as far as the future -- any future studies
23 or as far as the overall health risk that you --

24 A. (L. Mazur) We feel that the inhabitants of the Baker

1 River Valley, living along the slopes of Fletcher
2 Mountain, living along Route 25, living in the Valley
3 itself, living down Route 25, around the corner to
4 Tenney Mountain, we have good friends who live right
5 across from the entrance of Tenney Mountain, they will
6 all be potential involuntary experimental ginny-pigs.
7 And, that five or ten or fifteen years from now, not
8 all of them, most of them not, but a number of them are
9 at risk to present with serious illness. And, who is
10 going to be responsible for such perceived negligence?

11 So, why even propose building these
12 installations near human beings? Build them at a --
13 and nobody, and, you know, I was going to say "build
14 them at a safe distance", but the true is, you know,
15 nobody knows what a safe distance is. That was part of
16 my questions yesterday to Mr. Tocci. Asking him, you
17 know, "when sound wavelengths propagate along a flat
18 plain or from a mountain ridge, I mean, when -- at what
19 distance will they dissipate and no longer, you know,
20 be manifesting their energy?" And, to my chagrin, he
21 was not able to give me an answer or give us an answer.
22 He said "there were too many variables involved." So,
23 nobody really knows what a safe distance is.

24 When legislatures, such as Vermont or

1 elsewhere, propose a mile setback or two mile setback,
2 I mean, someone is suggesting that out of the back of
3 their head, the bottom of the hat, or whatever, and
4 they're proposing that, but nobody really knows. So,
5 why run the risk of putting them so proximal to human
6 beings, the folks along Groton Hollow Road? Why
7 subject -- subject such folks to that? That's my
8 concern. And, that's the concern that we, here at this
9 table, want to share with you folks sitting on the
10 Committee. I think it's your responsibility to do
11 right by the State of New Hampshire and the citizens of
12 New Hampshire. And, not all new technology is
13 completely, you know, 100 percent safe from possible
14 sequelae of adverse impact. And, we don't know the
15 answers, and I don't know that you folks know the
16 answers, but we worry about it. And, we worry about it
17 particularly because the fickle finger of fate brings
18 this applicant to our neighborhood.

19 CHAIRMAN GETZ: Further questions?

20 MS. LEWIS: I'm all set. Thank you.

21 CHAIRMAN GETZ: Thank you.

22 Ms. Thibodeau.

23 MS. THIBODEAU: Yes. Thank you, Mr.

24 Chairman. Hello, panel. My name is Michelle Thibodeau,

1 and I'm representing Counsel for the Public in this
2 questioning.

3 BY MS. THIBODEAU:

4 Q. And, my first question is actually for Mr. Wetterer.

5 A. (Wetterer) Yes.

6 Q. Hello. How are you? Mr. Wetterer, you mentioned
7 earlier that you submitted several articles and papers
8 as part of your prefiled direct testimony. And, you
9 had also mentioned earlier that you're a potter by
10 trade, correct?

11 A. (Wetterer) Yes.

12 Q. And, you don't have any medical experience, do you?

13 A. (Wetterer) No, I don't.

14 Q. Okay. And, so, your understanding of these documents
15 is -- would you say your general understanding?

16 A. (Wetterer) Yes. I'd say I'm a concerned citizen. I
17 don't have a medical degree, of course. I have a BFA
18 degree with high honors from the University of
19 California. I have a Master of Fine Arts degree from
20 the Maryland Institute. I was an exchange student at
21 the University of Edinburgh. Received a Ford
22 Foundation grant. But, no, I do not have medical
23 training.

24 Q. Okay. And, from your general understanding of the

1 documents, it sounds like you agree with what they say,
2 correct?

3 A. (Wetterer) I think that there is -- there's so much
4 information out there by people much smarter than I am,
5 doctors, physicians, and then there's the testimony
6 that has been collected of individuals who are actually
7 living near wind farms, that have made the complaints
8 of health affects, dizziness, nausea, and many other
9 complaints, that have been so severe that they have
10 been driven from their house. Now, if only some of
11 those are correct, then there is a concern. There's so
12 much information out there, it can't all be
13 fabrication. There must be some truth to it.

14 Q. Okay. Thank you. I have actually a couple questions
15 specifically for Ms. De Clercq-Mazur and Ms. Mazur. In
16 your prefiled direct testimony, which, if you forgive
17 me, I just need to find the exhibit number, 14, in the
18 second paragraph of your prefiled, you mentioned that
19 there was specific data that you gathered. Were those
20 just the articles and reports that have been mentioned
21 or was there other data that you had collected?

22 A. (De Clercq-Mazur) We surfed the Web, starting in March,
23 when we suddenly, after, you know, also an act of
24 providence, we got to learn that this was -- this

1 project was about to go forward, and pretty much a
2 "done deal", as we were told by the townspeople. We
3 went online and we surfed the Web, and we found a lot
4 of information. And, all that information was not
5 promising at all. It only just kept us in a -- more
6 and more on our toes and more and more alarmed. And,
7 even the secrecy with which this project was sort of
8 sneaked upon us was already alarming from the
9 beginning. We thought that anything that had to be so
10 kept hush-hush couldn't be anything good coming our
11 way.

12 Q. And, also in your prefiled direct testimony, you stated
13 -- it's kind of cut up in my version. It's the third
14 paragraph, most of the last sentence, you mention that
15 the -- you have a "worry that [it] will render", "it"
16 being the proposed project, "will render the...area
17 unliveable." Can you just give a definition of
18 "unliveable" and what you meant by that?

19 A. (De Clercq-Mazur) Well, I think, if you're kept out of
20 your sleep at night and -- because of the sound waves
21 that are coming your way from 12 turbines that are, you
22 know, moving constantly 365 days a year, 7 days a
23 week/24 hours a day, and you always have to be afraid
24 from which way the wind is going to blow, because the

1 sound might be terribly accentuated, depending on where
2 the wind blows in. This is like when you live downwind
3 from a chemical factory. I mean, you always have to be
4 afraid that, you know, the days you won't be able to
5 breathe when the wind comes from the wrong direction.
6 So, we, you know, we just really are very concerned
7 that that's going to be the case. That we just are
8 going to be subjected to sound waves on a daily basis
9 that, on some days, might be really totally unliveable.

