

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

NOVEMBER 30, 2012 - 8:35 A.M. DAY 9
Concord, New Hampshire MORNING SESSION ONLY

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

PRESENT: SITE EVALUATION COMMITTEE:

Kate Bailey, Engineer (Presiding until 10:41)	Public Utilities Comm.
Amy L. Ignatius, Chrmn. (Presiding after 10:41)	Public Utilities Comm.
Harry T. Stewart, Dir.	DES - Water Division
Johanna Lyons, Designee	Dept. of Resources & Econ. Dev.
Brad Simpkins, Dir.	DRED-Div. Forests & Land
Richard Boisvert, Designee	Div. Historic Resources
Brook Dupee, Designee	Dept. Health & Human Svs.

COUNSEL FOR THE COMMITTEE: Michael Iacopino, Esq.

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

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

I N D E X (CONT'D)

APPEARANCES: Reptg. Antrim Wind, LLC:

Susan S. Geiger, Esq. (Orr & Reno)
Douglas L. Patch, Esq. (Orr & Reno)
Rachel Goldwasser, Esq. (Orr & Reno)
Jack Kenworthy (Antrim Wind)

Reptg. Antrim Board of Selectmen:
Galen Stearns, Town Administrator
Michael Genest, Selectman
John Robertson, Selectman

Reptg. Harris Center for Cons. Edu.:
Stephen Froling, Esq.

Reptg. Antrim Planning Board:
Martha Pinello, Member
Charles Levesque, Member

Reptg. Intervenor Abutters Group:
Janice Duley Longgood

Reptg. Audubon Society of N.H.:
Amy Manzelli, Esq. (BCM Environment
& Land Law)

Reptg. Intervenor Allen/Edwards:
Mary Allen
Robert Edwards

Reptg. Industrial Wind Action Group:
Lisa Linowes

Reptg. North Branch Group
of Intervenor:
Richard Block
Loranne Carey Block

I N D E X

WITNESS PANEL: PHILIP BROWN
PAUL NICKERSON
CAROL FOSS
FRANCES VON MERTENS

PAGE

Direct Examination by Ms. Manzelli 7
Cross-Examination:

By Mr. Roth 46

By Mr. Froling 86

By Ms. Block 93

By Ms. Geiger 97

INTERROGATORIES FROM SUBCOMMITTEE MEMBERS:

By Ms. Lyons 136

By Dir. Simpkins 139

By Dr. Boisvert 147

By Mr. Dupee 151

By Ms. Bailey 172

By Chairman Ignatius 174

By Mr. Iacopino 191

EXHIBITS

PAGE

AWE 45 Responses by the Applicant 4
to record request

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

2 * * * *

3 (The document, as described, was herewith
4 marked as AWE 45 for identification.)

5 * * * * *

6 MS. BAILEY: Good morning,
7 everybody. I'll open the proceedings on
8 Day 8 -- sorry. Today is Friday. Today is
9 Day 9 of Antrim Energy, LLC, Application for
10 a Certificate of Site and Facility.

11 We'll start by introductions
12 of the Committee. My name is Kate Bailey. I
13 work at the Public Utilities Commission, and
14 the Chairman has asked me to preside over
15 these proceedings.

16 DIR. STEWART: Harry Stewart,
17 Water Division Director, Department of
18 Environmental Services.

19 MS. LYONS: Johanna Lyons,
20 Department of Resources and Economic
21 Development.

22 DIR. SIMPKINS: Brad Simpkins,
23 Department of Resources and Economic
24 Development.

1 CHAIRMAN IGNATIUS: Amy
2 Ignatius, Public Utilities Commission.

3 MR. DUPEE: Brook Dupee,
4 Department of Health and Human Services.

5 MR. GREEN: Craig Green, New
6 Hampshire Department of Transportation.

7 DR. BOISVERT: Richard
8 Boisvert, New Hampshire Division of
9 Historical Resources.

10 MS. BAILEY: And with us at
11 the Committee table is our counsel, Mike
12 Iacopino. And now I'd like to take
13 appearances.

14 MS. GEIGER: Yes. Appearing
15 for the Applicant, Antrim Wind Energy, LLC,
16 Susan Geiger, Douglas Patch and Rachel
17 Goldwasser, from the law firm of Orr & Reno.
18 Good morning.

19 MS. BAILEY: Good morning.

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

23 MR. STEARNS: Good morning.
24 Galen Stearns, Town of Antrim. With me today

1 is Mike Genest, selectman.

2 MS. ALLEN: Good morning.

3 Mary Allen for the Antrim -- for the
4 Allen/Edwards intervenors.

5 MS. BAILEY: Good morning.

6 MS. PINELLO: Good morning.
7 Martha Pinello for the Antrim Planning Board.

8 MS. MANZELLI: Good morning.
9 Amy Manzelli from BCM Environmental & Land
10 Law, here for intervenor New Hampshire
11 Audubon.

12 MS. BLOCK: Good morning.
13 Loranne Carey Block for the North Branch
14 intervenors.

15 MR. ROTH: Good morning.
16 Peter Roth, Counsel for the Public.

17 MS. BAILEY: Good morning. So
18 do we have any preliminary matters this
19 morning?

20 MS. GEIGER: The only
21 preliminary matter I would mention is that I
22 handed out for the Committee and for the
23 parties here today copies of answers to
24 record requests that were made at the hearing

1 back the beginning of November. And they've
2 been marked -- the answers have been marked
3 sequentially with, I believe, AWE 45.

4 MS. BAILEY: Thank you. Today
5 our first panel of witnesses is from the
6 Audubon Society. Ms. Manzelli, are you ready
7 to proceed?

8 MS. MANZELLI: I am. Thank
9 you.

10 MS. BAILEY: Okay. Could the
11 Clerk swear the witnesses in, please.

12 (WHEREUPON, PHILLIP BROWN, PAUL
13 NICKERSON, CAROL FOSS, FRANCES VON
14 MERTENS were duly sworn and cautioned by
15 the Court Reporter.)

16 PHILLIP BROWN, SWORN
17 PAUL NICKERSON, SWORN
18 CAROL FOSS, SWORN
19 FRANCES VON MERTENS, SWORN

20 DIRECT EXAMINATION

21 BY MS. MANZELLI:

22 Q. Good. Thank you. Good morning, everybody.
23 Let's just make sure the microphones are on.
24 They were powered up. Are all of your red
lights on?

1 A. (Nickerson) Yeah.

2 Q. Let's make sure to keep those close to your
3 mouths, please.

4 So, starting in the middle with Carol
5 Foss. Carol, could you please state your
6 name and address for the record.

7 A. (Foss) My name is Carol Foss. I live at 26
8 Penacook Street in Penacook, New Hampshire.

9 Q. And what is your position with New Hampshire
10 Audubon?

11 A. (Foss) I'm Director of Conservation.

12 Q. Bring your mic in a little bit closer,
13 please.

14 MS. BAILEY: You have to --
15 you can't share the mic. When it's your
16 turn, you have to completely take over the
17 mic.

18 MS. MANZELLI: Thank you.

19 Do you need her to repeat her
20 answer?

21 THE COURT REPORTER: No, I'm
22 all set. Thank you.

23 BY MS. MANZELLI:

24 Q. What educational degrees do you have?

1 A. (Foss) I have a bachelor's in biology from
2 Colby College in Waterville, Maine; a
3 master's in zoology from the University of
4 Connecticut; and Ph.D. in wildlife ecology
5 from the University of Maine.

6 Q. And very, very briefly, aside from your
7 degrees, please provide a description of your
8 qualifications.

9 A. (Foss) I've been working in the field of
10 conservation biology, primarily in New
11 Hampshire for the last 32 years, and have
12 experience in field projects, as well as
13 policy issues.

14 Q. Thank you. And are you the same Carol Foss
15 who submitted prefiled direct testimony,
16 dated July 31st, 2012, which has been marked
17 as ASNH 25?

18 A. (Foss) I am.

19 Q. And are you the same Carol Foss who filed
20 first supplemental prefiled direct testimony
21 on October 11th, 2012, which has been marked
22 as ASNH 27?

23 A. (Foss) I am.

24 Q. And do you have any corrections or updates to

1 that testimony? We'll do rebuttal later.

2 A. (Foss) I do not.

3 Q. And if you were asked the same questions
4 contained in your prefiled testimonies, would
5 your answers be the same today?

6 A. (Foss) Yes, they would.

7 Q. Now moving on to Francie.

8 Francie, can you please state your name
9 and address for the record.

10 A. (Von Mertens) Yes. Frances Von Mertens, 234
11 Elm Hill Road, Peterborough.

12 Q. And what is your position with New Hampshire
13 Audubon?

14 A. (Von Mertens) I'm a volunteer.

15 Q. And what are your qualifications?

16 A. (Von Mertens) A long-time, on-the-scene
17 volunteer for New Hampshire Audubon, the
18 Harris Center, among other conservation
19 groups. But strictly as a volunteer.

20 Q. And are you the same Francie Von Mertens who
21 submitted prefiled testimony July 31st, 2012,
22 which has been marked as ASNH 23?

23 A. (Von Mertens) I am.

24 Q. And with respect to the supplemental prefiled

1 testimony of Paul Nickerson, dated
2 October 24th, 2012, which has been marked as
3 ASNH 28, were you the primary author of that
4 testimony?

5 A. (Von Mertens) I wrote that testimony.

6 Q. And was it submitted in this docket under Mr.
7 Nickerson's name because you were expected to
8 be out of the country for this entire
9 hearing?

10 A. (Von Mertens) I was out of the country for
11 that week. And I think it was everyone's
12 expectation that the process would be
13 completed that week, so Paul Nickerson
14 adopted my testimony.

15 Q. And do you now adopt as your own the
16 supplemental prefiled testimony of Paul
17 Nickerson, dated October 4th, 2012, which is
18 marked as ASNH 28?

19 A. (Von Mertens) If that's agreeable, yes, I
20 would like to do that.

21 Q. Do you have any updates or corrections to
22 either of your testimonies?

23 A. (Von Mertens) There's -- yesterday, reading
24 my supplemental, there is a word there that I

1 hope to address as being inaccurate.

2 Q. Okay.

3 A. (Von Mertens) But I'll definitely cover it in
4 my answers to questions.

5 Q. Okay. Aside from that which we will cover
6 during rebuttal, if you were asked the same
7 questions in your prefiled testimonies, would
8 your answers be the same today?

9 A. (Von Mertens) Yes, other than that one
10 unfortunate word.

11 Q. Okay. And moving along to Phil. Phil, can
12 you please state your name and address for
13 the record?

14 A. (Brown) Phillip Brown. I live at 151 Antrim
15 Road, Hancock, New Hampshire.

16 Q. And what is your position with New Hampshire
17 Audubon?

18 A. (Brown) I'm the Director of Land Management.

19 Q. And what degrees do you have?

20 A. (Brown) I have a bachelor's of science from
21 Rutgers University, and I've been working
22 towards a master's.

23 Q. In what?

24 A. (Brown) In conservation biology.

1 Q. And aside from your degrees, very, very
2 briefly, please provide a description of your
3 qualifications.

4 A. (Brown) I've been working in the field since
5 2002, doing mostly land-management work, but
6 also land conservation and overseeing
7 education programs.

8 Q. And are you the same Phil Brown that filed
9 prefiled testimony, dated July 31st, 2012,
10 which has been marked as ASNH 26?

11 A. (Brown) I am.

12 Q. Do you have any updates or corrections to
13 your testimony, aside from rebuttal?

14 A. (Brown) No, I don't.

15 Q. And if you were asked the same questions
16 contained in your prefiled testimony, would
17 your answers be the same today?

18 A. (Brown) Yes, they would.

19 Q. Now moving along to Paul. Paul, can you
20 please state your name and address for the
21 record.

22 A. (Nickerson) Yes. My name is Paul Nickerson.
23 I live at 7 Sparhawk Drive in Londonderry.

24 Q. And what is your position with New Hampshire

1 Audubon?

2 A. (Nickerson) I'm a member of the board of
3 trustees, and I'm also chair of the
4 Environmental Policy Committee.

5 Q. And very briefly, can you provide a
6 background of your qualifications?

7 A. (Nickerson) Sure. I have a B.S. from the
8 University of Maine, Orono, in wildlife
9 management, 1966, and an M.S. in forestry
10 from UNH, 1970. I worked for U.S. Fish and
11 Wildlife Service from 1970 to 2004. Early
12 work was involved with contaminants, in those
13 days, things like --

14 (Court Reporter interjects.)

15 A. -- things such as DDT, aldrin, dieldrin,
16 mirex, all of which are gone now, thanks to
17 Rachel Carson and people like her.

18 Subsequently, I got very interested in
19 bald eagles, and I was fortunate enough to be
20 in a position to coordinate the national bald
21 eagle surveys, conducted by the Service in
22 '73 and '74; then moved to the Northeast as
23 Endangered Species Coordinator, continuing
24 work with bald eagles and numerous other

1 endangered and threatened species throughout
2 the Northeast region, which extends from
3 Maine to Virginia; then happily retired in
4 2004 and joined Audubon.

5 Q. Thank you, Mr. Nickerson.

6 And to all of the witnesses, let's speak
7 in a little bit of a slower cadence. I've
8 gotten the same admonishment, so...

9 Now, Paul, are you the same Paul
10 Nickerson that filed prefiled testimony,
11 dated July 31st, 2012, which has been marked
12 as ASNH 24?

13 A. (Nickerson) Yes, I am.

14 Q. Do you have any updates or corrections to
15 that testimony, aside from rebuttal?

16 A. (Nickerson) No.

17 Q. And if you were asked the same questions
18 today as you were asked in your prefiled
19 testimony, would your answers remain the
20 same?

21 A. (Nickerson) They would.

22 Q. Okay. All right. Returning now to rebuttal
23 to Carol.

24 Earlier testimony in this hearing was

1 that some of the wind turbines will be sited
2 on rock outcroppings. Can you comment on
3 this?

4 MS. GEIGER: Could I have a
5 cite for the testimony that you're referring
6 to, Ms. Manzelli?

7 MS. MANZELLI: Sure. It was
8 Mr. Martin, Day 4 PM. This is November 1st,
9 2012, Page 30, Line --

10 MS. GEIGER: Thank you.

11 MS. MANZELLI: Lines 8 to 12.

12 MS. GEIGER: Thanks very much.

13 BY MS. MANZELLI:

14 Q. So the testimony was that some of the wind
15 turbines will be sited on rock outcroppings.
16 Can you comment on this?

17 A. (Foss) My interest in that situation is that
18 rock outcroppings on ridgelines are
19 frequently, or at least sometimes, used as
20 nest sites for the common nighthawk, which is
21 a listed species in New Hampshire.

22 Q. Earlier testimony in this hearing -- and as
23 an example, Mr. Kenworthy's testimony on
24 Day 1, 10/29/12, Page 50, Lines 22 to the end

1 of the page, and Page 51, Lines 1 to 6 --
2 some earlier testimony involved the
3 advisability of requiring -- excuse me.
4 Strike that question.

5 An October 26th, 2012 e-mail from Sarah
6 Nystrom, the Northern States Bald and Golden
7 Eagle Coordinator for the U.S. Fish and
8 Wildlife Service, rated the risk to golden
9 eagles from this project as "low," based on
10 the output of a collision risk model. Can
11 you please comment on this risk
12 categorization?

13 A. (Foss) It's based on a model. It's kind of
14 axiomatic in the scientific world, that no
15 model is right, but some models are useful.
16 This is a relatively new model. I just
17 returned at midnight from a wind and wildlife
18 conference in Denver, where this model was
19 discussed at some length. There are some
20 modifications that could be made. And in any
21 event, such a model should be considered one
22 of several lines of evidence in determining a
23 risk rating.

24 Q. And are you aware of whether Ms. Nystrom's

1 rating was based solely on the model?

2 A. I am not directly aware of that. But it's my
3 impression that that's how the Service is
4 doing these rankings at the present time.

5 Q. Another correspondence, also dated
6 October 26, 2012, this time a letter from New
7 Hampshire Fish & Game, references a nighthawk
8 fatality at a wind facility in New Hampshire.
9 Can you please comment on that fatality as it
10 relates to this project?

11 A. (Foss) There were actually two fatalities
12 involving adult male nighthawks which
13 appeared to be, shall we say intruders, at a
14 nesting territory that was located very close
15 to one of the turbines. There is the
16 potential for a similar situation to occur in
17 Antrim or at the proposed facility. Turbine
18 pads make very attractive nesting habitat for
19 this species. They're a ground nester. It's
20 been documented that there are birds in the
21 area. In the case of Lempster, their
22 pre-construction surveys also detected
23 nighthawks in the vicinity. There wasn't an
24 issue until... I want to say this is the

1 fourth year of operation at Lempster, give or
2 take. So it's not necessarily an issue that
3 would become apparent immediately.

4 Q. And just for at least my understanding, can
5 you elaborate on what you mean by an
6 "intruder"?

7 A. (Foss) Nighthawks seem to have the habit of,
8 once young have hatched at a given nest --
9 and I've seen this with ospreys as well --
10 adults from neighboring territories will come
11 in and inspect the family, or whatever
12 they're doing. But they will come in to the
13 area. And they're very focused, so they're
14 not paying attention to the turbine rotors.

15 Q. And what about a turbine pad makes it an
16 attractive site for nesting?

17 A. (Foss) Pads are typically gravel. Nighthawks
18 do not build a nest. They lay their eggs
19 directly on the surface of the ground. So
20 gravel provides good camouflage for the eggs.

21 Q. Earlier testimony in this matter from Mr.
22 Bartlett -- excuse me. I combined those --
23 from Mr. Butler and Mr. Martin on Day 4,
24 November 1st, the PM testimony, on Page 11,

1 Lines 9 to 16, the earlier testimony was that
2 rock removal would be required; that rock
3 will be removed according to how the
4 contractor chooses to do it; that the
5 contractor will be chosen later; therefore,
6 the exact method of rock removal is not known
7 now; and that possible rock removal methods
8 include blasting, pressurized water and
9 chemical methods.

10 Now, looking at Exhibit ASNH 8, which
11 you should have in the pile before you. If
12 you don't, I have a copy here.

13 (Witness reviews document.)

14 Q. Looking at that exhibit, it depicts a person
15 looking at boulders. Is this an example of
16 the boulder fields in the project site area?

17 A. (Foss) It is represented to be such. I have
18 not personally been there.

19 Q. And do boulder piles such as this have any
20 wildlife habitat value?

21 A. (Foss) From what I see in the picture, this
22 would be an ideal location for a bobcat den,
23 a porcupine den, and even a turkey vulture
24 nest site.

1 Q. And are such boulder piles common in the New
2 Hampshire landscape?

3 A. Of this magnitude, not to my knowledge.

4 MS. GEIGER: I'm going to
5 object to this line of questioning. It seems
6 to me like this is information that could
7 have been put in the parties' direct
8 testimony, or in the supplemental testimony.
9 I believe Ms. Von Mertens, in some of her
10 testimony, talked about some of these things,
11 boulders, if I'm not mistaken. So I just
12 think this is too late in the game to start
13 bringing in all this stuff at this level of
14 detail. And I'll just leave it at that.

15 MS. MANZELLI: Based on the
16 testimony from Mr. Butler and Mr. Martin, we
17 learned the different methods that these
18 rocks would be removed and the extent to
19 which they would be removed and the volume to
20 which they would be removed. We also learned
21 that we're not going to learn anything more
22 about the rocks at this time because of them
23 not hiring a contractor right now. And I
24 only have one more question on this point.

1 MS. GEIGER: I think these
2 witnesses started testifying about these
3 rocks as "habitat," and I just think that
4 that could have come into the record through
5 direct testimony, and we would have had a
6 chance to do some cross-examination on it.
7 And I'm just not prepared to do that today
8 because my experts aren't here. So I just
9 think it's really unfair to start going into
10 this level of detail on information that
11 could have been presented a long time ago.

12 (Discussion among Subcommittee members
13 off the record.)

14 MS. BAILEY: I think it's fair
15 rebuttal. We saw similar pictures from the
16 Applicant, I believe. So I'll allow you to
17 proceed.

18 BY MS. MANZELLI:

19 Q. I believe the pending question was: Are such
20 boulder piles common in the New Hampshire
21 landscape?

22 A. (Foss) I already answered that.

23 Q. Okay. Final question on this. What species
24 would be expected to use such boulder piles,

1 aside from the ones you've already mentioned,
2 if any?

3 A. (Foss) Those would be the prime species.

4 Q. Okay. Now, Francie, these questions are for
5 you.

6 Earlier testimony -- for example, Day 7,
7 November 28th, from Ms. Vissering in this
8 hearing mentioned the "Forest Legacy
9 Program." And you mentioned the program in
10 your testimony also. Can you describe
11 basically what that program is?

12 A. (Von Mertens) The Forest Legacy Program is
13 federal funds from the Department of
14 Agriculture. And I'm mostly familiar as a
15 volunteer for land trust. It's very
16 collegial. The major land trusts in this
17 state work with the State --

18 MS. GEIGER: Excuse me. I'm
19 going to object to this. And I apologize.
20 But again, this witness was not asked to
21 rebut anything that Ms. Vissering said or
22 another witness said. She was asked the
23 question to explain the Forest Legacy funds.
24 And I just think that's information that

1 could have been shared with everyone earlier
2 in the process. And I would object to the
3 witness now explaining and adding to the
4 record information that could have and should
5 have been placed in her direct prefiled
6 testimony.

7 MS. MANZELLI: As I said, she
8 did reference this in her direct prefiled
9 testimony and --

10 MS. GEIGER: Right, and my
11 objection --

12 MS. MANZELLI: Let me finish,
13 please. However, there has been some
14 question raised during the hearing from Ms.
15 Vissering, and I believe, but I can't provide
16 a cite, from at least one other witness,
17 about the nature of this program. At the
18 time that her prefiled testimony was filed,
19 we didn't know that that would be an issue.
20 But it is now, and so we would like the
21 chance to clarify it.

22 MS. GEIGER: I guess I don't
23 have a problem with rebuttal, but I do have a
24 problem with clarifying information about a

1 program that this witness referenced in her
2 testimony. I think it's beyond the scope of
3 rebuttal that our witnesses were allowed to
4 do, and I would object.

5 MS. BAILEY: Everybody on the
6 Committee works for a state agency. We
7 understand what the Forest Legacy Program is.
8 So I think we can move on.

9 BY MS. MANZELLI:

10 Q. Earlier testimony in this matter, including
11 Mr. Kenworthy's testimony on Day 1,
12 October 29th, Page 74, Lines 21 to 24, Pages
13 75 and 76, and on Page 76, Lines 1 to 6, that
14 testimony regarded the agricultural and
15 forestry practices that would be allowed
16 under the four conservation easements
17 proposed as the Conservation Plan. Can you
18 comment on this?

19 A. (Von Mertens) This is where I can address the
20 word that I mentioned in my supplemental --
21 first supplemental prefiled direct testimony
22 on Page 2, towards the bottom, third
23 paragraph from the bottom.

24 MR. IACOPINO: Is that

1 Exhibit 28?

2 MS. MANZELLI: It should be
3 the supplemental prefiled testimony of Paul
4 Nickerson. I can give you the reference.

5 MR. IACOPINO: I have that as
6 ASNH 28.

7 MS. MANZELLI: Yes, thank you.

8 MR. IACOPINO: And what page
9 are we on?

10 WITNESS VON MERTENS: Page 2,
11 third paragraph from the bottom.

12 MR. IACOPINO: Thank you.

13 A. (Von Mertens) I wrote, "There are no
14 restrictions or guidelines on forestry
15 practices," and I was incorrect. There are
16 guidelines. And I'd like to address my
17 concerns about the restrictions and talk a
18 little bit about conservation easements, if I
19 could. And this directly relates to the four
20 conservation easements on four of the seven
21 leased properties for the project. And a
22 conservation easement results from dialogue
23 between the landowner and the entity that's
24 going to hold the easement, the land trust or

1 government agency.

2 MS. GEIGER: Excuse me. I'm
3 going to object here to an explanation about
4 conservation easements. If Ms. Von Mertens
5 or any other panel member wants to rebut what
6 Mr. Kenworthy said in the transcript that Ms.
7 Manzelli cited, I'm happy to let them do
8 this. But to go into a lengthy explanation
9 about what's in the easements that have been
10 in this record since June -- we filed them in
11 June of 2012 -- these witnesses could have
12 very easily gone into this on their direct
13 prefiled testimony which was filed in July of
14 2012. I think now to sit here and listen to
15 an explanation or some issues concerning the
16 conservation easements that the project is
17 proposing is something that is not permitted
18 on rebuttal. It's something that should have
19 been put in the witnesses' prefiled
20 testimony. I would object.

21 MS. MANZELLI: If you would
22 allow me, let me remind Ms. Von Mertens what
23 the question is.

24 MS. BAILEY: Okay.

1 BY MS. MANZELLI:

2 Q. The question is: Mr. Kenworthy characterized
3 the agricultural and forestry practices that
4 would be allowed under the four conservation
5 easements. He described them as "limits" to
6 that development. Can you comment on that?

7 A. (Von Mertens) And that's where there are
8 guidelines. Those are guidelines.
9 Conservation easement is -- a typical
10 conservation easement is 80-percent boiler
11 plate, and then you get down to Section 3,
12 the Reserved Rights.

13 And the forestry and agricultural
14 practices/guidelines are boiler plate
15 conservation easements. But if you don't
16 have a forestry -- the requirement of a
17 forestry management plan done by a licensed
18 forester submitted to the agency or land
19 trust holding the easement for their
20 approval, then they're simply best management
21 practices and guidelines. And we are a very
22 agricultural and forestry-friendly state.
23 And the guidelines are just that; they're
24 guidelines. And that's the issue, that

1 there's not the requirement of a forestry
2 management plan specified. It's the
3 generalities, boiler plate. And that's in
4 response to Mr. Kenworthy's saying that there
5 are restrictions. And in my opinion, there
6 are guidelines, but not restrictions. And
7 restrictions, to me, have a higher level of
8 ability for the agency or land trust holding
9 the easement to follow up and make sure that
10 these restrictions are honored.

11 Q. Turning now to Phil. Phil, earlier testimony
12 from Mr. Gravel on Day 3, October 31st, 2012,
13 the PM Session, on Page 114, Lines 2 to 6, in
14 his testimony he said that, in Vermont, the
15 little brown bat and the Northern long-eared
16 bat are listed in the state as endangered,
17 whereas in New Hampshire they're not. Can
18 you please comment on that?

19 A. (Brown) From what I'm aware, currently, the
20 little brown bat is listed as a species of
21 special concern in New Hampshire. I am not
22 aware of the status of the other species of
23 bat.

24 Q. And with respect to the bat that you are

1 aware of, do you know if that bat had that
2 status, for example, for the entire year of
3 2012?

4 A. (Brown) I'm not aware of when that came into
5 status.

6 Q. Okay. Do you know why it's listed as a
7 "species of special concern"?

8 A. (Brown) I believe primarily because of White
9 Nose Syndrome playing a role in its
10 precipitous decline.

11 Q. Earlier testimony, again from Mr. Gravel,
12 Day 3, 10/31/12, PM session, this time on
13 Page 166, Lines 4 to 13, his testimony was
14 that, if an animal is using a particular area
15 a certain way, you can expect it to use it in
16 a similar manner in the future. And he also
17 said there's a relatively high degree of
18 certainty there, but that the witness -- he
19 also said that he had not applied statistics
20 to those type of surveys that we were
21 discussing during that testimony. Can you
22 please comment on this?

23 A. (Brown) Yes. I believe that statement is
24 very general. And while it may apply to some

1 species of migratory raptors, it certainly
2 doesn't apply to all of them; in particular,
3 to the broad-wing hawk, which comprises about
4 80 percent of migratory count totals at New
5 Hampshire Audubon's hawk watches. It
6 exhibits very high variability from year to
7 year in the numbers that it occurs in.

8 Q. Earlier testimony from Mr. Valteau, same
9 Day 3, 10/31/12, PM Session, on Page 180,
10 Lines 5 to 19, was that the ridge would not
11 be characterized as a "leading line." "It's
12 unlikely that it's a leading edge -- or a
13 leading line." It's not possible, based on
14 the survey data. "We saw relatively small
15 numbers of raptors, and we correlated the
16 data we collected with data from other nearby
17 sites that are known hawk watch sites. And
18 we have significantly smaller numbers on
19 those particular days than these other ridges
20 which are known to be kind of leading-edge
21 ridges for raptor migration. So those are
22 focal points, and that's why they're used for
23 hawk watch sites. So we saw relatively small
24 numbers of raptors."

1 Could you please comment on this
2 testimony?

3 A. (Brown) Can you please repeat part of that?

4 Q. Sure.

5 A. (Brown) I missed the second half of that.

6 Q. Sure. He said that it would not be
7 characterized as a "leading line." It's
8 unlikely that it's a leading edge or a
9 leading line, based on the survey data. "We
10 saw relatively small numbers of raptors, and
11 we correlated the data we collected with data
12 from other nearby sites that are known hawk
13 watch sites. And we had significantly
14 smaller numbers on those particular days than
15 these other ridges which are known to be kind
16 of leading-edge ridges for raptor migration.
17 So those are focal points, and that's why
18 they're used for hawk watch sites. And this
19 is how he concludes, "So we saw relatively
20 small numbers of raptors."

21 A. (Brown) Okay. There are a few points in
22 there, so I'll start with the leading lines
23 assessment.

24 I don't believe it's easy to make that

1 assertion, that the site isn't a leading line
2 or the ridgeline isn't one that's a leading
3 line, based on the amount of data we've seen.
4 I believe it speaks to the need for more
5 years of data to show that variability
6 playing out.

7 And regarding the other points about
8 comparing the site to comparable hawk watches
9 in the area, I can -- I have a personal
10 observation that was made on one particular
11 day from Bald Mountain, which is located
12 along the southeastern edge of the Tuttle
13 Hill to Willard Mountain ridgeline. And
14 assuming that this is similar points of view
15 that observers had from the ridgeline where
16 they were doing the surveys, my numbers
17 actually showed more species, more
18 individuals of certain species than a hawk
19 watch at Pack Monadnock Mountain that New
20 Hampshire Audubon runs during the same time
21 frame.

22 Q. So are you saying that this project site
23 could be a leading ridge or a leading line,
24 but more data is needed?

1 A. (Brown) I would say that's fair.

2 Q. Earlier testimony, also from Mr. Valteau,
3 same Day 3, October 31st, PM, Page 181, Lines
4 2 to 20, he said, typically, birds aren't
5 moving when the weather's bad. "They're
6 typically not going to be in the cloud cover.
7 You know, they can't just follow the wind
8 current, because you can't necessarily see
9 the wind current. But they're looking for
10 other ridges. They're looking for other
11 birds migrating. So they'll see another
12 concentration of birds and move in that
13 direction. So they like to have visibility
14 when migrating is what we think."

15 Can you please comment on that?

16 A. (Brown) While it may be true that birds
17 aren't flying directly through clouds all the
18 time, there are conditions at hawk watch
19 sites that would actually be more beneficial
20 when there is some cloud cover in order to
21 actually see some of the smaller specs of
22 distant raptors migrating; in particular,
23 broad-winged hawks, which can be distant, are
24 often not picked up visually against a clear

1 blue sky. So, cloud cover is beneficial.

2 Q. So you're saying cloud cover, in some
3 instances, increases or improves visibility?

4 A. Yes.

5 Q. Now, Mr. Valteau, on the same day, on Page
6 188 of the transcript, Lines 20 to 23, said
7 that, if you look at the hawk watch site
8 data, which is pretty well distributed around
9 New Hampshire, they always have golden eagles
10 on their hawk watches. Can you please
11 comment on this?

12 A. (Brown) From the data from two hawk watches
13 that New Hampshire Audubon has been involved
14 with over the past eight years, Pack
15 Monadnock averages between 3 and 11 golden
16 eagles per season, and that's typically with
17 around 400 or more hours of observation
18 throughout the season. The Carter Hill
19 Observatory in Concord only has documented
20 four golden eagles in a total of five years,
21 with a similar number of hours of
22 observation.

23 Q. So are you saying that they're less common
24 than the earlier testimony indicated?

1 A. (Brown) From that testimony, my indication
2 was that the expectation was that golden
3 eagles would be more common than they
4 actually are at our sites.

5 Q. Also from Mr. Valleau and Mr. Gravel, but
6 this time, the next day, Day 4, November 1st,
7 in the morning --

8 MS. GEIGER: I'm going to
9 object to this. And I apologize. I should
10 have objected earlier. I thought the ground
11 rules going into this area of rebuttal was
12 for the purpose of allowing the witnesses to
13 conduct brief rebuttal of what was put in the
14 parties' supplemental prefiled testimony.
15 Now we're getting into -- I mean, we're
16 getting into witnesses rebutting things that
17 were said by other witnesses at the hearing.
18 And Mr. Iacopino can correct me if I'm wrong,
19 but I thought, going into this, the purpose
20 of this brief oral rebuttal was to rebut what
21 was in the supplemental prefiled testimony.

22 MR. IACOPINO: You are
23 correct. That was the purpose of rebuttal in
24 this. And when we sent out the memo, I

1 forget what date it was under, that's what
2 the purpose of rebuttal was to be, because we
3 were concerned that somebody might ask
4 questions on cross-examination and then rebut
5 the answers that they raised themselves on
6 cross-examination of witnesses. So you are
7 correct.

8 MS. GEIGER: Can we please
9 have an order from the Bench limiting the
10 scope of this rebuttal to comments of these
11 witnesses rebutting what's been put on other
12 parties' supplemental prefiled testimony, as
13 opposed to what other witnesses testified to
14 at the hearing?

15 MS. BAILEY: Ms. Manzelli.

16 MS. MANZELLI: I understand
17 the applicable rules here would be limited to
18 the extent that I understood the previous
19 order. But I understood that the practice
20 the parties have been engaging in so far
21 during the hearing was to rebut testimony
22 that has come in during this hearing, as well
23 as exhibits that have come in during this
24 hearing, which is substantive information

1 that we are processing and have a right to
2 respond to.

3 MS. BAILEY: Does anybody else
4 have anything to say about this?

5 MR. ROTH: Yes, I agree with
6 what Ms. Manzelli just said. I know that in
7 my rebuttals, I did do what Ms. Geiger is
8 complaining about. And I believe I heard
9 during the prehearing conference -- and I'm
10 not going to quote you on this -- but I
11 believe I heard Mr. Iacopino say to us at the
12 prehearing conference that the rebuttal could
13 be used to rebut some of the testimony that
14 was given at least during the rebuttal by the
15 witness who had just been sworn in. And I
16 can't speak to what the order or the
17 memorandum says. But that was my
18 recollection. So I believe that this
19 practice has been employed in this case thus
20 far.

21 MS. GEIGER: If I might add, I
22 mean, obviously this puts the Applicant at a
23 disadvantage. We have the burden of proof,
24 and we're not going to be able to rebut

1 anything that these witnesses -- orally rebut
2 anything that these witnesses say here today.
3 So, you know, if we're going to go down this
4 path, I would respectfully ask for the
5 opportunity to bring my witnesses back to
6 rebut what other witnesses have said here at
7 the hearing.

