

**THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

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**In the matter of the  
Application for Certification  
Pursuant to RSA 162-H of  
ANTRIM WIND ENERGY, LLC**

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**Docket No. 2012-01**

**MOTION OF COUNSEL FOR THE PUBLIC FOR LEAVE TO RETAIN  
TREVOR LLOYD-EVANS AND FOR AN ORDER DIRECTING  
ANTRIM WIND ENERGY LLC TO BEAR THE COSTS THEREOF**

Counsel for the Public, by his attorneys, the Office of the Attorney General, hereby moves, pursuant to RSA 162-H:10, V, for leave to retain an expert consultant and for an order directing Antrim Wind Energy, LLC ("AWE" or "Applicant"), to bear the costs of the consultant contract and reimburse counsel for the public in an amount up to \$12,000. In support hereof, Counsel for the Public respectfully represents as follows:

1. On January 31, 2012, Antrim Wind Energy, LLC (the "Applicant") filed its Application for a certificate of site and facility under RSA c. 162-H.
2. On April 30, 2012, the Attorney General appointed the undersigned as Counsel for the Public pursuant to RSA 162-H: 9.
3. Pursuant to RSA 162-H: 10, V, Counsel for the Public may employ such consultants as are necessary to further his duties under ch. 162-H. Also pursuant to RSA 162-H:10, V, the cost of such consultants "shall be borne by the applicant in such amount as may be approved by the Committee."

4. The Applicant's project is proposed as 10 wind turbines of 3 MW each standing on steel towers along 2.5 miles of relatively low elevation ridgeline in the Town of Antrim and associated roadways and other infrastructure (the "Project"). The Applicant has conducted several studies to assess the impact of the Project upon populations of resident and migrating species of birds and bats. It has also proposed an Avian and Bat Protection Plan. The studies may not be consistent with Fish & Wildlife Service Guidelines and the ABPP is not consistent with the Committee's previous orders concerning post-construction impact assessments and mitigation plans.

5. Counsel for the Public wishes to employ Trevor Lloyd-Evans of the Manomet Center for Conservation Sciences of Plymouth, Massachusetts, to provide expert analysis and opinion concerning the impacts that the proposed project may be expected to produce on avian species as well as the value of the ABPP, and a critique of the methodology and results of the consultant employed by the Applicant. Mr. Lloyd-Evans has previously testified in cases before the Committee in *Groton Wind* and *Granite Reliable*. Mr. Lloyd-Evans' resume is attached as Exhibit "A." Mr. Lloyd-Evans charges \$120 an hour for his services and estimates the total cost of his services and expenses for the engagement to be up to \$12,000.

6. Under RSA 162-H:10, V, the cost of such a consultant "shall be borne by the applicant in such amount as may be approved by the Committee", and Counsel for the Public asks the Sub-committee to order and direct the Applicant to pay the consultant's fees and costs as presented on invoices from the consultant on a monthly basis and in accordance with the terms of the engagement letter attached hereto.

Counsel for the Public has done his utmost to fairly and accurately estimate the total budget for the proposed services, but must nevertheless reserve to himself the ability and right to request additional sums should the need arise.

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

Audubon Society of N.H.

Appalachian Mountain Club

Industrial Wind Action group

Kathryn Sullivan

Antrim Conservation Association

Antrim Planning Board

Consolidated North Branch ("Block")

Edwards and Allen.

The Harris Center took no position.

The Antrim Select Board did not respond.

The Applicant did not oppose the engagement but objects to the fees to be paid in each instance, except for Mr. Lloyd-Evans, as "unreasonably high." With respect to the Deloitte retention the Applicant objects because the engagement does not include testimony. With respect to Tocci and Deloitte the Applicant objects to retainers.

Wherefore, Counsel for the Public prays that the Sub-committee enter an order authorizing him to retain Mr. Lloyd-Evans pursuant to RSA 162-H:10, V, and

directing the Applicant to bear the fees and costs, as incurred monthly, up to \$12,000,  
and granting such other relief as may be just.

Respectfully submitted this 18 th day of June, 2012,

PETER C.L. ROTH  
COUNSEL TO THE PUBLIC

By his attorneys

MICHAEL A. DELANEY  
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Peter C.L. Roth", written over a horizontal line.

Peter C.L. Roth  
Senior Assistant Attorney General  
Environmental Protection Bureau  
33 Capitol Street  
Concord, New Hampshire 03301-6397  
Tel. (603) 271-3679

### Certificate of Service

I, Peter C.L. Roth, do hereby certify that I caused the foregoing to be served upon each of the parties named in the Service List of this Docket.