10 Q. Okay. And, also this question is directed to you and
11 to Ms. Mazur as well. I was wondering if your
12 definition of "unliveable" is determined from what
13 you've read online?

14 A. (De Clercq-Mazur) What we read online? Yes. Yes.

15 Q. Okay.

16 A. (De Clercq-Mazur) We have been reading a lot of
17 statements from people who are now forced to live with
18 turbines, and they can't sleep at night. We hear that
19 some folks have to resort to rent communal homes to go
20 to sleep in on nights that the sound is so pronounced
21 that they can't possibly close an eye. And, I mean,
22 who can live under conditions like that? And, not
23 everybody has the means to close shop and pack their
24 bags and go somewhere else. I mean, that was our first

1 impulse. When we learned about this project coming our
2 way, our first impulse was "Hey, we better put our
3 house on the market, pack our bags, and look for
4 somewhere else to go." But, then, we had to
5 reconsider, because, I mean, that's not the way for,
6 you know, a decent citizen actually to act. I mean,
7 when people are going to scare you out of your house,
8 why would you go running? Maybe you should, you know,
9 stand, keep a stance and fight, if at all possible,
10 with whatever means you have.

11 Q. Okay. And, in regards to --

12 A. (De Clercq-Mazur) Or any acceptable means.

13 Q. I'm sorry. In regards to those articles that you read
14 online, do you -- neither of you have any medical
15 background either, do you?

16 A. (De Clercq-Mazur) Medical background?

17 Q. Yes. Do you have any -- have you taken any -- do you
18 have any training, medical training, or anything of
19 that sort?

20 A. (De Clercq-Mazur) No, we have not. No.

21 Q. And, you don't either?

22 A. (S. Mazur) No. No.

23 Q. Okay. Fine. The one question I have to follow up on
24 with what you mentioned earlier about thinking about

1 moving out of the area, at any time did you attempt to
2 sell your house?

3 A. (De Clercq-Mazur) We have not so far, because we just
4 moved in seven years ago. For us, it was our
5 retirement home. We came from living 16 years on
6 Highland Street, in Plymouth, which is a very, very
7 densely traffic street, the densest traffic in the area
8 probably. And, we thought we had enough. After
9 Wal-Mart moved, the noise in front of our door became
10 so terrible that we were considering that it was just,
11 I mean, for us time to move to quieter surroundings,
12 because, I mean, you know we're getting a little bit on
13 in years. So, we found this beautiful place in Rumney,
14 Heaven on Earth, a fantastic view on these pristine
15 mountains on all sides. We still can't believe our
16 eyeballs when we get up in the morning and look around,
17 and we see nothing on those mountains, those virgin
18 mountains. And, it's going to be a sad thing to think
19 that, you know, this area is going to be basically
20 polluted by 24 enormous structures, who are going to be
21 sticking up and constantly moving. I mean, they're
22 going to make a fairground out of the area.

23 Q. Now, you had mentioned that noise was -- you fear that
24 noise was going to be an issue. If there were no noise

1 issues, would you feel that the view would make it
2 unliveable to stay in your home?

3 A. (De Clercq-Mazur) If there was no noise issues, the
4 view, I think we would reason that we would live with
5 it, seeing that this is a green project, "renewable",
6 and definitely the world needs other resources to
7 produce electricity that we need so badly in our day
8 and age. And, you know, the view of a turbine, but
9 still, I mean, the noise is not the only thing
10 apparently that's obnoxious about it. It's the view,
11 if it was just structures that were standing there, but
12 they have enormous blades that are constantly turning
13 around. And, actually, yesterday we were at the school
14 -- the day before we were at the school to vote. And,
15 from the little playground at the school, at 4:00 in
16 the afternoon, the Sun was sitting right there over
17 Fletcher. And, I guess we will be faced with light
18 flicker from November, probably until February, shadow
19 flicker, in, you know, late afternoon, when the Sun
20 goes down over those mountains, behind those mountains.

21 Q. And, how close is your home in proximity to the school?

22 A. (De Clercq-Mazur) Personally, some people say that I
23 will have a means to know how close it is. We reckon
24 maybe a mile and a half, as Ms. Lewis thinks --

1 actually has a number, did you say your home is
2 1.3 miles from the site?

3 Q. Actually, can I clarify just quickly? I was asking
4 from the school, where you had made those observations?

5 A. (De Clercq-Mazur) The school is a lot closer than we
6 are. The school is --

7 Q. So, your home, in the proximity from your -- the school
8 to your home, what's the distance from the school to
9 the home?

10 A. (De Clercq-Mazur) As the crow flies, I really don't
11 know. The school is practically on Route 25. And, we
12 are on Route -- on the Quincy Road. The school is
13 across the river from us. It's much closer. You know,
14 there's the east and west -- east and west side along
15 the -- actually, it's the north and south side along
16 the river. And, we are on the north side of the river,
17 and the school is on the south side. So, you have the
18 Baker River in between, and fields, you know, between
19 our house and the school. So, the school is basically
20 pretty much at the bottom of the, you know, of the
21 Fletcher range.

22 Q. Okay. Thank you very much. My next set of questions
23 is for Dr. Mazur. And, the first thing I wanted to ask
24 you, Dr. Mazur, --

1 (Court reporter interruption)

2 BY MS. THIBODEAU:

3 Q. The first set of questions I wanted to ask you were in
4 regards to Mazur Exhibit Number 9. Do you have that
5 with you?

6 A. (L. Mazur) Yes.

7 Q. And, it says here that that's a "Petition". That it
8 looks to have been signed by members of -- or, I'm
9 sorry, citizens of the Town of Rumney and a couple
10 people who are visitors of Rumney, correct?