8 MR. ROTH: I guess I would
9 just make one more point, and it's not to
10 contest anything she just said, because I
11 don't have a problem with what she said. But
12 as I recall, again, from the prehearing
13 conference, one of the reasons -- because I
14 thought this practice was actually not a good
15 practice to employ for this very reason. But
16 one of the reasons that was explained to me,
17 that I found somewhat persuasive, was that it
18 puts into sort of direct focus what otherwise
19 people would sort of use a friendly
20 cross-examination to attempt to accomplish
21 anyway. So I think it's not a question of
22 how -- whether the information gets in; it's
23 a matter of how. And so I guess that's where
24 we are.

1 (Discussion among Subcommittee members
2 off the record.)

3 MS. BAILEY: Okay. I am going
4 to allow you to ask questions about responses
5 that other witnesses gave that were different
6 than information that was provided in their
7 rebuttal written testimony or prefiled
8 testimony. So --

9 MS. MANZELLI: Thank you. I
10 understand the ruling. But it doesn't answer
11 the question of testimony that a witness gave
12 that was not different, but additional.

13 MS. BAILEY: Okay. In that
14 case, I want you to identify who asked the
15 question that elicited that additional
16 testimony. And I don't want -- and I would
17 like a direct question, not, "Can you just
18 comment."

19 MR. IACOPINO: Can I just --

20 MS. BAILEY: Yeah.

21 MR. IACOPINO: Ms. Manzelli, I
22 believe part of the problem is that when you
23 ask the question, you know, "What are your
24 comments on that?" it just opens the door,

1 which is really unfair to the other parties,
2 to your witness to expound even beyond just
3 saying, I think what he said there was wrong
4 because of whatever the reason is. And
5 that's, I think, causing part of our problem
6 here. If the Committee knows that the
7 witness from the other parties said A, and
8 your witness says B, the Committee can then
9 assess the weight to give that. But to just
10 give them free rein is unfair because it does
11 affect the ability of the other parties to
12 cross-examine them.

13 MS. MANZELLI: Understood.

14 BY MS. MANZELLI:

15 Q. With respect to testimony from Mr. Valteau
16 and Mr. Gravel on Day 4 in the morning, on
17 Page 40, Lines 4 to 4, Page 41, Lines 20 to
18 24, and also Pages 42 and 43, and Page 44,
19 Lines 1 through 10, this testimony was in
20 response to questions from -- it appears that
21 the questions are from Mr. Robinson. And
22 this was an ongoing Q & A between Mr.
23 Robinson and the witnesses. I just want to
24 make sure all of it regarded -- yes, all of

1 it was questions from Mr. Robinson.

2 That testimony indicated that no
3 nighthawk surveys were performed during the
4 time which they migrate, and that data was
5 gotten on the nighthawks from other surveys.
6 Do you believe that that's adequate?

7 A. (Brown) No, I don't.

8 MS. GEIGER: Could I object to
9 this? I mean, it seems to me what's
10 happening here is Ms. Manzelli is getting an
11 opportunity to do recross. Because if a
12 Committee Member asks a question, and then
13 obviously the Applicant's witness, which this
14 was back then, we got to do redirect, other
15 parties were not allowed to do recross. I
16 was not allowed to do recross examination
17 after redirect. So the transcripts have been
18 out there now for a couple of weeks. She's
19 had an opportunity to review them, to develop
20 a list of questions. I just think this is
21 totally unfair. Not only does she have the
22 benefit of time in reviewing the transcripts
23 and formulating questions, but she also
24 basically has the benefit today of doing re-

1 cross-examination. And I'd object to that.
2 I think these questions could have been asked
3 on cross, perhaps. But the fact that they're
4 now being asked after the Committee has had a
5 chance to ask questions, I thought the last
6 thing that happened -- or has been happening
7 here since I've been involved, is that we do
8 redirect, and that's the end of it. I just
9 think this is getting too many bites at the
10 apple, and I think there's got to be a
11 cut-off somewhere.

12 MR. ROTH: I don't see Mr.
13 Valleau on the stand, so I don't see how this
14 is recross. I think what she just did was
15 consistent with the order of the Chair.

16 (Discussion among Subcommittee members
17 off the record.)

18 MS. BAILEY: Ms. Manzelli, can
19 you tell me if the response that Mr. Gravel
20 and Mr. Valleau provided in answering Mr.
21 Robinson's questions was different than what
22 was in his prefiled testimony?

23 MS. MANZELLI: I'm not sure.
24 I could look it up if we want to take the

1 time. But I'm not sure that their prefiled
2 testimony mentioned -- characterized their
3 nighthawk data as "incidentally gotten from
4 other surveys," and that's the issue that
5 we're trying to explore here.

6 MS. BAILEY: Does the
7 Applicant know?

8 MS. GEIGER: I don't -- I'm
9 sorry. I didn't hear the question. I'm
10 trying to find the transcript.

11 MR. PATCH: Could you repeat
12 the transcript you're referring to?

13 MS. MANZELLI: Sure. Let me
14 just turn back to my notes here. I'm
15 referring to Day 4 AM, and it starts on
16 Page 40 and extends through Page 44, to Line
17 10.

18 MS. BAILEY: Ms. Manzelli,
19 while looking that up, can I ask you how many
20 more of these types of questions do you have?

21 MS. MANZELLI: Three.

22 MS. BAILEY: Of any transcript
23 cites?

24 MS. MANZELLI: Yes.

1 MS. BAILEY: There's only
2 three left?

3 MS. MANZELLI: Yes.

4 (Discussion among Subcommittee members
5 off the record.)

6 MS. BAILEY: Okay. Here's
7 what we're going to do. We're going to take
8 a 15-minute break, and you're going to
9 share -- or a 10-minute break, and you're
10 going to share with the Applicant the
11 transcript cites, and they're going to try to
12 determine whether it was new information or
13 whether it was covered in prefiled direct or
14 rebuttal testimony, and we'll take it from
15 there.

16 MS. GEIGER: Okay. I don't
17 think we need to take a break. I think we
18 found it in the witnesses' prefiled
19 testimony --

20 MS. MANZELLI: Excuse me.
21 I'll withdraw the question, and I will not
22 ask the remaining questions.

23 MS. BAILEY: Okay.

24 BY MS. MANZELLI:

1 Q. So at this time, any further corrections or
2 updates? We've covered that already; right?

3 MS. MANZELLI: Okay. So at
4 this time, the witnesses are available for
5 cross-examination. Thank you.

6 MS. BAILEY: Thank you.

7 Mr. Roth.

8 MR. ROTH: Okay. I'll see if
9 I can make more progress in the next hour.

10 CROSS-EXAMINATION

11 BY MR. ROTH:

12 Q. I'm going to start here. Ms. Foss, as I
13 recall, you had -- you or Audubon had some
14 role in the Granite Reliable Project; is that
15 correct?

16 A. (Foss) Yes, it is.

17 Q. Okay. Are you familiar with the
18 High-Elevation Mitigation Settlement
19 Agreement that was reached in that case
20 between the Applicant and the, believe it was
21 the Fish and Game Department --

22 MS. GEIGER: I'm going to
23 object on --

24 Q. -- and the Appalachian Mountain Club?

1 MS. GEIGER: I'm going to
2 object on the grounds of relevance.

3 MS. BAILEY: He hasn't asked
4 the question yet.

5 BY MR. ROTH:

6 Q. Are you familiar with that?

7 MS. BAILEY: Can you give me
8 an offer of proof?

9 MR. ROTH: Certainly. The
10 offer of proof is that, in the Granite
11 Reliable case, there was a High-Elevation
12 Mitigation Settlement Agreement which was
13 reached between the project proponent, the
14 New Hampshire Fish & Game Department and the
15 Appalachian Mountain Club. Under the terms
16 of that --

17 CHAIRMAN IGNATIUS: Mr. Roth,
18 can I -- can you just give us -- not fully
19 testify on what you think the answer is?
20 What I'm hoping to hear is where you're
21 heading with the question, and why is it
22 relevant to this case.

23 MR. ROTH: Okay. There was
24 land that was put into conservation use,

1 basically fee-simple to Fish and Game, and it
2 was subject to certain conditions and
3 provisions. And there's been a lot of
4 testimony in this case, and including by
5 these witnesses, I believe, about Forever
6 Wild easements and whether they are
7 infrequent or whether they're common or
8 whether they've ever been done in cases like
9 this, and I wanted to ask about that.

10 CHAIRMAN IGNATIUS: All right.
11 Well, if you can focus it on the Forever Wild
12 easements that there's been testimony about,
13 and really zero in on that and not general
14 discussion about Granite or other cases, that
15 would be helpful.

16 MR. ROTH: Oh, yeah. Believe
17 me, I don't intend to do that. There's a lot
18 in this document. I really want to zero in
19 on Forever Wild.

20 BY MR. ROTH:

21 Q. So the basic question was: Are you familiar
22 with the agreement that was reached?

23 A. (Foss) In general, not in detail.

24 Q. Okay. And is it -- in your general

1 understanding, did you -- do you believe that
2 permanent conservation of approximately
3 1700 acres of high-elevation use for habitat
4 was provided?

5 A. (Foss) Yes.

6 Q. I put my ear to the microphone. That was
7 clever.

8 And that there was an additional
9 620-acre conservation parcel that was also
10 put into permanent conservation?

11 A. (Foss) Again, I'm familiar with it in
12 general, but not in detail.

13 Q. Okay. I'm going to show you a page from the
14 High-Elevation Mitigation Settlement
15 Agreement, which in the Granite Reliable
16 Power case was introduced by the Applicant as
17 Petitioner's Exhibit 48. The pages aren't
18 numbered, but this appears to be Page 3 of
19 that document. I'm going to give you Pages 2
20 and 3.

21 Now, of course, I'm flying blind here.
22 But on Page 2, which is the first page you're
23 looking at, there's some highlighted text
24 there. Can you read that for me, please?

1 A. (Foss) This is under the section of
2 Mitigation Provisions, No. 1. "GRP shall
3 secure the permanent conservation of the
4 following lands above 2700-feet elevation,
5 plus or minus, per A.7, totaling
6 approximately 1735 acres through transfer of
7 fee title to New Hampshire Fish and Game or
8 other appropriate state agency, approved by
9 New Hampshire Fish and Game.

10 Q. Thank you. I'm sorry?

11 A. (Foss) I was just going to say, and there
12 follows specific descriptions of parcels.

13 Q. Thank you. Now, on the following page
14 there's some highlighted text. I'm not going
15 to ask you to read that into the record, but
16 just read it for yourself.

17 (Witness reviews document.)

18 MS. GEIGER: Could I see a
19 copy of what she's reading, please?

20 MR. ROTH: It's the only one I
21 have. So when she's -- you want to look at
22 it right now before she looks at it?

23 MS. GEIGER: Yes, please.

24 MR. ROTH: You don't have a

1 copy of the Granite Reliable exhibit with
2 you?

3 MS. GEIGER: I didn't bring
4 that record with me. I'm sorry.

5 MR. FROLING: Madam Chairman,
6 I'd also like to see a copy.

7 (Pause in proceedings.)

8 MS. GEIGER: I'm going to
9 object to information -- or object to the
10 questioning along these lines, because it's
11 clear from that document and from the
12 question -- excuse me -- from the information
13 Ms. Foss has just put into the record about
14 what's in that document, it relates to
15 permanent conservation of high-elevation
16 lands which are above 2700 feet. And in this
17 particular case, we have heard testimony, I
18 think have evidence in the record, that the
19 site in Antrim for the Antrim Wind Project is
20 not at that high elevation and not considered
21 a high-elevation habitat because it's under
22 2300 feet. So I'm not sure what the
23 High-Elevation Mitigation Settlement
24 Agreement has to do with the Antrim site,

1 which does not have high-elevation areas.

2 And in addition to that, I
3 think it's important to note that Fish and
4 Game intervened in the Granite Reliable
5 project docket and was a party to that
6 proceeding, and they're not a party to this
7 proceeding. And I understand that none of
8 the Committee members sitting here today sat
9 on the Granite Reliable project, so I'm just
10 offering this information by way of
11 background.

12 MR. ROTH: She's making an
13 argument, and that's fine for a closing
14 memorandum. But I think yesterday we heard
15 testimony from Mr. Jones who said that, yeah,
16 it's not above that elevation, but it's
17 habitat representative of the same type of
18 habitat.

19 In addition, the purpose of
20 this is not to say that this is
21 high-elevation spruce-fir habitat and that it
22 necessarily should have a high-elevation
23 mitigation settlement, but simply to point
24 out that in another case before this

1 Committee, not that long ago, mitigation
2 through conservation easements was done by
3 permanent conservation. What I think -- and
4 I'm going to ask the witness to confirm that
5 this is Forever Wild.

6 MR. FROLING: Madam Chairman,
7 I'd like to address this as well.

8 MS. BAILEY: Mr. Froling.

9 MR. FROLING: Can I have the
10 document? This appears to be two pages of an
11 agreement between --

12 MS. BAILEY: Could you use the
13 microphone, please?

14 MR. FROLING: This appears to
15 be an agreement between two parties. I can't
16 tell from the two pages that I have of it
17 even who the parties are, let alone the
18 context of the agreement. I don't have the
19 benefit of sitting through the Granite
20 Reliable case. Others here may have done
21 that. But this appears to be -- I don't know
22 why this would be introduced. It hasn't been
23 offered in the case. I don't think we should
24 be relying on agreements that we don't even

1 know the context or the parties.

2 MR. ROTH: This is
3 cross-examination. I'm simply asking -- you
4 know, we're going to be here a really long
5 time if everything the parties try to do is
6 met by a phalanx of objections and discussion
7 like this. But I'm simply trying to ask the
8 witness about the provisions of this
9 agreement. The Committee can take judicial
10 notice of the entire agreement. It's in the
11 record of the Granite Reliable case. And I'm
12 simply trying to ask the witness to confirm
13 that those provisions that are in there look
14 like a Forever Wild conservation package.

15 (Discussion among Subcommittee members
16 off the record.)

17 MS. BAILEY: Okay. I am going
18 to defer the Presiding Officer title to the
19 Chairman, because she will deal with this a
20 lot faster than I will.

21 CHAIRMAN IGNATIUS: I don't
22 know about faster, but...

23 Mr. Roth, I'd asked you to be
24 very specific in your question about Forever

1 Wild easements, and you said you would do
2 that. And then we got into whether or not
3 Ms. Foss was familiar with an agreement
4 reached in another document, and she said she
5 was not, other than in a very general sense.
6 So, again, getting into everything about the
7 other docket, questions about what else was
8 in that -- we're not taking judicial notice
9 of the entire record. That's not going to
10 become part of this record. We've got enough
11 to deal with in this record.

12 Now, the fact that you want to
13 talk about Forever Wild easements is fine. I
14 told you that. But --

15 MR. ROTH: I'm trying to get
16 there.

17 CHAIRMAN IGNATIUS: Well, then
18 get there. We don't need to talk about
19 Granite Reliable. You said you wanted to ask
20 about Forever Wild easements. Why don't you
21 ask the witness if she know about them, what
22 do they entail, and what you think is good or
23 bad about them, rather than what happened in
24 Granite Reliable.

1 MR. ROTH: I was asking her --
2 that's what I was going to do before I met
3 the objections. But all I asked her to do is
4 read Paragraph 3 of this document. And there
5 are provisions in there that describe this
6 particular grant, and I was going to ask her
7 if those are reflective of things you would
8 see in a permanent Forever Wild grant.

9 Now, if I may proceed with the
10 question?

11 CHAIRMAN IGNATIUS: If you
12 please will focus it on what a Forever Wild
13 easement is, as opposed to what happened in
14 Granite Reliable, I think that's fair.

15 MR. ROTH: I'm trying to do
16 that.

17 BY MR. ROTH:

18 Q. Would a Forever Wild easement or grant
19 include, such as you just read in this paper
20 that I just showed you, restrictions on
21 future development and timber harvesting
22 being prohibited?

23 A. (Foss) Yes.

24 Q. Would it include restrictions on operation of

1 motorized recreational vehicles?

2 A. (Foss) Yes.

3 Q. Would it prohibit additional roads or
4 structures?

5 A. (Foss) Yes.

6 Q. Would it -- okay. That's all. Thank you.
7 On that.

8 Now, Ms. Foss, you've had an opportunity
9 to review the ABPP and other documents in
10 this file; correct?

11 A. (Foss) Correct.

12 Q. Did you find in there, anywhere, an adequate
13 plan for managing existing or created habitat
14 for nighthawks?

15 A. (Foss) Not in the last versions that I have
16 reviewed.

17 Q. Okay. Do you believe that there are things
18 that could be done to do that? And if so,
19 what would they be?

20 A. (Foss) Yes. I mean, the first thing that
21 would need to be done would be surveys to
22 determine whether or not nighthawks were
23 nesting on the site. And as I think we've
24 seen with the Lempster case, this is not --

1 this is not something that can necessarily be
2 determined in the first year or two
3 post-construction. It would need to be done
4 on an annual basis during the operation of
5 the facility.

6 We're still working with the owners and
7 operators of the other facility to come up
8 with an appropriate strategy for dealing with
9 this situation. We have a conference call
10 scheduled in a couple of weeks to come up
11 with a plan for 2013. There's a little more
12 research that's going to need to be done in
13 the field before we can come up with a
14 specific plan. So I can't offer specific --
15 a specific mitigation strategy at this time.
16 That's going to be somewhat dependent on the
17 exact situation. But I do believe that
18 mitigation will be possible.

19 Q. Were you here when Trevor Lloyd-Evans
20 testified?

21 A. (Foss) I was not.

22 Q. So you have not had an opportunity to review
23 his testimony?

24 A. (Foss) I have not.

1 Q. How about his prefiled written testimony?

2 A. (Foss) I read it, but that was some months
3 ago.

4 Q. Okay. Now, in your prefiled testimony, you
5 mentioned that migrating golden eagles
6 typically migrate at altitudes of
7 approximately 100 to 200 meters above ground
8 level over summits, ridge tops, cliffs, et
9 cetera. And that's on Page 4 of your
10 original prefiled. Is that 100- to 200-meter
11 area, from your knowledge, is that within the
12 rotor sweep of this project?

13 A. (Foss) I believe it is.

14 Q. Okay. In your testimony on Page 5, you speak
15 of the "documented passage rate" for Antrim
16 Wind. That's at the bottom of Page 5. And
17 is that documented passage rate calculated by
18 the Applicant's people, or is that somebody
19 else?

20 A. (Foss) I calculated passage rates based on
21 the number of hours of observation at this
22 site and a number of other sites, and the
23 number of a given species that was observed
24 during that passage rate -- I mean during

1 that time period. And I did limit the time
2 periods to the migration period of the
3 species in question.

4 Q. So that .020 GE per hour, that's your figure?

5 A. (Foss) Correct.

6 Q. Okay. Do you think that the information that
7 you relied upon is sufficient to know for
8 sure what the passage rate would be?

9 A. (Foss) I guess I'm not entirely clear on the
10 question. I mean, a passage rate for a given
11 species at a given site is going to vary from
12 year to year, in all probability. So I would
13 want to express it as an average passage rate
14 over at least five years if I was going to
15 generalize about a passage rate at a given
16 site.

17 Q. But does more information improve your
18 confidence level in stating a figure? And I
19 don't mean year to year. But in any given
20 year, if you were to spend more hours and
21 more days in the field making observations
22 and counts --

23 A. (Foss) You would have a more accurate passage
24 rate.

1 Q. Okay. Now, this is in Ms. Foss's
2 supplemental testimony, but I think it
3 perhaps is a question better for Mr.
4 Nickerson, given his experience with golden
5 eagles and eagle permits and the like. And
6 this is -- your testimony is about, I
7 believe, the ABPP. And on Page 2 of your
8 testimony, you say, "This section should" --
9 the Bald and Golden Eagle Protection
10 section -- "should state that at the present
11 time, the USFWS is issuing no incidental take
12 permits for golden eagle east of the 100th
13 meridian."

14 So do I take from that, that even if the
15 Applicant wanted to get a golden eagle take
16 permit, it could not do so?

17 A. (Nickerson) That's correct.

18 Q. And what would it mean to the project if they
19 were to kill a golden eagle?

20 A. (Nickerson) That would depend upon the
21 negotiations between them and the U.S. Fish
22 and Wildlife Service. A lot of it would
23 depend upon the extent on which they tried to
24 mitigate the likelihood that a golden eagle

1 would be taken. Fish and Wildlife Service
2 has prosecutorial discretion in cases like
3 this.

4 Q. Have there been any golden eagle kills in the
5 Northeast or in the East in general?

6 A. (Nickerson) I'm not -- by wind? By wind?

7 Q. Yes.

8 A. (Nickerson) I am not aware of any.

9 Q. Okay. Now, Ms. Von Mertens, I'm going to ask
10 you about the Forest Legacy Program, but I'm
11 not going to ask any details about repeating
12 how it's done or anything. And I have a very
13 specific question -- well, one very specific
14 question and another for a little more
15 detail.

16 The first one is: It's my understanding
17 that the Forest Legacy Program has
18 contributed funds in various ways to conserve
19 properties that are in the "Super Sanctuary"
20 and around it. Is that a fair summary?

21 A. (Von Mertens) That's correct.

22 Q. Okay. And are there other properties around
23 the project area that might be under
24 consideration or eligible for future

1 consideration as being in the or put in the
2 Forest Legacy Program?

3 A. There was one recently completed, Crotched
4 Mountain in Greenfield, abutting the town of
5 Antrim, and that was just in the news two
6 months ago. The Forest Legacy funds were
7 approved -- I'll be brief.

8 Q. Yeah, I'm going to stop you right there
9 because I'm not interested in projects that
10 have already been approved by Forest Legacy.
11 I'm asking you about whether there were
12 properties -- and again, I know this is
13 perhaps secret information. But are there
14 properties around Antrim or in Stoddard or
15 other adjacent to or near the project that
16 might be considered for Forest Legacy?

17 A. (Von Mertens) Forest Legacy has four main
18 criteria. Can I state those? I know you're
19 familiar with them, but I think it's helpful.

20 CHAIRMAN IGNATIUS: Briefly.

21 A. (Von Mertens) It's intact forests, which
22 means not fragmented; it's wildlife habitat;
23 it's aesthetics, how we view them; and
24 recreation. They're open to the public. And

1 so those four criteria, yes, it's as we've
2 all heard in testimony. It's a very natural
3 resource-rich area. So, yes, there are large
4 blocks of intact forest that would qualify.

5 BY MR. ROTH:

6 Q. Okay. Do you think that the presence of the
7 project might have an adverse effect on the
8 ability of those other possible projects to
9 qualify under the Forest Legacy Program?

10 A. (Von Mertens) I think the life of the
11 project, as I understand it, cannot go beyond
12 50-odd years. And I think... I think those
13 in charge know that -- can look that far in
14 the future. So I don't know. I would hope
15 that people would be farsighted enough to --
16 so I guess I don't know.

17 Q. But it is possible that the fragmentation and
18 visual effects of the project might make the
19 Forest Legacy Program decide to look
20 elsewhere?

21 CHAIRMAN IGNATIUS: I think
22 she just said she didn't know, didn't she?

23 A. (Von Mertens) It's possible. Thank you.

24 BY MR. ROTH:

1 Q. Now, do you have, or can you point out on the
2 map that's behind you -- I guess I want to
3 understand better what -- because when I look
4 at all your testimony, I still have only sort
5 of a vague idea about where the Super
6 Sanctuary is and what are the conserved lands
7 surrounding the project. Is that something
8 you can --

9 A. (Von Mertens) Can we look at exhibit -- there
10 is a map. It's ASNH Exhibit 3.

11 Q. Okay.

12 A. (Von Mertens) I believe this is the only map
13 in the record that gives an accurate
14 delineation of Audubon's dePierrefeu-Willard
15 Wildlife Sanctuary.

16 MR. IACOPINO: If I might, I
17 actually have colored paper copies for the
18 Committee, because when I scanned it, it was
19 only a black and white. I'm just going to
20 pass these out to you.

21 A. (Von Mertens) And I'll be happy to point out
22 Forest Legacy land here.

23 BY MR. ROTH:

24 Q. Let's wait until we're all -- are we there?

1 MR. IACOPINO: Ms. Manzelli,
2 did you make these available to everybody?

3 MS. MANZELLI: Not in color on
4 paper.

5 CHAIRMAN IGNATIUS: Perhaps if
6 each party, if there are enough to go around,
7 each party have one copy; that way, if Ms.
8 Von Mertens refers to a color, everyone will
9 know what that reference is. So if you can
10 look on each other's, that would help.

11 MS. MANZELLI: I did
12 distribute all the Audubon exhibits
13 electronically, and those are in color.

14 CHAIRMAN IGNATIUS: I know.
15 Our scanned version is black and white.

16 MS. MANZELLI: Oh, okay.

17 MR. IACOPINO: Because it's in
18 the first set that was provided before you
19 were involved.

20 MS. MANZELLI: My apologies.

21 BY MR. ROTH:

22 Q. Okay. Ms. Von Mertens, you were about to
23 describe the Forest Legacy aspects of the
24 project. I think this picture gives a pretty

1 good idea of what the Audubon Sanctuary
2 configuration is, and now I understand it
3 much better. But which of these is sort of
4 Forest Legacy money and --

5 CHAIRMAN IGNATIUS: I'm sorry,
6 Mr. Roth. I thought your question was, how
7 do the proposed conservation lands relate to
8 what's been called the "Super Sanctuary," as
9 opposed to funding sources?

10 MR. ROTH: That's correct.
11 And what she did is she provided -- or once
12 we got a look at this chart, I thought what I
13 just said was, I think I understand now what
14 the Super Sanctuary and the conservation land
15 looked like with respect to the project area.
16 Now I'm asking her to describe how it was
17 funded.

18 CHAIRMAN IGNATIUS: And why is
19 that relevant to this case?

20 MR. ROTH: Because I think
21 there's Forest Legacy money in there and --

22 CHAIRMAN IGNATIUS: And why is
23 that relevant to the decision this Committee
24 has to make?

1 MR. ROTH: Because there was
2 discussion with Ms. Vissering a few days ago
3 about whether these properties were of
4 so-called "statewide significance." And one
5 of the criteria for that was, at least
6 explained by some witnesses, whether it had
7 public funding behind it. So I'm trying to
8 show that there's public funding behind the
9 Audubon Society's conservation projects
10 surrounding the project.

11 CHAIRMAN IGNATIUS: All right.
12 Anything you can do to focus the questions
13 and not have a general discussion about
14 programs and criteria would be helpful.
15 Thank you.

16 MR. ROTH: I'm just asking her
17 to describe which of these parcels had Forest
18 Legacy money, and if you know how much.

19 A. (Von Mertens) There was one Forest Legacy
20 grant, and it was called "Forest Legacy
21 Willard Pond, Phase 1 and Phase 2." Phase 1
22 expanded the sanctuary to the -- stretching
23 down to the southwest 376 acres. That was
24 about -- it was over a half-million dollars.

1 Five hundred and something. That was Phase
2 1. Phase 2 was what Jeff Jones talked about
3 yesterday; it was \$3 million. And that's --
4 the Stoddard line there -- this map doesn't
5 show it -- it's 1700 acres. I believe you
6 can see Robb Reservoir there. But those
7 1700 acres aren't clearly delineated here.
8 And there also was an LCHIP grant from the
9 state, and that's federal money administered
10 by Division of Forest Lands. There was also
11 federal -- local matches required. And so
12 there was an LCHIP grant of \$250,000, and I
13 believe Fish and Game contributed \$150,000.
14 So that's federal and state investment in the
15 forest and aesthetics and recreation and
16 wildlife habitat.

17 Q. Thank you. Now, you've had an opportunity to
18 review the conservation easements that have
19 been proposed for this project?

20 A. (Von Mertens) I have.

21 Q. Is it your understanding that those easements
22 are proposed for all of the properties that
23 are part of the project?

24 A. (Von Mertens) It's my understanding that they

1 are not.

2 Q. So there are some that will not be at all
3 easemented or conserved --

4 A. (Von Mertens) And those are indicated on this
5 ASNH Exhibit 3.

6 Q. Okay. Which ones are those?

7 A. (Von Mertens) They're the red cross-hatched,
8 one, two, three, four properties.

9 Q. Okay. Thank you.

10 MS. GEIGER: Could I just ask?
11 I want to make sure I understand what's on
12 this map. Ms. Von Mertens, does this map
13 depict the project --

14 MR. ROTH: I'm sorry. You can
15 ask questions when it's your opportunity to
16 do cross-examination.

17 MS. GEIGER: I'm sorry. I
18 just wanted to make sure I understood what
19 was being shown here. But I'll wait until
20 cross. I apologize.

21 MR. ROTH: That's okay.

22 BY MR. ROTH:

23 Q. Is there anything special about the
24 project -- the properties that don't have

1 conservation easements on them?

2 A. (Von Mertens) It's fragmented the
3 conservation. The conservation easements are
4 applied to a certain percentage of the
5 project impact area and the ridgeline.

6 CHAIRMAN IGNATIUS: Can I
7 clarify? Because I also misunderstood, and I
8 think what Ms. Geiger was asking about -- so,
9 Mr. Roth, I'm going to ask it.

10 You said the areas that are
11 under the Company's -- the areas that do not
12 have conservation easements are in red
13 cross-hatching. But that looks different
14 from my reading of the legend. Is that
15 correct?

16 A. (Von Mertens) The four conservation easement
17 properties have the diagonal red striping.
18 And the five properties -- I'm not sure my
19 math is right. But the properties that are
20 not -- that are under lease, that do not have
21 protection, are outlined in red, but do not
22 have the cross-hatching. And this map is --
23 I think there's been some -- have been a
24 couple changes in the locations of the

1 turbines. But this is pretty close.

2 CHAIRMAN IGNATIUS: All right.

3 So I think --

4 MR. ROTH: I understand the
5 confusion now, because the cross-hatch was --

6 (Court Reporter interjects.)

7 MR. ROTH: I think she earlier
8 testified that the cross-hatch was the
9 unconserved areas, but in fact it's the other
10 way around.

11 A. (Von Mertens) Thank you. I'm sorry.

12 Q. Now, Ms. Von Mertens, have you looked at the
13 project's proposals with respect to control
14 of invasive species?

15 A. (Von Mertens) I've looked through -- I've
16 done a word search for "invasive species"
17 with what's been entered into the testimony
18 so far.

19 Q. Have you found a plan in there for
20 controlling invasive species?

21 A. (Von Mertens) I've found -- and this is not
22 to say there wasn't mention that I didn't
23 find. So what I did find had to do with
24 construction period only.

1 Q. Okay. Is there a program for dealing with
2 invasive species after construction?

3 A. (Von Mertens) Not that I could find.

4 Q. Okay. Are you aware of any other projects
5 that have been certificated by the Committee
6 that have invasive species programs?

7 A. (Von Mertens) Again, I did a search. And I
8 believe it's Granite Reliable that has one of
9 the conditions. And I might have this
10 reversed. But I believe it's 23 made mention
11 about invasive species. This is plant
12 species, upland plant species. But, again,
13 only during the construction stage, and it
14 mentioned two species in particular. I
15 couldn't find anything else.

16 Q. Is there anything that you would recommend to
17 the Committee for including as a condition
18 for invasive species control?

19 A. (Von Mertens) The main challenge --

20 MS. GEIGER: I'm going to
21 object to the question. It seems to me that
22 this is the type of thing that the witnesses
23 could have put in their prefiled direct
24 testimony. I'm just hearing about this from

1 this group of witnesses right now for the
2 first time, and I guess I wonder why.

3 CHAIRMAN IGNATIUS: Mr. Roth,
4 is this in response to something that's come
5 up from another witness, or could it have
6 been addressed previously?

7 MR. ROTH: I didn't prepare
8 the witness's testimony, so I don't know what
9 she could or what she might have put in it
10 with respect to it. But I think she does
11 mention invasive species in her testimony.
12 And so --

13 CHAIRMAN IGNATIUS: Where is
14 that?

15 A. (Von Mertens) Could I just mention one --

16 CHAIRMAN IGNATIUS: No, please
17 hold on. I'm sorry.

18 MS. MANZELLI: Excuse me.
19 Unless, Francie, you have a citation to where
20 you discuss invasive species in your
21 testimony, then I believe the Committee would
22 allow you to speak to that.

23 A. (Von Mertens) I don't believe I did mention
24 invasive species.

1 MR. ROTH: Okay. I'll
2 withdraw that question then.

3 BY MR. ROTH:

4 Q. Ms. Von Mertens, you talked in your testimony
5 about Willard Pond being a premiere trout
6 pond. Is that pond stocked with trout, or
7 are they native?

8 A. (Von Mertens) It is, I believe, both.

9 Q. So who stocks the trout?

10 A. (Von Mertens) I'm afraid you're asking the
11 wrong person.

12 Q. Would that be the Fish and Game Department?

13 A. (Von Mertens) I don't know.

14 Q. Mr. Brown, do you know the answer to that?

15 A. (Brown) Yes, I believe New Hampshire Fish and
16 Game does stock the trout.

17 Q. And are there also native trout in the pond?

18 A. (Brown) I would clarify that. Possibly those
19 trout are naturalized. I'm not sure if
20 they're a native trout.

21 Q. While we're on this subject, I note in your
22 testimony, Mr. Brown, that you said you spoke
23 to fishermen who say that the presence of the
24 project would, if I'm remembering it

1 correctly -- I'll just get to it.

2 You said, "Many of the fishermen I spoke
3 to that morning expressed their unsolicited
4 opinions of how the proposed wind facility
5 would negatively affect their fishing
6 experience here."

7 Now, the question is: First of all,
8 don't you agree that fishermen are notorious
9 liars?

10 [Laughter]

11 Q. That aside, do you think those statements by
12 those people were credible?

13 A. (Brown) In what way can I say --

14 Q. Well, do you think they were being sincere?

15 A. (Brown) Sincere. That's how I interpreted
16 it.

17 Q. Okay. I recall one witness -- or one person,
18 and I can't remember which witness said this,
19 but may be it was you, Mr. Brown, that the
20 fishermen complained that the fishing wasn't
21 particularly good. Do any of you remember
22 who actually made that comment? That was
23 you, Ms. Von Mertens?

24 A. (Von Mertens) I have a friend, Ed Henault,

1 who I mentioned in my testimony. And again,
2 this is anecdotal. But we talk about the
3 Patriots and fishing quite a lot. And he
4 came back from fishing one day, and I said,
5 "How did it go?"

6 And he said, "Oh, I didn't catch
7 anything. But that's not what it's all
8 about."

9 Q. Maybe he's just not very good at it.

10 A. It could be. But he saw an osprey and said
11 the osprey had better luck fishing than he
12 did.

13 Q. Do any of you believe that the water quality
14 or the fishing opportunities in the pond will
15 be affected by the construction of the
16 project?

17 CHAIRMAN IGNATIUS: Can I -- I
18 think you want to focus that on any witness
19 who spoke to that in their testimony and not
20 just generalized among the four, so that we
21 have some kind of control here.

22 A. (Von Mertens) I spoke about water quality,
23 and it was -- the word "pristine" is what
24 people use for Willard Pond. And I wasn't

1 talking about the water quality with fears of
2 water-quality degradation because of the
3 project. I was talking about the experience,
4 the pristine experience that draws people to
5 Willard Pond, including water quality,
6 fishing, visual, et cetera.