Dated: June 18, 2012

  
Peter C.L. Roth

## EXHIBIT A

## CURRICULUM VITAE

Trevor L. Lloyd-Evans

Address: Manomet Center for Conservation Sciences (MCCS), 81 Stage Point Road, (PO Box 1770), Manomet, Massachusetts 02345-1770; Phone: (508) 224-6521; Fax: (508) 224-9220; E-mail: [tlloyd-evans@manomet.org](mailto:tlloyd-evans@manomet.org). Birthplace: Oxford, England. Birth date: 5/24/46. Citizenship: U.S.A. & British.

**Education:** B.Sc. Honours (*magna cum laude*) 1965-1968 (Zoology), University of Wales, Swansea College (*Coleg y prifysgol, Abertawe*), Wales; Course work, qualifying and oral exams passed, Ph.D. not completed 1985-1992 (Ecology), Boston University, Boston, Massachusetts.

**Employment:** British Trust for Ornithology: Ornithologist, Bird Ringing and Migration office (1968-1969), Project Officer, Ornithological Hazards to Low Flying Aircraft (1969-1971). Manomet Center for Conservation Sciences: Senior Staff Biologist (1972-present), Conservation research and education in: avian migration, breeding ecology, physiology, taxonomy, evolution and conservation biology. Bird census and banding techniques, habitat evaluation, wetland impact studies, wind turbine siting evaluations. Field experience in U.S.A. (incl. Alaska), Belize, British Isles, Canada, Eire, Nigeria, Portugal and Spain.

**Teaching Experience:** Teacher MCCS (1972-present) field biology techniques, analysis, behavioral ecology, conservation biology, taxonomy and evolution to a wide range of students (school, undergraduate, graduate, adult education). Faculty, Field Biology Training Program MCCS (1986-1997) teaching in Massachusetts and Belize, granting up to full semester credits through a consortium of U.S. Colleges.

**Honorary Positions:** Nuttall Ornithological Club, Cambridge, MA, Council, Vice-President, President (1977-1984); Partners in Flight, Committee Member N.E. Region (U.S.) and/or Commonwealth of Mass. (1995-present); Massachusetts Avian Records Committee, Member, Chair (1996-2003, 2010-present); North American (Bird) Banding Council, Committee, Trainer (1998-present).

### Selected Publications and Reports:

Baubock, L., A.J. Miller-Rushing, R.B. Primack, T.L. Lloyd-Evans and F.E. Wasserman. 2012. Climate change does not affect protandry in seven passerines in North America. *Wilson Bull. in press*.

Galbraith, H., C.C. Rimmer and T.L. Lloyd-Evans. 2010. Spring and fall migrations of the two races of Palm Warbler through New England. *Bird Observer* 38(1):12-15.

Miller-Rushing, A.J., T.L. Lloyd-Evans, R.B. Primack and P. Satzinger. 2008. Bird migration times, climate change and changing population sizes. *Global Change Biology* 14(9):1959-1972.

Litwin, T.S., T.L. Lloyd-Evans and B. Goettel. 2006. The Silvio O. Conte National Fish and Wildlife Refuge: Neotropical Migrant Bird Stopover Habitat Survey, ver. 2006. Clark Science Center, Smith College, Northampton, Massachusetts. Online at <http://www.science.smith.edu/stopoverbirds/>

Lloyd-Evans, T.L. and J.L. Atwood. 2004. 32 years of changes in passerine numbers during spring and fall migrations in coastal Massachusetts. *Wilson Bull.* 116:1-16.

Rimmer, C.C., S.D. Faccio, T.L. Lloyd-Evans and J.M. Hagan. 2004. A comparison of constant-effort mist-netting results at a coastal and inland New England site during migration. *Studies in Avian Biology* No. 29:123-134.

Litwin, T.S., T.L. Lloyd-Evans, K.A. Halvorsen, B. Goettel, R. Cook, M.A. Szantyr, W.R. Petersen and C.C. Rimmer. 2003. Migrant use of the Connecticut River Valley, pp. 12-16 in *Finding Birds in Western Massachusetts*. Hampshire Bird Club. Amherst, Massachusetts.

Lloyd-Evans, T.L. 2003. White-eyed Vireo (*Vireo griseus*) and Prairie Warbler (*Dendroica discolor*) accounts, pp. 228-229 & 330-331 in *Massachusetts Breeding Bird Atlas* (W. R. Petersen and W. R. Meserve, eds.). Massachusetts Audubon Society.

Litwin, T.S., and T.L. Lloyd-Evans. 2002. Migrant bird stopover habitat survey of the Silvio O. Conte National Fish & Wildlife Refuge. Draft Final Report to U. S. Fish & Wildlife Service.

Hagan, J.M., T.L. Lloyd-Evans, J.L. Atwood and D.S. Wood. 1992. Long-term Changes in Migrating Landbirds in the Northeastern United States: evidence from migration capture data, pp. 115- 130. In *Ecology and Conservation of Neotropical Landbirds* (J. M. Hagan and D. W. Johnston, eds.). Smithsonian Inst. Press, Washington.