11 A. (L. Mazur) Christine and Sarah really worked on the
12 Petition. I really was not involved with the Petition.

13 Q. Okay.

14 A. (L. Mazur) You might want to redirect that question to
15 them.

16 Q. Okay. So, I guess the same question to you, Ms. De
17 Clercq-Mazur and Sarah Mazur. This exhibit, Petition
18 requesting, in part, that the Site Evaluation Committee
19 suspend the current proceedings until more
20 comprehensive scientific or medical assessments can be
21 made, correct?

22 A. (De Clercq-Mazur) I'm sorry, I haven't quite
23 understood. What's your question?

24 Q. I'm looking at Mazur Exhibit Number 9.

1 A. (De Clercq-Mazur) Oh, the exhibit. Yes.

2 Q. So, in part, the Petition says that you're requesting
3 the suspension of the Project --

4 A. (De Clercq-Mazur) Yes.

5 Q. -- until more comprehensive scientific or medical
6 assessments can be made, correct?

7 A. (De Clercq-Mazur) Yes. Correct.

8 Q. And, it appears that approximately 44 people signed
9 this?

10 A. (De Clercq-Mazur) Yes. The reason why all these 44
11 people -- oh, 44 people signed. Well, this petition
12 was with the -- at the home, the shop of Mr. Wetterer.
13 And, Sarah, my daughter and I took it upon us to go for
14 a little randonnée and try to collect some of these
15 signatures. And, we really never got any much further
16 than Route 25, the Baptist Church grounds. And, the
17 time it took us to get into people's homes, sit down,
18 explain them the Project and what was coming their way,
19 took us -- it was entertaining, but it was also very
20 time-consuming and energy-consuming. And, I must say
21 that we gave up on it. We probably would have been, if
22 we had pushed through, we would have been able to come
23 up with at least 100 signatures, I guess, spread over
24 the Town of Rumney and Plymouth. But we gave up on it

1 because we had better things to do.

2 Q. Okay. Well, I guess the question I had was
3 specifically about one of the individuals who signed
4 the Petition, on the second page, Number 22, "Victoria
5 Collin". Do you know if this is the same Victoria
6 Collin who spoke at the public hearing on June 28th?

7 A. (De Clercq-Mazur) Oh. It is, yes.

8 Q. Okay. And, she lives in -- she lives on Fletcher
9 Mountain, in Groton, correct?

10 A. (Wetterer) Yes, she does.

11 Q. Okay. And, did she -- do you know if she had a lease
12 agreement with the Applicant?

13 A. (De Clercq-Mazur) I don't know. I never talked to this
14 woman. We were present at the meeting on the 28th of
15 June, I guess. And, that's the first time that I ever
16 saw this woman. And, she did -- I remember that she
17 did talk about having lease agreements with the
18 Applicant, and that I cannot even say, whether it was
19 with the Applicant or some other company, wind turbine
20 company, I cannot.

21 Q. Okay.

22 A. (Wetterer) I know a little bit about that. I believe
23 she was negotiating a contract with the predecessor of
24 Groton Wind, but that she did not sign a contract with

1 them or with the Applicant about this Project.

2 Q. Okay. Thank you, Mr. Wetterer. My next question is
3 for Dr. Mazur. In your previously filed -- in your
4 prefiled direct testimony, you state your credentials.
5 And, I was wondering if your credentials are the same
6 now as they were when you filed that prefiled direct
7 testimony?

8 A. (L. Mazur) Are you talking about Exhibit 13?

9 Q. I am.

10 A. (L. Mazur) I'm still an MD. I'm still a Certified
11 Diplomate in Adult Psychiatry of The American Board. I
12 did not mention whether I'm licensed in New Hampshire.
13 I'm presently not licensed in the State of New
14 Hampshire. Still licensed in the State of Maine.

15 Q. Okay. But you're able to testify in these proceedings
16 to your medical knowledge, correct?

17 A. (L. Mazur) Why not?

18 Q. Okay. And, you had mentioned earlier Dr. Pierpont's
19 study. And, I was wondering if -- she didn't conduct
20 any physical examinations of family members in the
21 study, did she?

22 A. (L. Mazur) My understanding is that she did interviews
23 and solicited their complaint symptoms.

24 Q. Okay. And, that was telephonically, correct?

1 A. (L. Mazur) I believe so, yes.

2 Q. Okay. And, those studies that were conducted by
3 Dr. Alves-Pereira and Castelo that are mentioned in
4 your Exhibit 2 is a two-family study, correct?

5 A. (L. Mazur) Well, they published a couple of papers.
6 And, --

7 Q. But, specifically in Exhibit 2, it's a two-family
8 study, correct?

9 A. (L. Mazur) Excuse me. Let me just take a look at that.
10 Yes. Oh, yes. "Family R", yes, it is a two-family,
11 and "Family F." It's a two-family study.

12 Q. Okay. And, you had mentioned earlier that there was a
13 difference -- you had used a different term, but there
14 is a difference between field studies and formal
15 medical studies, correct?

16 A. (L. Mazur) Oh, there's difference between observation
17 in the field and one -- one goes out and looks around
18 and observes what they think is there to observe, and
19 going back into a laboratory and trying to design and
20 carry out an experimental project in which there are
21 cause-and-effect variables that are both studied and
22 also simultaneous variables that are attempted to be
23 control forces that don't sort of fudge the data. And,
24 to date, all of the studies on Wind Turbine Syndrome

1 have been basically anecdotal field solicitation of
2 symptom complaints. But the studies out of Portugal,
3 one of the co-authors is, in fact, a pathologist. And,
4 they are quite detailed, using a lot of respectable
5 scientific -- medical/scientific technology to study
6 their subjects.

7 Q. On --

8 A. (L. Mazur) But the laboratory cause-and-effect studies,
9 to truly attempt to nail down a cause-and-effect
10 relationship between wind turbines and possible health
11 hazards for humans has not been carried out.

12 Q. Okay.

13 A. (L. Mazur) That's why I wrote letters to the NIH, to
14 ask, you know, whether they would consider doing that
15 at some time.