7 Q. Now, Mr. Brown, you spoke about aesthetics
8 and the management of the sanctuary. Are you
9 familiar with Ms. Vissering's testimony?

10 A. (Brown) Somewhat.

11 Q. And are you aware that she recommended that,
12 as mitigation, among other things, the
13 project take out Turbines No. 9 and 10?

14 A. (Brown) I think I recall that.

15 Q. And replace those -- replace all of them,
16 minus 9 and 10, obviously, with smaller
17 turbines?

18 A. (Brown) Okay.

19 Q. You remember that?

20 A. (Brown) I believe I remember that.

21 Q. Do you agree with those recommendations?

22 A. (Brown) From what perspective would I have
23 that decision to make?

24 Q. That's a fair question. Do you believe that

1 if those two things were to occur, would that
2 satisfactorily mitigate the impact, the
3 aesthetic impact of the project on the
4 sanctuary?

5 A. (Brown) I think that could help mitigate.
6 But essentially, it's mitigation rather
7 than --

8 Q. Avoidance?

9 A. (Brown) -- not having the turbines
10 themselves.

11 Q. Now, you spoke -- I think it was in your
12 rebuttal -- about the need for more data.
13 Are you aware that in Granite Reliable and
14 Groton, the Committee required three years of
15 post-mortality -- or post-construction
16 studies?

17 A. (Brown) Are you addressing me?

18 Q. Yes, Mr. Brown.

19 A. (Brown) I seem to recall that.

20 Q. Okay. And do you think that that would be an
21 appropriate thing to do in this case as well?

22 A. (Brown) Yes.

23 Q. Okay. And I believe in response to a
24 question from Ms. Manzelli, you said that you

1 thought that the project site could be a
2 leading line.

3 What is the evidence that you would
4 refer to, to support that assertion?

5 A. (Brown) Well, I don't have any evidence to
6 support that. But I don't think there's any
7 evidence that speaks against that, either.
8 Just speaking to the need for more data
9 collection to determine that. It certainly
10 would be possible.

11 Q. So there's no observations that you made that
12 lead you to that conclusion, other than the
13 fact that it wasn't done?

14 A. (Brown) I have one observation, one
15 comparable, in looking at one day of data
16 collection for the period of two hours,
17 comparing that to Pack Monadnock and looking
18 at the comparable numbers of raptors of
19 certain species between the two sites. And
20 what I saw could indicate that there would be
21 essentially good migration patterns along
22 that ridge.

23 Q. So is Pack Monadnock recognized as a leading
24 line or edge as it's --

1 A. I think it's generally recognized as that.

2 Q. Okay. How has bald eagle use been documented
3 within the sanctuary? Have you seen them?

4 A. (Brown) Yes, probably mainly incidentally.
5 But also on dedicated hawk watching days from
6 various points, I would say the bald eagles
7 are fairly common visitor to the sanctuary
8 itself, in both migration and during the
9 breeding season and other times of year.

10 Q. Based on your work at the sanctuary -- and I
11 take it you're there sort of full time? Is
12 that --

13 A. (Brown) No.

14 Q. No?

15 A. (Brown) I did spend one year as a resident,
16 as I stated in the testimony.

17 Q. Okay.

18 A. (Brown) But I'm a frequent visitor.

19 Q. Okay. And you're familiar with the people
20 who use it, the user groups and populations
21 that go there?

22 A. (Brown) Somewhat.

23 Q. Do you think that the presence of the wind
24 project up on the ridge above the sanctuary

1 and the pond will negatively impact
2 visitation to the sanctuary and the pond?

3 A. (Brown) I do think that that would limit
4 visitation to the pond and the sanctuary.

5 Q. Okay. There were some questions the other
6 day about clearing of the summit of Goodhue
7 Hill. When was that cut down?

8 A. (Brown) It's been -- it's complete now. But
9 the majority of the cutting I believe
10 occurred last winter. It was a two-year
11 operation, and I'm a little vague on my
12 memory of actually when that cut was begun
13 and completed. But it was all completed by
14 the end of this past winter.

15 Q. When was the decision made to do that?

16 A. (Brown) I don't recall exactly when. But it
17 was guided by a forest management plan.

18 Q. Okay. When you made the decision to do that,
19 were you aware that there was a proposal to
20 construct a wind farm on the other side of
21 the pond, up on the ridge on the opposite
22 side?

23 A. (Brown) I don't recall if I was aware of
24 that.

1 Q. Okay. There has been some discussion about
2 whether the sanctuary and the pond are used
3 at night and in the winter time. Mr. Brown,
4 have you seen or are you aware of people
5 using the property at night?

6 A. (Brown) Yes, it certainly does occur. And
7 I've seen that firsthand, both unregulated
8 and on authorized Audubon field trips.

9 Q. So I understand that the -- I can't remember
10 whose testimony it was in, but somebody said
11 the sanctuary is officially closed at night.
12 Is that correct?

13 A. (Brown) The trails are closed from dusk
14 through dawn.

15 Q. But people go in there, anyway?

16 A. It does happen occasionally.

17 Q. Is the boat ramp and the pond closed in the
18 dark?

19 A. (Brown) I'm not certain of what Fish and
20 Game's rules say about that. But the boat
21 ramp and the pond are both used at night as
22 well sometimes.

23 Q. Okay. And how about in the wintertime? Is
24 the sanctuary closed in the winter?

- 1 A. (Brown) No, it's open all winter.
- 2 Q. The roads are plowed all the way in there?
- 3 A. (Brown) It is.
- 4 Q. And who plows the road in there?
- 5 A. (Brown) I believe the Town of Hancock is
- 6 still doing the plowing.
- 7 Q. Right up to the boat ramp?
- 8 A. (Brown) Yeah, typically to the boat ramp.
- 9 Q. And what kind of activities go on there in
- 10 the wintertime?
- 11 A. (Brown) Guided field trips, skiing,
- 12 snowshoeing, hiking. You know, pretty much
- 13 everything except the water-based activities
- 14 that occur throughout the year.
- 15 Q. No ice fishing?
- 16 A. (Brown) No, it's fly fishing only.
- 17 Q. Is it catch and release?
- 18 A. (Brown), No. Not as far as I know.
- 19 Q. Mr. Brown, in your testimony on July 31st, on
- 20 Page 6 -- and this is really just a
- 21 clarification point for me -- you say, "An
- 22 old logging road and relatively newly created
- 23 foot trail provide foot access to and around
- 24 this parcel" -- which I think you're

1 referring to the Tamposi parcel -- "on which
2 a conservation easement is held by the State
3 of New Hampshire."

4 A. (Brown) Yes. What is the question about
5 that?

6 Q. The question is: Is that Fish and Game or
7 some other agency that holds that easement?

8 A. (Brown) That's the Forest Legacy easement
9 that was being referred to before.

10 Q. Okay. And which part of the State holds
11 that? Is it Fish and Game or DRED? Or do
12 you know?

13 A. (Brown) I believe the Department of Resources
14 and Economic Development.

15 Q. Okay. That's all my questions. Thank you
16 very much all, of you.

17 CHAIRMAN IGNATIUS: Thank you.
18 Mr. Froling.

19 MR. FROLING: I have a few,
20 very brief questions about Forever Wild
21 easements.

22 CHAIRMAN IGNATIUS: Thank you.
23 And can you borrow one of the microphones?

24 MR. FROLING: I'd be delighted

1 to.

2 CHAIRMAN IGNATIUS: Thank you.

3 CROSS-EXAMINATION

4 BY MR. FROLING:

5 Q. I believe these are all directed to Ms. Von
6 Mertens, who I know. But I'll introduce
7 myself. I'm Stephen Froling, and I represent
8 the Harris Center.

9 Could you show the Committee where the
10 Tamposi easement is -- that is to say, where
11 the Forest Legacy is easement on this map?
12 Can you just point to it?

13 A. (Von Mertens) On ASNH Exhibit 3 that I
14 referred to earlier, you can see "Bald
15 Mountain" written there.

16 Q. Yes.

17 A. (Von Mertens) And it's 376 acres. And Phil
18 Brown might have to help me here. I know it
19 goes down to the southwest to the road. You
20 can see that there's a trail down through
21 there. That's the Tamposi easement. It goes
22 up close to the summit of Bald Mountain and
23 then cuts due east to where the logo of the
24 sailboat -- well, a little south of that.

1 But it's -- is it okay for Phil to help me
2 out there? He's -- how did I do?

3 A. (Brown) I think you described it pretty well.
4 It doesn't contain the entire trail leading
5 up from the junction of Willard Pond Road,
6 but it is the higher elevations to the west
7 of Willard Pond Road and south of the summit.

8 Q. Sorry. Do you know or can you tell from the
9 map behind you whether that's an area that
10 includes highest-ranked habitat in the state?

11 A. (Von Mertens) It does.

12 Q. Do you know whether that's a Forever Wild
13 easement?

14 A. (Von Mertens) Insofar as -- it's not. It
15 allows commercial logging following a forest
16 management plan.

17 Q. Is it a requirement of that easement, that
18 there be logging?

19 A. (Von Mertens) Forest Legacy is for forestry
20 resources. Yes, it is. There is.

21 Q. Can you show the Committee where the Gilbert
22 easement is?

23 A. (Von Mertens) Just a -- can I do a postscript
24 to that? And again, Phil Brown, oversees the

1 forest management plan. I believe that there
2 are no cut areas designated on the Tamposi
3 Forest Legacy parcel. That would be Forever
4 Wild. But I need to check with Phil to make
5 sure that's true.

6 WITNESS BROWN: Do I have
7 permission?

8 CHAIRMAN IGNATIUS: Yes,
9 please.

10 A. (Brown) Yes, that is the case. The forest
11 management plan did specify that certain
12 stands would be left uncut, as long as -- at
13 least in this round of management.

14 Q. Is it also true that you amend that forest
15 management plan or steward plan every 10
16 years and redesignate those lands?

17 A. (Brown) I can't recall if it's 10 or 15. It
18 may be a 15-year redesignation.

19 Q. But it is a requirement that you consider and
20 amend it from time to time.

21 A. (Brown) Yes.

22 Q. Can I move to the Gilbert parcel? Can you
23 show me where the Gilbert parcel is on that
24 map?

1 A. (Von Mertens) Yes. There's Willard Pond,
2 blue. And it's 130 acres that cover about a
3 third of the shoreline, and it goes back into
4 the upland.

5 Q. Does that easement include land which is
6 highest-ranked habitat in the state?

7 A. (Von Mertens) It does.

8 Q. Is that a Forever Wild easement?

9 A. (Von Mertens) Again, there are areas there
10 that, through forestry management, are no-cut
11 areas. And then there are areas -- you know,
12 I could go into more detail. It was
13 clear-cut by the owner before, so there
14 was -- it's forest management. Audubon does
15 guide its forest management plans by wildlife
16 considerations.

17 Q. I understand that. But it's not a Forever
18 Wild easement.

19 A. (Von Mertens) There's not surveyed areas that
20 are designated as Forever Wild. You're
21 correct.

22 Q. All right. Can you point the Committee,
23 please, to the Caughey easement, please?

24 CHAIRMAN IGNATIUS: Can you

1 spell that word, please?

2 MR. FROLING: Oh, sorry. It's
3 C-A-U-G-H-E-Y.

4 A. (Von Mertens) That is the paler green. It's
5 due west of the Audubon, darker-green,
6 Wildlife Sanctuary. It's somewhat square-ish
7 with a tail down to the southeast. It's
8 privately owned by abutters to the sanctuary,
9 but --

10 Q. And Audubon holds the easement on that.

11 A. (Von Mertens) Audubon holds the easement,
12 yes.

13 Q. Does that include land which is
14 highest-ranked habitat in the state?

15 A. (Von Mertens) It's mostly -- yes, it does.

16 Q. Is that a Forever Wild easement?

17 A. (Von Mertens) No, it's not.

18 Q. Can you tell the Committee whether Audubon
19 holds any Forever Wild easements in the area
20 of Willard Pond?

21 A. (Von Mertens) Again, I'll answer it, and then
22 I'll let Phil.

23 Not strictly in terms of surveying. The
24 Harris Center took an easement, a Forever

1 Wild easement, recently in my town. And
2 there was a surveyed area designated on the
3 map that was Forever Wild after a natural
4 resource inventory inventoried the natural
5 resources found in the exemplary part. And
6 in negotiations with the landowner, that was
7 surveyed and marked on the map. So that was
8 an easement that did have a survey. I don't
9 believe that Audubon has a Forever Wild
10 easement to that extent. But again, that's
11 high natural resource. We do a natural --
12 NRI, Natural Resource Inventory, on our
13 properties to designate --

14 Q. Can I come back to the question?

15 A. (Von Mertens) -- no-cut areas.

16 Q. Could I please come back to the question?
17 Does Audubon hold any Forever Wild easements
18 in the area, in the vicinity of Willard Pond?
19 It's a simple yes or no.

20 A. (Brown) I'm not certain of that. I would
21 have to check the language.

22 A. (Von Mertens) Could we talk about farther
23 north, where we do? No, I think the --
24 sorry.

1 Q. That's all my questions. Thank you.

2 CHAIRMAN IGNATIUS: Thank you.

3 Mr. Beblowski? Mr. Jones? Ms. Sullivan?

4 Ms. Longgood.

5 MS. LONGGOOD: No questions at
6 this time.

7 CHAIRMAN IGNATIUS: Mr.

8 Stearns?

9 MR. STEARNS: No questions.

10 CHAIRMAN IGNATIUS: Ms.

11 Pinello.

12 MS. PINELLO: No questions.

13 CHAIRMAN IGNATIUS: Ms. Edwards

14 -- Ms. Allen. Excuse me.

15 MS. ALLEN: No questions.

16 CHAIRMAN IGNATIUS: Mr. Block.

17 MR. BLOCK: Yes. If you don't

18 mind, I'd like to pass the microphone over to

19 Lorraine to ask a few questions.

20 CHAIRMAN IGNATIUS: That would

21 be fine. And let me ask you, do you

22 anticipate a few or quite a few?

23 MS. BLOCK: No, I don't have

24 that many questions.

1 CHAIRMAN IGNATIUS: All right.
2 Why don't we go ahead, and then we'll take a
3 break soon. But go ahead.

4 CROSS-EXAMINATION

5 BY MS. BLOCK:

6 Q. Good morning. My first question is for
7 Carol. And this is just a point of
8 clarification for myself.

9 You said the common nighthawk is a
10 listed species. And by that you mean
11 state-endangered?

12 A. (Foss) Correct.

13 Q. Okay. Thank you.

14 I'm not sure who this is specifically
15 directed to. So whoever feels comfortable
16 with this -- maybe Carol.

17 I had actually asked questions similar
18 to this to Mr. Lloyd-Evans. I mentioned that
19 I have seen over the years, and I have been a
20 very frequent visitor to the Willard Pond
21 Sanctuary, that there appear to be
22 significant bat colonies there. Is that an
23 accurate observation on my part, and is that
24 an area of concern for you?

1 A. (Brown) I'm sure I can address that a little
2 bit.

3 Over the years, as we know, the bat
4 populations have been declining pretty
5 significantly only recently. But over the
6 years, within the cabin owned by New
7 Hampshire Audubon there was a significant bat
8 population. That cabin is still standing.
9 The bats aren't there anymore. But the bats
10 have occupied a barn owned by Willard --
11 owned by New Hampshire Audubon. And that is
12 at least one significant colony, as said so
13 by New Hampshire Fish and Game and U.S. Fish
14 and Wildlife Service staff.

15 Q. So my question, I guess, is: Do you feel
16 turbines would pose an additional risk to
17 that colony?

18 A. (Brown) I don't know enough about that. I'm
19 not an expert on bats.

20 Q. Okay. And I think this is a question again
21 for Carol. I think it was in relation to
22 something you said about Lempster and
23 post-construction studies in regard to
24 nighthawk habitat. And my question, I guess,

1 is in this project, would it make sense to
2 perhaps do pre-construction studies about
3 habitat for nighthawk?

4 A. (Foss) To the extent that there is a
5 potential nesting habitat along the area to
6 be -- well, along the ridge, it would be --
7 it would be helpful to know what the
8 pre-construction situation is. I have not
9 been on the ridge myself. So I don't know to
10 what extent that suitable habitat is
11 available. But from previous testimony, it's
12 certainly been suggested that potential
13 nesting habitat exists along the ridge.

14 Q. Thank you.

15 The other question I had is about
16 high-elevation land, that it was stated, I
17 think just previously, that that needed to be
18 2700 feet and that the project was at
19 2300 feet; yet, Jeffrey Jones said something
20 yesterday, and I'm really paraphrasing, that
21 soil, vegetation, et cetera, can make an area
22 "high elevation," even if it's not
23 technically at that high elevation. Does
24 that make sense to one of you?

1 A. (Foss) Typically in New Hampshire, when we
2 talk about "high-elevation spruce-fir
3 habitat," we're referring to areas primarily
4 in the northern part of the state that
5 support a particular suite of plant and
6 animal species. And I was not here to hear
7 Mr. Jones, so I really don't want to comment
8 on what he meant.

9 Q. Okay. Thank you. That was that
10 spruce-fir -- that was exactly what he was
11 talking about. So, thank you. That does
12 help clarify things. And that's the end of
13 my questions.

14 CHAIRMAN IGNATIUS: Thank you.

15 Dr. Kimball? Ms. Linowes?

16 (No verbal response)

17 CHAIRMAN IGNATIUS: Then I
18 think we're here now for questioning from the
19 Applicant. And I imagine you have a number
20 of questions, so why don't we take a break.
21 It's now 10:30. Let's resume at -- let's try
22 to keep it to 10 minutes. We'll resume at
23 10:40.

24 (Whereupon a recess was taken at 10:30)

1 a.m., and the hearing resumed at
2 10:45 a.m.)

3 CHAIRMAN IGNATIUS: We are
4 back, and we are now beginning
5 cross-examination from the Applicant.
6 Ms. Geiger.

7 MS. GEIGER: Yes, thank you.

8 CROSS-EXAMINATION

9 BY MS. GEIGER:

10 Q. Good morning. I don't know that I've met all
11 of you in person. But I'm Susan Geiger, and
12 I represent the Applicant.

13 I think I'll start with you, Ms. Von
14 Mertens. When did you first learn about the
15 Antrim Wind Project?

16 A. (Von Mertens) I think I attended the second
17 hearing in Antrim. Mr. Kenworthy and Mr.
18 Soininen were presenting. So whenever that
19 was, I attended that hearing in Antrim Town
20 Hall.

21 Q. How many years ago was that?

22 WITNESS VON MERTENS: When was
23 that?

24 MR. KENWORTHY: 2009.

1 A. (Von Mertens) 2009, probably, I hear from Mr.
2 Kenworthy.

3 Q. Okay. Thanks. I just wanted to make sure
4 that the hearing you were referring to is not
5 part of this Site Evaluation Committee
6 process; right?

7 A. (Von Mertens) It was a town -- Antrim town
8 citizens and interested parties.

9 Q. Okay. And have you had had an opportunity to
10 speak with either Mr. Kenworthy or other
11 representatives of Antrim Wind about the
12 project?

13 A. (Von Mertens) I've talked to Mr. Soininen a
14 bit.

15 Q. Okay. And have you been approached or
16 discussed with them the possibility of having
17 Audubon consider or discuss conservation
18 easements for this project?

19 A. (Von Mertens) I was a bit of a go-between,
20 between Mr. Soininen and New Hampshire
21 Audubon for their meeting at Mr. Soininen --
22 I think he initiated it. I e-mailed back and
23 forth. I'm not sure who initiated it. But
24 it was part of the Antrim Wind-Eolian, at

1 that time, process.

2 Q. I believe, turning to Page 3 of your
3 testimony, you said, "Additions to large,
4 unfragmented blocks of conserved open spaces
5 have a high priority for Audubon; is that
6 correct?

7 A. (Von Mertens) Audubon -- for the land
8 conservation community in general, Audubon is
9 more interested in their existing
10 sanctuaries, expanding them, and exemplary
11 wildlife habitat. Those are our two
12 criteria. We're not a strict land trust. We
13 do lots of things -- or Audubon does lots of
14 things.

15 Q. So is that the reason why Audubon has not
16 engaged in or agreed to engage in
17 conversation with the project about the
18 possibility of having Audubon become more
19 involved with conservation easements that
20 would be part of this project?

21 MS. MANZELLI: Object. The
22 question presupposes testimony that's not in
23 the record.

24 CHAIRMAN IGNATIUS: Ms.

1 Geiger.

2 MS. GEIGER: Yeah, I'm just
3 trying to ascertain from Ms. Von Mertens'
4 prefiled testimony concerning Audubon's -- or
5 her position that conservation of open spaces
6 has a high priority and understand why. And
7 I believe there was testimony in earlier
8 sessions, I think from Ms. Vissering,
9 indicating that she thought it would be
10 unlikely that Audubon would be willing to
11 coordinate or discuss with the Applicant, and
12 I'm trying to find out why.

13 CHAIRMAN IGNATIUS: Why not
14 ask directly if she has had those
15 conversations or would be interested.

16 MS. GEIGER: Well, I'll ask
17 that. Thank you.

18 BY MS. GEIGER:

19 Q. Have you had those conversations?

20 A. (Von Mertens) I'm trying to be really --
21 listen to the question and then -- but my
22 brain doesn't always work that way.

23 Audubon was very aware that the Harris
24 Center -- the Harris Center is the

1 premiere -- it is the land trust in this
2 particular geographic area. We were aware
3 that active conversations were going on
4 between Eolian, Antrim Wind and the Harris
5 Center.

6 Q. Okay. And so are you satisfied that the
7 conservation easements that the project has
8 granted to Harris Center -- or would be held
9 by the Harris Center, if the project is
10 permitted, would be managed appropriately by
11 the Harris Center?

12 A. (Von Mertens) I put in my testimony the
13 concerns about residential development being
14 allowed and forestry allowed without a
15 forestry management plan.

16 Q. And I understand that. But do you have any
17 concerns that the Harris Center would not
18 engage or implement an appropriate forestry
19 management plan, should it become the holder
20 of these conservation easements?

21 A. (Von Mertens) They can't. They're not
22 empowered to do that. That's the landowner's
23 job. And that's how it's done. The
24 landowner determines what forestry they want

1 to do.

2 Q. And do you have any reason to believe that
3 the landowners upon which these easements
4 would be situated would not engage in an
5 appropriate forestry management plan?

6 A. (Von Mertens) Landowners -- conservation
7 easements -- I'm not going to speak quickly,
8 but I'm aware that I might be cut off.
9 Conservation easements change ownership. The
10 first generation typically has a high land
11 ethic. They negotiate with the land trust
12 what they want to conserve, and then another
13 generation of landowners comes. And
14 typically land trusts have real trouble with
15 the second generation, third-generation
16 landowners who might not have a strong land
17 ethic. These conservation easements are a
18 particularly different kind of conservation
19 easement; purchased, not donated. I wasn't
20 part of the exchange between the landowner
21 and the Harris Center and Antrim Wind Energy.
22 But it's always back and forth. And these
23 are unusual easements.

24 Q. Let's go back to your original testimony.

1 As I understand it, you adopted Mr.
2 Nickerson's supplemental testimony as your
3 own; correct?

4 A. (Von Mertens) Yes.

5 Q. So if I have questions about that, I should
6 be directing them to you instead of Mr.
7 Nickerson.

8 A. (Von Mertens) Yes, thank you.

9 Q. Now, on your first testimony, your direct
10 testimony, on Page 5 you explain that deeds
11 to several properties around Willard Pond
12 have restrictions on hunting and fishing; is
13 that correct?

14 A. (Von Mertens) I was given a history of the
15 sanctuary and how it grew. And they do, but
16 they're not legal. Deed language is not
17 legally binding. It was the wishes of the
18 donor in 1930. And so there is fishing and
19 there is hunting on some of the parcels.
20 It's not legally -- you need a conservation
21 easement with an agency or land trust to make
22 it legal.

23 Q. Is it your position that hunting and fishing
24 or other recreational activities that occur

1 in the sanctuary would no longer occur if
2 this project is built?

3 A. (Von Mertens) It would have no impact on
4 hunting or the legality of hunting or
5 fishing, where that is -- where hunting is
6 somewhat restricted.

7 Q. Okay. On Page 14 of your testimony, you
8 indicate that you have concerns about the
9 visual impacts of the project on the Willard
10 Pond Sanctuary; is that correct?

11 A. (Von Mertens) That's correct.

12 Q. Is this your own personal concern, or is this
13 the position of New Hampshire Audubon?

14 A. (Von Mertens) It's certainly my concern. And
15 Audubon has adopted a policy on wind energy,
16 and I don't know to what extent aesthetics
17 were mentioned in that policy.

18 Q. Do you have a copy of that policy?

19 A. (Von Mertens) I do.

20 Q. Is it in the record?

21 A. (Von Mertens) I believe it is.

22 Q. Could you give me the exhibit number, please?

23 A. (Von Mertens) Well, I'll need some help with
24 that. I believe it's one of your exhibits,

1 but I'm not sure. And I think Amy might need
2 to help me here.

3 MS. MANZELLI: I'm sorry?

4 WITNESS VON MERTENS: The New
5 Hampshire Audubon policy on wind energy
6 projects.

7 MS. MANZELLI: I believe
8 that's an AWE exhibit?

9 MS. GEIGER: I was just
10 curious if the document -- to save some time,
11 I thought maybe the document that she had in
12 her hands had the number on it. And I
13 apologize if --

14 MS. MANZELLI: It does not. I
15 apologize for that also. Sorry.

16 BY MS. GEIGER:

17 Q. All right. So, to your knowledge, has New
18 Hampshire Audubon, either members of the
19 governing body, the governing board of that
20 organization, taken a vote to the effect that
21 the -- that it has concerns about the visual
22 impacts of the project on Willard Pond?

23 A. (Von Mertens) I think Mr. Nickerson, as past
24 board chair, might be more familiar with the

1 aesthetics. I know that wildlife and other
2 things are mentioned.

3 A. (Nickerson) Thank you, Francie. The board
4 has voted to intervene. And one of the major
5 reasons that we voted for intervention was
6 our concern about the visual impacts. So the
7 answer to your question is yes. And I was
8 board chair at the time and presided over the
9 vote for intervention.

10 Q. Okay. Now, on Page 14 of Ms. Von Mertens'
11 testimony, you've indicated that the visual
12 impacts of avian [sic] obstruction lights
13 deserve full consideration. Is that your
14 statement?

15 A. (Von Mertens) Of avian -- I mean --

16 Q. Aviation.

17 A. -- aviation, not avian. Did you say avian or
18 did I?

19 Q. I probably did. Aviation. I'm sorry.

20 A. Freudian. Yes, and at that time I didn't
21 know about the agreement that Appalachian
22 Mountain Club and the FAA and...

23 Q. So you're familiar with the Applicant's
24 agreement to implement, when approved by FAA,

1 a radar-activated lighting system?

2 A. (Von Mertens) I am.

3 Q. And what is your position on that?

4 A. (Von Mertens) It's an improvement.

5 Q. Okay. Thank you.

6 Now, Ms. Foss, turning to your
7 testimony, please. Is it fair to say that
8 the bulk of your prefiled testimony concerns
9 golden eagles?

10 A. (Foss) Yes.

11 Q. Okay. And on Page 4 of your prefiled
12 testimony, you talk about golden eagles that
13 have been killed by turbines in California,
14 Wyoming, Oregon and Washington; is that
15 correct?

16 A. (Foss) Yes.

17 Q. But isn't it true -- and I think it's in
18 response to a data request from Antrim Wind,
19 which would be AWE 27, and I believe it was
20 indicated this morning in testimony, maybe by
21 Mr. Nickerson -- that there haven't been or
22 you're not aware of any golden eagle
23 fatalities or mortalities at an operational
24 wind farm in the eastern United States? Is

1 that your testimony?

2 A. (Foss) That's correct.

3 Q. Why didn't you mention this back in your
4 prefiled testimony?

5 A. (Foss) I guess the density of bald eagles in
6 the west -- I'm sorry -- golden eagles in the
7 west is orders of magnitude higher than the
8 density of bald eagles in the east.

9 Likewise, the density of wind turbines in the
10 west is orders -- probably several orders of
11 magnitude higher than the density in the
12 east. This is an issue that is going to
13 become more likely as more wind turbines
14 occur in the east. So...

15 Q. So you didn't think it was important to
16 mention in your testimony that there haven't
17 been any golden eagle fatalities at eastern
18 wind farms in the United States?

19 MR. ROTH: Objection. She
20 didn't say that. That's your words, not
21 hers.

22 MS. GEIGER: I'm going to
23 object to Mr. Roth objecting to my questions
24 of this panel. If Ms. -- they're represented

1 by counsel. And if Ms. --

2 MS. MANZELLI: I'll make the
3 same objection. If you'd like to rephrase?

4 MS. GEIGER: No. I asked the
5 question and I got an answer and I'd like to
6 move on, because I don't think we need to bog
7 the Committee down with this testimony.

8 BY MS. GEIGER:

9 Q. Are you aware that the U.S. Fish and Wildlife
10 Service has indicated that, based on its
11 risk-assessment model, the Service predicts
12 that the project's risk to golden eagles is
13 within the range that the Service considers
14 low risk?

15 A. (Foss) Yes, I'm aware of that.

16 Q. Okay. And the model that was referred to in
17 that exhibit that I just referenced, AWE 43,
18 which is, I believe, a copy of some e-mails
19 from Ms. Nystrom --

20 A. (Foss) Correct.

21 Q. -- that's the only model that exists at the
22 current time for assessing risk to golden
23 eagles; isn't that correct -- that the
24 Service uses?

1 A. (Foss) That the Service uses, yes.

2 Q. Now, in your supplemental prefiled testimony,
3 you comment on various sections of the
4 Applicant's Avian and Bat Protection Plan.
5 And you make some recommendations for changes
6 in some instances; is that correct?

7 A. (Foss) Correct.

8 Q. Now, your recommendations were not adopted by
9 U.S. Fish and Wildlife Service; is that
10 right?

11 A. (Foss) I beg your pardon?

12 Q. Well, the recommendation that you made in
13 your prefiled testimony concerning the ABPP
14 were not, in fact, accepted by U.S. Fish and
15 Wildlife when they --

16 A. (Foss) To my knowledge --

17 MS. MANZELLI: Objection.
18 There's nothing in the record here that
19 indicates that any request was made to the
20 agency to consider Ms. Foss's recommendation.

21 MS. GEIGER: All right. I'll
22 rephrase the question.

23 CHAIRMAN IGNATIUS: All right.
24 Let -- you know, if the witness doesn't know,

1 you're always welcome to say you don't know.
2 If you say, "But that's not the way it
3 happened," you're also welcome to say that.
4 If we can have a little more exchange -- if
5 we can have the witnesses do more of the
6 testifying than the parties' counsel, that
7 would be helpful.

8 BY MS. GEIGER:

9 Q. Well, I guess you've indicated in your
10 prefiled testimony that you made some
11 recommendations about the project's Avian and
12 Bat Protection Plan; correct?

13 A. (Foss) Correct.

14 Q. Is your position shared by U.S. Fish and
15 Wildlife concerning those recommendations?

16 A. (Foss) I have no idea.

17 Q. Well, isn't it true that U.S. Fish and
18 Wildlife indicated to the Applicant that its
19 ABPP is consistent with the Service's
20 land-based wind energy guidelines, and that
21 that agency didn't have any additional
22 comments or suggested revisions to it at this
23 time?

24 A. (Foss) I don't know that I had seen that

1 response from the Service at the time I
2 prepared my testimony.

3 Q. But is it your understanding now that the
4 ABPP prepared by Antrim Wind has been deemed
5 satisfactory to U.S. Fish and Wildlife
6 Services at this time?

7 A. (Foss) I guess what I would like to say on
8 that --

9 MS. MANZELLI: Would it be
10 helpful for you to have the exhibit about
11 which you're testifying in front of you?

12 MS. GEIGER: I was just going
13 to show her that. And I apologize. I don't
14 want to...

15 MR. ROTH: Madam Chairman, to
16 the extent that, you know, there were
17 complaints about repetitive and duplicative
18 testimony, it seems to me that we've talked
19 about the Fish and Wildlife Services'
20 approval or non-approval, whatever it means,
21 a number of times by a number of witnesses.
22 And this is clearly a place where Ms. Geiger
23 should be objecting to her own questions in
24 that regard.

1 CHAIRMAN IGNATIUS: Well, Mr.
2 Roth, this is a question that Ms. Geiger
3 wants to have this witness address
4 recommendations this witness made about U.S.
5 Fish and Game standards. So I think it's --
6 I'm sorry -- U.S. Fish and Wildlife. So I'm
7 going to allow it.

8 MS. GEIGER: Let me just ask
9 the witness if she's seen AWE 43.

10 A. (Foss) Yes, I'm looking at it now. This
11 communication is specifically from the
12 Northern States Bald and Golden Eagle
13 Coordinator. So it refers specifically to
14 the aspects of the ABPP that deal with bald
15 and golden eagles.

16 BY MS. GEIGER:

17 Q. Does it say that?

18 (Witness reviews document.)

19 Q. Well, let me rephrase the question. Is
20 there -- there's no limiting language in that
21 e-mail correspondence that says that this --
22 that the reviewer, Ms. Nystrom, is limiting
23 her review just to the bald and golden eagles
24 aspects of the ABPP, is it?

1 A. (Foss) No. And at the end it does refer more
2 generally to the ABPP. However, I mean, I'm
3 not the Fish and Wildlife Service. And even
4 were Audubon not an intervenor in the
5 process, I would feel that I had the right,
6 as a professional biologist, to provide
7 comments on the ABPP.

8 Q. Okay. Understood.

9 A. (Foss) And I would further say that
10 state-listed endangered species are not the
11 realm of the federal Fish and Wildlife
12 Services' concern. So I would not expect the
13 Service to have comments regarding the
14 nighthawk recommendations.

15 Q. Okay. Turning to the nighthawks, if you
16 will, just for a second. Are you aware that
17 this project consulted with U.S. Fish and
18 Wildlife and New Hampshire Fish and Game in
19 doing -- in developing its pre-construction
20 studies?

21 A. (Foss) Yes.

22 Q. Okay. Do you know whether either of those
23 agencies directed this Applicant to conduct
24 pre-construction nighthawk nesting studies?

1 A. (Foss) We were not aware of the nighthawk
2 problem at the time.

3 Q. Which problem are you talking about?

4 A. (Foss) The fatalities at a New Hampshire wind
5 facility.

6 Q. At the Lempster facility?

7 A. (Foss) Correct.

8 Q. Isn't it true that when the pre-construction
9 studies were done for Lempster, that a
10 nighthawk nest was found there?

11 A. (Foss) On an adjacent ridge, yes.

12 Q. Was there any nighthawk nest found during
13 pre-construction here at this site?

14 A. (Foss) Let me back up for a minute, because
15 I'm not sure that a nest was found during the
16 Lempster pre-construction surveys. I know
17 that there was activity observed. I don't --
18 I can't testify to the presence of a nest.