Hagan, J.M., T.L. Lloyd-Evans and J.L. Atwood. 1991. The Relationship between Latitude and Timing of Spring Migration of North American Landbirds. *Ornis Scandinavica* 22:129-136.

Lloyd-Evans, T.L. 1988. "Movements" section for *Hylocichla mustelina*, *Catharus guttatus*, *C. ustulatus*, *C. minimus*, *C. fuscescens* and *Turdus migratorius*, pp. 925-1024. In *Handbook of the Birds of Europe, the Middle East and North Africa* (S. Cramp, ed.). Oxford Univ. Press, New York.

Wasserman, F.E., T.L. Lloyd-Evans, S.P. Battista, D. Byman and T.H. Kunz. 1985. The Effect of Microwave Radiation (2.45 GHz CW) on the Molt of House Finches (*Carpodacus mexicanus*). *Space Solar Power Review* 5:261-270.



Lloyd-Evans, T.L. 1983. Incomplete Molt of Juvenile White-eyed Vireos in Massachusetts. *Journal of Field Ornithology* 54(1):50-57.

Williams, T.C., J.E. Marsden, T.L. Lloyd-Evans, V. Krauthamer and H. Krauthamer. 1981. Spring Migration studied by Mist-Netting, Ceilometer and Radar. *Journal of Field Ornithology* 52(3):177- 190.

Lloyd-Evans, T.L., J.A. Hagar, B.A. Harrington and K.D. Powers. 1980. The Changing Seasons. *American Birds* 34(5):750-754.

Burton, H., T.L. Lloyd-Evans and D.N. Weir. 1970. Wryneck breeding in Scotland. *Scottish Birds* 6:154-156.

Additional co-authors: R. J. Dowsett (Zambia), J. S. Elkinton (University of Massachusetts), I. J. Ferguson-Lees (British Ornithologists Union), J. J. M. Flegg (British Trust for Ornithology), C. H. Fry (University of Aberdeen), R. E. Sharland (Nigeria).

#### **Book Reviews:**

Lloyd-Evans, T.L. 2009. Book Review: Identification Guide to North American Birds, Part II (P. Pyle). *Condor* 111(4):764-766.

Lloyd-Evans, T.L. 1998. Book Review: Identification Guide to North American Birds, Part I (P. Pyle). *Bird Observer* 26(4):192-195.

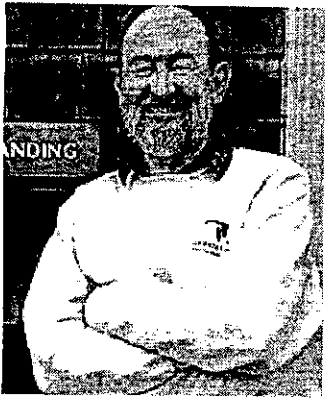
Lloyd-Evans, T.L. 1977. Book Review: Identification Guide to European Passerines, 2<sup>nd</sup> (revised) edition (L. Svensson). *Wilson Bull.* 89(1):191-192.

#### **Expert Testimony:**

2010. The State of New Hampshire Site Evaluation Committee. Docket No. 2010-01. Testimony on behalf of Peter C.L. Roth, Senior Assistant Attorney General, Counsel for the Public. Application of Groton Wind, LLC.

2009. The State of New Hampshire Site Evaluation Committee. Docket No. 2008-04. Testimony on behalf of Peter C.L. Roth, Senior Assistant Attorney General, Counsel for the Public. Application of Granite Reliable Power, LLC.

#### **Selected Conference Papers:**



Lloyd-Evans, T.L. 2011. Whither migrant landbirds? – A 40-year glance at migration timing and population changes. Mass Audubon: The Birders Meeting 2011. Bentley Univ., Waltham, Massachusetts.

Lloyd-Evans, T.L. 2007. Avian Influenza: An Overview from the Manomet Center for Conservation Sciences. The New England Chapter of the Wildlife Society: Wildlife Diseases Conference. Turners Falls, Massachusetts.

Litwin, T.S., T.L. Lloyd-Evans and K.A. Halvorsen. 2007. Stopover Habitat Use by Neotropical Spring Migrant Landbirds in the Connecticut River Valley. Wilson Ornithological Society, Boston, Massachusetts.

Lloyd-Evans, T.L. 2005. Population Trends in Migrant Passerine Birds of the Northeast. Vermont-New Hampshire Birders Conference, Vermont Institute of Natural Science & New Hampshire Audubon Society, Lake Morey, Fairlee, Vermont.

Lloyd-Evans, T.L. 2005. Passerine Migration in New England: Habitat Selection and Changes in Numbers of Migrant Songbirds. Connecticut Ornithological Association, Middletown, Connecticut.