16 Q. And, in your letters to them, what was their response?

17 A. (L. Mazur) Well, let me see. There was the letter from
18 Dr. Birnbaum -- a wrote a -- hand on, let me see where
19 that is. Is that Exhibit -- oh, that's Exhibit 12,
20 Mazur Exhibit 12. I wrote a letter to Dr. Collins, who
21 is the Director NIH, National Institutes of Health, and
22 he directed Dr. Birnbaum to answer me. And, I think,
23 when Mr. O'Neal testified, I think I referenced that
24 exhibit. If you like, I'll read the letter into the

1 record?

2 Q. No, that's okay. We already have it as an exhibit, so
3 that's fine.

4 A. (L. Mazur) Okay. Well, the --

5 Q. The one question I do have --

6 A. (L. Mazur) But the response, as I interpret it, is "I
7 share your view that the environmental health effects
8 of emerging technologies should be carefully
9 investigated as our nation considers alternative energy
10 sources. While NIH is not currently supporting
11 research on this specific topic, it may well be that it
12 would be appropriately considered under future funding
13 opportunities." And, then goes on to say, "A recent
14 interagency working group led by NIH calls for research
15 on the health effects of both mitigation and adaptation
16 activities in response to climate change." And,
17 Mr. O'Neal I think differed in interpretation of that
18 sentence. I interpreted is that she agrees that
19 appropriate studies should be done on mitigating
20 technologies, such as wind turbine.

21 Q. But they weren't able to offer you any funding at this
22 time, correct?

23 A. (L. Mazur) Well, I didn't solicit funding.

24 Q. Did you solicit funding from anyone in order to conduct

1 your own studies?

2 A. (L. Mazur) No.

3 Q. Okay.

4 A. (L. Mazur) But, in around the -- about the 25th of
5 June, I had agreed that, in October, November, and
6 December of this year, I would be going up to cover the
7 psychiatry services of Northern Maine Medical Center in
8 Fort Kent, Maine, where Dr. Michael Nissenbaum works.
9 And, I was looking forward to speaking with him in
10 detail about his clinical survey research, and perhaps
11 going further on that subject perhaps with him. I was
12 looking forward to meeting him and talking with him
13 about it. That has not come to be.

14 Q. So, you said earlier there is no formally accepted
15 medical studies, meaning criteria that the medical
16 community would accept, correct?

17 A. (L. Mazur) "Medical community" is diverse. And, any
18 group or individuals, there can be a lot of --

19 Q. Any formal medical studies conducted on this issue?

20 A. (L. Mazur) There have been no formal laboratory
21 designed, variable controlled experimental studies to
22 test the hypothesis of Drs. Pierpont, Nissenbaum,
23 others, regarding their speculative hypothesis about
24 individuals -- certain, some individuals becoming ill

1 from the effects of wind turbine-generated sound waves
2 finding their way into the inner ear and causing
3 disturbances in the inner ear. No, there haven't --

4 Q. How long would such a study take to conduct and
5 complete? A year? Ten years? How long do you think?

6 A. (L. Mazur) Well, if the funds were available and the
7 word went out that funds were available, then you would
8 have to wait a while to see whether any respectable
9 researchers in any medical schools or, you know, or
10 respectable non-medical laboratories, you know, NIH
11 funds a lot of research, doesn't necessarily do it at
12 Bethesda, they will fund it, whether anyone is
13 interested in doing that kind of research. And, then
14 to carry it out, I would -- and to get it carried out
15 and fine-tune the raw data and draft a paper and get it
16 accepted for publication, I would say it wouldn't see
17 the light of publication for at least two years.

18 Q. Okay.

19 A. (L. Mazur) One, you know, it might be one year to
20 actually get funded and do the study, and then a
21 certain amount of more time at the very least to crunch
22 the numbers and to fine-tune it and draft a paper, and
23 then feed it out to journals to see if there is a
24 journal that might accept it for publication, you know.

1 Or, you know, the process of getting something
2 published, sometimes your write-up is returned and
3 you're advised to do something else or do something
4 better. So, I would guess it wouldn't see the light of
5 a journal for the reading public for at least two
6 years.

7 MS. THIBODEAU: Okay. Thank you. I
8 have no further questions.

9 CHAIRMAN GETZ: Ms. Geiger?

10 MS. GEIGER: No questions.

11 CHAIRMAN GETZ: Okay. Questions from
12 the Subcommittee? Mr. Scott.

13 DIR. SCOTT: Hello, Mr. Mazur.

14 Dr. Mazur, sorry.

15 BY DIR. SCOTT:

16 Q. Are you aware of the -- I assume you're aware of the
17 statutory requirements on the Committee, being that
18 we're to evaluate and potentially certify sources of
19 power facilities over 30 megawatts? I assume you're
20 aware of that, is that correct?

21 A. (L. Mazur) I assume that this Committee is delegated
22 the responsibility to overview project proposals as you
23 describe and to ensure that they will be a benefit to
24 the state and the population of New Hampshire, without

1 any adverse impact on -- on the environment wherein
2 human beings live as well.

3 Q. Okay. With that, and please don't take my question as
4 -- I certainly understand your concerns. The quandary
5 I find myself in in my question is, is given, and if
6 you don't agree, please tell me, that burning of any
7 combustion source, gas, coal, oil, biomass, there are
8 certain health effects. I'm not -- but my question is,
9 if we take the same stance I think what you're asking,
10 which I've heard it called a "precautionary principle"
11 in the past, of making sure there's absolutely no
12 impact before we move, do you envision we'd be able to
13 issue a certificate for any facility?

14 A. (L. Mazur) I have had discussions, if not polite
15 arguments, with friends over whether it is acceptable
16 or not to entertain casualties for the sake of
17 desirable technology. And, even though good friends of
18 mine have argued that such casualties to environment
19 and humans should be acceptable within some sort of a
20 vague, socially agreeable definition, I would not argue
21 that at this stage in our society and culture. We have
22 a history where the ill health impact of technology or
23 artifacts of our culture did not become obvious to
24 mankind until 50 years or centuries after that

1 technology was invented and disbursed amongst mankind.
2 Would we have, for example, would we have gone with the
3 combustion engine for automobiles in the 1920s, instead
4 of electric batteries, if we had any concept of a
5 global warming threat 75 years later?