19 Q. If I were to tell you that Mr. Gravel, in his
20 testimony, indicated that there -- that he
21 had found a nest during pre-construction
22 studies at Lempster, would you have any
23 reason to disagree with that?

24 A. (Foss) No, I would not.

1 Q. Okay. So here in Antrim, we do not have a
2 nest -- at least we've not found a nest
3 during our studies pre-construction; correct?

4 A. (Foss) Correct.

5 Q. Okay. Now, Mr. Nickerson, your direct
6 testimony provides information about federal
7 laws that protect bald and golden eagles and
8 other raptors; is that correct?

9 A. (Nickerson) Yes, it is.

10 Q. Okay. Your testimony, your supplemental
11 testimony, which is now adopted by Ms. Von
12 Mertens, indicates that you have a
13 position -- you have some concerns about the
14 land management committee, about the proposed
15 conservation easements for this project;
16 correct?

17 A. (Von Mertens) I think we both can answer yes
18 on that. Mr. Nickerson is part of that
19 committee.

20 Q. Okay.

21 A. (Nickerson) And I'll answer yes as well.

22 Q. Okay. Now, the conservation -- I believe I
23 indicated earlier on the record that the
24 conservation easements were filed by the

1 Applicant on June 4th, 2012 in this docket;
2 is that correct; is that correct?

3 A. (Von Mertens) I certainly trust your calendar
4 better than mine.

5 Q. Okay. Thank you.

6 And you folks filed prefiled testimony
7 in July of 2012. But none of you talked
8 about this conservation easement, did you?

9 A. (Von Mertens) Not in prefiled.

10 Q. I guess I'm wondering why not.

11 MS. MANZELLI: I object.

12 CHAIRMAN IGNATIUS: On what
13 basis?

14 MS. MANZELLI: I've not done
15 this with this Committee before, but I would
16 like to discuss approaching the Bench, off
17 the record, with co-counsel.

18 CHAIRMAN IGNATIUS: Oh, all
19 counsel?

20 MS. MANZELLI: Yeah.

21 CHAIRMAN IGNATIUS: All right.

22 MS. MANZELLI: Or if we can go
23 off the record for a moment?

24 CHAIRMAN IGNATIUS: All right.

1 Let's go off the record.

2 (Discussion off the record.)

3 CHAIRMAN IGNATIUS: All right.

4 We're back on the record. Please proceed,

5 Ms. Geiger.

6 BY MS. GEIGER:

7 Q. When did you become aware that the project
8 was negotiating conservation easements?

9 A. (Von Mertens) I was -- I have no idea. But I
10 know that the Harris Center was, as I said
11 earlier, was in -- that Eolian, Antrim Wind
12 and the Harris Center were working on a
13 conservation plan.

14 Q. Okay. Did you read or become familiar with
15 the conservation easements for this project
16 before you prefiled your testimony in July?

17 A. (Von Mertens) I didn't read the easements.
18 There was repeated message -- competed -- I'm
19 sorry -- repeated -- in the Antrim Wind
20 Energy initial application, there was
21 repeated reference to conservation of
22 685 acres. I took that literally to mean
23 pure conservation. And I was the one who
24 then read the conservation easements and

1 brought it to the attention of the sanctuary
2 committee and the New Hampshire Audubon, and
3 that's when I read Reserved Rights,
4 Section 3.

5 Q. And when was that?

6 A. (Von Mertens) It was certainly after the
7 initial filed testimony.

8 Q. You're on the service list for this docket;
9 right?

10 A. (Von Mertens) Yes.

11 Q. And I believe that you would have received
12 all the e-mail correspondence that the
13 Applicant --

14 A. (Von Mertens) Absolutely. And I take
15 responsibility for not reading them all.

16 Q. Okay.

17 A. (Von Mertens) As someone interested in
18 conservation easements, I should have --
19 June -- what was the date they were filed?

20 Q. June 4th.

21 A. (Von Mertens) I should have. And it's a... I
22 didn't.

23 Q. Okay. Thank you.

24 Now, on Page 2 of your supplemental

1 testimony -- and this again is Mr.
2 Nickerson's that you've adopted, Ms. Von
3 Mertens -- you note that the project's
4 conservation easements will be held by the
5 Harris Center for Education. Do you have any
6 concern with that?

7 A. (Von Mertens) The Harris Center is a premiere
8 land trust. And I know it well and have
9 great respect for the Harris Center.

10 Q. Now, isn't it true that some of the
11 conservation easements I believe that -- do
12 conservation easements that we've been
13 discussing this morning, that New Hampshire
14 Audubon has, I believe in response to
15 questions by Mr. Froling, are any of those
16 provisions similar to the conservation
17 easements that are part of Antrim Wind's
18 plans?

19 A. (Von Mertens) That we hold around the state?

20 Q. Yes. I believe you said in your testimony
21 that there's some standard boiler --

22 A. (Von Mertens) Oh, definitely boiler plates
23 everywhere.

24 Q. So there are some easement provisions in

1 easements that you hold that are similar to
2 the easement provisions that this project has
3 in the easements granted to Harris Center;
4 correct?

5 A. (Von Mertens) The conservation easements
6 began in the '70s. They're evolving. And
7 they're evolving towards requiring forestry
8 management plans. And again, you're dealing
9 with a landowner and the land trust, and it's
10 a conversation back and forth. I have an
11 easement with the Harris Center that I chose
12 to restrict commercial logging, but not cord
13 wood. So, it's all a dialogue back and
14 forth. Very few easements are -- they're
15 like snowflakes. Very few other than these
16 four are similar.

17 Q. All right. So let's turn to these four,
18 because I believe on Page 2 of your
19 supplemental testimony you've indicated some
20 concerns about the project's proposed
21 conservation easements; is that correct?

22 A. (Von Mertens) Yes.

23 Q. Now, one of those concerns you've indicated
24 is that the easements allow for future

1 residential development on the ridgeline and
2 that there are no siting restrictions on
3 where houses can be built; is that right?

4 A. (Von Mertens) Correct. There are -- I did
5 mention that there are -- correct.

6 Q. Okay. So in terms of where the houses can be
7 built, can we talk about that for a minute?

8 A. (Von Mertens) Yes.

9 Q. Isn't it true that the agreement -- the
10 easement on the Micheli -- I believe I'm
11 pronouncing --

12 A. I'm glad you --

13 Q. -- that correctly -- the Micheli property --

14 A. I'm glad you pronounced it first.

15 Q. Hasn't Dr. Micheli agreed in writing that the
16 easement on his property would restrict the
17 right to build a future home to the low-lands
18 section of Salmon Brook?

19 A. The easement doesn't mention that. But I
20 have seen, and I believe it was filed after
21 my -- I'm not sure when it was filed. But
22 with great pleasure, I saw the letter from
23 Dr. Micheli to, I believe -- I did see it,
24 and they said that we intend to build off

1 Salmon Brook Road.

2 Q. So if you turn to AWE 42 that's in the binder
3 in front of you, is that the letter that
4 you're referring to?

5 A. (Von Mertens) I'm sure it is.

6 Q. Okay. So does that letter address that
7 concern you had about that property?

8 A. (Von Mertens) I think there's language in
9 that letter that says in a future amendment
10 to the easement, the Michelis would be happy
11 to put that language in, in Section 3, that
12 they reserve the right to say that they can
13 build a home.

14 Q. Okay. Thank you. Now, your supplemental
15 testimony also states that, given site
16 preparation and leveling for turbine pads and
17 access roads, future residential development
18 is likely to be on those locations high and
19 visible on the ridgeline. Is that your
20 testimony?

21 A. (Von Mertens) That is.

22 Q. Now, we've already established that the
23 Micheli property construction would occur not
24 on the ridgelines; correct?

1 A. (Von Mertens) Yes, and that's the most
2 westerly property.

3 Q. Okay. Now, are you aware that there is a
4 provision in Mr. Ott's easement, or the
5 easement on his property, that would prohibit
6 the use of the project's roads to access the
7 other two easements that would allow houses
8 to be built?

9 MR. ROTH: Madam Chairman,
10 again, we're -- this is duplicative and
11 repetitive testimony about the content of the
12 easements. She's simply asking the witness
13 to recite what is or is not in these easement
14 documents. We've been over this several
15 times before this week, and probably the last
16 time we were all together.

17 CHAIRMAN IGNATIUS: Well, I
18 thought she was asking whether those terms
19 satisfied the concerns that Ms. Von Mertens
20 raised in testimony. But if I'm wrong, Ms.
21 Geiger --

22 MS. GEIGER: That's where I'm
23 going. And these witnesses have not been on
24 the stand yet, and I want to find out what

1 these witnesses know about them and what they
2 feel about them.

3 CHAIRMAN IGNATIUS: If you can
4 focus your questions as much as possible on
5 what those provisions' impact, if any, is on
6 their recommendations, that would be helpful.

7 MS. GEIGER: Right. And I'm
8 trying to reference the witness to this
9 easement restriction to see whether it
10 addresses her concern about ridgeline
11 development.

12 A. (Von Mertens) I was aware for all four
13 easements that there's no through
14 right-of-way on the existing access road to
15 any abutting property. And I knew that when
16 I wrote my supplemental.

17 BY MS. GEIGER:

18 Q. Okay. So on Page 3 of the supplemental
19 testimony, you recommend the Committee
20 require a Forever Wild easement on the
21 ridgeline if the project is approved; is that
22 right?

23 A. (Von Mertens) Yes.

24 Q. Okay. And I think we've established earlier

1 this morning that the easements the Audubon
2 itself holds are not Forever Wild easements;
3 is that correct?

4 A. (Von Mertens) We tend not to hold easements
5 on our own property. We manage our own
6 property.

7 Q. Okay. But easements that are -- that exist
8 around your property are not Forever Wild; is
9 that correct?

10 A. (Von Mertens) I don't see the relevance.

11 Q. Well, I haven't heard an objection, and I
12 think it's relevant.

13 A. (Von Mertens) Okay. Could you repeat the
14 question, please?

15 Q. I think you indicated in answers to questions
16 from Mr. Froling that the easements that you
17 identified in the sanctuary are not Forever
18 Wild.

19 A. (Von Mertens) I was shocked by the -- I was
20 surprised by the question and had regrets
21 about my answer.

22 Audubon does not put easements on its
23 own property. We manage our own property.
24 If you put an easement, that puts the

1 management in the hands of the easement
2 language. And so it's rare. We do have -- I
3 was asked about an easement on the easterly
4 side. We inherited that easement. It was
5 done 15 years ago. As I've said, easements
6 have evolved. And we also own that property.
7 We manage it. NRCS grants, we do a very good
8 forestry management plan.

9 Q. Now, the supplemental testimony states on the
10 last page that New Hampshire Audubon stands
11 in strong opposition to permitting the
12 project; correct?

13 A. (Von Mertens) Correct.

14 Q. Did the membership of New Hampshire Audubon
15 take a vote on this position?

16 A. (Von Mertens) The board did.

17 Q. Okay. So the membership did not; correct?

18 A. (Von Mertens) That's certainly correct.

19 Q. Okay. Now, Mr. Brown, on Page 6 of your
20 testimony, you described recreational
21 activities that occur within the wildlife
22 sanctuary at Willard Pond; correct?

23 A. (Brown) Let me take a look at that. Can you
24 point out the reference on Page 6, please?

1 Q. I believe it's a description there about the
2 type of recreational activities that occur,
3 and they include: Hiking, snowshoeing,
4 cross-country skiing and hunting. Do you see
5 that?

6 A. (Brown) I'm not seeing that on Page 6. Okay.
7 Missed that. Thanks.

8 A. (Nickerson) Right there.

9 Q. You don't have -- you got it?

10 A. (Brown) Okay. I think that refers
11 specifically to the trail system. Yeah.

12 Q. Okay. And this project will not affect folks
13 from engaging in those activities in the
14 future, will it?

15 A. (Brown) I believe that people will still be
16 able to partake in those activities.

17 Q. Okay. On Page 9 of your testimony, you
18 state, "Aesthetics is an important
19 consideration that has guided ASNH's
20 management activity at the sanctuary since
21 the beginning of its ownership"; correct?

22 A. (Brown) Yes.

23 Q. Has New Hampshire Audubon adopted any written
24 standards or guidelines regarding how

1 aesthetic considerations should guide
2 management of the sanctuary?

3 A. (Brown) I don't believe it has, other than
4 the wild -- the forestry management plan,
5 which does speak to aesthetics.

6 Q. Okay. And on Page 9 of your prefiled
7 testimony, you talked about the Goodhue Hill
8 timber harvest on over 100 acres of forest
9 land; correct?

10 A. (Brown) Correct.

11 Q. Is that the same harvesting you were talking
12 about this morning?

13 A. (Brown) Yes, it was.

14 Q. Okay. And does New Hampshire Audubon have
15 any objection to lands that abut its property
16 in engaging in the same type of timber
17 harvesting projects?

18 A. (Brown) Specifically this property? Is that
19 the question?

20 Q. Any property.

21 A. (Brown) Any property?

22 Q. Any abutting property, let's put it that way.
23 Since you folks are doing this on your
24 property, would you have problems with

1 abutters doing timber harvesting on their
2 property?

3 A. (Brown) I guess it depends on the nature and
4 extent of that work.

5 Q. Now, you direct land conservation management
6 activities for Audubon of New Hampshire;
7 correct?

8 A. (Brown) Yes.

9 Q. And part of your responsibilities include
10 conservation easement monitoring; correct?

11 A. (Brown) Correct.

12 Q. What does that entail?

13 A. (Brown) Well, it's -- I don't know if I can
14 very quickly sum it up. But it involves
15 either ground monitoring or aerial
16 monitoring, looking at boundaries, looking at
17 structures, making sure that any restrictions
18 are being followed, that permitted uses are
19 guiding the management of the properties.

20 Q. So you've had an opportunity as part of your
21 responsibilities to review easement language;
22 is that correct?

23 A. (Brown) Yes.

24 Q. And would you agree there are some provisions

1 in easements that Audubon holds that are
2 similar to the easements that the project
3 would be granting if it goes forward?

4 MS. MANZELLI: Objection.
5 That's already been asked and answered.

6 CHAIRMAN IGNATIUS: Ms.
7 Geiger.

8 MS. GEIGER: I'm asking this
9 witness if he knows that.

10 CHAIRMAN IGNATIUS: And has
11 that not already been addressed?

12 MS. GEIGER: I believe the
13 answer I got was that there is some boiler
14 plate that's similar in all easements.

15 BY MS. GEIGER:

16 Q. Is that correct?

17 MS. MANZELLI: Well, I have a
18 pending objection. I'm not sure why she's
19 asking a question that's already been asked
20 and answered.

21 CHAIRMAN IGNATIUS: Right.
22 And I asked as well. Hasn't that already
23 been addressed?

24 MS. GEIGER: I think I heard

1 the answer that there was some similar boiler
2 plate from Ms. Von Mertens.

3 CHAIRMAN IGNATIUS: Right. So
4 is there a reason why you need to ask Mr.
5 Brown the same question?

6 MS. GEIGER: Well, he's a --
7 his position with the organization is for
8 land conservation and management activities,
9 and I wanted to make sure that his answer was
10 the same. That's all.

11 CHAIRMAN IGNATIUS: All right.
12 So why don't you ask him if he disagrees with
13 Ms. Von --

14 BY MS. GEIGER:

15 Q. Do you disagree with Ms. Von Mertens'
16 assessment of the fact that the Applicant's
17 easements contain similar language to
18 easements that Audubon holds?

19 A. (Brown) From what I've read, I think there is
20 some similar language.

21 Q. Okay. Thank you.

22 I believe somebody on the panel this
23 morning talked about folks coming to Willard
24 Pond after the project is built and maybe not

1 having the same experience that they might
2 have had beforehand. Did I understand that
3 correctly?

4 A. (Brown) I think that was a question that was
5 brought up before.

6 Q. And is it possible for people who value
7 conservation and renewable energy, such as
8 wind power, to enjoy the experience at
9 Willard Pond post-construction?

10 A. (Brown) Sure.

11 Q. Are there any rights on either the easements
12 that Audubon holds or the land that you own
13 that would require the views from Willard
14 Pond to Willard Mountain to remain the same
15 forever?

16 A. (Brown) From Willard Pond to --

17 MR. ROTH: I'm going to
18 object. That sounds like a legal conclusion.
19 She's asking Mr. Brown, who has a bachelor of
20 science in biology, if I'm not mistaken, to
21 interpret terms of property deeds and
22 transactions that he may not even have
23 personal knowledge of.

24 MS. GEIGER: He just testified

1 that he's the conservation management person
2 for Audubon and that he has familiarity with
3 at least the conservation language,
4 conservation easement language.

5 CHAIRMAN IGNATIUS: I think
6 everyone's been asking these witnesses about
7 terms contained in conservation easements.
8 So it's a fair question.

9 BY MS. GEIGER:

10 Q. Do you know of anything in the, at least the
11 easements that you've looked at, that you're
12 responsible for managing, that indicate that
13 the views in the sanctuary, or on the land
14 relating to those easements, require that the
15 views either within the sanctuary or -- I
16 guess from within the sanctuary remain the
17 same forever?

18 A. (Brown) I'm a little unclear about the
19 question, because you're asking about
20 conservation easement deed language, but also
21 the sanctuary, the fee-owned property. If
22 you could just clarify that.

23 Q. Sure. Either one, if you know. Is there
24 anything that restricts development on that

1 ridgeline, such that it would affect the
2 views?

3 A. (Brown) On that ridgeline --

4 MS. MANZELLI: Objection. I
5 don't understand the question or questions,
6 and that might be the problem.

7 MS. GEIGER: And I apologize.
8 They're not artfully phrased. Basically, I
9 just wanted to find out if there was anything
10 Audubon was aware of, in the documents that
11 this witness is familiar with, that would
12 provide that the views from within the
13 sanctuary remain the same.

14 MS. MANZELLI: I have no
15 objection to that.

16 A. (Brown) I don't think it would be possible or
17 enforceable to require that something can't
18 happen on a property that's outside of our
19 ownership or easement.

20 BY MS. GEIGER:

21 Q. Okay. Thank you very much.

22 MS. GEIGER: Could I just have
23 a moment, please?

24 CHAIRMAN IGNATIUS: Please.

1 (Pause in proceedings)

2 MS. GEIGER: Thank you very
3 much for your patience. I have no further
4 questions.

5 CHAIRMAN IGNATIUS: Thank you.
6 Questions from the Committee members. Ms.
7 Lyons.

8 INTERROGATORIES BY MS. LYONS:

9 Q. Ms. Von Mertens, I just have a couple
10 questions on Forever Wild, and if anybody
11 else on the panel has more experience.
12 You've just brought it up several times.

13 A. (Von Mertens) Certainly.

14 Q. Is "Forever Wild" a term or a type of
15 easement that has an accepted structure?

16 A. (Von Mertens) Again, conservation easements
17 are evolving. And there is a land trust, the
18 Northeast Wilderness Trust, that specializes
19 in Forever Wild easements. And New Hampshire
20 Audubon is about to complete an easement with
21 them on a sanctuary farther north. That's
22 one -- that's the strictest category. And
23 that would be a Forever Wild easement. I
24 don't know that that term necessarily becomes

1 part of the -- it does sometimes, and it
2 doesn't sometimes. So it's a convenient -- I
3 mentioned an easement that the Harris Center
4 did in Peterborough, my town, possibly within
5 the year, maybe within two years, that is a
6 large parcel, hundreds of acres. And there
7 is a designated surveyed area within that
8 larger property that has exemplary natural
9 communities, and that is Forever Wild. And I
10 believe -- I don't know what terminology was
11 used for that. So that's the middle range.
12 I guess legally those would be the two kinds
13 of easements that I'm familiar with that
14 would be Forever Wild.

15 Q. Now, in your response, you just mentioned an
16 organization. You said it quickly.
17 Northeast --

18 A. Northeast Wilderness Trust. It's a regional
19 land trust. Headquarter's in Boston. But
20 it's active in Maine, New Hampshire, Vermont,
21 Massachusetts, that I'm aware of.

22 Q. Do you know of any other organizations that
23 hold those types of easements that have that
24 language?

1 A. (Von Mertens) I'm not aware. I believe there
2 are.

3 Q. If offered, would Audubon agree to a Forever
4 Wild language in an easement?

5 A. (Von Mertens) We are doing that in our
6 Thompson Sanctuary up north.

7 A. (Brown) I think I might be able to answer
8 that question, and the last one a little
9 better, too, just to clarify, that we also do
10 have -- one of our easements is Forever Wild,
11 and it has a backup with it, the nature
12 conservancy. So, one property in New
13 Hampshire at least does have a Forever Wild
14 easement on it.

15 Q. Is that for the whole property or a portion
16 of?

17 A. (Brown) The entirety, although there's a
18 house cut out of the easement itself. So,
19 yeah, it's the entirety of the property.

20 Q. Thank you. That's all I have.

21 CHAIRMAN IGNATIUS: Thank you.
22 Mr. Simpkins.

23 DIR. SIMPKINS: Thank you.

24

1 INTERROGATORIES BY DIR. SIMPKINS:

2 Q. I had a few questions. I'll kind of go off
3 what Ms. Lyons was talking about, as far as
4 land conservation. I'm not sure who's the
5 best person on the panel to answer this,
6 because several of you have talked about land
7 conservation.

8 But as far as the conservation easement
9 proposed by the Applicant, do you feel that
10 that is adequate if they added in a
11 requirement of a forest management plan
12 written by a licensed professional forester
13 and restricted where development could occur?
14 Are those the two issues?

15 A. (Von Mertens) Those were the two issues I
16 brought up. And a Forever Wild easement -- a
17 traditional easement often has, as I said in
18 my testimony, a designated building site.
19 And that's what Phil is talking about. That
20 would usually, typically protect an exemplary
21 national resource.

22 The other issue which I mentioned is
23 that the easements are fragmented. The
24 larger two properties are not under easement.

1 And the largest property that's not under an
2 easement has more ridgeline than any other
3 individual property. And I believe there's
4 four turbines on that parcel.

5 Q. So then, what I'm hearing you -- I think I
6 understand what you're saying is that you
7 feel that there should be additional
8 properties covered by easement. Is that what
9 you're saying?

10 A. (Von Mertens) Do I get a chance to very
11 respectfully say to the Site Evaluation
12 Committee that I believe that every
13 application should require a Forever Wild
14 easement on the ridgeline, the project impact
15 area, which is -- and a little bit bigger?
16 And I think that's very important mitigation,
17 given that wind projects are on our wild
18 ridgelines. That's where industrial wind
19 capacity lies.

20 Q. So I guess I want to ask -- I want to
21 understand this Forever Wild easement a
22 little bit more.

23 Is the Forever Wild easement to replace
24 the forestry management plan written by a

1 licensed forester? Because if I'm
2 understanding you correctly, Forever Wild
3 would not allow harvesting; is that correct?

4 A. (Von Mertens) Again, easements are
5 negotiable. But a typical New England
6 forestry -- Northeast Wilderness Trust's
7 Forever Wild easement restricts commercial
8 logging. It doesn't restrict activity. But
9 again, they're negotiated. Sometimes there's
10 a particular area where commercial logging is
11 not allowed. But what I'm recommending is no
12 commercial logging and no residential
13 development on the ridgeline.

14 A. (Brown) If I could just jump in and add that
15 the Northeast Wilderness Trust does require a
16 management plan drafted for every property
17 that it holds an easement.

18 Q. Okay. So this Forever Wild easement, I did
19 hear that Audubon uses forest management to
20 enhance wildlife habitat; is that a correct
21 statement?

22 A. (Brown) Yes.

23 Q. So are you saying -- there's roughly 600-some
24 acres of proposed easements by the Applicant.

1 Are you saying you would have Forever Wild on
2 all of that or just portions?

3 A. (Von Mertens) The ridgeline. The exemplary
4 natural community.

5 Q. And when you use the term "exemplary natural
6 community," are you using a specific
7 definition of that, such as like National
8 Heritage Bureau would use, and it's actually
9 been identified as such, or are you using
10 your own definition?

11 A. (Von Mertens) Typically you have a
12 credentialed wildlife biologist do a natural
13 resource inventory and identify the
14 exemplary. That would -- I don't believe
15 that would bring in aesthetics. So I think
16 that's important to bring into it. That's a
17 major component of why you don't want houses
18 up there.

19 Q. Do you know if the ridgeline has been
20 identified as an exemplary natural community
21 by any state agency?

22 A. (Von Mertens) I believe it has not.

23 Q. Okay. Thank you.

24 Switching gears. This question is

1 probably for Mr. Brown. It was in his
2 testimony. It was also brought up by several
3 other people over the last few days,
4 including Ms. Vissering and Mr. Jones. The
5 issue of Quabbin to Cardigan, could you
6 explain, from Audubon, what's the importance
7 of that effort?

8 A. (Brown) I know a little bit about it, but I'm
9 not intimately familiar with all of its goals
10 and objectives. But it's a regional effort
11 throughout Massachusetts and New Hampshire to
12 conserve and protect land within the
13 highlands regions of those states: The
14 southwestern part of New Hampshire and
15 northwestern Massachusetts. Do you have any
16 other specific questions about that, that I
17 can address?

18 Q. Well, you mentioned it in your testimony, so
19 I just wanted to understand from Audubon's
20 viewpoint what the importance of that effort
21 is.

22 A. (Brown) Can you just refer me to a page,
23 please?

24 Q. I can give you the...

1 A. (Brown) I was able to find it. I see it on
2 the bottom of Page 3. Yeah, it's a
3 multiple-partner effort and multiple-state
4 effort, which typically gives a higher
5 credibility to the resources contained in
6 these focused areas. Multiple conservation
7 groups have decided that this is a high-value
8 area. So I'm simply stating that that falls
9 within this area.

10 Q. Would you consider the Quabbin-to-Cardigan
11 Initiative a statewide, New England regional
12 or a national significant project?

13 A. (Brown) Just by the definition of where it
14 lies, I would call it a New England regional,
15 since it extends beyond state boundaries.

16 Q. And do you feel that this project would
17 somehow have unreasonable impacts on that
18 effort?

19 MS. MANZELLI: Objection. I
20 just want to make sure that the question is
21 clear. By "this project" --

22 DIR. SIMPKINS: The wind.

23 MS. MANZELLI: And "on this
24 effort," you mean --

1 DIR. SIMPKINS: Quabbin to
2 Cardigan.

3 MS. MANZELLI: Thank you.

4 A. (Brown) Well, since I believe aesthetics does
5 factor into their -- the placement of value
6 through the Quabbin-to-Cardigan effort, I
7 would say there is -- you know, that would
8 be -- that could be a place that does draw
9 from the value given to that area.

10 Q. Okay. The last few questions I have deal
11 with Audubon Society of New Hampshire's
12 policy statement on energy conservation. I
13 believe it's AWE 26. And it says that -- and
14 I'm not sure again who's the best panel
15 member to -- maybe Mr. Nickerson -- to answer
16 this. But it says, "The Audubon Society of
17 New Hampshire supports renewable sources,
18 including wind." Is that a correct statement?

19 A. (Nickerson) Yes, that's correct.

20 Q. Okay. And there's several bullets on Page 2
21 of that, which state various ways that
22 impacts could be mitigated. One of them is
23 Bullet No. 2 with a little asterisk there,
24 "Developing compensation programs for public

1 lands." Can you describe what Audubon means
2 by that?

3 A. (Nickerson) I can't find that here.

4 Q. It's on Page 2. Do you see --

5 A. (Nickerson) There's two dots on Page 2.

6 MS. MANZELLI: Excuse me. If
7 I might interject to clarify? As I
8 understand it, there are two Audubon policies
9 that are in the record. Mr. Nickerson, we're
10 not discussing the New Hampshire Audubon
11 policy on wind energy projects.

12 WITNESS NICKERSON: Oh, we're
13 not?

14 MS. MANZELLI: No. We're
15 discussing the Audubon Society of New
16 Hampshire energy conservation policy.

17 And may we get that in front
18 of him?

19 DIR. SIMPKINS: Sure. That's
20 AWE 26.

21 A. (Nickerson) That was before my time, so I'm
22 not very familiar with that one.

23 Q. I don't know if there's anyone else on the
24 panel that may be able to speak to it. Maybe

1 I should ask the question.

2 Is this still an official policy
3 statement of Audubon?

4 A. (Nickerson) I think it's fair to say it's
5 been supplanted by New Hampshire Audubon's
6 policy on wind energy projects approved by
7 the board of directors on 1/24/2012.
8 Obviously, wind is an evolving technology in
9 the energy arena, and we're evolving along
10 with it.

11 Q. So, just to clarify, then, this energy
12 conservation policy, AWE 26, is no longer an
13 official policy statement of Audubon?

14 A. (Nickerson) That's correct.

15 Q. Okay. Thank you. I don't have any further
16 questions.

17 CHAIRMAN IGNATIUS: Thank you.

18 Dr. Boisvert.

19 DR. BOISVERT: Thank you.

20 CROSS-EXAMINATION

21 BY DR. BOISVERT:

22 Q. In listening to your discussion of easements,
23 what I understand, leads me to this question:
24 Is it Audubon's condition that, as a

1 condition of the permit that would be granted
2 by the PUC, that the Applicant should put the
3 ridgeline into a Forever Wild status
4 easement?

5 A. (Von Mertens) Yes, that's correct.

6 Q. And as I understand it, it's because the
7 ridgeline is an exemplary natural community?

8 A. (Von Mertens) That talks mostly about habitat
9 and natural resources. And I think added to
10 that is the aesthetics that Jean Vissering
11 did a good job in her report highlighting.

12 Q. Don't you see a contradiction between
13 maintaining the aesthetics and putting 10
14 turbines up there?

15 A. (Von Mertens) Definitely.

16 Q. So how do you reconcile the establishment of
17 an easement, a Forever Wild status, that
18 would have within it 10 turbines?

19 A. (Von Mertens) I think that's the problem.
20 And I tried to address it in my supplemental,
21 that recommending the Forever Wild easement
22 on that geographic area is presupposing that
23 it's going to be approved. But I also said
24 Audubon stands in strong opposition to the

1 project. So we have to...

2 Q. Okay. And potentially related to that, do
3 you see the establishment of the access road
4 to the turbines as fragmenting the property,
5 by definition of "fragmenting" in a natural
6 resources sense?

7 A. (Von Mertens) Yes. And also houses up there
8 would be -- as Jeff Jones said yesterday,
9 would also contribute. And residential
10 development is another form of fragmentation.
11 And so looking beyond the life of this
12 project to residential -- with the
13 possibility of residential development,
14 that's the long-term fragmentation, permanent
15 fragmentation, that's the concern.

16 Q. But are you not then concerned that by having
17 a Forever Wild designated area that has
18 potentially -- or that has 10 turbines, and
19 potentially houses in it, thereby creates a
20 whole new category of Forever Wild that might
21 be used in other circumstances in the future
22 to say such that intrusions are not
23 necessarily prohibitive of a Forever Wild
24 status?

1 A. (Von Mertens) It's looking at 50 years down
2 the road when decommissioning and the site is
3 restored as much as possible, that thereafter
4 it would be Forever Wild. The concern is
5 that the roads and the development will
6 increase the possibility of future
7 residential development. I don't --

8 Q. So you see the Forever Wild status outliving
9 the project life.

10 A. (Von Mertens) Oh, very definitely. Thank you
11 for that clarification.

12 Q. Okay. For it to be -- accepting all these
13 apparent contradictions, in order for the
14 Forever Wild status to be created, would
15 there need to be a survey by qualified
16 biologists, naturalists, whoever is most
17 appropriate, to define the area that would
18 come under the Forever Wild restrictions?

19 A. (Von Mertens) Yes.

20 Q. And do you see this as the responsibility of
21 the Applicant? Who's going to do the survey,
22 and who will pay for it?

23 A. (Von Mertens) I think it would be a cost of
24 the project.

1 Q. So, the Applicant.

2 A. (Von Mertens) I'd be willing to pay for it.

3 Q. And that's on the record.

4 That's all I have.

5 CHAIRMAN IGNATIUS: Thank you.

6 Mr. Dupee.

7 MR. DUPEE: Thank you, Madam

8 Chair.

9 INTERROGATORIES BY MR. DUPEE:

10 Q. Thank you, panel members, for being witnesses
11 this morning -- for I guess the next eleven
12 minutes this morning. I'd like to start my
13 questions with Mr. Brown.

14 And on Page 4 of your testimony, you
15 talk about Willard Pond, and you mention the
16 fact that it is a relatively pristine body of
17 water, free of surrounding development. You
18 further go on to characterize it as being "96
19 acres, plus or minus," in size; is that
20 correct?

21 A. (Brown) Yes, that's correct.

22 Q. Do you know how many ponds there are in New
23 Hampshire that would be 96 acres or larger in
24 size?

1 A. (Brown) I don't have any idea.

2 Q. If the Committee were to ask you to obtain
3 that information, would you be willing to
4 find it for us?

5 A. (Brown) I think we would be able to find
6 that, yeah.

7 Q. Yes? I see panel members nodding. Okay.
8 Thank you.

9 Do you know how many -- and I know you
10 may not know this -- how many great ponds are
11 -- I'll rephrase that.

12 How many ponds of 96 acres or greater
13 have undeveloped shorelines?

14 A. (Brown) Again, I don't know the answer to
15 that, but -- no, I don't know the answer.

16 Q. But would you be willing to find that out if
17 we asked you to do so?

18 A. Yes.

19 CHAIRMAN IGNATIUS: Mr. Dupee,
20 are you making a record request that that be
21 identified as an exhibit to be submitted as
22 soon as it can be developed by the witness?

23 MR. DUPEE: Yes, Madam Chair.

24 CHAIRMAN IGNATIUS: All right.

1 Why don't we reserve -- any objection to
2 that?

3 Ms. Manzelli, any concern you
4 have on the commitment your witness just made
5 to go do some work?

6 MS. MANZELLI: No, as long as
7 Ms. Von Mertens is not expected to show up
8 with a check that would be the next exhibit.

9 [Laughter]

10 MS. MANZELLI: We can
11 certainly come up with this. Obviously, it
12 won't be this week.

13 MS. GEIGER: Actually, during
14 the break, if we have a chance to confer with
15 this panel, we have documents that might help
16 them answer that question.

17 CHAIRMAN IGNATIUS: All right.
18 Well, maybe that's a good idea, to discuss
19 it. We'll hold off on reserving an exhibit
20 number. Thank you for that offer.

21 MR. DUPEE: I have several
22 more questions, Madam Chair, along similar
23 lines. And maybe you want to combine
24 exhibits, perhaps not.

1 BY MR. DUPEE:

2 Q. So I would ask you, once we determine how
3 many ponds greater than 96 acres there are in
4 New Hampshire with undeveloped shorelines,
5 how many of those exist in the southern part
6 of the state? I'll arbitrarily call that
7 south of Plymouth.

8 And in a similar manner, how many of
9 those 96-acre or larger ponds have dams on
10 them? Would you be willing to get that
11 information?

12 (Court Reporter interjects.)

13 MR. DUPEE: How many have dams
14 on them?

15 A. (Brown) Okay.

16 Q. And the same -- I guess the last question
17 along that line is how many of these ponds,
18 96 acres or greater in size, are part of a
19 wildlife sanctuary, a state park or a federal
20 preserve?