Miller-Rushing, A.J., T.L. Lloyd-Evans and R.B. Primack. 2005. Changes in Bird Migration Times in Eastern North America. The Ecological Society of America, Montreal, Canada.

Lloyd-Evans, T.L. and J.L. Atwood. 1999. An Analysis of 30 Years of Banding Data from Manomet. Association of Field Ornithologists and Inland Bird Banding Association, Ottumwa, Iowa.

Hagan, J.M., T.L. Lloyd-Evans, J.L. Atwood and D.S. Wood. 1989. Detecting Population Changes using Migration Count Data: A Comparative Approach. Ecology and Conservation of Neotropical Migrant Landbirds, Woods Hole, Massachusetts.

Atwood, J.L. and T.L. Lloyd-Evans. 1989. Common Yellowthroat (*Geothlypis trichas*) Spring Migration in Coastal Massachusetts: a Geographic Analysis. Ecology and Conservation of Neotropical Migrant Landbirds, Woods Hole, Massachusetts.

Lloyd-Evans, T.L., J.L. Atwood and J.M. Hagan. 1988. Intraspecific variation in the timing of warbler migration in eastern Massachusetts. American Ornithologists Union, Fayetteville, Arkansas.

Brokaw, N.V.L. and T.L. Lloyd-Evans. 1988. Distribution, abundance and site fidelity of nearctic migrants in five vegetational types in Belize. American Ornithologists Union, Fayetteville, Arkansas.

Johnston, D.W. and T.L. Lloyd-Evans. 1987. Uropygial Glands of Tropical Suboscine Birds from Belize - Taxonomic and Evolutionary Perspectives. American Ornithologists Union, San Francisco, California.

Lloyd-Evans, T.L. 1982. Long Term Fluctuations in Migratory Populations of Birds Associated with Eastern Spruce Budworm. 6th Annual Eastern Spruce Budworm Research Work Conference. Bangor, Maine.

Lloyd-Evans, T.L. 1980. Timing of Molt in Passerine Birds from North Point, James Bay, Ontario. American Ornithologists' Union. Fort Collins, Colorado.

Lloyd-Evans, T.L. 1980. Breeding Bird Censuses in Frequently Burned Pitch Pine/Scrub Oak Forest. U.S. Fish and Wildlife Service/National Forest Service Symposium. Asilomar, California.

Lloyd-Evans, T.L. 1978. Post Juvenal Molt in Massachusetts House Finches. Wilson Ornithological Society. Jackson's Mill, West Virginia.

Lloyd-Evans, T.L. 1978. Avian and Botanical Succession in the Regeneration from Fire in a Pitch Pine Forest. Eastern Bird Banding Association. Wilmington, North Carolina.

Lloyd-Evans, T.L. 1978. Developing the Research and Education Programs of a Nature Center. Litchfield Nature Center and Museum, Inc., Litchfield, Connecticut.

Lloyd-Evans, T.L. 1977. Breeding Bird Communities in Relation to the Vegetation of a Persistently Burned Pine/Oak Forest. American Ornithologists' Union. Berkeley, California.

Lloyd-Evans, T.L. 1971. Report on B.T.O./R.A.F. Gull/Aircraft Survey. British Trust for Ornithology. Derby, England.

## EXHIBIT B

**Roth, Peter**

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**From:** Trevor Lloyd-Evans [tlloyd-evans@manomet.org]  
**Sent:** Wednesday, May 23, 2012 2:39 PM  
**To:** Roth, Peter  
**Subject:** RE: Antrim

Dear Peter,

Well the timing could be more convenient – but obviously it is not of your choosing! We would be glad to help out with the same sort of assessments and comments on the proponents' studies that we provided for Granite Reliable Power in Coos Co., and Groton Wind in Grafton Co. If your best estimate of the costs awarded by the SEC is similar to the previous consulting fees, that would be acceptable to my organization. I believe the total costs of both previous consultations worked out at about 100 hours @ \$120.00 per hour. Please let me know if you need a more formal bid and the format that would work best for you. You mentioned that the costs would be assessed after the hearing in September, which is fine.

I will plan to be available from June through September as you indicated in your phone conversation, except for a two week period in July that we can hopefully work out between deadlines. I believe that I am qualified to provide testimony on impact studies of birds and bats for your office.

Many thanks for considering Manomet Center for Conservation Sciences for this project. I look forward to working with you again on this important site evaluation.

Yours sincerely,

*Trevor.*

*Trevor L. Lloyd-Evans  
Senior Staff Scientist  
Manomet Center for Conservation Sciences*

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**From:** Roth, Peter [mailto:Peter.Roth@doj.nh.gov]  
**Sent:** Monday, May 21, 2012 10:25  
**To:** Trevor Lloyd-Evans  
**Subject:** Antrim

Trevor,

Will you be making a proposal to us?

Thanks

peter