6 Some colleagues will use the example of
7 cigarettes and the nicotin products that have been such
8 an economic, integrated part of our nation for the last
9 few centuries. When I was -- when we were children,
10 advertisements had models dressed as doctors in white
11 coats advertising cigarettes. "They were good to
12 resolve your anxiety" and whatnot. And, now, we live a
13 couple of years after a number of States' Attorney
14 Generals are fighting to get, you know, negligence
15 repayments from cigarette companies for the ill health
16 consequences of cigarettes.

17 So, what I'm saying is "Yeah, I agree."
18 I think we all agree that we want to use less
19 petroleum. We are very much alarmed about global
20 warming. I mean, I go to lectures, as recently as last
21 week at Plymouth State, on that subject affecting New
22 Hampshire. And, we're saying this technology is
23 desirable, but it seems, in the minds -- in the eyes of
24 some viewers, not to be 100 percent without setbacks or

1 undesirable side effects. And, why run the risk until
2 the regulating agencies, whether state or federal, can
3 give 100 percent guarantee to its citizenry that they
4 will not come to negligent harm by exposing this
5 technology to humans?

6 Place them some sort of -- flip a coin,
7 at a reasonable distance where humans live. You know,
8 there's a big project, I think the biggest project in
9 the country is going on in the Mojave Desert, where,
10 you know, far from humans. I mean, does it have to be
11 overlooking a river valley of a few thousand human
12 beings that maybe will represent a population pool of
13 experimental ginny-pigs in 10 or 20 years? I can do a
14 song and dance about how negligence we have been in the
15 past in our society, ordering active duty soldiers to
16 stand at attention in the early 1950s to witness, you
17 know, a nuclear detonation a few miles away. You know,
18 providing radioactive iodine to orphans under the care
19 of the Commonwealth of Massachusetts with no informed
20 consent, just to study the effect of radioactive
21 iodine. I mean, we --

22 Q. I think you've answered my question.

23 A. (L. Mazur) I think -- okay. Otherwise, it's good that
24 you stopped me, otherwise I would just go on.

1 CHAIRMAN GETZ: Mr. Dupee.

2 MR. DUPEE: Thank you, Mr. Chairman.

3 And, thank you, members of the panel, for the time you
4 spent with us this week. Very much appreciated. Brought
5 a lot of attention to the matter. I do have a couple of
6 questions.

7 BY MR. DUPEE:

8 Q. As my slip or name tag says, I represent the Department
9 of Health & Human Services, and, in particular, I work
10 in the Division of Public Health. And, I think about
11 topics that come to our attention all the time that
12 require decisions and thoughts about exposures to
13 disease and illness and the potentials of those things.

14 So, I'm going to use the example maybe
15 of something that's familiar to us recently, which
16 would be either SARS epidemic or more recently H1N1,
17 which was also called "Swine Flu". So, the first thing
18 we ask ourselves and something seems to be coming
19 along, you say "Is this novel? Is this something new?
20 Has it not been seen before? Have people not been
21 exposed to this? So, I would ask you, are there other
22 wind farms in New Hampshire? Dr. Mazur?

23 A. (L. Mazur) Well, I think we've just heard about four or
24 five public testimonies a few hours ago from the folks

1 that live in Lempster.

2 Q. And, we have also wind farms in other parts of New
3 England, correct?

4 A. (L. Mazur) Such as Mars Hill, Maine, and elsewhere.

5 Q. And, in the United States generally, other parts of the
6 United States?

7 A. (L. Mazur) The wind farm industry is expanding in North
8 America.

9 Q. And, in Europe, too, correct?

10 A. (L. Mazur) What we gather is the wind farm market has
11 saturated Western Europe. What we gather, in the
12 United Kingdom, recently this spring there was a big
13 public outcry installing wind farms on land. And, I
14 believe the Parliament decided to --

15 CHAIRMAN GETZ: So, the answer is "yes"?
16 Is the answer "yes"? That --

17 WITNESS L. MAZUR: Thank you.

18 MR. DUPEE: Thank you.

19 BY MR. DUPEE:

20 Q. So, it's not only in -- and then the second question I
21 raise, it's not that these facilities were all built in
22 the last week and a half or last month or last year, or
23 even years prior to that. So, one of the things, would
24 you say that this is a first-time novel exposure to

1 wind turbines that's being proposed here for Groton?

2 A. (L. Mazur) Correct me if I'm wrong, but I believe wind
3 farm installations began to be installed in Europe
4 perhaps eight to ten years ago. When I was last in
5 Belgium, in Netherlands, about five years ago, there
6 were wind turbines similar to what's proposed between
7 the Belgium/Dutch border. I certainly was seeing them.
8 And, so, I'm saying that they probably began, I'm
9 guessing, eight to ten years ago perhaps.

10 Q. Thank you. I have another question for you. The next
11 thing I might think about from a health public response
12 is how much concern, how much weight do we put to this
13 event? For example, when the Swine Flu was first being
14 introduced scientifically to my community or your
15 community, we heard a very high mortality rate down in
16 Mexico, which, of course, is very alarming for us. So,
17 when you were talking about the signs and symptoms of
18 what you describe as "Wind Turbine Syndrome", you
19 described a series of them. Could you recall those
20 that you mentioned for me for symptoms and signs?

21 A. (L. Mazur) I will go right to Dr. Nina Pierpont. So,
22 in a paper, in a copy, it's Mazur 8, in a testimony she
23 gave to the New York State Legislative Energy Committee
24 on March 2006. She describes sleep problems,

1 headaches, dizziness, unsteadiness, nausea, exhaustion,
2 anxiety, anger, irritability, depreciation,
3 concentration/learning problems, and tinnitus, ringing
4 in ears.

5 Q. And, those are things, Doctor, that we would not --

6 (Court reporter interruption)

7 BY MR. DUPEE:

8 Q. And, so, I was going to ask you, Doctor, that are those
9 signs and symptoms, no one wants to have any of them,
10 let alone all of them, but would you say those are
11 life-threatening?

12 A. (L. Mazur) To those individuals who experience them,
13 with no relief, they certainly compromise their
14 perceived quality of life. And, it's possible that, if
15 the stress that's induced from no relief from such
16 symptoms does not let up, it's possible that they might
17 be life-threatening.