21 A. (Brown) Can I ask, wildlife sanctuary
22 designated by any particular organization?

23 MR. ROTH: Madam Chairman, I'm
24 sort of reluctant to make this suggestion and

1 this commentary, but I think putting the
2 burden on the Audubon Society for producing
3 what could be a rather detailed and difficult
4 research project, seems to me it's not
5 Audubon's burden to do that. However, I'm
6 looking over at Director Stewart and realized
7 that his program probably has people who
8 think about this sort of thing all the time,
9 and perhaps a request of this nature to the
10 Water Division of DES would be more
11 appropriate.

12 MS. MANZELLI: Quite frankly,
13 that is who we would contact.

14 CHAIRMAN IGNATIUS: I think
15 this is something we can discuss in a break
16 to see what is already available that Ms.
17 Geiger referenced. There may be state
18 records that already have identified that.
19 So let's identify, first, the information
20 that's being sought and then during a break
21 have some discussion about the best way to
22 locate it.

23 I'm sorry. Mr. Froling.

24 MR. FROLING: Madam Chairman,

1 could we include in that --

2 (Court Reporter interjects.)

3 MR. FROLING: Could you
4 include in that request private water
5 impediments, not great ponds --

6 MR. ROTH: I'm going to object
7 to this. Mr. Froling had his opportunity to
8 cross-examine and ask for information when it
9 was his turn. And I've noticed throughout
10 this proceeding he hasn't asked a single
11 question until today, and that was his
12 opportunity. So I think this is out of
13 order.

14 CHAIRMAN IGNATIUS: And the
15 reason that you're requesting that, Mr.
16 Froling?

17 MR. FROLING: Well, for
18 instance, the Robb Reservoir is not a great
19 pond; it's a private water impediment. It's
20 in the same vicinity. It serves the same
21 function.

22 CHAIRMAN IGNATIUS: I think
23 I'm going to accept the objection and not
24 include that in the request.

1 Please continue, Mr. Dupee.

2 MR. DUPEE: Thank you, Madam
3 Chair.

4 BY MR. DUPEE:

5 Q. In regards to your question to me, Mr. Brown,
6 if there's a statutory definition, either a
7 New Hampshire law or rule defining a wildlife
8 sanctuary, I would ask for whatever gets to
9 that. If not, it could be the sanctuaries
10 owned by the Audubon Society.

11 A. (Brown) Okay.

12 Q. How many sanctuaries does Audubon Society
13 operate in New Hampshire?

14 A. (Brown) I believe the number is 39.

15 Q. And this might be any panel member. Does the
16 national Audubon Society contribute in any
17 way towards the maintenance of the Willard
18 Pond Sanctuary -- and by "maintenance," do
19 they provide management expertise, funding,
20 technical assistance, or any other way
21 support the Willard Pond Sanctuary?

22 A. (Foss) New Hampshire Audubon is completely,
23 politically and financially and in every
24 other way independent of the national arm.

1 Q. Thank you. And I think I heard the answer to
2 my next question, which is: Are there
3 acreage under the control of other
4 organizations adjacent to the Audubon Society
5 holdings? I'm calling it the leveraged
6 holdings, meaning there are other parcels of
7 property contiguous with the Audubon holdings
8 also used for conservation purposes. And I
9 believe the answer I heard earlier was yes.

10 A. (Brown) Can you just clarify that, please?

11 Q. I'm sorry. If we looked at --

12 MS. MANZELLI: I think it's
13 ASNH 3.

14 MR. DUPEE: Thank you for
15 pre-assuming my question. You are correct.

16 BY MR. DUPEE:

17 Q. This document -- what I'm really asking you
18 is, are there parcels of land contiguous with
19 that held by Audubon which essentially serves
20 the same purpose of conservation?

21 A. (Von Mertens) Very definitely a significant
22 corridor of conserved lands.

23 Q. I believe I heard a figure of 30,000 acres,
24 or I saw that in your testimony?

1 A. (Von Mertens) Yes.

2 Q. And in terms of purchase of these acreages, I
3 believe I heard earlier testimony today of a
4 figure of 500,000 was out there for some
5 payments by the, I guess, Forest Legacy
6 Management Program? Is that right?

7 A. (Von Mertens) Specifically for the Audubon
8 Sanctuary.

9 Q. And did I hear of a Phrase 3 cost of
10 \$3 million? Is that right?

11 A. (Von Mertens) For land abutting the sanctuary
12 that's held by the Harris Center.

13 Q. And then the State contributed -- I believe I
14 heard LCHIP contributed \$250,000?

15 A. (Von Mertens) That's correct.

16 Q. And then an additional \$150,000 I understand
17 was donated by the Fish and Game Department.

18 A. (Von Mertens) Correct. That's my
19 understanding.

20 Q. So it would be correct to assume that this
21 "Super Sanctuary," as it's referred to in
22 your testimony, has significance beyond the
23 town of Antrim?

24 A. (Von Mertens) Yes.

1 Q. Would it be of state-level significance?

2 A. (Von Mertens) I don't know how to define
3 that.

4 Q. I would say, are state dollars contributing
5 towards the project?

6 A. (Von Mertens) Then it would be federal.

7 Q. That would be my next question. So there are
8 state and federal dollars obviously involved
9 with the purchase and, I assume, management
10 of this area.

11 And when did the Audubon Society begin
12 the process of creating what became the
13 Willard Pond Sanctuary?

14 A. (Von Mertens) It's a wonderful story, and I
15 could tell it in a half an hour. But it was
16 back with the death of Elsa dePierrefeu in
17 1962. How is that for short?

18 Q. Okay. I think I noted also in the testimony,
19 a number 1985. But maybe it's another
20 number.

21 A. (Von Mertens) It's expanded and expanded and
22 expanded. But the original donation was upon
23 Elsa dePierrefeu's death.

24 Q. You mentioned that was in the 1960s?

1 A. (Von Mertens) Yes.

2 Q. So, even the 1985 number -- or year would
3 have been 27 years ago, by my math. And
4 obviously, the 1960s would be a good deal
5 earlier than that.

6 A. (Von Mertens) What is the 1985 date?

7 Q. I understood from, I believe it was your
8 testimony, that it was when the process began
9 of procuring the Willard Pond Sanctuary. But
10 maybe I'm incorrect about that.

11 A. (Von Mertens) No. I have an exhibit that
12 gives the chronological dates. And I believe
13 it's No. 2 or 3 in the packet. Let me
14 just...

15 MS. MANZELLI: I believe what
16 you're looking for is ASNH 5.

17 WITNESS VON MERTENS: Thank
18 you.

19 MS. MANZELLI: Which is
20 "Willard Pond, A Legacy Of Protection."

21 WITNESS VON MERTENS: Thank
22 you.

23 MS. MANZELLI: You may not
24 have a copy there. Give me a moment.

1 WITNESS VON MERTENS: I have
2 one.

3 MS. MANZELLI: Okay. Go
4 ahead.

5 A. (Von Mertens) Yes. I had it wrong. It was
6 1967 that Elsa dePierrefeu died. And do you
7 have that in --

8 Q. I will take your word for it. I'm sure it's
9 in the record.

10 A. (Von Mertens) And then it's about 15
11 transactions gradually adding on to her
12 initial bequest, which was 650 acres. And
13 then her family members, one by one by one
14 added on. And then the State and Harris
15 Center and Audubon --

16 Q. So, from almost the middle of the last
17 century until the present, this has been an
18 ongoing effort organized and led by the
19 Audubon Society.

20 A. (Von Mertens) And as recently as last year
21 was the most recent purchase -- fundraising
22 and purchase.

23 Q. Ms. Von Mertens, has the Audubon Society
24 publicized the existence of the Willard Pond

1 Sanctuary, such as in places like books,
2 pamphlets, magazines, web sites, news
3 releases, or otherwise made the public aware
4 of the fact there was a wildlife sanctuary up
5 in that area?

6 A. (Von Mertens) It is a wildlife sanctuary.
7 And Audubon's mission is for wildlife and for
8 people, and we try to keep a balance. And we
9 were horrified when the Boston Globe, I don't
10 know how many years ago, featured it in their
11 Travel Section as "the place to go." And so
12 I guess Phil should answer that question.

13 WITNESS VON MERTENS: Do we
14 publicize the sanctuary?

15 A. (Brown) I think we do a pretty good job of
16 publicizing it on our level, anyway, through
17 most of the sources that you referred to.

18 Q. So nobody would be surprised, do you think,
19 to know that there's a wildlife sanctuary at
20 that pond?

21 A. (Von Mertens) There's signage, certainly. I
22 would say, as someone who was fundraising for
23 two of the expansions of the project, there
24 are a number of people that go to the

1 sanctuary and have no idea it's an Audubon
2 sanctuary. And we try to address that
3 education in our fundraising.

4 Q. Thank you. So, Mr. Brown, you thought there
5 was some publication going on. So it's not
6 recently, the last month or last year that
7 the Audubon Society has made an effort to
8 make this known. It's been known for a
9 period of time?

10 A. (Brown) Yeah, since I've been managing the
11 land, anyway.

12 Q. And do you think the business community in
13 the Antrim area is aware of the fact that
14 Willard Pond is a sanctuary?

15 A. (Brown) Yes, certainly.

16 Q. Okay. And so my next question is going to go
17 to aesthetics. I guess I'll ask panel
18 members for each or all of you to comment as
19 you wish. But in your opinion -- and I'm
20 asking you strictly on the basis of
21 aesthetics, not on whether or not there's
22 another solution that could be done or you
23 had to make some sort of other arrangement to
24 maybe obtain some offsetting benefit.

1 Strictly on the basis of aesthetics, is the
2 visual presence of a wind farm aesthetically
3 consistent with an abutting piece of property
4 which is managed as a wildlife sanctuary, as
5 managed by intention to be an undeveloped
6 piece of property?

7 A. (Nickerson) I think it is. Obviously, I
8 think it depends on how pristine the property
9 is and the purposes for which it was
10 purchased and expanded. But I think in this
11 case the answer is yes.

12 Q. You're telling me that you think that they
13 are aesthetically consistent?

14 A. (Nickerson) I think they're inconsistent.

15 Q. Okay. My question was: Do you think they
16 are consistent?

17 A. (Nickerson) Oh, I'm sorry. I thought you
18 said -- my apologies.

19 Q. So your answer, sir, would be inconsistent.

20 A. (Nickerson) Inconsistent.

21 Q. Which I think would be probably consistent
22 with the position taken by your policy
23 committee and your --

24 A. (Nickerson) Yes, sir.

1 Q. -- exhibit.

2 And was that committee, was that a duly
3 constituted, bona fide committee of the
4 Audubon Society of New Hampshire?

5 A. (Nickerson) Yes, sir. It's the board of
6 trustees.

7 Q. So it represents the Audubon Society
8 membership, do you think?

9 A. (Nickerson) I feel that it does. Yes, sir.

10 Q. Now, does -- okay.

11 And I believe, Ms. Von Mertens, I think
12 in your testimony you mention meeting a
13 canoeist or a kayaker out on Willard Pond who
14 worked for EPA; is that correct?

15 A. (Von Mertens) Yes.

16 Q. And what was that individual doing there?

17 A. (Von Mertens) He was with his children. He
18 was collecting water-quality samples. He was
19 also going to depths and exploring sediment.
20 I really don't know. But it's a national
21 program that he was involved in, and he was
22 testing Willard Pond as the only baseline
23 water body in the state against which --
24 because it's undeveloped, against which water

1 quality in other water bodies in the region
2 were compared.

3 Q. So, the U.S. Environmental Protection Agency
4 had taken notice of Willard Pond as being a
5 clean, unmolested water body which could then
6 be used to compare to other water bodies as a
7 sort of baseline quality?

8 A. (Von Mertens) They have a label for that
9 category, and I don't remember what the label
10 is. But I do remember that there's only one
11 water body in the state that has -- is the
12 baseline, the gold standard against which
13 other water-quality bodies are compared.

14 Q. Maybe we'll be able to confirm that through
15 Director Stewart's organization so we can
16 learn more about that EPA initiative.

17 Mr. Brown, would you agree that the --
18 or what is -- I should just ask you that.
19 What is your opinion about the compatibility
20 of the aesthetics between a wind turbine
21 facility visible from a wildlife sanctuary?

22 A. (Brown) I personally feel that they're
23 aesthetically incompatible.

24 Q. And for the larger group, do you think

1 there's way to mitigate that? If the
2 windmills were painted a different color or
3 they were relocated along the ridgeline in
4 some way or they were made smaller? Do you
5 think any of those particular things would, I
6 will say, solve the aesthetics problem?

7 A. (Foss) I would need to see the visual
8 approximation of what it would look like
9 under any other conditions in order to make
10 that judgment, the visual simulation or
11 whatever they call them.

12 Q. Which goes back to my earlier question. Do
13 you feel there's a fundamental
14 incompatibility? So I guess if you answered
15 that you're willing to entertain, it would
16 suggest to me that you would think there
17 wasn't. But if you feel that there is, then
18 you would say that there is no different size
19 that would change your opinion.

20 So, just to make sure I'm clear on the
21 question I'm asking you and I'm not confusing
22 anybody, in other words, you're not trying to
23 mitigate. You're simply telling me whether
24 or not you think those views are compatible

1 in any sense.

2 A. (Foss) If the size and placement was such
3 that they were not visible from the pond,
4 then that would be sufficient. However, I'm
5 not sure that -- given that there's, I think,
6 8 or 10 that are visible from the pond, I
7 think mitigation would be very difficult.

8 Q. So then, if they're visible from your
9 perspective, there's no mitigation that would
10 allow for a co-existence, in your opinion.

11 A. (Foss) In my personal opinion? If the
12 visibility was limited above the ridge, there
13 is a potential for it to be compatible. But
14 for them to loom essentially another almost
15 full distance above the horizon, that's
16 pretty incompatible.

17 Q. I guess I'm a bit confused. So I guess my
18 question is: Are these compatible
19 aesthetically, these two programs? Is there
20 any way they can be made aesthetically
21 compatible? It sounds like you're telling
22 me, yes, that they can be. But I understood
23 a person on the panel say, no, they aren't.
24 So I'd like to maybe have some sense as to

1 what the panel thinks.

2 A. (Foss) As currently proposed, they are
3 incompatible.

4 A. (Brown) And that's what I would agree as
5 well.

6 Q. Then let me go back to my question. Is there
7 any change that could be made that would make
8 it compatible? Or is it the very existence
9 of a wind farm in conjunction with your
10 facility visually not subject to mitigation?

11 A. (Brown) I feel that upon seeing a proposal, I
12 could feel differently about visual effects,
13 if a lot of alterations were made.

14 Q. Mr. Nickerson?

15 A. (Nickerson) Yeah, the focus is strictly on
16 aesthetics. But let's keep in mind the fact
17 that we're carving up the ridgelines,
18 fragmenting the forest. We may kill
19 migratory birds and bats. And those things
20 are all issues for Audubon as well. So I'll
21 take the hard line. I think they're
22 incompatible under any circumstance. That's
23 my personal opinion.

24 A. (Von Mertens) And that's what I was going to

1 say. I have trouble isolating the aesthetics
2 as the only consideration. And I think Mr.
3 Nickerson expressed that well.

4 Q. Dr. Foss?

5 A. (Foss) I would agree with that. I was
6 limiting my response to your restriction on
7 aesthetics.

8 Q. Mr. Brown?

9 A. (Brown) As was I.

10 A. (Von Mertens) We were trying to listen to the
11 question and respond to it, and we did too
12 good a job.

13 Q. You realize it's sort of a key thought here.

14 Nothing further, Madam Chairman.

15 CHAIRMAN IGNATIUS: All right.
16 Thank you. Other Committee member questions?
17 Ms. Lyons.

18 MS. LYONS: I just have a --
19 we're struggling for an exhibit here. I was
20 looking for the wind energy policy from
21 Audubon that was referenced from 2012.

22 MR. IACOPINO: I have been
23 told it's an AWE exhibit. But I think the
24 AWE exhibit is the energy conservation policy

1 that, as been testified, is no longer the
2 policy.

3 Does anybody know if the wind
4 energy policy is actually in the record?

5 MS. MANZELLI: I don't know if
6 it's in the record. I know that it is not
7 currently an Audubon exhibit, and I was going
8 to ask you about that over the next break.

9 CHAIRMAN IGNATIUS: Wasn't Mr.
10 Nickerson looking at it, and we told him, no,
11 don't look at that one, look at the other
12 one?

13 MS. MANZELLI: We did.

14 CHAIRMAN IGNATIUS: Okay. So
15 we know it's here. We just don't know --

16 MS. MANZELLI: I have a copy
17 in my hand.

18 CHAIRMAN IGNATIUS: So at a
19 break, let's sort that out.

20 Other questions? Ms. Bailey.

21 INTERROGATORIES BY MS. BAILEY:

22 Q. You don't have an electronic device up there
23 that you can look at exhibits?

24 MS. MANZELLI: Oh, I can --

1 MS. BAILEY: No, no, not that.
2 I'm looking at Exhibit PC 1, the Vissering
3 testimony, the pictures in the back. And
4 it's specifically the picture of Willard
5 Pond. Actually, we --

6 MR. ROTH: We have the boards.

7 MS. BAILEY: Yeah, it might be
8 on the board. It's the picture that's
9 labeled 1B, but it's on -- I don't remember
10 what exhibit on the board it is.

11 MR. ROTH: Glad I did that
12 without dropping it --

13 CHAIRMAN IGNATIUS: You can't
14 whack the witness. That's one of the rules.

15 MR. ROTH: 1B?

16 MS. BAILEY: Picture 1B.

17 BY MS. BAILEY:

18 Q. Now, can you look at Exhibit ASNH No. 3.
19 That's the map that was provided by you this
20 morning in color. What's the exhibit on that
21 board? What's the exhibit number on the
22 original corner of the board that your --
23 MR. IACOPINO: Upper right
24 orange sticker.

1 A. (Brown) PC 1B.

2 BY MS. BAILEY:

3 Q. PC 1B. And we're looking at the middle
4 picture, which is a simulation photograph
5 that Ms. Vissering -- yeah, that Ms.
6 Vissering created of Willard Pond. Do you
7 recognize that area of Willard Pond?
8 Anybody?

9 A. (Brown) Yes.

10 Q. Okay. Can you orient me on the map, on
11 ASNH 3, as to where that picture was taken
12 from?

13 A. (Brown) Okay. Well, on the actual exhibit it
14 says "Willard Pond Dam." So --

15 Q. Right. But I don't know where Willard Pond
16 Dam is.

17 A. (Brown) Okay. On this exhibit, the dam would
18 be the far southeastern corner of Willard
19 Pond. So, to the right of that corner of the
20 boat picture.

21 Q. All right. Thank you. That's all I needed.

22 INTERROGATORIES BY CHAIRMAN IGNATIUS:

23 Q. While we're sticking with that, does that
24 mean that the orientation of the photograph

1 is away from the direction of the turbines if
2 it's -- did you say the dam is to the right
3 of the boat picture on the map? So does that
4 mean that the picture is taken pointing
5 towards the east?

6 A. (Foss) Northwest.

7 A. (Brown) Yeah, the map says "northwest" on
8 this exhibit.

9 Q. So it is in the direction of the turbines?

10 A. (Brown) I would say so.

11 Q. I'm asking you. I'm just trying to compare
12 where we see the location of the turbines on
13 the map and try to align that with what the
14 photograph is. I can't see the picture, so I
15 don't know. Do you see turbines in the
16 picture?

17 A. (Panel Members) Oh, yes. Yes.

18 Q. Thank you.

19 MR. ROTH: You're supposed to
20 stand 17 inches from the picture.

21 BY CHAIRMAN IGNATIUS:

22 Q. I have some other questions that I hope are
23 more coherent than the first. I'd love hear,
24 Mr. Nickerson, about the bald eagle egg

1 transplant, but that's got to be in another
2 proceeding.

3 [Laughter]

4 A. (Nickerson) I'll see you after the show.

5 Q. Okay. Mr. Brown, you had said that there are
6 some bats which have taken up residence in a
7 barn after they left another property. Is
8 that barn on the sanctuary lands?

9 A. (Brown) Yes, it is.

10 Q. And do you know, is it a little brown bat
11 colony there?

12 A. (Brown) Yes, they've been determined to be
13 little brown bats by New Hampshire Fish and
14 Game biologists.

15 Q. Thank you.

16 You also stated in your direct testimony
17 that placement of the turbines will determine
18 the direction of runoff. It's Page 8, at the
19 bottom of the page. And so I don't mess up
20 your quote, why don't we try and find that.
21 It's electronically Exhibit 26, if people
22 have it that way.

23 A. (Brown) Okay. Are you looking for me to read
24 that?

1 Q. Well, let's make sure everybody finds that.
2 It's towards the bottom of Page 8. And that
3 the placement of Turbine 10 -- actually, it
4 wasn't all the turbines. And then I'm
5 jumping ahead "will determine the direction
6 in which runoff from the turbine pad and
7 associated roads will flow." Can you explain
8 why you draw that conclusion?

9 A. (Brown) Yes, I --

10 (Discussion between Mr. Brown and Dr.
11 Foss off the record.)

12 A. (Foss) The placement of Turbine 10 is very
13 near the boundary between three different
14 watersheds, one of which is the Willard Pond
15 watershed, one of which drains east and is
16 called the Great Brook Antrim Tributaries,
17 and one of which drains to the west. So it's
18 difficult with the scale of this map to know
19 which watershed that turbine pad is actually
20 going to drain into because the precision may
21 not be exact.

22 Q. And what's the import of that? It will
23 determine the direction one of those three
24 ways. But why does it make a difference

1 which of them it may go to, the runoff may go
2 to?

3 A. (Foss) Because of the quality of the water in
4 Willard Pond, which was recently discussed.
5 The potential for sedimentation getting into
6 streams that drain into Willard Pond was the
7 concern.

8 Q. Are you aware that any construction
9 authorized would have runoff protocols and
10 management of construction impacts?

11 A. (Foss) I am. But I'm also aware that in
12 events of major precipitation, sometimes
13 those structures can fail.

14 Q. All right. Ms. Von Mertens, in your direct
15 testimony, on Page 12, you said that no other
16 water body of equal size in the region has
17 this degree of undeveloped shoreline. That's
18 not a full quote. But when you refer to
19 "this region," what region are you talking
20 about?

21 A. (Von Mertens) I don't know of any other -- I
22 don't know where the nearest one is. But I
23 was -- we talk about "our Monadnock Region"
24 all the time. And I think, default,

1 that's -- of course, I was a little surprised
2 when I heard people in Keene talk about their
3 Monadnock Region, too. So it's a loose
4 definition.

5 Q. So it's not quite so quantifiable. But I
6 take it you're saying it is fair to say that
7 it's an unusually large water body to have no
8 developed shoreline.

9 A. (Von Mertens) I think the point I was making,
10 and it's a bit of a Catch-22, but it's
11 accessible. People go there. And of course,
12 in the summer, I think I mentioned, on a hot
13 summer Saturday it becomes a swimming beach.
14 And the wildlife sanctuary, you would not
15 know it was a wildlife sanctuary. But that
16 activity is limited. And our management of
17 the sanctuary creates undisturbed areas. But
18 that's the importance, that people do go
19 there because -- I think probably you could
20 hike to an area that was pristine. I can't
21 think of one without development. But you
22 can drive to this one. And you park away
23 from the launch, but...

24 Q. In the materials that were handed out in

1 color this morning, looking at Attachment --
2 well, that's got another siting, FVM-4F.
3 That must refer to something else.

4 MS. MANZELLI: It should also
5 have the ASNH dash number on the top
6 somewhere written in handwriting.

7 CHAIRMAN IGNATIUS: It may be
8 part of No. 6. ASNH 6 has a series of
9 photographs.

10 BY CHAIRMAN IGNATIUS:

11 Q. And so No. 4F is a picture that says it's a
12 poster created by Trout Unlimited. And I
13 don't want to ask about the Trout Unlimited
14 project, but I do want to ask you about, in
15 the bottom right-hand corner, it says the
16 "Willard Pond Forever Wild Project" is
17 referenced. What is the Willard Pond Forever
18 Wild Project?

19 A. (Von Mertens) That was my terminology for the
20 fundraiser for the last remaining unprotected
21 parcel on Willard Pond. And my pitch to
22 donors was that this would make what you see
23 Forever Wild. And it's a confusing -- it has
24 nothing to do with an easement.

1 Q. Okay. Thank you.

2 A. (Brown) I can jump in. We do have a
3 self-imposed forestry restriction on that
4 last parcel --

5 A. (Von Mertens) Could I add a little humor?

6 Q. Okay. I think we could probably use it.

7 A. (Von Mertens) There's a picture here of a
8 great blue heron with a rainbow trout. And
9 my friend, Ed Henault, who I mentioned
10 before, said, "Wait a minute. I've never
11 caught a brookie" -- or a rainbow. Is that a
12 brook trout or a rainbow? I think it's a
13 brookie. "I've never caught a fish that
14 large."

15 A. (Nickerson) It's a big brook trout.

16 A. (Von Mertens) It's a brookie.

17 Q. That's great.

18 MR. ROTH: The heron's the
19 better fisherman.

20 BY CHAIRMAN IGNATIUS:

21 Q. You also have a photograph of someone in a
22 black fly mask. Only the true lovers of
23 winged creatures would want to be sure that
24 we're preserving the black flies. But...

1 A couple of other questions. Dr. Foss,
2 you had stated in your direct that migrating
3 raptors and golden eagles concentrate along
4 ridgelines that are perpendicular to the
5 prevailing northwest winds.

6 A. (Foss) Correct.

7 Q. Is that -- well, first of all, does the
8 ridgeline where these turbines are proposed
9 meet that definition of what you're talking
10 about?

11 A. (Foss) Yes.

12 Q. And is it unusual in this area to have those
13 sorts of ridgelines? Do you know?

14 A. (Foss) No. The whole kind of western
15 backbone of New Hampshire has ridgelines
16 trending in that direction, which is why the
17 American Bird Conservancy has included that
18 in their Atlantic migration -- raptor
19 migration corridor.

20 Q. So it's not that you're saying that this is
21 the only location they might go to, but that
22 they're likely to go to that area and be at
23 risk?

24 A. (Foss) Correct.

1 Q. You stated in your direct -- and this was on
2 Page 3 -- that flight altitude -- and I
3 forget if we're talking about raptors or who
4 specifically -- the flight altitude decreases
5 as wind speed increases.

6 A. (Foss) Correct.

7 Q. What's the import of that? What should we
8 make of that?

9 A. (Foss) Well, early in the migration season,
10 late August and during September, there's
11 still a fair amount of heat. And the heat
12 rising from the ground creates what are
13 called thermals. And they're basically
14 rising pockets of warm air. And during their
15 migration, raptors will find those pockets
16 and circle around in them to gain altitude
17 and then glide off to find the next pocket.
18 So that is one way in which raptors make
19 their migration efficient. Later in the
20 season it's colder, and that option is less
21 available, if at all.

22 And during that portion of the migratory
23 period they use what's called "orographic
24 lift." And if you imagine a wind coming

1 across this room and hitting this wall, it's
2 going to rise, and it's going to trend kind
3 of along that ridge, so to speak. And
4 those -- that orographic lift only -- I'm
5 trying to remember the figure. That only
6 rises to maybe 200 meters, whereas the
7 thermals go way, way up. So raptors using
8 orographic lift are migrating at lower
9 elevations than raptors using thermals. Does
10 that help?

11 Q. It does. But your statement had been that
12 the flight altitude decreases as the wind
13 speed increases. So how does that then
14 factor in?

15 A. (Foss) Okay. As wind speed increases, these
16 thermals break up because the wind kind of
17 blows them apart. So thermals really develop
18 under fairly calm conditions. So that's the
19 relationship between wind speed.

20 Q. And what import does that have on us
21 considering the turbine proposal? I mean,
22 if -- go ahead.

23 A. (Foss) Particularly with respect to golden
24 eagles which migrate later in the season and

1 are much more apt to use orographic lift than
2 thermals. So they are flying at lower
3 elevations than, for example, broad-winged
4 hawks which travel through New Hampshire in
5 huge numbers, but typically at very high
6 elevation. So it's a matter of the risk.

7 Q. Does the speed of the wind, and therefore the
8 speed of the rotation of the turbines, create
9 a greater risk or a lesser risk to golden
10 eagles, in terms of collisions?

11 A. (Foss) I'm not sure I understand the
12 question.

13 Q. Are they -- are the golden eagles any more
14 likely to have a collision in high wind
15 conditions or in low wind conditions, or is
16 there no difference on wind speed?

17 A. (Foss) I would really need to defer to my
18 colleagues in West Virginia on that. But I
19 believe that, in general, the stronger the
20 wind, the lower they're flying.

21 Q. And the lower they're flying, then that
22 increases or decreases the risk of
23 collisions, if you know?

24 A. (Foss) Well, if they're flying within the

1 rotor-swept zone, that would increase the
2 risk.

3 Q. A few questions about common nighthawks. You
4 had said in your supplemental testimony, on
5 Page 3, that you would recommend mitigation
6 strategies for common nighthawks. What
7 strategies are you aware of that might be
8 wise?

9 A. (Foss) We're actually still trying to figure
10 that out. But I think the major one would
11 be -- well, there would be two. One would be
12 if a pair of nighthawks was discovered to be
13 nesting in the immediate vicinity of the
14 turbine pad, that once the young hatched, and
15 until the young dispersed, that turbine be
16 feathered or turned off during the period of
17 the day when nighthawks are active.

18 Q. And what time of day is that?

19 A. (Foss) Well, definitely dawn and dusk,
20 potentially through the night. But that's
21 research that needs to be done.

22 Q. All right. And you said there were two.
23 What would be another strategy?

24 A. (Foss) Another would be trying to render the

1 turbine pads inhospitable to nighthawk
2 nesting.

3 Q. Have you ever heard anyone propose anything
4 other than the gravel base that might be
5 helpful?

6 A. (Foss) We've been discussing all kinds of
7 possibilities, including the tarps that they
8 use on football fields. But we haven't quite
9 got that figured out yet. I mean, it depends
10 on what you're dealing with for a turbine pad
11 to begin with.

12 Q. Do people ever create gravel bases somewhere
13 away from turbines as a way to mitigate, to
14 encourage nighthawks, but somewhere that
15 isn't in the danger zone near a turbine,
16 similar to the sort of wetlands mitigation
17 that Mr. Stewart was mentioning the other
18 day?

19 A. (Foss) I have no idea if that would work for
20 nighthawks.

21 Q. You also said, going back to golden eagles,
22 that you could minimize the risk -- this is
23 on Page 5 of your direct -- that you could
24 minimize the risk with a combination of

1 conservation measures and forms of
2 mitigation. What kind of mitigation were you
3 thinking of?

4 A. (Foss) Well, there are a lot of cutting-edge
5 forms of mitigation that are being developed
6 right now for large birds of prey, including
7 using radar to detect when large birds are
8 coming and then contacting the operators to
9 shut down specific turbines. I don't think
10 we're quite at that level of sophistication
11 in New Hampshire at this point. But possibly
12 there's -- there are scientists working on
13 modeling the specific wind conditions under
14 which these birds are migrating. And there's
15 the potential for identifying conditions
16 under which migration is likely and
17 constraining turbines under those conditions.

18 Q. And it's probably in your testimony. The
19 migratory period for the golden eagles, or I
20 guess let's do it in a broader sense, the
21 large birds of prey is what?

22 A. (Foss) Well, for everybody it starts in
23 August and runs into November. Goldens tend
24 to be later and are more October, November.

1 Q. You also recommended a change in the period
2 of time that clear cutting would be allowed.

3 A. (Foss) I believe Fish and Game also
4 recommended that in their recent comments.

5 Q. I have it here somewhere. You had said to
6 avoid tree clearing until after August 1st;
7 is that right?

8 A. (Foss) Yes.

9 Q. That was on Page 2 of your supplemental
10 testimony. And the reason for holding off
11 until after August 1st is what?

12 A. (Foss) Is to enable forest-nesting birds to
13 complete their nesting cycle.

14 Q. How early would that period of time where
15 there would be a moratorium on cutting start,
16 in your view? If it's going to end
17 August 1st, when do you think it would begin?

18 A. (Foss) Well, given mud season, it's generally
19 better to do harvesting in the fall, and in
20 many cases in the winter when you're on
21 frozen ground and avoiding soil compaction
22 and erosion issues.

23 Q. And at what point does the nesting cycle
24 begin that you'd want to -- I assume you'd be

1 concerned about the beginning of the cycle
2 phase as well as the end.

3 A. (Foss) Depends on the species. I mean, if
4 you're a great horned owl -- but we're not
5 going to -- we can't worry about great horned
6 owls.

7 I guess my recommendation would be to
8 start August 1st and then go as long as you
9 can on frozen ground. I mean, by the time
10 you're done with mud season, your migrants
11 are back and things are starting.

12 Q. So when you say "done with mud season," what
13 do you mean by that?

14 A. (Foss) That depends on the year. I expect
15 our local residents can be a better judge
16 when that occurs in that particular area than
17 I. But March, for sure. In some years, I'm
18 sure it runs well into April.

19 Q. You also -- I'm sorry to be jumping around on
20 you. My notes are jumping around on me.

21 Also back on golden eagle migration, you
22 had said on Page 7 of your direct testimony
23 that another way to minimize risk would be to
24 curtail operations during daylight hours

1 during golden eagle migration periods; is
2 that right?

3 A. (Foss) Correct.

4 Q. And so when you say "daylight hours," do you
5 really mean sunup to sundown, or is there a
6 particular time of day that's more active?

7 A. (Foss) I would need to look at data on when
8 goldens are starting in the morning and when
9 they're putting down at night, and that's not
10 something I can answer here.

11 Q. Those are all my questions.

12 CHAIRMAN IGNATIUS: Anything
13 else from the Committee?

14 Yes. Well, from Mr. Iacopino,
15 questions.

16 INTERROGATORIES BY MR. IACOPINO:

17 Q. My first question, and it doesn't really
18 matter who answers it, just as long as you
19 know, because I was surprised -- ASNH 3, the
20 map that you submitted as one of your
21 exhibits, it does not appear from that map
22 that the summit of Bald Mountain, at least,
23 is in protected land by conservation easement
24 or otherwise. Is that correct?

1 A. (Brown) I can clarify. There are two
2 distinct summits on Bald Mountain. So the
3 northern summit, which has the loop trail as
4 part of its feature, that's the actual high
5 point of Bald Mountain.

6 Q. So where the designation of Bald Mountain is,
7 that would be at the southern summit?

8 A. (Brown) Yeah, the map's a little misleading
9 in that way.

10 Q. And that southern summit is not in
11 conservation land?

12 A. (Brown) That is correct.

13 Q. Okay.

14 A. (Brown) At least it's not in New Hampshire
15 Audubon conservation.

16 Q. But this map tries to designate other
17 conservation land abutting your properties;
18 correct?

19 A. (Brown) I see that, yes. So it's not in
20 conservation, from my knowledge.

21 Q. Okay. Ms. Foss, early on in your testimony
22 today, you indicated that the U.S. Fish and
23 Wildlife Services' model is one, for golden
24 eagle analysis, is one of a number of things

1 that should be used in making a
2 determination. Did I understand that
3 correctly?