18 Q. Doctor, those same symptoms were essentially things
19 that can be reversed, correct? If you have -- if
20 you're exposed to an agent and you develop a headache
21 or you develop dizziness or you develop some other
22 response to that, if that's taken away, then it's
23 reversible?

24 A. (L. Mazur) I think Dr. Pierpont, in one of her papers,

1 suggested that often it is reversed by those suffering
2 by being forced to relocate away from the proximity of
3 the industrial installation. Which is an imposition
4 upon their quality of life, if that's what you're
5 imposing. Now, can the symptoms be ameliorated with
6 symptomatic medication? It depends on the individual;
7 sometimes, yes, sometimes to a functionable degree.

8 Q. Typically, symptoms that are not life-threatening or
9 not even a scale of criticality, and not terribly
10 disastrous, helped at times to even call them that,
11 and also they can be -- most of them are readily
12 reversed. So, that brings me to my next point, which
13 is --

14 A. (L. Mazur) Well, I beg your pardon. Sometimes symptoms
15 can be contained, sometimes they can be resolved, and
16 sometimes they cannot be. The patients that Drs.
17 Pierpont and Nissenbaum have been discussing, these are
18 patients that, at the time of publication of their
19 communications, their papers, continue to suffer, have
20 not found relief. Now, in my prefiled testimony, I go
21 on to suggest that this is an interesting subject for
22 exploration. That it's possible, in a population of
23 folks complaining of symptoms, allegedly secondary to
24 Wind Turbine Syndrome, there may be some folks that are

1 confabulating for motivation of secondary gain, they
2 look maybe for remuneration. There may be folks that
3 find the very idea of the visual or otherwise of
4 turbines stressful that they may be embellishing these
5 symptoms. But it's also possible that, within that
6 population, there are folks that generally experienced
7 offensive, obnoxious physiological symptoms, which may
8 or may not be ameliorated or not. And, it's possible
9 to try to tease that population apart by doing either
10 laboratory-controlled studies or, as my colleague, John
11 Coley [sic], Professor of Psychology, suggested, but
12 declined to be -- lend himself as an expert witness
13 here, do well-designed epidemiological studies. Now, I
14 understand, I believe in Upstate New York, county --
15 one of the counties there, a year or two ago was trying
16 to gather epidemiological study to present eventually a
17 formal paper about whether there's any reason to be
18 concerned about these sort of complaints.

19 Q. I think you've answered my point. So, thank you very
20 much.

21 A. (L. Mazur) Okay.

22 Q. I have two more things that I'd just like to build upon
23 the last point you made. One is this response, another
24 thing to consider is, you know, "how serious is this?"

1 Is it novel?" We heard folks today say "we live next
2 to -- literally next to or adjacent to a wind turbine,
3 but they don't experience the symptoms." So, it is a
4 bit of a quandary. Your point is well taken, and not
5 every individual will react in the same sort of way to
6 stimuli. So, we recognize that that's the case.

7 A. (L. Mazur) I would --

8 CHAIRMAN GETZ: Well, let's let
9 Mr. Dupee finish his question.

10 BY MR. DUPEE:

11 Q. So, that brings us --

12 WITNESS L. MAZUR: I wasn't sure if that
13 was a question or an opinion he was expressing.

14 MR. DUPEE: It was a prelude to a
15 question.

16 WITNESS L. MAZUR: So, it was an opinion
17 as a prelude. May I answer --

18 CHAIRMAN GETZ: Dr. Mazur, please stop,
19 let Mr. Dupee proceed.

20 MR. DUPEE: Thank you, Mr. Chairman, and
21 thank you, Dr. Mazur.

22 BY MR. DUPEE:

23 Q. So, where I would like to go with this is the next part
24 is the well-designed epidemiological study. And, what

1 we have said is that this is not a new phenomenon and
2 wind turbines are not new around the world. That there
3 has been certainly hearings such as this conducted in
4 other parts of our state, and I likely participated in
5 many of those hearings. So, it's not a new phenomenon.
6 And, we certainly have heard about various health
7 concerns raised, and some very -- I'm not in any way
8 trying to suggest that these are illegitimate, or
9 ill-conceived, or unimportant, and please don't
10 misunderstand me on that. But we're at a point now
11 where people in the medical profession, my profession
12 are going to say, "Is there something happening here
13 which is a cause and effect? Is there an actionable
14 event here which can be studied?" And, the way that
15 happens typically is ideas are floated, and people
16 learn and study, and then they pick up and maybe form a
17 hypothesis and test it.

18 So, in this case, I would like to ask
19 you, are you aware of any federal agencies that have
20 been approached to see if they want to fund this kind
21 of study?

22 A. (L. Mazur) Well, that's why I wrote the letter to the
23 National Institute of Health.

24 Q. And, their response to you, sir, was?

1 A. (L. Mazur) I believe you have a copy of it. You
2 certainly can -- it was a short response, it's easy to
3 read, and I'll read it again.

4 Q. You don't need to read it. But did they basically say
5 to you that they weren't going to perform such a study?

6 A. (L. Mazur) No, they did not say that.

7 CHAIRMAN GETZ: Are we talking about
8 Exhibit 12, Mazur 12?

9 WITNESS L. MAZUR: Exhibit 12. Thank
10 you.

11 CHAIRMAN GETZ: I think there's been
12 enough discussion of that letter in the record. We can
13 draw our own conclusions.

14 WITNESS L. MAZUR: Well, I view that
15 letter as they found my inquiry as intriguing, and that
16 they were sympathetic to the need to do research. That's
17 how I interpreted their response.

18 CHAIRMAN GETZ: And, that's his opinion
19 on this letter. It's in the record more than once. Let's
20 move on.

21 MR. DUPEE: Okay. Thank you,
22 Mr. Chairman.

23 WITNESS L. MAZUR: I would take the
24 liberty, if I may --

1 CHAIRMAN GETZ: No, let's -- we're
2 moving on, because it's the same topic. We've heard this.
3 This is repetitive testimony. It's the same issue. Let's
4 move on, Mr. Dupee.