4 A. (Foss) Yes.

5 Q. You also then indicated that it was your
6 impression in this case that the Fish and
7 Wildlife Service only used the model.

8 A. (Foss) That's my impression. I don't know
9 one way or the other.

10 Q. Well, I was going to ask you. What did you
11 base -- what brought you to that impression?

12 A. (Foss) What brought me to that impression was
13 discussions at the conference I just returned
14 from and in the -- I'm not sure if it's in
15 the e-mail I have here. But in --

16 MS. MANZELLI: I believe it's
17 AWE 43. Is that the e-mail, Susan?

18 MS. GEIGER: Yes.

19 MS. MANZELLI: Yeah. If you
20 want to refer to AWE 43, that's the Nystrom
21 e-mail.

22 WITNESS FOSS: Is that the one
23 that includes the output from the model?

24 MS. MANZELLI: Why don't you

1 look at the exhibit.

2 A. (Foss) Yes. The fact that AWE 43 includes
3 the output from the model.

4 Q. Okay. But I mean, that exhibit includes
5 other, I don't know if they're called
6 criteria, but other things that were
7 considered by Fish and Wildlife Service as
8 well, doesn't it? I mean, didn't they also
9 consider their land-based wind energy
10 guidelines and...

11 A. (Foss) I would need to go back and...

12 (Witness reviews document.)

13 Q. Well, let me -- I don't...

14 (Witness reviews document.)

15 A. (Foss) I'm not aware of any other specific
16 criteria.

17 Q. Do you see the last full paragraph -- well,
18 second to the last full paragraph on Page 2
19 of the exhibit starts off, "According to my
20 review, the ABPP prepared for AWE's Antrim
21 Wind Energy Project is consistent with the
22 Service's land-based wind energy guidelines"?

23 A. (Foss) Right. That's the land-based energy
24 guidelines.

1 Q. Land-based wind energy guidelines.

2 A. (Foss) Right, which is different from the
3 bald and golden eagles guide. I'm just
4 getting a little confused about which
5 document you're referring to.

6 Q. So I guess your determine -- your
7 understanding is that those guidelines don't
8 address golden eagles at all.

9 A. (Foss) They do not address any specific --
10 any species specifically. They're more
11 general guidelines.

12 Q. Okay. So that contributed to your impression
13 that only the model was used to send this
14 e-mail out.

15 A. (Foss) That contributed to my impression,
16 yeah.

17 Q. You also mentioned something about
18 discussions at your conference in Denver.
19 Did you -- was Sarah Nystrom there, and did
20 you have any discussions with her about this?

21 A. (Foss) She was on the list of people who were
22 to attend, but I never laid eyes on her while
23 I was there.

24 Q. Also, you indicated early on in your

1 testimony that you were concerned because
2 there was no reference to the common
3 nighthawk in the materials that you had
4 reviewed with respect to the project.

5 A. (Foss) Correct.

6 Q. Do you recall, in the Breeding Bird Survey,
7 seeing reports of incidental findings of the
8 common nighthawk in that survey?

9 A. (Foss) I do. I'm pretty certain that there
10 were incidental observations.

11 Q. Okay. I think you indicated to Commissioner
12 Ignatius that you were familiar with the New
13 Hampshire Fish and Game letter that is marked
14 as Committee Exhibit 16, dated October 26,
15 2012.

16 A. (Foss) Yes.

17 Q. That letter contains what appears to be at
18 least two specific, or maybe three specific
19 recommendations to the Applicant with respect
20 to the common nighthawk.

21 A. (Foss) Yes.

22 Q. And I guess my question to you is: Do you
23 believe that those recommendations would
24 resolve -- if they were made conditions of a

1 certificate of site and facility, would they
2 resolve your concerns with respect to the
3 common nighthawk?

4 A. (Foss) I believe so, yes.

5 Q. Okay. If I understand correctly, your own
6 assessment -- and I'm sorry. I'm going back
7 to the golden eagle again.

8 I guess your assessment of the risk
9 factor to the golden eagle was a "high" risk
10 factor; is that correct?

11 A. (Foss) I would have put it "moderate." I
12 would not have put it at "high."

13 Q. Oh, okay. All right. So you would have the
14 same opinion as the -- I think I'm getting my
15 eagles mixed up. Let me just pull up AWE 43
16 again. I'm sorry. Sorry about that. It's
17 the Fish and Wildlife e-mail.

18 Okay. Let me ask you about each one.
19 Do you disagree with their assessment -- is
20 your assessment the same as theirs with
21 respect to golden eagles, that golden eagles
22 is a low risk?

23 A. (Foss) No.

24 Q. What is your assessment of the impacts to

1 golden eagles or risk to golden eagles?

2 A. (Foss) I would rate it as "moderate."

3 Q. Okay. They've put the bald eagle risk in the
4 "moderate" category. What is your --

5 A. (Foss) I would concur.

6 Q. All right. Mr. Brown, you indicated that you
7 did not believe there was sufficient data for
8 the Applicant's witnesses to make a
9 determination that the Tuttle Ridge was not a
10 leading line. Do you recall that testimony?

11 A. (Brown) I don't know if that was exactly what
12 I was saying.

13 Q. Well, why don't you refresh my memory,
14 because that's the way I understood it.

15 A. (Brown) I may need a little help with that.
16 But I was referring to one particular
17 question. Can anybody help with those
18 transcripts or --

19 Q. Well, okay.

20 A. (Brown) If you could refer to that, I'll --

21 Q. I don't have the transcript reference because
22 I was actually going off what you testified
23 to.

24 MS. MANZELLI: Would you like

1 the transcript reference?

2 MR. IACOPINO: Sure.

3 MS. MANZELLI: Okay. Give me
4 a second.

5 MR. IACOPINO: Actually, it's
6 okay, Ms. Manzelli.

7 BY MR. IACOPINO:

8 Q. Do you believe that Tuttle Ridge is a leading
9 line?

10 A. (Brown) As I answered before, I said I
11 couldn't make that determination one way or
12 the other, but that many ridges with that
13 sort of geography and direction can be
14 considered -- are considered leading lines.

15 Q. Did you review the various pre-construction
16 studies provided by the Applicant?

17 A. (Brown) Not to very much extent.

18 Q. Okay. Could you just give us a quick
19 definition of what a "leading line" or
20 "leading edge" is? I think we do have it in
21 the record, but just for everybody's
22 refreshed recollection.

23 A. (Brown) If you want to say it better that I
24 can --

1 A. (Foss) A leading line is a geographic feature
2 that kind of guides migrating birds. It
3 could be a lakeshore, such as the shores of
4 the Great Lakes; it could be a coastline; it
5 could be a ridgeline.

6 Q. What is it that makes them more important?

7 A. (Foss) In the cases of ridges, it's an area
8 where you get orographic lift as I described
9 before.

10 Q. Okay. And then, Ms. Von Mertens, I just want
11 to understand something. You used the term
12 "exemplary natural community." And there is,
13 in fact, an exhibit that we have -- it's
14 AWE 6 -- which I'll pull it up. It's the
15 first supplement to the application. And I
16 believe there's a letter from the New
17 Hampshire Natural Heritage Bureau, dated
18 August 2nd, 2012. Did you review that?

19 MS. MANZELLI: Excuse me,
20 Mike. Where in the first supplement?

21 MR. IACOPINO: It's electronic
22 Document 5.

23 MS. MANZELLI: Thank you.

24 BY MR. IACOPINO:

1 Q. Did you have occasion to review that?

2 A. (Von Mertens) I do remember the conclusion
3 that there was no exemplary natural community
4 there.

5 Q. And all I want to know is, when they're
6 talking about "exemplary natural
7 communities," are you using the same
8 definition as them? Or is this something
9 that's your own terminology, or somebody
10 else's?

11 A. (Von Mertens) No. Thank you for asking the
12 question. I think it's a combination. And I
13 think Sue Morse's testimony about wildlife --
14 it's a combination of -- that's natural
15 community. The Natural Heritage Bureau, the
16 State, would define it in terms of species,
17 specifically ferns, spruce. There's numbers
18 of plant communities. And I've broadened it
19 out more to wildlife. And often plant
20 species relate to wildlife. But I have a
21 looser -- as a layperson, I have a looser
22 definition of it. Thank you.

23 Q. So your understanding of the definition used
24 by the Natural Heritage Bureau is that

1 exemplary natural communities does not apply
2 to wildlife?

3 A. (Von Mertens) It's a broader -- I would
4 broaden it out. I think that's the danger of
5 a layperson versus a credentialed master's
6 Ph.D., that they're very specific with their
7 terminology. And as you've noticed with
8 Forever Wild, I'm not.

9 Q. And then I guess my final question is
10 really -- and I think Ms. Foss may be the
11 best person to answer this. It's about this
12 "high elevation," just the definition.
13 Somebody, I think, said, is it spruce-fir is
14 the vegetation that characterizes "high
15 elevation"?

16 A. (Foss) Well, it depends on your -- it depends
17 on the context. But in New Hampshire,
18 high-elevation spruce-fir is a specific
19 habitat type that's characterized by red
20 spruce and balsam fir.

21 Q. Is it also characterized by other things
22 other than just the vegetation, though?
23 Soils and things like that? Aren't they all
24 part of the designation of "high elevation"?

1 A. (Foss) You're talking about high elevation,
2 period, or high --

3 Q. Elevation habitat or -- well, I shouldn't say
4 habitat, but -- well, that's why I asked you.

5 A. (Foss) The high-elevation habitat that was of
6 concern with the Granite Reliable project,
7 which is kind of what I assume we're talking
8 about here, is inhabited by a particular
9 suite of wildlife species. And perhaps the
10 flagship species of that habitat is the
11 big-nose thrush, which was a major issue with
12 respect to that application. The big-nose
13 thrush does not occur this far south in New
14 Hampshire if that's what you're trying to get
15 at.

16 Q. Well, what I'm trying to determine is
17 whether -- I mean, we've had somebody testify
18 that, in his opinion, this is high-elevation
19 habitat. And that wasn't my understanding of
20 the definition of "high-elevation habitat"
21 before I came into this thing. And I'm
22 asking you whether or not you would say that
23 this area where this ridgeline is, Tuttle
24 Ridge, fits within that definition.

1 A. (Foss) Well, wait a minute. I mean, "high
2 elevation" is a relative term. In the
3 context of Hillsborough County, which I guess
4 is what we're talking about here, that is
5 high elevation. However, with respect to the
6 species that we are typically concerned about
7 in the New Hampshire high-elevation
8 spruce-fir context, it is not in that
9 category.

10 Q. Okay. Thank you. I don't have any other
11 questions.

12 CHAIRMAN IGNATIUS: All right.
13 Anything further from the Committee? If not,
14 Ms. Manzelli -- I'm sorry.

15 (Discussion among Subcommittee members
16 off the record.)

17 CHAIRMAN IGNATIUS: Ms.
18 Manzelli, it's your opportunity for redirect.
19 I don't know how much you have. If it's very
20 short, I would recommend doing it with a --
21 if you need a quick consultation, that would
22 be fine. If it's going to be anything
23 lengthier, we may need to take a break.

24 MS. MANZELLI: Well,

1 definitely not very short. I'm betting
2 somewhere between 15 and 35 minutes. And I
3 definitely do want a consultation.

4 CHAIRMAN IGNATIUS: All right.
5 I'll tell you 15 to 35 minutes isn't going to
6 go over well with me, because it's hard to
7 imagine that that's all within our very
8 narrow standards of what we allow on
9 redirect.

10 So why don't we take a break.
11 Let's take a lunch break. Over that time,
12 anything you can do to really focus your
13 questions and be certain that they are
14 appropriate as redirect, based on things that
15 have not already -- on things that emerged
16 during the cross-examination, as opposed to
17 things that you kind of wished you'd asked
18 beforehand and forgot to. Thank you. And
19 that goes to everyone. That wasn't -- that
20 sounded like a dig against you. I didn't
21 mean it that way. So we'll take a break
22 until 2:00. Thank you.

23 (Whereupon the lunch recess was taken,
24 and this MORNING SESSION ONLY ended at

1 12:59 p.m., with the hearing to resume in
2 a transcript to be filed under separate
3 cover so designated as "AFTERNOON SESSION
4 ONLY".)

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

	acreage (1) 158:3	adjacent (3) 63:15;115:11; 158:4	111:21;142:21;167:3	138:17
\$	acreages (1) 159:2	administered (1) 69:9	ago (9) 22:11;53:1;59:3; 63:6;68:2;97:21; 127:5;161:3;163:10	altitude (4) 183:2,4,16;184:12
\$150,000 (2) 69:13;159:16	acres (18) 49:3;50:6;68:23; 69:5,7;86:17;89:2; 118:22;129:8;137:6; 141:24;151:19,23; 152:12;154:3,18; 158:23;162:12	admonishment (1) 15:8	agree (8) 38:5;76:8;78:21; 130:24;138:3; 167:17;170:4;171:5	altitudes (1) 59:6
\$250,000 (2) 69:12;159:14		adopt (1) 11:15	agreeable (1) 11:19	always (4) 35:9;100:22; 102:22;111:1
\$3 (2) 69:3;159:10		adopted (7) 11:14;103:1; 104:15;110:8; 116:11;120:2;128:23	agreed (2) 99:16;122:15	amend (2) 88:14,20
[across (1) 184:1	adult (1) 18:12	Agreement (14) 46:19;47:12;48:22; 49:15;51:24;53:11, 15,18;54:9,10;55:3; 106:21,24;122:9	amendment (1) 123:9
[Laughter] (3) 76:10;153:9;176:3	active (4) 101:3;137:20; 186:17;191:6	adults (1) 19:10	agreements (1) 53:24	American (1) 182:17
[sic] (1) 106:12	activities (9) 84:9,13;103:24; 127:21;128:2,13,16; 130:6;132:8	adverse (1) 64:7	agricultural (4) 25:14;28:3,13,22	among (9) 10:18;22:12;40:1; 43:16;45:4;54:15; 77:20;78:12;204:15
A		advisability (1) 17:3	Agriculture (1) 23:14	amount (2) 33:3;183:11
A7 (1) 50:5	activity (4) 115:17;128:20; 141:8;179:16	aerial (1) 130:15	ahead (5) 93:2,3;162:4; 177:5;184:22	Amy (3) 5:1;6:9;105:1
ability (3) 29:8;41:11;64:8	actual (2) 174:13;192:4	aesthetic (2) 79:3;129:1	air (1) 183:14	analysis (1) 192:24
able (7) 38:24;128:16; 138:7;144:1;146:24; 152:5;167:14	actually (19) 18:11;33:17;34:19, 21;36:4;39:14;65:17; 76:22;82:12;93:17; 142:8;153:13;172:4; 173:5;177:3,19; 186:9;198:22;199:5	aesthetically (5) 165:2,13;167:23; 169:19,20	aldrin (1) 14:15	anecdotal (1) 77:2
above (7) 50:4;51:16;52:16; 59:7;81:24;169:12, 15	add (3) 38:21;141:14; 181:5	aesthetics (19) 63:23;69:15;78:7; 104:16;106:1; 128:18;129:5; 142:15;145:4; 148:10,13;164:17,21; 165:1;167:20;168:6; 170:16;171:1,7	align (1) 175:13	animal (2) 30:14;96:6
ABPP (10) 57:9;61:7;110:13; 111:19;112:4; 113:14,24;114:2,7; 194:20	added (3) 139:10;148:9; 162:14	affect (4) 41:11;76:5;128:12; 135:1	ALLEN (4) 6:2,3;92:14,15	annual (1) 58:4
Absolutely (1) 119:14	adding (2) 24:3;162:11	affected (1) 77:15	Allen/Edwards (1) 6:4	answered (5) 22:22;131:5,20; 168:14;199:10
abut (1) 129:15	addition (2) 52:2,19	afraid (1) 75:10	allow (10) 22:16;27:22;40:4; 74:22;113:7;121:24; 124:7;141:3;169:10; 205:8	anticipate (1) 92:22
abutters (2) 90:8;130:1	additional (8) 40:12,15;49:8; 57:3;94:16;111:21; 140:7;159:16	AFTERNOON (1) 206:3	allowed (9) 25:3,15;28:4; 42:15,16;101:14,14; 141:11;189:2	Antrim (31) 4:9;5:15,24;6:3,7; 12:14;18:17;51:19, 19,24;59:15;63:5,14; 97:15,17,19;98:7,11, 24;101:4;102:21; 107:18;112:4;116:1; 118:11,19;120:17; 159:23;164:13; 177:16;194:20
abutting (6) 63:4;125:15; 129:22;159:11; 165:3;192:17	Additions (1) 99:3	again (24) 23:20;30:11;39:12; 49:11;55:6;63:12; 73:7,12;77:1;87:24; 89:9;90:21;91:10; 94:20;120:1;121:8; 124:10;136:16; 141:4,9;145:14; 152:14;197:7,16	allowing (1) 36:12	anymore (1) 94:9
accept (1) 156:23	address (16) 8:6;10:9;12:1,12; 13:20;25:19;26:16; 53:7;94:1;113:3; 123:6;143:17; 148:20;164:2;195:8, 9	against (6) 34:24;80:7;166:23, 24;167:12;205:20	allows (1) 87:15	apart (1) 184:17
accepted (2) 110:14;136:15	addresses (1) 125:10	agencies (1) 114:23	almost (2) 162:16;169:14	apologies (2) 66:20;165:18
accepting (1) 150:12	addressing (1) 79:17	agency (11) 25:6;27:1;28:18; 29:8;50:8;85:7; 103:21;110:20;	alone (1) 53:17	apologize (7) 23:19;36:9;70:20; 105:13,15;112:13; 135:7
access (5) 84:23;123:17; 124:6;125:14;149:3	adequate (3) 42:6;57:12;139:10		along (14) 12:11;13:19;33:12; 51:10;80:21;95:5,6, 13;147:9;153:22; 154:17;168:3;182:3; 184:3	Appalachian (3) 46:24;47:15; 106:21
accessible (1) 179:11			alterations (1) 170:13	apparent (2) 19:3;150:13
accomplish (1) 39:20			although (1)	appear (2) 93:21;191:21
according (2) 20:3;194:19				appearances (1)
accurate (3) 60:23;65:13;93:23				

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

5:13 appeared (1) 18:13 Appearing (1) 5:14 appears (6) 41:20;49:18;53:10, 14,21;196:17 apple (1) 43:10 applicable (1) 37:17 Applicant (23) 5:15;22:16;38:22; 44:7;45:10;46:20; 49:16;61:15;96:19; 97:5,12;100:11; 111:18;114:23; 117:1;119:13;139:9; 141:24;148:2; 150:21;151:1; 196:19;199:16 Applicant's (6) 42:13;59:18; 106:23;110:4; 132:16;198:8 Application (5) 4:9;118:20;140:13; 200:15;203:12 applied (2) 30:19;71:4 apply (3) 30:24;31:2;202:1 approached (1) 98:15 approaching (1) 117:16 appropriate (8) 50:8;58:8;79:21; 101:18;102:5; 150:17;155:11; 205:14 appropriately (1) 101:10 approval (2) 28:20;112:20 approved (7) 50:8;63:7,10; 106:24;125:21; 147:6;148:23 approximately (3) 49:2;50:6;59:7 approximation (1) 168:8 April (1) 190:18 apt (1) 185:1 arbitrarily (1) 154:6 area (38) 18:21;19:13;20:16; 30:14;33:9;36:11;	59:11;62:23;64:3; 67:15;71:5;87:9; 90:19;91:2,18;93:24; 95:5,21;101:2;137:7; 140:15;141:10; 144:8,9;145:9; 148:22;149:17; 150:17;160:10; 163:5;164:13;174:7; 179:20;182:12,22; 190:16;200:7;203:23 areas (13) 52:1;71:10,11; 72:9;88:2;89:9,11,11, 19;91:15;96:3;144:6; 179:17 arena (1) 147:9 argument (1) 52:13 arm (1) 157:24 around (14) 35:8,17;62:20,22; 63:14;66:6;72:10; 84:23;103:11; 120:19;126:8; 183:16;190:19,20 arrangement (1) 164:23 artfully (1) 135:8 ascertain (1) 100:3 aside (7) 9:6;12:5;13:1,13; 15:15;23:1;76:11 ASNH (19) 9:17,22;10:22; 11:3,18;13:10;15:12; 20:10;26:6;65:10; 70:5;86:13;158:13; 161:16;173:18; 174:11;180:5,8; 191:19 ASNH's (1) 128:19 aspects (3) 66:23;113:14,24 assertion (2) 33:1;80:4 assess (1) 41:9 assessing (1) 109:22 assessment (7) 32:23;132:16; 197:6,8,19,20,24 assistance (1) 157:20 associated (1) 177:7 assume (4)	159:20;160:9; 189:24;203:7 assuming (1) 33:14 asterisk (1) 145:23 Atlantic (1) 182:18 Attachment (1) 180:1 attempt (1) 39:20 attend (1) 195:22 attended (2) 97:16,19 attention (2) 19:14;119:1 attractive (2) 18:18;19:16 Audubon (86) 6:11;8:10;10:13, 17;12:17;14:1;15:4; 33:20;35:13;46:13; 66:12;67:1;68:9; 83:8;89:14;90:5,10, 11,18;91:9,17;94:7, 11;98:17,21;99:5,7,8, 13,15,18;100:10,23; 104:13,15;105:5,18; 114:4;119:2;120:14; 126:1,22;127:10,14; 128:23;129:14; 130:6;131:1;132:18; 133:12;134:2; 135:10;136:20; 138:3;141:19;143:6; 145:11,16;146:1,8, 10,15;147:3,13; 148:24;155:2; 157:10,12,16,22; 158:4,7,19;159:7; 160:11;162:15,19,23; 164:1,7;166:4,7; 170:20;171:21; 172:7;192:15 Audubon's (8) 31:5;65:14;100:4; 143:19;147:5,24; 155:5;163:7 August (7) 183:10;188:23; 189:6,11,17;190:8; 200:18 author (1) 11:3 authorized (2) 83:8;178:9 available (5) 46:4;66:2;95:11; 155:16;183:21 average (1) 60:13	averages (1) 35:15 avian (6) 106:12,15,17,17; 110:4;111:11 Aviation (3) 106:16,17,19 avoid (1) 189:6 Avoidance (1) 79:8 avoiding (1) 189:21 aware (33) 17:24;18:2;29:19, 22;30:1,4;62:8;73:4; 78:11;79:13;82:19, 23;83:4;100:23; 101:2;102:8;107:22; 109:9,15;114:16; 115:1;118:7;124:3; 125:12;135:10; 137:21;138:1;163:3; 164:13;178:8,11; 186:7;194:15 away (3) 175:1;179:22; 187:13 AWE (16) 4:4;105:8;107:19; 109:17;113:9;123:2; 145:13;146:20; 147:12;171:23,24; 193:17,20;194:2; 197:15;200:14 AWE's (1) 194:20 axiomatic (1) 17:14	34:5;55:23 BAILEY (35) 4:6,12;5:10,19;6:5, 17;8:14;22:14;25:5; 27:24;37:15;38:3; 40:3,13,20;43:18; 44:6,18,22;45:1,6,23; 46:6;47:3,7;53:8,12; 54:17;172:20,21; 173:1,7,16,17;174:2 balance (1) 163:8 bald (23) 14:19,20,24;17:6; 33:11;61:9;81:2,6; 86:14,22;108:5,8; 113:12,14,23;116:7; 175:24;191:22; 192:2,5,6;195:3; 198:3 balsam (1) 202:20 barn (3) 94:10;176:7,8 Bartlett (1) 19:22 base (2) 187:4;193:11 based (11) 17:9,13;18:1; 21:15;31:13;32:9; 33:3;59:20;81:10; 109:10;205:14 baseline (3) 166:22;167:7,12 bases (1) 187:12 basic (1) 48:21 basically (5) 23:11;42:24;48:1; 135:8;183:13 basis (4) 58:4;117:13; 164:20;165:1 bat (12) 29:15,16,20,23,24; 30:1;93:22;94:3,7; 110:4;111:12;176:10 bats (6) 94:9,9,19;170:19; 176:6,13 BCM (1) 6:9 beach (1) 179:13 Beblowski (1) 92:3 became (1) 160:12 become (7) 19:3;55:10;99:18; 101:19;108:13;
			B	
			bachelor (1) 133:19 bachelor's (2) 9:1;12:20 back (25) 39:5;42:14;44:14; 77:4;89:3;91:14,16; 97:4;98:22;102:22, 24;108:3;115:14; 118:4;121:10,13; 160:16;168:12; 170:6;173:3;187:21; 190:11,21;194:11; 197:6 backbone (1) 182:15 background (2) 14:6;52:11 backup (1) 138:11 bad (2)	

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

118:7,14 becomes (2) 136:24;179:13 beforehand (2) 133:2;205:18 beg (1) 110:11 began (2) 121:6;161:8 begin (4) 160:11;187:11; 189:17,24 beginning (3) 97:4;128:21;190:1 begun (1) 82:12 behind (4) 65:2;68:7,8;87:9 Bench (2) 37:9;117:16 beneficial (2) 34:19;35:1 benefit (4) 42:22,24;53:19; 164:24 bequest (1) 162:12 best (5) 28:20;139:5; 145:14;155:21; 202:11 better (10) 61:3;65:3;67:3; 77:11;117:4;138:9; 181:19;189:19; 190:15;199:23 betting (1) 205:1 beyond (6) 25:2;41:2;64:11; 144:15;149:11; 159:22 big (1) 181:15 bigger (1) 140:15 big-nose (2) 203:11,12 binder (1) 123:2 binding (1) 103:17 biologist (2) 114:6;142:12 biologists (2) 150:16;176:14 biology (4) 9:1,10;12:24; 133:20 Bird (2) 182:17;196:6 birds (12) 18:20;34:4,11,12,	16;170:19;188:6,7, 14,21;189:12;200:2 bit (11) 8:12;15:7;26:18; 94:2;98:14,19; 140:15,22;143:8; 169:17;179:10 bites (1) 43:9 black (4) 65:19;66:15; 181:22,24 blasting (1) 20:8 blind (1) 49:21 BLOCK (6) 6:12,13;92:16,17, 23;93:5 blocks (2) 64:4;99:4 blows (1) 184:17 blue (3) 35:1;89:2;181:8 Board (13) 6:7;14:2;105:19, 24;106:3,8;127:16; 147:7;166:5;173:8, 10,21,22 boards (1) 173:6 boat (6) 83:17,20;84:7,8; 174:20;175:3 bobcat (1) 20:22 bodies (3) 167:1,6,13 body (7) 105:19;151:16; 166:23;167:5,11; 178:16;179:7 bog (1) 109:6 boiler (7) 28:10,14;29:3; 120:21,22;131:13; 132:1 BOISVERT (5) 5:7,8;147:18,19,21 bona (1) 166:3 books (1) 163:1 borrow (1) 85:23 Boston (2) 137:19;163:9 both (5) 75:8;81:8;83:7,21; 116:17 bottom (8)	25:22,23;26:11; 59:16;144:2;176:19; 177:2;180:15 boulder (5) 20:16,19;21:1; 22:20,24 boulders (2) 20:15;21:11 boundaries (2) 130:16;144:15 boundary (1) 177:13 Brad (1) 4:22 brain (1) 100:22 Branch (1) 6:13 break (15) 45:8,9,17;93:3; 96:20;153:14; 155:15,20;172:8,19; 184:16;204:23; 205:10,11,21 breeding (2) 81:9;196:6 brief (4) 36:13,20;63:7; 85:20 briefly (4) 9:6;13:2;14:5; 63:20 Bring (5) 8:12;39:5;51:3; 142:15,16 bringing (1) 21:13 broaden (1) 202:4 broadened (1) 201:18 broadier (2) 188:20;202:3 broad-wing (1) 31:3 broad-winged (2) 34:23;185:3 Brook (6) 5:3;122:18;123:1; 177:16;181:12,15 brookie (3) 181:11,13,16 brought (7) 119:1;133:5; 136:12;139:16; 143:2;193:11,12 Brown (162) 12:14,14,18,20,24; 13:4,8,11,14,18; 29:15,19,20;30:4,8, 23;32:3,5,21;34:1,16; 35:12;36:1;42:7; 75:14,15,18,22;	76:13,15,19;78:7,10, 14,18,20,22;79:5,9, 17,18,19,22;80:5,14; 81:4,13,15,18,22; 82:3,8,16,23;83:3,6, 13,19;84:1,3,5,8,11, 16,18,19;85:4,8,13; 86:18;87:3,24;88:6, 10,17,21;91:20;94:1, 18;127:19,23;128:6, 10,15,22;129:3,10, 13,18,21;130:3,8,11, 13,23;132:5,19; 133:4,10,16,19; 134:18;135:3,16; 138:7,17;141:14,22; 143:1,8,22;144:1,13; 145:4;151:13,21; 152:1,5,14;154:15, 21;157:5,11,14; 158:10;163:15; 164:4,10,15;167:17, 22;170:4,11;171:8,9; 174:1,9,13,17;175:7, 10;176:5,9,10,12,13, 23;177:9,10;181:2; 192:1,8,12,14,19; 198:6,11,15,20; 199:10,17,23 BS (1) 14:7 build (4) 19:18;122:17,24; 123:13 building (1) 139:18 built (5) 104:2;122:3,7; 124:8;132:24 bulk (1) 107:8 Bullet (1) 145:23 bullets (1) 145:20 burden (3) 38:23;155:2,5 Bureau (4) 142:8;200:17; 201:15,24 business (1) 164:12 Butler (2) 19:23;21:16 C cabin (2) 94:6,8 cadence (1) 15:7 calculated (2) 59:17,20	calendar (1) 117:3 California (1) 107:13 call (4) 58:9;144:14;154:6; 168:11 called (6) 67:8;68:20;177:16; 183:13,23;194:5 calling (1) 158:5 calm (1) 184:18 came (3) 30:4;77:4;203:21 camouflage (1) 19:20 can (106) 10:8;12:11;13:19; 14:5;16:2,16;17:10; 18:9;19:4;23:10; 25:8,17,19;26:4; 28:6;29:17;30:15,21; 32:3;33:9;34:15,23; 35:10;36:18;37:8; 40:17,19;41:8;43:18; 44:19;46:9;47:7,18, 18;48:11;49:24;53:9; 54:9;58:1,13;63:18; 64:13;65:1,8,9;66:9; 68:12;69:6;70:14; 71:6;76:13;77:17; 85:23;86:12,14,20; 87:8,21,23;88:22,22; 89:22,24;90:18; 91:14;94:1;95:21; 111:4,5;116:17; 117:22;122:3,6,7; 123:12;125:3; 127:23;130:13; 143:17,22,24;146:1; 152:22;153:10; 154:21;155:15; 158:10;167:15; 169:20,22;172:23,24; 173:18;174:10; 177:7;178:13; 179:22;181:2;190:9, 15;191:10;192:1; 198:17;199:13,24; 205:12 canoeist (1) 166:13 capacity (1) 140:19 Cardigan (2) 143:5;145:2 Carey (1) 6:13 Carol (9) 8:4,5,7,9;14,19; 15:23;93:7,16;94:21
--	--	--	--	---

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

Carson (1) 14:17	106:8;151:8;152:23; 153:22;157:3	161:12	coherent (1) 175:23	153:4
Carter (1) 35:18	Chairman (86) 4:14;5:1;47:17;	circle (1) 183:16	Colby (1) 9:2	Committee (39) 4:12;5:11;6:22;
carving (1) 170:17	48:10;51:5;53:6; 54:19,21;55:17;	circumstance (1) 170:22	colder (1) 183:20	14:4;25:6;41:6,8;
case (19) 18:21;38:19;40:14; 46:19;47:11,22;48:4; 49:16;51:17;52:24; 53:20,23;54:11; 57:24;67:19;79:21; 88:10;165:11;193:6	56:11;63:20;64:21; 66:5,14;67:5,18,22; 68:11;71:6;72:2; 74:3,13,16;77:17; 85:17,22;86:2;88:8; 89:24;92:2,7,10,13, 16,20;93:1;96:14,17; 97:3;99:24;100:13; 110:23;112:15; 113:1;117:12,18,21, 24;118:3;124:9,17; 125:3;131:6,10,21; 132:3,11;134:5; 135:24;136:5; 138:21;147:17; 151:5;152:19,24; 153:17;154:23; 155:14,24;156:14,22; 171:14,15;172:9,14, 18;173:13;174:22; 175:21;180:7,10; 181:20;191:12; 204:12,17;205:4	circumstances (1) 149:21	colleagues (1) 185:18	42:12;43:4;52:8; 53:1;54:9;65:18; 67:23;73:5,17;74:21; 79:14;86:9;87:21; 89:22;90:18;98:5; 109:7;116:14,19; 117:15;119:2; 125:19;136:6; 140:12;152:2; 165:23;166:2,3; 171:16;191:13; 196:14;204:13
cases (5) 48:8,14;62:2; 189:20;200:7	challenge (1) 73:19	citation (1) 74:19	collected (2) 31:16;32:11	common (14) 16:20;21:1;22:20; 35:23;36:3;48:7; 81:7;93:9;186:3,6; 196:2,8,20;197:3
catch (2) 77:6;84:17	chance (5) 22:6;24:21;43:5; 140:10;153:14	cited (1) 27:7	collection (2) 80:9,16	communication (1) 113:11
Catch-22 (1) 179:10	change (4) 102:9;168:19; 170:7;189:1	cites (2) 44:23;45:11	College (1) 9:2	communities (4) 137:9;201:7,18; 202:1
categorization (1) 17:12	changes (2) 71:24;110:5	citizens (1) 98:8	collegial (1) 23:16	community (9) 99:8;142:4,6,20; 148:7;164:12; 200:12;201:3,15
category (5) 136:22;149:20; 167:9;198:4;204:9	character (1) 151:18	clarification (3) 84:21;93:8;150:11	collision (2) 17:10;185:14	compaction (1) 189:21
Caughey (1) 89:23	characterized (6) 28:2;31:11;32:7; 44:2;202:19,21	clarify (10) 24:21;71:7;75:18; 96:12;134:22;138:9; 146:7;147:11; 158:10;192:1	collisions (2) 185:10,23	Company's (1) 71:11
C-A-U-G-H-E-Y (1) 90:3	charge (1) 64:13	clarifying (1) 24:24	colonies (1) 93:22	comparable (3) 33:8;80:15,18
caught (2) 181:11,13	characterize (1) 151:18	clean (1) 167:5	colony (3) 94:12,17;176:11	compare (2) 167:6;175:11
causing (1) 41:5	characterized (6) 28:2;31:11;32:7; 44:2;202:19,21	clear (6) 34:24;51:11;60:9; 144:21;168:20;189:2	color (6) 66:3,8,13;168:2; 173:20;180:1	compared (2) 167:2,13
Center (22) 5:21;10:18;86:8; 90:24;100:24,24; 101:5,8,9,11,17; 102:21;118:10,12; 120:5,7,9;121:3,11; 137:3;159:12;162:15	charge (1) 64:13	clear-cut (1) 89:13	colored (1) 65:17	comparing (2) 33:8;80:17
century (1) 162:17	chart (1) 67:12	clearing (2) 82:6;189:6	combination (3) 187:24;201:12,14	compatibility (1) 167:19
certain (10) 30:15;33:18;48:2; 71:4;80:19;83:19; 88:11;91:20;196:9; 205:13	check (3) 88:4;91:21;153:8	clearly (2) 69:7;112:22	combine (1) 153:23	compatible (5) 168:24;169:13,18, 21;170:8
certainly (13) 31:1;47:9;80:9; 83:6;95:12;104:14; 117:3;119:6;127:18; 136:13;153:11; 163:21;164:15	chemical (1) 20:9	clever (1) 49:7	combined (1) 19:22	compensation (1) 145:24
certainty (1) 30:18	children (1) 166:17	cliffs (1) 59:8	comfortable (1) 93:15	competed (1) 118:18
Certificate (2) 4:10;197:1	choose (1) 20:4	close (4) 8:2;18:14;72:1; 86:22	coming (3) 132:23;183:24; 188:8	complained (1) 76:20
certificated (1) 73:5	chosen (1) 20:5	closed (4) 83:11,13,17,24	comment (16) 16:2,16;17:11; 18:9;25:18;28:6; 29:18;30:22;32:1; 34:15;35:11;40:18; 76:22;96:7;110:3; 164:18	complaining (1) 38:8
cetera (3) 59:9;78:6;95:21	chronological (1)	closer (1) 8:12	commentary (1) 155:1	complaints (1) 112:17
chair (8) 14:3;43:15;105:24;		closing (1) 52:13	comments (6) 37:10;40:24; 111:22;114:7,13; 189:4	complete (3) 82:8;136:20; 189:13
		cloud (4) 34:6,20;35:1,2	commence (1) 196:11	completed (4) 11:13;63:3;82:13, 13
		clouds (1) 34:17	commitment (1)	
		Club (3) 46:24;47:15; 106:22		
		coastline (1) 200:4		
		co-counsel (1) 117:17		
		co-existence (1) 169:10		

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

completely (2) 8:16;157:22	confusing (2) 168:21;180:23	construct (1) 82:20	14:23;17:7;113:13	160:12
component (1) 142:17	confusion (1) 72:5	construction (7) 72:24;73:2,13; 77:15;123:23;178:8, 10	copies (2) 6:23;65:17	creatures (1) 181:23
comprises (1) 31:3	conjunction (1) 170:9	consultation (2) 204:21;205:3	copy (9) 20:12;50:19;51:1, 6;66:7;104:18; 109:18;161:24; 172:16	credentialed (2) 142:12;202:5
concentrate (1) 182:3	Connecticut (1) 9:4	consulted (1) 114:17	cord (1) 121:12	credibility (1) 144:5
concentration (1) 34:12	conservancy (2) 138:12;182:17	contact (1) 155:13	corner (4) 173:22;174:18,19; 180:15	credible (1) 76:12
concern (15) 29:21;30:7;93:24; 104:12,14;106:6; 114:12;120:6;123:7; 125:10;149:15; 150:4;153:3;178:7; 203:6	Conservation (90) 5:22;8:11;9:10; 10:18;12:24;13:6; 25:16,17;26:18,20, 22;27:4,16;28:4,9,10, 15;47:24;49:2,9,10; 50:3;51:15;53:2,3; 54:14;67:7,14;68:9; 69:18;71:1,3,3,12,16; 85:2;98:17;99:8,19; 100:5;101:7,20; 102:6,9,17,18; 103:20;116:15,22,24; 117:8;118:8,13,15, 21,23,24;119:18; 120:4,11,12,16; 121:5,21;130:5,10; 132:8;133:7;134:1,3, 4,7,20;136:16;139:4, 7,8;144:6;145:12; 146:16;147:12; 158:8,20;171:24; 188:1;191:23; 192:11,15,17,20	contacting (1) 188:8	corrections (5) 9:24;11:21;13:12; 15:14;46:1	criteria (7) 63:18;64:1;68:5, 14;99:12;194:6,16
concerned (5) 37:3;149:16;190:1; 196:1;204:6	contains (1) 196:17	contained (4) 10:4;13:16;134:7; 144:5	correctly (6) 76:1;122:13;133:3; 141:2;193:3;197:5	cross (2) 43:3;70:20
concerning (4) 27:15;100:4; 110:13;111:15	contaminants (1) 14:12	contaminants (1) 14:12	correlated (2) 31:15;32:11	cross-country (1) 128:4
concerns (11) 26:17;101:13,17; 104:8;105:21;107:8; 116:13;121:20,23; 124:19;197:2	content (1) 124:11	content (1) 124:11	correspondence (3) 18:5;113:21; 119:12	cross-examination (15) 22:6;37:4,6;39:20; 43:1;46:5,10;54:3; 70:16;86:3;93:4; 97:5,8;147:20; 205:16
concludes (1) 32:19	contest (1) 39:10	contest (1) 39:10	corridor (2) 158:22;182:19	cross-examine (2) 41:12;156:8
conclusion (4) 80:12;133:18; 177:8;201:2	context (5) 53:18;54:1;202:17; 204:3,8	context (5) 53:18;54:1;202:17; 204:3,8	cost (2) 150:23;159:9	cross-hatch (2) 72:5,8
Concord (1) 35:19	contiguous (2) 158:7,18	contiguous (2) 158:7,18	counsel (5) 5:11;6:16;109:1; 111:6;117:19	cross-hatched (1) 70:7
concur (1) 198:5	continue (1) 157:1	continue (1) 157:1	count (1) 31:4	cross-hatching (2) 71:13,22
condition (3) 73:17;147:24; 148:1	continuing (1) 14:23	continuing (1) 14:23	country (2) 11:8,10	Crotched (1) 63:3
conditions (11) 34:18;48:2;73:9; 168:9;184:18; 185:15,15;188:13,15, 17;196:24	conserve (3) 62:18;102:12; 143:12	contractor (3) 20:4,5;21:23	counts (1) 60:22	curious (1) 105:10
conduct (2) 36:13;114:23	conserved (4) 65:6;70:3;99:4; 158:22	contradiction (1) 148:12	County (1) 204:3	current (3) 34:8,9;109:22
conducted (1) 14:21	consider (5) 88:19;98:17; 110:20;144:10;194:9	contradictions (1) 150:13	couple (5) 42:18;58:10;71:24; 136:9;182:1	currently (3) 29:19;170:2;172:7
confer (1) 153:14	consideration (5) 62:24;63:1;106:13; 128:19;171:2	contribute (2) 149:9;157:16	course (3) 49:21;179:1,11	curtail (1) 190:24
conference (7) 17:18;38:9,12; 39:13;58:9;193:13; 195:18	considerations (2) 89:16;129:1	contributed (6) 62:18;69:13; 159:13,14;195:12,15	COURT (5) 8:21;14:14;72:6; 154:12;156:2	cut (5) 82:7,12;88:2; 102:8;138:18
confidence (1) 60:18	considered (6) 17:21;51:20;63:16; 194:7;199:14,14	contributing (1) 160:4	cover (8) 12:3,5;34:6,20; 35:1,2;89:2;206:3	cut-off (1) 43:11
configuration (1) 67:2	considering (1) 184:21	control (4) 72:13;73:18;77:21; 158:3	covered (3) 45:13;46:2;140:8	cuts (1) 86:23
confirm (3) 53:4;54:12;167:14	considers (1) 109:13	controlling (1) 72:20	Craig (1) 5:5	cutting (3) 82:9;189:2,15
confused (2) 169:17;195:4	consistent (7) 43:15;111:19; 165:3,13,16,21; 194:21	convenient (1) 137:2	create (2) 185:8;187:12	cutting-edge (1) 188:4
	constituted (1) 166:3	conversation (2) 99:17;121:10	created (5) 57:13;84:22; 150:14;174:6;180:12	cycle (3) 189:13,23;190:1
	constraining (1) 188:17	conversations (3) 100:15,19;101:3	creates (3) 149:19;179:17; 183:12	
		coordinate (2) 14:20;100:11	creating (1)	D
		Coordinator (3)		

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

dark (1) 83:18	dedicated (1) 81:5	160:16;162:6	122:1;123:17; 125:11;134:24; 139:13;141:13; 149:10,13;150:5,7; 151:17;179:21	132:12
darker-green (1) 90:5	Deed (2) 103:16;134:20	dePierrefeu's (1) 160:23		discovered (1) 186:12
dash (1) 180:5	deeds (2) 103:10;133:21	dePierrefeu-Willard (1) 65:14		discretion (1) 62:2
data (19) 31:14,16,16;32:9, 11,11;33:3,5,24;35:8, 12;42:4;44:3;79:12; 80:8,15;107:18; 191:7;198:7	deemed (1) 112:4	depths (1) 166:19	device (1) 172:22	discuss (6) 74:20;98:17; 100:11;117:16; 153:18;155:15
date (3) 37:1;119:19;161:6	default (1) 178:24	DES (1) 155:10	diagonal (1) 71:17	discussed (3) 17:19;98:16;178:4
dated (8) 9:16;11:1,17;13:9; 15:11;18:5;196:14; 200:17	defer (2) 54:18;185:17	describe (6) 23:10;56:5;66:23; 67:16;68:17;146:1	dialogue (2) 26:22;121:13	discussing (5) 30:21;120:13; 146:10,15;187:6
dates (1) 161:12	define (3) 150:17;160:2; 201:16	described (5) 4:3;28:5;87:3; 127:20;200:8	dieldrin (1) 14:15	Discussion (15) 22:12;40:1;43:16; 45:4;48:14;54:6,15; 68:2,13;83:1;118:2; 147:22;155:21; 177:10;204:15
dawn (2) 83:14;186:19	defining (1) 157:7	description (3) 9:7;13:2;128:1	difference (2) 177:24;185:16	discussions (3) 193:13;195:18,20
Day (24) 4:8,9;16:8,24; 19:23;23:6;25:11; 29:12;30:12;31:9; 33:11;34:3;35:5; 36:6,6;41:16;44:15; 77:4;80:15;82:6; 186:17,18;187:18; 191:6	definitely (8) 12:3;120:22; 148:15;150:10; 158:21;186:19; 205:1,3	descriptions (1) 50:12	different (10) 21:17;40:5,12; 43:21;71:13;102:18; 168:2,18;177:13; 195:2	dispersed (1) 186:15
daylight (2) 190:24;191:4	definition (14) 142:7,10;144:13; 149:5;157:6;179:4; 182:9;199:19;201:8, 22,23;202:12;203:20, 24	deserve (1) 106:13	differently (1) 170:12	distance (1) 169:15
days (7) 14:13;31:19;32:14; 60:21;68:2;81:5; 143:3	degradation (1) 78:2	designate (2) 91:13;192:16	difficult (3) 155:3;169:7; 177:18	distant (2) 34:22,23
DDT (1) 14:15	degree (2) 30:17;178:17	designated (8) 88:2;89:20;91:2; 137:7;139:18; 149:17;154:22;206:3	dig (1) 205:20	distinct (1) 192:2
deal (5) 54:19;55:11; 113:14;145:10;161:4	degrees (4) 8:24;9:7;12:19; 13:1	designation (2) 192:6;202:24	DIR (7) 4:16,22;138:23; 139:1;144:22;145:1; 146:19	distribute (1) 66:12
dealing (4) 58:8;73:1;121:8; 187:10	delighted (1) 85:24	detail (6) 21:14;22:10;48:23; 49:12;62:15;89:12	direct (21) 9:15,20;21:7;22:5; 24:5,8;25:21;27:12; 39:18;40:17;45:13; 73:23;103:9;116:5; 130:5;176:16; 178:14;182:2;183:1; 187:23;190:22	distributed (1) 35:8
death (2) 160:16,23	delineated (1) 69:7	detailed (1) 155:3	directed (3) 86:5;93:15;114:23	Division (4) 4:17;5:8;69:10; 155:10
decide (1) 64:19	delineation (1) 65:14	details (1) 62:11	directing (1) 103:6	docket (5) 11:6;52:5;55:7; 117:1;119:8
decided (1) 144:7	den (2) 20:22,23	detect (1) 188:7	direction (8) 34:13;175:1,9; 176:18;177:5,23; 182:16;199:13	document (18) 4:3;20:13;48:18; 49:19;50:17;51:11, 14;53:10;55:4;56:4; 105:10,11;113:18; 158:17;194:12,14; 195:5;200:22
decision (4) 67:23;78:23;82:15, 18	density (4) 108:5,8,9,11	detected (1) 18:22	directions (1) 176:18;177:5,23; 182:16;199:13	documented (5) 18:20;35:19;59:15, 17:81:2
decline (1) 30:10	Denver (2) 17:18;195:18	determination (3) 193:2;198:9; 199:11	directly (5) 18:2;19:19;26:19; 34:17;100:14	documents (4) 57:9;124:14; 135:10;153:15
declining (1) 94:4	Department (11) 4:17,20,23;5:4,6; 23:13;46:21;47:14; 75:12;85:13;159:17	determine (9) 45:12;57:22;80:9; 154:2;176:17;177:5, 23;195:6;203:16	Director (5) 4:17;8:11;12:18; 155:6;167:15	dollars (3) 68:24;160:4,8
decommissioning (1) 150:2	depend (2) 61:20,23	determines (1) 101:24	directors (1) 147:7	donated (2) 102:19;159:17
decreases (3) 183:4;184:12; 185:22	dependent (1) 58:16	determining (1) 17:22	disadvantage (1) 38:23	donation (1) 160:22
	depends (7) 130:3;165:8;187:9; 190:3,14;202:16,16	develop (2) 42:19;184:17	disagree (3) 115:23;132:15; 197:19	done (19) 28:17;48:8;53:2, 20;57:18,21;58:3,12; 62:12;72:16;80:13;
	depict (1) 70:13	developed (3) 152:22;179:8; 188:5	disagrees (1)	
	depicts (1) 20:14	development (18) 4:21,24;28:6; 56:21;85:14;101:13;		
	dePierrefeu (2)			

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

101:23;115:9; 117:14;127:5; 164:22;186:21; 190:10,12 donor (1) 103:18 donors (1) 180:22 door (1) 40:24 dots (1) 146:5 Douglas (1) 5:16 down (11) 28:11;39:3;68:23; 82:7;86:19,20;90:7; 109:7;150:1;188:9; 191:9 DR (10) 5:7;96:15;122:15, 23;147:18,19,21; 171:4;177:10;182:1 drafted (1) 141:16 drain (2) 177:20;178:6 drains (2) 177:15,17 draw (2) 145:8;177:8 draws (1) 78:4 DRED (1) 85:11 Drive (2) 13:23;179:22 dropping (1) 173:12 due (2) 86:23;90:5 duly (1) 166:2 Dupee (15) 5:3,3;151:6,7,9; 152:19,23;153:21; 154:1,13;157:1,2,4; 158:14,16 duplicative (2) 112:17;124:10 during (28) 12:6;24:14;30:21; 33:20;37:21,22,23; 38:9,14;42:3;58:4; 59:24,24;73:13;81:8; 115:12,15,21;116:3; 153:13;155:20; 183:10,14,22;186:16; 190:24;191:1;205:16 dusk (2) 83:13;186:19	E eagle (20) 14:21;17:7;61:5,9, 12,15,19,24;62:4; 81:2;107:22;108:17; 113:12;175:24; 190:21;191:1; 192:24;197:7,9; 198:3 eagles (33) 14:19,24;17:9; 35:9,16,20;36:3; 59:5;61:5;81:6; 107:9,12;108:5,6,8; 109:12,23;113:15,23; 116:7;182:3;184:24; 185:10,13;187:21; 188:19;195:3,8; 197:15,21,21;198:1,1 ear (1) 49:6 Earlier (24) 15:24;16:22;17:2; 19:21;20:1;23:6; 24:1;25:10;29:11; 30:11;31:8;34:2; 35:24;36:10;72:7; 86:14;100:7;116:23; 118:11;125:24; 158:9;159:3;161:5; 168:12 Early (5) 14:11;183:9; 189:14;192:21; 195:24 easement (77) 26:22,24;28:9,10, 19;29:9;56:13,18; 71:16;85:2,7,8;86:10, 11,21;87:13,17,22; 89:5,8,18,23;90:10, 11,16,24;91:1,8,10; 102:19;103:21; 117:8;120:24;121:2, 11;122:10,16,19; 123:10;124:4,5,13; 125:9,20;126:24; 127:1,3,4;130:10,21; 134:4,20;135:19; 136:15,20,23;137:3; 138:4,14,18;139:8, 16,17,24;140:2,8,14, 21,23;141:7,17,18; 148:4,17,21;180:24; 191:23 easemented (1) 70:3 easements (76) 25:16;26:18,20; 27:4,9,16;28:5,15; 48:6,12;53:2;55:1,13,	20;69;18,21;71:1,3, 12;85:21;90:19; 91:17;98:18;99:19; 101:7,20;102:3,7,9, 17,23;116:15,24; 118:8,15,17,24; 119:18;120:4,11,12, 17;121:1,3,5,14,21, 24;124:7,12;125:13; 126:1,2,4,7,16,22; 127:5;131:1,2,14; 132:17,18;133:11; 134:7,11,14;136:16, 19;137:13,23; 138:10;139:23; 141:4,24;147:22 easily (1) 27:12 east (8) 61:12;62:5;86:23; 108:8,12,14;175:5; 177:15 easterly (1) 127:3 eastern (2) 107:24;108:17 easy (1) 32:24 ecology (1) 9:4 Economic (3) 4:20,23;85:14 Ed (2) 76:24;181:9 edge (5) 31:12;32:8;33:12; 80:24;199:20 Education (4) 5:22;13:7;120:5; 164:3 educational (1) 8:24 Edwards (1) 92:13 effect (2) 64:7;105:20 effects (2) 64:18;170:12 efficient (1) 183:19 effort (10) 143:7,10,20;144:3, 4,18,24;145:6; 162:18;164:7 egg (1) 175:24 eggs (2) 19:18,20 eight (1) 35:14 either (10) 11:22;80:7;98:10; 105:18;114:22;	130:15;133:11; 134:15,23;157:6 elaborate (1) 19:5 electronic (2) 172:22;200:21 electronically (2) 66:13;176:21 elevation (13) 50:4;51:20;52:16; 95:22,23;185:6; 202:12,15,24;203:1, 3;204:2,5 elevations (3) 87:6;184:9;185:3 eleven (1) 151:11 elicited (1) 40:15 eligible (1) 62:24 Elm (1) 10:11 Elsa (3) 160:16,23;162:6 else (8) 38:3;55:7;59:19; 73:15;136:11; 146:23;180:3;191:13 else's (1) 201:10 elsewhere (1) 64:20 e-mail (8) 17:5;113:21; 119:12;193:15,17,21; 195:14;197:17 e-mailed (1) 98:22 e-mails (1) 109:18 emerged (1) 205:15 employ (1) 39:15 employed (1) 38:19 empowered (1) 101:22 enable (1) 189:12 encourage (1) 187:14 end (7) 16:24;43:8;82:14; 96:12;114:1;189:16; 190:2 Endangered (4) 14:23;15:1;29:16; 114:10 ended (1) 205:24 Energy (22)	4:9;5:15;102:21; 104:15;105:5; 111:20;118:20; 133:7;145:12; 146:11,16;147:6,9, 11;171:20,24;172:4; 194:9,21,22,23;195:1 enforceable (1) 135:17 engage (3) 99:16;101:18; 102:4 engaged (1) 99:16 engaging (3) 37:20;128:13; 129:16 England (3) 141:5;144:11,14 enhance (1) 141:20 enjoy (1) 133:8 enough (5) 14:19;55:10;64:15; 66:6;94:18 entail (2) 55:22;130:12 entered (1) 72:17 entertain (1) 168:15 entire (5) 11:8;30:2;54:10; 55:9;87:4 entirely (1) 60:9 entirety (2) 138:17,19 entity (1) 26:23 Environmental (4) 4:18;6:9;14:4; 167:3 Eolian (2) 101:4;118:11 EPA (2) 166:14;167:16 equal (1) 178:16 erosion (1) 189:22 essentially (4) 79:6;80:21;158:19; 169:14 established (2) 123:22;125:24 establishment (2) 148:16;149:3 et (3) 59:8;78:6;95:21 ethic (2) 102:11,17
--	--	---	---	--

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

Evaluation (2) 98:5;140:11	175:8;176:21;194:1, 4,19;196:14;200:13	130:4;199:17	108:17;115:4	124:24;135:9;144:1;
even (9) 20:23;41:2;53:17, 24;61:14;95:22; 114:3;133:22;161:2	exhibits (7) 31:6;37:23;66:12; 104:24;153:24; 172:23;191:21	eyes (1) 195:22	fatality (2) 18:8,9	146:3;152:4,5,16; 176:20;183:15,17
event (1) 17:21	exist (2) 126:7;154:5	F	fears (1) 78:1	findings (1) 196:7
events (1) 178:12	existence (2) 162:24;170:8	FAA (2) 106:22,24	feathered (1) 186:16	finds (1) 177:1
everybody (5) 4:7;25:5;66:2; 177:1;188:22	existing (3) 57:13;99:9;125:14	Facility (11) 4:10;18:8,17;58:5, 7;76:4;115:5,6; 167:21;170:10;197:1	feature (2) 192:4;200:1	fine (4) 52:13;55:13;92:21; 204:22
everybody's (1) 199:21	exists (2) 95:13;109:21	fact (12) 43:3;55:12;72:9; 80:13;110:14; 132:16;151:16; 163:4;164:13; 170:16;194:2;200:13	featured (1) 163:10	finish (1) 24:12
everyone (3) 24:1;66:8;205:19	expanded (5) 68:22;160:21,21, 22;165:10	factor (4) 145:5;184:14; 197:9,10	federal (9) 23:13;69:9,11,14; 114:11;116:6; 154:19;160:6,8	fir (1) 202:20
everyone's (2) 11:11;134:6	expanding (1) 99:10	fail (1) 178:13	fee (1) 50:7	firm (1) 5:17
everywhere (1) 120:23	expansions (1) 163:23	fair (10) 22:14;34:1;56:14; 62:20;78:24;107:7; 134:8;147:4;179:6; 183:11	feel (12) 94:15;114:5;125:2; 139:9;140:7;144:16; 166:9;167:22; 168:13,17;170:11,12	first (20) 9:20;25:21;49:22; 57:20;58:2;62:16; 66:18;74:2;76:7; 93:6;97:14;102:10; 103:9;122:14; 155:19;175:23; 182:7;191:17; 200:15,20
evidence (5) 17:22;51:18;80:3, 5,7	expect (3) 30:15;114:12; 190:14	fairly (2) 81:7;184:18	feels (1) 93:15	firsthand (1) 83:7
evolved (1) 127:6	expectation (2) 11:12;36:2	fall (1) 189:19	fee-owned (1) 134:21	Fish (41) 14:10;17:7;18:7; 46:21;47:14;48:1; 50:7,9;52:3;61:21; 62:1;69:13;75:12,15; 83:19;85:6,11;94:13, 13;109:9;110:9,14; 111:14,17;112:5,19; 113:5,6;114:3,11,17, 18;159:17;176:13; 181:13;189:3; 192:22;193:6;194:7; 196:13;197:17
evolving (5) 121:6,7;136:17; 147:8,9	expected (3) 11:7;22:24;153:7	falls (1) 144:8	fee-simple (1) 48:1	fisherman (1) 181:19
exact (3) 20:6;58:17;177:21	experience (8) 9:12;61:4;76:6; 78:3,4;133:1,8; 136:11	familiar (17) 23:14;46:17;47:6; 48:21;49:11;55:3; 63:19;78:9;81:19; 105:24;106:23; 118:14;135:11; 137:13;143:9; 146:22;196:12	feet (4) 51:16,22;95:18,19	fishermen (4) 75:23;76:2,8,20
exactly (3) 82:16;96:10; 198:11	expert (1) 94:19	familiars (1) 134:2	ferns (1) 201:17	fishing (13) 76:5,20;77:3,4,11, 14;78:6;84:15,16; 103:12,18,23;104:5
examination (1) 42:16	expertise (1) 157:19	family (2) 19:11;162:13	few (12) 32:21;68:2;85:19; 92:19,22,22;121:14, 15;139:2;143:3; 145:10;186:3	fits (1) 203:24
example (5) 16:23;20:15;23:6; 30:2;185:3	experts (1) 22:8	far (9) 37:20;38:20;64:13; 72:18;84:18;139:3,8; 174:18;203:13	fide (1) 166:3	five (4) 35:20;60:14;69:1; 71:18
except (1) 84:13	explain (4) 23:23;103:10; 143:6;177:7	farms (1) 108:18	field (7) 9:9,12;13:4;58:13; 60:21;83:8;84:11	flagship (1) 203:10
exchange (2) 102:20;111:4	explained (2) 39:16;68:6	farsighted (1) 64:15	fields (2) 20:16;187:8	flies (1) 181:24
excuse (10) 17:3;19:22;23:18; 27:2;45:20;51:12; 74:18;92:14;146:6; 200:19	explaining (1) 24:3	farther (2) 91:22;136:21	figure (6) 60:4,18;158:23; 159:4;184:5;186:9	flight (3) 183:2,4;184:12
exemplary (13) 91:5;99:10;137:8; 139:20;142:3,5,14, 20;148:7;200:12; 201:3,6;202:1	explains (1) 27:3,8,15	faster (2) 54:20,22	figured (1) 187:9	flow (1) 177:7
Exhibit (36) 20:10,14;26:1; 49:17;51:1;65:9,10; 70:5;86:13;104:22; 105:8;109:17; 112:10;152:21; 153:8,19;161:11; 166:1;171:19,23,24; 172:7;173:2,10,18, 20,21;174:13,17;	exploring (1) 166:19	fatalities (4) 18:11;107:23;	file (1) 57:10	fly (2) 84:16;181:22
	expound (1) 41:2		filed (13) 9:19;13:8;15:10; 24:18;27:10,13; 116:24;117:6;119:7, 19;122:20,21;206:2	
	express (1) 60:13		financially (1) 157:23	
	expressed (2) 76:3;171:3		find (17) 44:10;57:12;72:23, 23;73:3,15;100:12;	
	extends (3) 15:2;44:16;144:15			
	extent (10) 21:18;37:18;61:23; 91:10;95:4,10; 104:16;112:16;			

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

flying (6) 34:17;49:21;185:2, 20,21,24	13;139:16;140:13,21, 23;141:2,7,18;142:1; 148:3,17,21;149:17, 20,23;150:4,8,14,18; 180:16,17,23;202:8	25:16;26:19,20; 28:4;35:20;63:17; 64:1;70:8;71:16; 77:20;121:16,17; 125:12;140:4	180:20 fundraising (3) 162:21;163:22; 164:3 funds (4) 23:13,23;62:18; 63:6 further (7) 46:1;114:9;136:3; 147:15;151:18; 171:14;204:13 future (11) 30:16;56:21;62:24; 64:14;121:24; 122:17;123:9,17; 128:14;149:21;150:6 FVM-4F (1) 180:2	68:13;99:8;185:19; 195:11 generalities (1) 29:3 generalize (1) 60:15 generalized (1) 77:20 generally (3) 81:1;114:2;189:18 generation (3) 102:10,13,15 Genest (1) 6:1 geographic (3) 101:2;148:22; 200:1 geography (1) 199:13 gets (2) 39:22;157:8 Gilbert (3) 87:21;88:22,23 given (14) 19:8;38:14;59:23; 60:10,11,15,19;61:4; 103:14;123:15; 140:17;145:9;169:5; 189:18 gives (4) 65:13;66:24;144:4; 161:12 glad (3) 122:12,14;173:11 glide (1) 183:17 Globe (1) 163:9 goals (1) 143:9 go-between (1) 98:19 goes (6) 86:19,21;89:3; 131:3;168:12;205:19 gold (1) 167:12 Golden (42) 17:6,8;35:9,15,20; 36:2;59:5;61:4,9,12, 15,19,24;62:4;107:9, 12,22;108:6,17; 109:12,22;113:12,15, 23;116:7;182:3; 184:23;185:9,13; 187:21;188:19; 190:21;191:1; 192:23;195:3,8; 197:7,9,21,21;198:1, 1 Goldens (2) 188:23;191:8 Goldwasser (1)
focal (2) 31:22;32:17	forget (2) 37:1;183:3 forgot (1) 205:18 form (1) 149:10 forms (2) 188:1,5 formulating (1) 42:23 forth (4) 98:23;102:22; 121:10,14 fortunate (1) 14:19 forward (1) 131:3 Foss (142) 8:5,7,7,11;9:1,9,14, 18,19,23;10:2,6; 16:17;17:13;18:11; 19:7,17;20:17,21; 22:22;23:3;46:12,16; 48:23;49:5,11;50:1, 11;51:13;55:3;56:23; 57:2,5,8,11,15,20; 58:21,24;59:2,13,20; 60:5,9,23;93:12; 95:4;96:1;107:6,10, 16;108:2,5;109:15, 20;110:1,7,11,16; 111:13,16,24;112:7; 113:10;114:1,9,21; 115:1,4,7,11,14,24; 116:4;157:22;168:7; 169:2,11;170:2; 171:4,5;175:6; 177:11,12;178:3,11; 182:1,6,11,14,24; 183:6,9;184:15,23; 185:11,17,24;186:9, 19,24;187:6,19; 188:4,22;189:3,8,12, 18;190:3,14;191:3,7; 192:21;193:4,8,12, 22;194:2,11,15,23; 195:2,9,15,21;196:5, 9,16,21;197:4,11,23; 198:2,5;200:1,7; 202:10,16;203:1,5; 204:1 Foss's (2) 61:1;110:20 found (10) 39:17;45:18;72:19, 21;91:5;115:10,12, 15,21;116:2 four (14)	fourth (1) 19:1 fragmentation (4) 64:17;149:10,14, 15 fragmented (3) 63:22;71:2;139:23 fragmenting (3) 149:4,5;170:18 frame (1) 33:21 Frances (1) 10:10 Francie (6) 10:7,8,20;23:4; 74:19;106:3 frankly (1) 155:12 free (2) 41:10;151:17 frequent (2) 81:18;93:20 frequently (1) 16:19 Freudian (1) 106:20 Friday (1) 4:8 friend (2) 76:24;181:9 friendly (1) 39:19 Froling (21) 5:20,20;51:5;53:6, 8,9,14;85:18,19,24; 86:4,7;90:2;120:15; 126:16;155:23,24; 156:3,7,16,17 front (3) 112:11;123:3; 146:17 frozen (2) 189:21;190:9 full (6) 81:11;106:13; 169:15;178:18; 194:17,18 fully (1) 47:18 function (1) 156:21 fundamental (1) 168:13 funded (1) 67:17 funding (4) 67:9;68:7,8;157:19 fundraiser (1)	G gain (1) 183:16 Galen (1) 5:24 Game (20) 18:7;21:12;46:21; 47:14;48:1;50:7,9; 52:4;69:13;75:12,16; 85:6,11;94:13;113:5; 114:18;159:17; 176:14;189:3;196:13 Game's (1) 83:20 gave (2) 40:5,11 GE (1) 60:4 gears (1) 142:24 GEIGER (71) 5:14,16;6:20;16:4, 10,12;21:4,22:1; 23:18;24:10,22;27:2; 36:8;37:8;38:7,21; 42:8;44:8,45:16; 46:22;47:1;50:18,23; 51:3,8;70:10,17; 71:8;73:20;97:6,7,9, 11;100:1,2,16,18; 105:9,16;108:22; 109:4,8;110:21; 111:8;112:12,22; 113:2,8,16;118:5,6; 124:21,22;125:7,17; 131:7,8,12,15,24; 132:6,14;133:24; 134:9;135:7,20,22; 136:2;153:13; 155:17;193:18 general (11) 30:24;48:13,23,24; 49:12;55:5;62:5;	gets (2) 39:22;157:8 Gilbert (3) 87:21;88:22,23 given (14) 19:8;38:14;59:23; 60:10,11,15,19;61:4; 103:14;123:15; 140:17;145:9;169:5; 189:18 gives (4) 65:13;66:24;144:4; 161:12 glad (3) 122:12,14;173:11 glide (1) 183:17 Globe (1) 163:9 goals (1) 143:9 go-between (1) 98:19 goes (6) 86:19,21;89:3; 131:3;168:12;205:19 gold (1) 167:12 Golden (42) 17:6,8;35:9,15,20; 36:2;59:5;61:4,9,12, 15,19,24;62:4;107:9, 12,22;108:6,17; 109:12,22;113:12,15, 23;116:7;182:3; 184:23;185:9,13; 187:21;188:19; 190:21;191:1; 192:23;195:3,8; 197:7,9,21,21;198:1, 1 Goldens (2) 188:23;191:8 Goldwasser (1)