5 WITNESS L. MAZUR: But may I complete my
6 sentence, short?

7 CHAIRMAN GETZ: No. Return to
8 Mr. Dupee. This is -- the testimony is cumulative,
9 repetitive. Let's move on.

10 BY MR. DUPEE:

11 Q. Then, let me wrap up my line of questioning then for
12 the benefit of all in the room. So, Dr. Mazur, would
13 it be your understanding that the concept of Wind
14 Turbine Syndrome has been reasonably well vetted in the
15 population, meaning there have been permits, such as
16 this, issued around the country, that there's
17 literature out there, that there are websites that
18 people can go to, and certainly there's been no
19 shortage of opportunity for the medical community to be
20 aware of these things. And, is that your
21 understanding, sir?

22 A. (L. Mazur) No, it's not my understanding at all.
23 Because, informally, I've taken the liberty of
24 broaching this subject with colleagues at a hospital

1 setting. And, I think most individuals don't know
2 anything about Wind Turbine Syndrome, unless they are
3 faced with the proposal for a wind turbine site, and
4 then they began to read. I was really quite, I don't
5 know, I was surprised, but I noted most of my
6 colleagues, they didn't have the slightest idea of what
7 Wind Turbine Syndrome was about. And, I spoke with ENT
8 doctors, in particular.

9 MR. DUPEE: Thank you, Dr. Mazur.
10 You've answered my questions.

11 WITNESS L. MAZUR: Okay. May I just
12 refer the Committee member again to Exhibit 1, in your
13 free time, to review that epidemiologist. Thank you very
14 much.

15 CHAIRMAN GETZ: Other questions?
16 Mr. Steltzer.

17 MR. STELTZER: Yes. Just one question.

18 BY MR. STELTZER:

19 Q. When Mr. Cherian was providing some testimony regarding
20 the location of the distribution lines, he provided,
21 and correct me if I'm wrong if this wasn't your
22 understanding, that there were two reasons why there is
23 this alternative route that's been discussed, which is
24 accessing, making a cut through the forest and going

1 over two parcels down to Route 25, rather than Groton
2 Hollow Road. But, recognizing none of you live on
3 Groton Hollow Road, but one of the concerns that he had
4 raised was that residents objected to these 34 -- 34.5
5 kV lines going down Groton Hollow Road. Do you have
6 any comments that you might be able to share with the
7 Committee on what some of those concerns are from the
8 residents?

9 A. (Wetterer) Well, I really don't know that much about
10 it, but there are concerns about electromagnetic
11 radiation from power lines. Whether it would be a
12 factor with 34 K lines or not, or whether it's only
13 higher voltage lines, I really couldn't say. I'm not
14 an expert on that. But I know high transmission lines,
15 you can't build or you shouldn't build houses near
16 them. My parents lived in, for many years, in an
17 apartment in California, and there were transmission
18 lines near them, but directly under them the land was
19 used for growing ornamental plants for a nursery. But
20 they could not build houses under them.

21 MR. STELTZER: Okay. Thank you.

22 CHAIRMAN GETZ: Any other questions from
23 the Subcommittee? Mr. Iacopino.

24 MR. IACOPINO: I just have two

1 questions. And, I don't know whether Dr. Mazur or
2 Mr. Wetterer is the correct person to answer this.

3 BY MR. IACOPINO:

4 Q. But you put into the record Vermont's bill -- House
5 Bill 677. And, you've just sort of put it in the
6 record. I assume, is that -- are you suggesting that
7 that is something that's been approved by the Vermont
8 Legislature?

9 A. (L. Mazur) No.

10 A. (Wetterer) No. We're not suggesting it's been
11 approved, but it's proposed, based on people's concerns
12 about wind farms.

13 A. (L. Mazur) And, as I mentioned it yesterday, I tried to
14 clarify, and I apologize if I -- I tried to clarify
15 that I was aware there was a proposal, but I was not
16 aware that it had even been voted on or was now
17 statutory.

18 Q. In your research to find Vermont bill, House 677, did
19 you also see Vermont Senate Bill 63, an act limiting
20 zoning powers that would interfere with the functional
21 use of renewable wind facilities?

22 A. (Wetterer) No.

23 Q. So, there's a bill in the Vermont Legislature seeking
24 to decrease local control over wind facilities. Were

1 you aware of that?

2 A. (Wetterer) No.

3 Q. And, secondly, Mrs. Mazur and Sarah, have you ever
4 taken the opportunity to go to an operating wind farm
5 and see and hear the facility yourselves?

6 A. (S. Mazur) We were recently in western Massachusetts,
7 and I think outside of Williamstown, the Berkshires,
8 where there is a -- I believe it's a 10 -- 10-turbine
9 site that is not operating at this time. It's been
10 stalled due to a lawsuit from one of the abutting or
11 neighboring business owners.

12 Q. So, you haven't been able to actually hear or see an
13 actual operating wind tower?

14 A. (S. Mazur) No.

15 A. (L. Mazur) We have spoken to folks that have some --

16 MR. IACOPINO: I didn't ask you,
17 Doctor. I asked your wife, okay? Just a specific
18 question. I have no further questions.

19 BY THE WITNESS:

20 A. (De Clercq-Mazur) If you asked me a question, I have
21 seen wind turbines in operation in my home country,
22 Belgium, where they were installed along the canal, in
23 a heavy duty -- where they only build chemical
24 factories and other industrial installations. I don't

1 -- I'm told that they also have been building them in
2 the fields, in farm fields and stuff like that. But
3 the ones I saw was along the industrial.

4 BY MR. IACOPINO:

5 Q. And, when was that?

6 A. (De Clercq-Mazur) It was in 2006.

7 (Court reporter interruption.)

8 CHAIRMAN GETZ: One or more of you is
9 going to have to speak up, but only one person --

10 WITNESS DE CLERCQ-MAZUR: One at a time.

11 CHAIRMAN GETZ: -- speak at a time.

12 WITNESS L. MAZUR: You want her to
13 repeat her answer?

14 MR. PATNAUDE: Actually, it was Sarah
15 that I didn't hear.

16 MS. S. MAZUR: Well, she -- you
17 mentioned that their spacing --

18 WITNESS DE CLERCQ-MAZUR: Well, the
19 question was whether we saw or experienced wind turbines
20 from close up, whether we have been there? I have not
21 lived with wind turbines. I was not -- I didn't go on the
22 trip to Lempster. And, I really have no experience with
23 wind turbines. The only thing that we know about wind
24 turbines is about the very, very extensive reading that

1 you can do online, from people that live with them and
2 complain about them, and have moved away or want to move
3 or just suffer underneath. That's basically the answer.

4 MR. IACOPINO: One more question.

5 BY MR. IACOPINO:

6 Q. Dr. Mazur, you had indicated that you believe the wind
7 turbines have been in heavy use in Europe for the last
8 eight or ten years. Are you aware that utility scale
9 wind projects have been in the United States for about
10 30 years now?

11 A. (L. Mazur) Utility wind --

12 Q. Utility scale. Large scale wind farms.

13 A. (L. Mazur) Near human beings?

14 Q. Altamont, California was commissioned in 1980.

15 A. (L. Mazur) Your implication is then?

16 Q. I'm just asking if you're aware of that, that it's
17 actually been used for that period of time?

18 A. (L. Mazur) Going back 30 years? No.

19 MR. IACOPINO: I have no further
20 questions.

21 CHAIRMAN GETZ: Okay. Anything further
22 from the Subcommittee?

23 (No verbal response)

24 CHAIRMAN GETZ: All right. Then,

1 hearing nothing, thank you all very much. You're excused.

2 WITNESS WETTERER: Thank you.

3 CHAIRMAN GETZ: One item, though, I
4 would like to follow up on, and -- well, I'll give the
5 witnesses an opportunity to go back to their seats. Ms.
6 Geiger?

7 MS. GEIGER: Yes.

8 CHAIRMAN GETZ: I don't know if you can
9 make an offer of proof on this. As I understood the
10 testimony of the Mazurs, there was something to the effect
11 that it sounded like there was clearing going on on Tenney
12 Mountain or one of the ridges that they maybe were
13 concerned that might have some relationship to activities
14 being taken by or conducted by the Applicant. Obviously,
15 there's no authority granted by this Committee at this
16 point to begin any construction activities related to the
17 site. So, can you tell me whether the Applicant is
18 clearing land or anything of that nature with respect to
19 site clearing?

20 MS. GEIGER: Mr. Chairman, I don't have
21 any personal knowledge of that. And, I don't have any
22 reason to believe that the Applicant would be doing that.
23 Because, as you pointed out, there is no -- there has been
24 no certificate granted here.

1 Mr. Cherian has just informed me that
2 the Applicant is not doing any work or clearing at the
3 site. I think there's been ample testimony in the record
4 to the effect that this is an active logging site. And,
5 there are loggers who are unrelated to the Applicant who
6 are working in portions of the Project site. But that, to
7 my knowledge, that's not anything, according to
8 Mr. Cherian, that's not something that the Applicant is
9 doing.

10 CHAIRMAN GETZ: Okay. Thank you. All
11 right. Our plans for tomorrow is to conduct the testimony
12 by videoconference at 9:00 with Mr. McCann, then we would
13 turn to the other members of that intervenor group,
14 Mr. Buttolph, Mr. Spring, and Ms. Lewis.

15 At this point, I'd like to just let's
16 get through all the testimony. Once all of that's done,
17 then let's address the outstanding issues, hear from the
18 parties, I expect this would be after lunch tomorrow,
19 where we are in Exhibit 44 and other issues related to
20 completion of the record stemming from the Fish & Game
21 letter most recently received, the Historical Resources
22 issue, and, generally, the issues related to the Exhibit
23 44 and the panel, who I don't expect to be here tomorrow.
24 I'm not expecting that we would reach them tomorrow in any

1 event.

2 So, anything that we need to address
3 before we recess this evening?

4 MS. GEIGER: I just have one minor
5 point, Mr. Chairman. In an effort to try to compile the
6 record request responses that have been made up to this
7 point in the proceeding, I have a few documents that I'd
8 like to, I don't know that I need to pass them out now,
9 they're not significant, you know, I mean they're
10 significant because they have been requested, but it's not
11 anything that we need to have passed out for tomorrow's
12 testimony. I was just wondering -- just wanted to make
13 the parties aware that we do have them, we will be
14 endeavoring to bring in more tomorrow. And, so, I'm just
15 looking for a little guidance on what I should do with
16 them? I have not prepared a cover letter to submit, and
17 I'm just wondering if it's okay if I just hand them out to
18 the Clerk and the Committee and the other parties?

19 CHAIRMAN GETZ: I think that's fine.
20 Distribute them, make sure the Clerk has a full packet,
21 and then give them to Mr. Iacopino, and we'll all get our
22 copies.

23 MS. GEIGER: I guess my point is, I
24 don't have them all done yet, but I've got a couple of

1 them done. And, I thought I'd just hand them out and go
2 along from there tomorrow.

3 CHAIRMAN GETZ: I think that's fine.

4 MS. GEIGER: Okay.

5 CHAIRMAN GETZ: Dr. Mazur.

6 DR. MAZUR: Just to point out that I
7 don't believe there will be any members of the
8 Mazur/Wetterer Group present tomorrow. But that I, in
9 preliminary discussions between the Applicant and this
10 side of the aisle, I concurred with Mr. Roth's tentative
11 motion, which he'll put to you tomorrow. So, I'll be
12 happy to have the Buttolph/Lewis and Counsel for the
13 Public group speak on the Mazurs' behalf as well.

14 CHAIRMAN GETZ: Okay. Fine. Thank you.
15 Anything else?

16 (No verbal response)

17 CHAIRMAN GETZ: Hearing nothing, we'll
18 recess until 9:00 a.m. tomorrow morning. Thank you.

19 (Whereupon the hearing was adjourned at
20 5:42 p.m, and to reconvene on
21 November 5, 2010, at 9:00 a.m.)
22
23
24

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