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

5:17 Good (26) 4:6;5:18,19,23;6:2; 5,6,8,12,15,17;19:20; 39:14;55:22;67:1; 76:21;77:9;80:21; 93:6;97:10;127:7; 148:11;153:18; 161:4;163:15;171:12 Goodhue (2) 82:6;129:7 governing (2) 105:19,19 government (1) 27:1 gradually (1) 162:11 Granite (15) 46:14;47:10;48:14; 49:15;51:1;52:4,9; 53:19;54:11;55:19; 24;56:14;73:8;79:13; 203:6 grant (6) 56:6,8,18;68:20; 69:8,12 granted (3) 101:8;121:3;148:1 granting (1) 131:3 grants (1) 127:7 gravel (10) 19:17,20;29:12; 30:11;36:5;41:16; 43:19;115:19;187:4, 12 great (11) 120:9;122:22; 152:10;156:5,18; 177:16;181:8,17; 190:4,5;200:4 greater (4) 152:12;154:3,18; 185:9 Green (3) 5:5,5;90:4 Greenfield (1) 63:4 grew (1) 103:15 Groton (1) 79:14 ground (8) 18:19;19:19;36:10; 59:7;130:15;183:12; 189:21;190:9 grounds (1) 47:2 group (2) 74:1;167:24 groups (3) 10:19;81:20;144:7	GRP (1) 50:2 guess (32) 24:22;39:8,23; 60:9;64:16;65:2; 74:2;94:15,24;108:5; 111:9;112:7;117:10; 130:3;134:16; 137:12;140:20; 151:11;154:16; 159:5;163:12; 164:17;168:14; 169:17,17;188:20; 190:7;195:6;196:22; 197:8;202:9;204:3 guide (3) 89:15;129:1;195:3 guided (3) 82:17;84:11; 128:19 guidelines (16) 26:14,16;28:8,8,21, 23,24;29:6;111:20; 128:24;194:10,22,24; 195:1,7,11 guides (1) 200:2 guiding (1) 130:19 H habit (1) 19:7 habitat (30) 18:18;20:20;22:3; 49:3;51:21;52:17,18, 21;57:13;63:22; 69:16;87:10;89:6; 90:14;94:24;95:3,5, 10,13;96:3;99:11; 141:20;148:8; 202:19;203:3,4,5,10, 19,20 half (2) 32:5;160:15 half-million (1) 68:24 Hall (1) 97:20 Hampshire (69) 5:6,8;6:10;8:8,9; 9:11;10:12,17;12:15, 16;13:24;16:21;18:7, 8;21:2;22:20;29:17, 21;31:5;33:20;35:9, 13;47:14;50:7,9; 75:15;85:3;94:7,11, 13;96:1;98:20; 104:13;105:5,18; 114:18;115:4;119:2; 120:13;127:10,14; 128:23;129:14;	130:6;136:19; 137:20;138:13; 143:11,14;145:17; 146:10,16;147:5; 151:23;154:4;157:7, 13,22;166:4;176:13; 182:15;185:4; 188:11;192:14; 196:13;200:17; 202:17;203:14;204:7 Hampshire's (1) 145:11 Hancock (2) 12:15;84:5 hand (1) 172:17 handed (2) 6:22;179:24 hands (2) 105:12;127:1 handwriting (1) 180:6 happen (2) 83:16;135:18 happened (4) 43:6;55:23;56:13; 111:3 happening (2) 42:10;43:6 happily (1) 15:3 happy (3) 27:7;65:21;123:10 hard (2) 170:21;205:6 Harris (22) 5:21;10:18;86:8; 90:24;100:23,24; 101:4,8,9,11,17; 102:21;118:10,12; 120:5,7,9;121:3,11; 137:3;159:12;162:14 Harry (1) 4:16 harvest (1) 129:8 harvesting (6) 56:21;129:11,17; 130:1;141:3;189:19 hatched (2) 19:8;186:14 hawk (13) 31:3,5,17,23;32:12, 18;33:8,18;34:18; 35:7,10,12;81:5 hawks (2) 34:23;185:4 heading (1) 47:21 Headquarter's (1) 137:19 Health (1) 5:4	hear (7) 44:9;47:20;96:6; 98:1;141:19;159:9; 175:23 heard (14) 38:8,11;51:17; 52:14;64:2;126:11; 131:24;158:1,9,23; 159:3,14;179:2; 187:3 hearing (19) 6:24;11:9;15:24; 16:22;23:8;24:14; 36:17;37:14,21,22, 24;39:7;73:24;97:1, 17,19;98:4;140:5; 206:1 heat (2) 183:11,11 held (5) 85:2;101:8;120:4; 158:19;159:12 help (11) 66:10;79:5;86:18; 87:1;96:12;104:23; 105:2;153:15; 184:10;198:15,17 helpful (8) 48:15;63:19;68:14; 95:7;111:7;112:10; 125:6;187:5 Henault (2) 76:24;181:9 Here's (1) 45:6 herewith (1) 4:3 Heritage (4) 142:8;200:17; 201:15,24 heron (1) 181:8 heron's (1) 181:18 high (22) 30:17;31:6;51:20; 91:11;95:22,23;99:5; 100:6;102:10; 123:18;185:5,14; 192:4;197:9,12; 202:12,14,24;203:1, 2;204:1,5 High-Elevation (17) 46:18;47:11;49:3, 14;51:15,21,23;52:1, 21,22;95:16;96:2; 202:18;203:5,18,20; 204:7 higher (5) 29:7;87:6;108:7, 11;144:4 highest-ranked (3) 87:10;89:6;90:14	highlands (1) 143:13 highlighted (2) 49:23;50:14 highlighting (1) 148:11 high-value (1) 144:7 hike (1) 179:20 hiking (2) 84:12;128:3 Hill (5) 10:11;33:13;35:18; 82:7;129:7 Hillsborough (1) 204:3 hiring (1) 21:23 Historical (1) 5:9 history (1) 103:14 hitting (1) 184:1 hold (8) 26:24;74:17;91:17; 120:19;121:1;126:4; 137:23;153:19 holder (1) 101:19 holding (3) 28:19;29:8;189:10 holdings (3) 158:5,6,7 holds (10) 85:7,10;90:10,11, 19;126:2;131:1; 132:18;133:12; 141:17 home (2) 122:17;123:13 honored (1) 29:10 hope (3) 12:1;64:14;175:22 hoping (1) 47:20 horizon (1) 169:15 horned (2) 190:4,5 horrified (1) 163:9 hot (1) 179:12 hour (3) 46:9;60:4;160:15 hours (7) 35:17,21;59:21; 60:20;80:16;190:24; 191:4 house (1)
--	---	---	--	---

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

138:18 houses (6) 122:3,6;124:7; 142:17;149:7,19 huge (1) 185:5 Human (1) 5:4 humor (1) 181:5 hundred (1) 69:1 hundreds (1) 137:6 hunting (7) 103:12,19,23; 104:4,4,5;128:4	152:19,24;153:17; 155:14;156:14,22; 171:15;172:9,14,18; 173:13;174:22; 175:21;180:7,10; 181:20;191:12; 196:12;204:12,17; 205:4 imagine (3) 96:19;183:24; 205:7 immediate (1) 186:13 immediately (1) 19:3 impact (7) 71:5;79:2,3;82:1; 104:3;125:5;140:14 impacts (8) 104:9;105:22; 106:6,12;144:17; 145:22;178:10; 197:24 impediment (1) 156:19 impediments (1) 156:5 implement (2) 101:18;106:24 import (3) 177:22;183:7; 184:20 importance (3) 143:6,20;179:18 important (6) 52:3;108:15; 128:18;140:16; 142:16;200:6 impression (7) 18:3;193:6,8,11, 12;195:12,15 improve (1) 60:17 improvement (1) 107:4 improves (1) 35:3 inaccurate (1) 12:1 inches (1) 175:20 incidental (3) 61:11;196:7,10 incidentally (2) 44:3;81:4 include (10) 20:8;56:19,24; 89:5;90:13;128:3; 130:9;156:1,4,24 included (1) 182:17 includes (4) 87:10;193:23;	194:2,4 including (8) 25:10;48:4;73:17; 78:5;143:4;145:18; 187:7;188:6 incompatibility (1) 168:14 incompatible (4) 167:23;169:16; 170:3,22 inconsistent (3) 165:14,19,20 incorrect (2) 26:15;161:10 increase (2) 150:6;186:1 increases (5) 35:3;183:5;184:13, 15;185:22 independent (1) 157:24 indicate (3) 80:20;104:8; 134:12 indicated (18) 35:24;42:2;70:4; 106:11;107:20; 109:10;111:9,18; 115:20;116:23; 121:19,23;126:15; 192:22;193:5; 195:24;196:11;198:6 indicates (2) 110:19;116:12 indicating (1) 100:9 indication (1) 36:1 individual (2) 140:3;166:16 individuals (1) 33:18 industrial (1) 140:18 information (20) 21:6;22:10;23:24; 24:4,24;37:24;39:22; 40:6;45:12;51:9,12; 52:10;60:6,17;63:13; 116:6;152:3;154:11; 155:19;156:8 infrequent (1) 48:7 inhabited (1) 203:8 inherited (1) 127:4 inhospitable (1) 187:1 initial (3) 118:20;119:7; 162:12 initiated (2)	98:22,23 Initiative (2) 144:11;167:16 Insofar (1) 87:14 inspect (1) 19:11 instance (1) 156:18 instances (2) 35:3;110:6 instead (1) 103:6 intact (2) 63:21;64:4 intend (2) 48:17;122:24 intention (1) 165:5 interest (1) 16:17 interested (6) 14:18;63:9;98:8; 99:9;100:15;119:17 interject (1) 146:7 interjects (4) 14:14;72:6;154:12; 156:2 interpret (1) 133:21 interpreted (1) 76:15 INTERROGATORIES (6) 136:8;139:1;151:9; 172:21;174:22; 191:16 intervene (1) 106:4 intervened (1) 52:4 intervenor (2) 6:10;114:4 intervenor (2) 6:4,14 intervention (2) 106:5,9 intimately (1) 143:9 into (28) 22:4,9;27:8,12; 30:4;36:11,15,16,19; 39:18;47:24;49:10; 50:15;51:13;55:2,6; 72:17;89:3,12; 142:16;145:5;148:3; 177:20;178:5,6; 188:23;190:18; 203:21 introduce (1) 86:6 introduced (2) 49:16;53:22	introductions (1) 4:11 intruder (1) 19:6 intruders (1) 18:13 intrusions (1) 149:22 invasive (10) 72:14,16,20;73:2,6, 11,18;74:11,20,24 inventoried (1) 91:4 inventory (3) 91:4,12;142:13 investment (1) 69:14 involved (8) 14:12;17:2;35:13; 43:7;66:19;99:19; 160:8;166:21 involves (1) 130:14 involving (1) 18:12 isolating (1) 171:1 issue (9) 18:24;19:2;24:19; 28:24;44:4;108:12; 139:22;143:5;203:11 issues (6) 9:13;27:15;139:14, 15;170:20;189:22 issuing (1) 61:11
I				J
Iacopino (22) 5:12;25:24;26:5,8, 12;36:18,22;38:11; 40:19,21;65:16;66:1, 17;171:22;173:23; 191:14,16;199:2,5,7; 200:21,24 ice (1) 84:15 idea (8) 65:5;67:1;111:16; 118:9;152:1;153:18; 164:1;187:19 ideal (1) 20:22 identification (1) 4:4 identified (5) 126:17;142:9,20; 152:21;155:18 identify (3) 40:14;142:13; 155:19 identifying (1) 188:15 IGNATIUS (79) 5:1,2;47:17;48:10; 54:21;55:17;56:11; 63:20;64:21;66:5,14; 67:5,18,22;68:11; 71:6;72:2;74:3,13, 16;77:17;85:17,22; 86:2;88:8;89:24; 92:2,7,10,13,16,20; 93:1,96:14,17;97:3; 99:24;100:13; 110:23;113:1; 117:12,18,21,24; 118:3;124:17;125:3; 131:6,10,21;132:3, 11;134:5;135:24; 136:5;138:21; 147:17;151:5;				Jean (1) 148:10 Jeff (2) 69:2;149:8 Jeffrey (1) 95:19 job (4) 101:23;148:11; 163:15;171:12 Johanna (1) 4:19 joined (1) 15:4 Jones (7) 52:15;69:2;92:3; 95:19;96:7;143:4; 149:8 judge (1) 190:15 judgment (1) 168:10 judicial (2) 54:9;55:8 July (8)

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

9:16;10:21;13:9; 15:11;27:13;84:19; 117:7;118:16 jump (2) 141:14;181:2 jumping (3) 177:5;190:19,20 junction (1) 87:5 June (5) 27:10,11;117:1; 119:19,20	labeled (1) 173:9 laid (1) 195:22 Lakes (1) 200:4 lakeshore (1) 200:3 Land (41) 6:9;12:18;13:6; 23:15;16;26:24; 28:18;29:8;47:24; 65:22;67:14;89:5; 90:13;95:16;99:7,12; 101:1;102:10,11,14, 16;103:21;116:14; 120:8;121:9;129:9; 130:5;132:8;133:12; 134:13;136:17; 137:19;139:4,6; 143:12;158:18; 159:11;164:11; 191:23;192:11,17 land-based (5) 111:20;194:9,22, 23;195:1 land-management (1) 13:5 landowner (5) 26:23;91:6;101:24; 102:20;121:9 landowners (4) 102:3,6,13,16 landowner's (1) 101:22 lands (10) 50:4;51:16;65:6; 67:7;69:10;88:16; 129:15;146:1; 158:22;176:8 landscape (2) 21:2;22:21 language (14) 91:21;103:16; 113:20;123:8,11; 127:2;130:21; 132:17,20;134:3,4, 20;137:24;138:4 large (8) 64:3;99:3;137:6; 179:7;181:14;188:6, 7,21 larger (5) 137:8;139:24; 151:23;154:9;167:24 largest (1) 140:1 last (18) 9:11;43:5;57:15; 82:10;124:15; 127:10;138:8;143:3; 145:10;154:16; 162:16,20;164:6,6;	180:20;181:4; 194:17,18 late (2) 21:12;183:10 later (5) 10:1;20:5;183:19; 184:24;188:24 launch (1) 179:23 law (3) 5:17;6:10;157:7 laws (1) 116:7 lay (1) 19:18 layperson (2) 201:21;202:5 LCHIP (3) 69:8,12;159:14 lead (1) 80:12 leading (20) 31:11,12,13;32:7,8, 9,22;33:1,2,23,23; 80:2,23;87:4;198:10; 199:8,14,19,20;200:1 leading-edge (2) 31:20;32:16 leads (1) 147:23 learn (3) 21:21;97:14; 167:16 learned (2) 21:17,20 lease (1) 71:20 leased (1) 26:21 least (15) 16:19;19:4;24:16; 38:14;60:14;68:5; 88:13;94:12;116:2; 134:3,10;138:13; 191:22;192:14; 196:18 leave (1) 21:14 led (1) 162:18 left (3) 45:2;88:12;176:7 Legacy (26) 23:8,12,23;25:7; 62:10,17;63:2,6,10, 16,17;64:9,19;65:22; 66:23;67:4,21;68:18, 19,20;85:8;86:11; 87:19;88:3;159:5; 161:20 legal (3) 103:16,22;133:18 legality (1)	104:4 legally (3) 103:17,20;137:12 legend (1) 71:14 Lempster (8) 18:21;19:1;57:24; 94:22;115:6,9,16,22 length (1) 17:19 lengthier (1) 204:23 lengthy (1) 27:8 less (2) 35:23;183:20 lesser (1) 185:9 letter (8) 18:6;122:22;123:3, 6,9;196:13,17;200:16 level (7) 21:13;22:10;29:7; 59:8;60:18;163:16; 188:10 leveling (1) 123:16 leveraged (1) 158:5 liars (1) 76:9 licensed (3) 28:17;139:12; 141:1 lies (2) 140:19;144:14 life (3) 64:10;149:11; 150:9 lift (5) 183:24;184:4,8; 185:1;200:8 lighting (1) 107:1 lights (1) 106:12 likelihood (1) 61:24 likely (5) 108:13;123:18; 182:22;185:14; 188:16 Likewise (1) 108:9 limit (2) 60:1;82:3 limited (3) 37:17;169:12; 179:16 limiting (4) 37:9;113:20,22; 171:6 limits (1)	28:5 Line (19) 16:9;21:5;31:11, 13;32:7,9;33:1,3,23; 44:16;69:4;80:2,24; 154:17;170:21; 198:10;199:9,19; 200:1 Lines (19) 16:11,24;17:1,22; 20:1;25:12,13;29:13; 30:13;31:10;32:22; 34:3;35:6;41:17,17, 19;51:10;153:23; 199:14 Linowes (1) 96:15 list (3) 42:20;119:8; 195:21 listed (5) 16:21;29:16,20; 30:6;93:10 listen (3) 27:14;100:21; 171:10 listening (1) 147:22 literally (1) 118:22 little (24) 8:12;15:7;26:18; 29:15,20;58:11; 62:14;82:11;86:24; 94:1;111:4;134:18; 138:8;140:15,22; 143:8;145:23; 176:10,13;179:1; 181:5;192:8;195:4; 198:15 live (3) 8:7;12:14;13:23 LLC (2) 4:9;5:15 Lloyd-Evans (2) 58:19;93:18 local (2) 69:11;190:15 locate (1) 155:22 located (2) 18:14;33:11 location (3) 20:22;175:12; 182:21 locations (2) 71:24;123:18 logging (7) 84:22;87:15,18; 121:12;141:8,10,12 logo (1) 86:23 Londonderry (1)
K				
Kate (1) 4:12 kayaker (1) 166:13 Keene (1) 179:2 keep (4) 8:2;96:22;163:8; 170:16 Kenworthy (6) 27:6;28:2;97:17, 24;98:2,10 Kenworthy's (3) 16:23;25:11;29:4 key (1) 171:13 kill (2) 61:19;170:18 killed (1) 107:13 kills (1) 62:4 Kimball (1) 96:15 kind (14) 17:13;31:20;32:15; 77:21;84:9;102:18; 139:2;182:14;184:2, 16;188:2;200:2; 203:7;205:17 kinds (2) 137:12;187:6 knew (1) 125:15 knowledge (6) 21:3;59:11;105:17; 110:16;133:23; 192:20 known (7) 20:6;31:17,20; 32:12,15;164:8,8 knows (2) 41:6;131:9				
L				
label (2) 167:8,9				

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

13:23 long (7) 22:11;53:1;54:4; 88:12;153:6;190:8; 191:18 long-eared (1) 29:15 longer (3) 104:1;147:12; 172:1 Longgood (2) 92:4,5 long-term (1) 149:14 long-time (1) 10:16 look (18) 35:7;43:24;50:21; 54:13;64:13,19;65:3, 9;66:10;67:12; 127:23;168:8; 172:11,11,23;173:18; 191:7;194:1 looked (5) 67:15;72:12,15; 134:11;158:11 looking (22) 20:10,14,15;34:9, 10;44:19;49:23; 80:15,17;113:10; 130:16,16;149:11; 150:1;155:6;161:16; 171:20;172:10; 173:2;174:3;176:23; 180:1 looks (2) 50:22;71:13 loom (1) 169:14 loop (1) 192:3 loose (1) 179:3 looser (2) 201:21,21 Loranne (2) 6:13;92:19 lot (7) 48:3,17;54:20; 61:22;77:3;170:13; 188:4 lots (2) 99:13,13 love (1) 175:23 lovers (1) 181:22 low (4) 17:9;109:14; 185:15;197:22 lower (4) 184:8;185:2,20,21 low-lands (1)	122:17 luck (1) 77:11 lunch (2) 205:11,23 LYONS (7) 4:19,19;136:7,8; 139:3;171:17,18 M Madam (11) 51:5;53:6;112:15; 124:9;151:7;152:23; 153:22;154:23; 155:24;157:2;171:14 magazines (1) 163:2 magnitude (3) 21:3;108:7,11 main (2) 63:17;73:19 Maine (5) 9:2,5;14:8;15:3; 137:20 mainly (1) 81:4 maintaining (1) 148:13 maintenance (2) 157:17,18 major (6) 23:16;106:4; 142:17;178:12; 186:10;203:11 majority (1) 82:9 makes (2) 19:15;200:6 making (6) 52:12;60:21; 130:17;152:20; 179:9;193:1 male (1) 18:12 manage (3) 126:5,23;127:7 managed (3) 101:10;165:4,5 Management (38) 12:18;14:9;28:17, 20;29:2;78:8;82:17; 87:16;88:1,11,13,15; 89:10,14,15;101:15, 19;102:5;116:14; 121:8;127:1,8; 128:20;129:2,4; 130:5,19;132:8; 134:1;139:11; 140:24;141:16,19; 157:19;159:6;160:9; 178:10;179:16 managing (3)	57:13;134:12; 164:10 manner (2) 30:16;154:8 many (18) 43:9;44:19;76:2; 92:24;97:21;151:22; 152:9,10,12;154:3,5, 8,13,17;157:12; 163:10;189:20; 199:12 MANZELLI (88) 6:8,9;8:18,23;16:6, 7,11,13;21:15;22:18; 24:7,12;25:9;26:2,7; 27:7,21;28:1;37:15, 16;38:6;40:9,21; 41:13,14;42:10; 43:18,23;44:13,18, 21,24;45:3,20,24; 46:3;66:1,3,11,16,20; 74:18;79:24;99:21; 105:3,7,14;109:2; 110:17;112:9; 117:11,14,20,22; 131:4,17;135:4,14; 144:19,23;145:3; 146:6,14;153:3,6,10; 155:12;158:12; 161:15,19,23;162:3; 172:5,13,16,24; 180:4;193:16,19,24; 198:24;199:3,6; 200:19,23;204:14,18, 24 map (21) 65:2,10,12;69:4; 70:12,12;71:22; 86:11;87:9;88:24; 91:3,7;173:19; 174:10;175:3,7,13; 177:18;191:20,21; 192:16 map's (1) 192:8 March (1) 190:17 marked (10) 4:4;9:16,21;10:22; 11:2,18;13:10;15:11; 91:7;196:13 Martha (1) 6:7 Martin (3) 16:8;19:23;21:16 Mary (1) 6:3 mask (1) 181:22 Massachusetts (3) 137:21;143:11,15 master's (3) 9:3;12:22;202:5	matches (1) 69:11 materials (2) 179:24;196:3 math (2) 71:19;161:3 matter (6) 6:21;19:21;25:10; 39:23;185:6;191:18 matters (1) 6:18 may (20) 30:24;34:16;53:20; 56:9;76:19;88:18; 133:22;146:17,24; 152:10;155:17; 161:23;170:18; 177:20;178:1,1; 180:7;198:15; 202:10;204:23 Maybe (17) 77:9;93:16;105:11; 107:20;132:24; 137:5;145:15; 146:24;153:18,23; 160:19;161:10; 164:24;167:14; 169:24;184:6;196:18 mean (27) 19:5;36:15;38:22; 42:9;57:20;59:24; 60:10,19;61:18; 93:10;106:15;114:2; 118:22;144:24; 174:24;175:4; 184:21;187:9;190:3, 9,13;191:5;194:4,8; 203:17;204:1;205:21 meaning (1) 158:6 means (3) 63:22;112:20; 146:1 meant (1) 96:8 measures (1) 188:1 meet (1) 182:9 meeting (2) 98:21;166:12 member (6) 14:2;27:5;42:12; 145:15;157:15; 171:16 members (14) 22:12;40:1;43:16; 45:4;52:8;54:15; 105:18;136:6; 151:10;152:7; 162:13;164:18; 175:17;204:15 membership (3)	127:14,17;166:8 memo (1) 36:24 memorandum (2) 38:17;52:14 memory (2) 82:12;198:13 mention (12) 6:21;72:22;73:10; 74:11,15,23;108:3, 16;122:5,19;151:15; 166:12 mentioned (19) 23:1,8,9;25:20; 44:2;59:5;73:14; 77:1;93:18;104:17; 106:2;137:3,15; 139:22;143:18; 160:24;179:12; 181:9;195:17 mentioning (1) 187:17 meridian (1) 61:13 Mertens (196) 10:10,10,14,16,20, 23;11:5,10,19,23; 12:3,9;21:9;23:12; 25:19;26:10,13;27:4, 22;28:7;62:9,21; 63:17,21;64:10,23; 65:9,12,21;66:8,22; 68:19;69:20,24;70:4, 7,12;71:2,16;72:11, 12,15,21;73:3,7,19; 74:15,23;75:4,8,10, 13;76:23,24;77:22; 86:6,13,17;87:11,14, 19,23;89:1,7,9,19; 90:4,11,15,17,21; 91:15,22;97:14,16, 22;98:1,7,13,19;99:7; 100:20;101:12,21; 102:6;103:4,8,14; 104:3,11,14,19,21, 23;105:4,23;106:15; 107:2,4;116:12,17; 117:3,9;118:9,17; 119:6,10,14,17,21; 120:3,7,19,22;121:5, 22;122:4,8;123:5,8, 21;124:1,19;125:12, 23;126:4,10,13,19; 127:13,16,18;132:2; 136:9,13,16;138:1,5; 139:15;140:10; 141:4;142:3,11,22; 148:5,8,15,19;149:7; 150:1,10,19,23; 151:2;153:7;158:21; 159:1,7,11,15,18,24; 160:2,6,14,21;161:1, 6,11,17,21;162:1,5,
---	--	--	---	--

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

10,20,23;163:6,13, 21;166:11,15,17; 167:8;170:24; 171:10;178:14,21; 179:9;180:19;181:5, 7,16;200:10;201:2, 11;202:3 Mertens' (3) 100:3;106:10; 132:15 mess (1) 176:19 message (1) 118:18 met (3) 54:6;56:2;97:10 meters (2) 59:7;184:6 method (1) 20:6 methods (3) 20:7,9;21:17 mic (3) 8:12,15,17 Micheli (5) 122:10,13,15,23; 123:23 Michelis (1) 123:10 microphone (3) 49:6;53:13;92:18 microphones (1) 85:23 middle (4) 8:4;137:11;162:16; 174:3 midnight (1) 17:17 might (25) 37:3;38:21;62:23; 63:16;64:7,18;65:16; 73:9;74:9;86:18; 102:8,16;105:1,24; 133:1;135:6;138:7; 146:7;149:20; 153:15;157:15; 173:7;182:21;186:7; 187:4 migrants (1) 190:10 migrate (3) 42:4;59:6;184:24 migrating (8) 34:11,14,22;59:5; 182:2;184:8;188:14; 200:2 migration (13) 31:21;32:16;60:2; 80:21;81:8;182:18, 19;183:9,15,19; 188:16;190:21;191:1 migratory (5) 31:1,4;170:19;	183:22;188:19 Mike (3) 5:11;6:1;200:20 million (2) 69:3;159:10 mind (2) 92:18;170:16 mine (1) 117:4 minimize (3) 187:22,24;190:23 minus (3) 50:5;78:16;151:19 minute (4) 115:14;122:7; 181:10;204:1 minutes (4) 96:22;151:12; 205:2,5 mirex (1) 14:16 misleading (1) 192:8 missed (2) 32:5;128:7 mission (1) 163:7 mistaken (2) 21:11;133:20 misunderstood (1) 71:7 mitigate (6) 61:24;79:2,5; 168:1,23;187:13 mitigated (1) 145:22 Mitigation (20) 46:18;47:12;49:14; 50:2;51:23;52:23; 53:1;58:15,18;78:12; 79:6;140:16;169:7,9; 170:10;186:5; 187:16;188:2,2,5 mixed (1) 197:15 model (15) 17:10,13,15,16,18, 21;18:1;109:11,16, 21;192:23;193:7,23; 194:3;195:13 modeling (1) 188:13 models (1) 17:15 moderate (3) 197:11;198:2,4 modifications (1) 17:20 moment (3) 117:23;135:23; 161:24 Monadnock (6) 33:19;35:15;80:17,	23;178:23;179:3 money (4) 67:4,21;68:18;69:9 monitoring (3) 130:10,15,16 month (1) 164:6 months (2) 59:2;63:6 moratorium (1) 189:15 more (43) 21:21,24;33:4,17, 17,24;34:19;35:17; 36:3;39:9;44:20; 46:9;58:11;60:17,20, 21,23;62:14;79:12; 80:8;89:12;99:9,18; 105:24;108:13,13; 111:4,5;114:1; 136:11;140:2,22; 153:22;155:10; 167:16;175:23; 185:1,13;188:24; 191:6;195:10;200:6; 201:19 morning (28) 4:6;5:18,19,23;6:2, 5,6,8,12,15,17,19; 36:7;41:16;76:3; 93:6;97:10;107:20; 120:13;126:1; 129:12;132:23; 151:11,12;173:20; 180:1;191:8;205:24 Morse's (1) 201:13 mortalities (1) 107:23 most (4) 124:1;150:16; 162:21;163:17 mostly (4) 13:5;23:14;90:15; 148:8 motorized (1) 57:1 Mountain (14) 33:11,13,19;46:24; 47:15;63:4;86:15,22; 106:22;133:14; 191:22;192:2,5,6 mouths (1) 8:3 move (4) 25:8;34:12;88:22; 109:6 moved (1) 14:22 moving (4) 10:7;12:11;13:19; 34:5 much (12)	16:12;67:3;68:18; 84:12;85:16;125:4; 135:21;136:3;150:3; 185:1;199:17;204:19 mud (3) 189:18;190:10,12 Multiple (1) 144:6 multiple-partner (1) 144:3 multiple-state (1) 144:3 must (1) 180:3 myself (3) 86:7;93:8;95:9 N name (8) 4:12;8:6,7;10:8; 11:7;12:12;13:20,22 narrow (1) 205:8 national (7) 14:20;139:21; 142:7;144:12; 157:16,24;166:20 native (3) 75:7,17,20 natural (22) 64:2;91:3,4,11,11, 12;137:8;142:4,5,12, 20;148:7,9;149:5; 200:12,17;201:3,6, 14,15,24;202:1 naturalists (1) 150:16 naturalized (1) 75:19 nature (4) 24:17;130:3; 138:11;155:9 near (3) 63:15;177:13; 187:15 nearby (2) 31:16;32:12 nearest (1) 178:22 necessarily (6) 19:2;34:8;52:22; 58:1;136:24;149:23 need (23) 8:19;33:4;45:17; 55:18;57:21;58:3,12; 79:12;80:8;88:4; 103:20;104:23; 105:1;109:6;132:4; 150:15;168:7; 185:17;191:7; 194:11;198:15; 204:21,23	needed (3) 33:24;95:17; 174:21 needs (1) 186:21 negatively (2) 76:5;82:1 negotiable (1) 141:5 negotiate (1) 102:11 negotiated (1) 141:9 negotiating (1) 118:8 negotiations (2) 61:21;91:6 neighboring (1) 19:10 nest (11) 16:20;19:8,18; 20:24;115:10,12,15, 18,21;116:2,2 nester (1) 18:19 nesting (11) 18:14,18;19:16; 57:23;95:5,13; 114:24;186:13; 187:2;189:13,23 New (76) 5:5,8,6;10;8,8,9; 9:10;10:12,17;12:15, 16;13:24;16:21; 17:16;18:6,8;21:1; 22:20;29:17,21;31:4; 33:19;35:9,13;45:12; 47:14;50:7,9;75:15; 85:3;94:6,11,13; 96:1;98:20;104:13; 105:4,17;114:18; 115:4;119:2;120:13; 127:10,14;128:23; 129:14;130:6; 136:19;137:20; 138:12;141:5; 143:11,14;144:11,14; 145:11,17;146:10,15; 147:5;149:20; 151:22;154:4;157:7, 13,22;166:4;176:13; 182:15;185:4; 188:11;192:14; 196:12;200:16; 202:17;203:13;204:7 newly (1) 84:22 news (2) 63:5;163:2 next (9) 36:6;46:9;151:11; 153:8;158:2;160:7; 164:16;172:8;183:17
---	--	--	---	---

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

Nickerson (51) 8:1;11:1,13,17; 13:22,22;14:2,7;15:5, 10,13,16,21;26:4; 61:4,17,20;62:6,8; 103:7;105:23;106:3; 107:21;116:5,9,18, 21;128:8;145:15,19; 146:3,5,9,12,21; 147:4,14;165:7,14, 17,20,24;166:5,9; 170:14,15;171:3; 172:10;175:24; 176:4;181:15	54:10;55:8;167:4 noticed (2) 156:9;202:7 notorious (1) 76:8 November (6) 16:8;19:24;23:7; 36:6;188:23,24 NRCS (1) 127:7 NRI (1) 91:12 number (18) 35:21;59:21,22,23; 96:19;104:22; 105:12;112:21,21; 153:20;157:14; 160:19,20;161:2; 163:24;173:21; 180:5;192:24 numbered (1) 49:18 numbers (11) 31:7,15,18,24; 32:10,14,20;33:16; 80:18;185:5;201:17 numerous (1) 14:24 Nystrom (5) 17:6;109:19; 113:22;193:20; 195:19 Nystrom's (1) 17:24	196:10 Observatory (1) 35:19 observed (2) 59:23;115:17 observers (1) 33:15 obstruction (1) 106:12 obtain (2) 152:2;164:24 obviously (8) 38:22;42:13;78:16; 147:8;153:11;160:8; 161:4;165:7 occasion (1) 201:1 occasionally (1) 83:16 occupied (1) 94:10 occur (12) 18:16;79:1;83:6; 84:14;103:24;104:1; 108:14;123:23; 127:21;128:2; 139:13;203:13 occurred (1) 82:10 occurs (2) 31:7;190:16 October (10) 9:21;11:2,17;17:5; 18:6;25:12;29:12; 34:3;188:24;196:14 off (20) 22:13;40:2;43:17; 45:5;54:16;102:8; 117:16,23;118:1,2; 122:24;139:2; 153:19;177:11; 183:17;186:16; 189:10;194:19; 198:22;204:16 offer (4) 47:8,10;58:14; 153:20 offered (2) 53:23;138:3 offering (1) 52:10 Officer (1) 54:18 official (2) 147:2,13 officially (1) 83:11 offsetting (1) 164:24 often (3) 34:24;139:17; 201:19 old (1)	84:22 once (4) 19:8;67:11;154:2; 186:14 one (67) 12:9;17:21;18:15; 21:24;24:16;33:2,10; 39:9,13,16;50:20; 62:13,16;63:3;66:7; 68:4,19;70:8;73:8; 74:15;76:17,17;77:4; 80:14,14,15;81:15; 85:23;94:12;95:24; 104:24;106:4; 118:23;121:23; 134:23;136:22; 138:8,10,12;145:22; 146:22;162:2,13,13, 13;167:10;172:11, 12;173:14;177:14,15, 17,23;178:22;179:21, 22;183:18;186:10, 11;191:20;192:23, 24;193:9,22;197:18; 198:16;199:11 ones (2) 23:1;70:6 ongoing (2) 41:22;162:18 only (25) 6:20;21:24;35:19; 42:21;45:1;50:20; 65:4,12,19;72:24; 73:13;84:16;94:5; 109:21;166:22; 167:10;171:2; 181:22;182:21; 184:4,5;193:7; 195:13;205:24;206:4 on-the-scene (1) 10:16 open (5) 4:7;63:24;84:1; 99:4;100:5 opens (1) 40:24 operate (1) 157:13 operation (4) 19:1;56:24;58:4; 82:11 operational (1) 107:23 operations (1) 190:24 operators (2) 58:7;188:8 opinion (9) 29:5;164:19; 167:19;168:19; 169:10,11;170:23; 197:14;203:18 opinions (1)	76:4 opportunities (1) 77:14 opportunity (12) 39:5;42:11,19; 57:8;58:22;69:17; 70:15;98:9;130:20; 156:7,12;204:18 opposed (4) 37:13;56:13;67:9; 205:16 opposite (1) 82:21 opposition (2) 127:11;148:24 option (1) 183:20 oral (1) 36:20 orally (1) 39:1 orange (1) 173:24 order (8) 34:20;37:9,19; 38:16;43:15;150:13; 156:13;168:9 orders (3) 108:7,10,10 Oregon (1) 107:14 organization (5) 105:20;132:7; 137:16;154:22; 167:15 organizations (2) 137:22;158:4 organized (1) 162:18 orient (1) 174:10 orientation (1) 174:24 original (4) 59:10;102:24; 160:22;173:22 orographic (5) 183:23;184:4,8; 185:1;200:8 Orono (1) 14:8 Orr (1) 5:17 osprey (2) 77:10,11 ospreys (1) 19:9 Others (1) 53:20 other's (1) 66:10 otherwise (3) 39:18;163:3;
Nickerson's (3) 11:7;103:2;120:2 night (6) 83:3,5,11,21; 186:20;191:9 nighthawk (17) 16:20;18:7;42:3; 44:3;93:9;94:24; 95:3;114:14,24; 115:1,10,12;187:1; 196:3,8,20;197:3 nighthawks (14) 18:12,23;19:7,17; 42:5;57:14,22; 114:15;186:3,6,12, 17;187:14,20 nobody (1) 163:18 no-cut (2) 89:10;91:15 nodding (1) 152:7 non-approval (1) 112:20 none (2) 52:7;117:7 North (4) 6:13;91:23;136:21; 138:6 Northeast (8) 14:22;15:2;62:5; 136:18;137:17,18; 141:6,15 Northern (5) 17:6;29:15;96:4; 113:12;192:3 Northwest (3) 175:6,7;182:5 northwestern (1) 143:15 Nose (1) 30:9 note (3) 52:3;75:21;120:3 noted (1) 160:18 notes (2) 44:14;190:20 notice (3)	O object (19) 21:5;23:19;24:2; 25:4;27:3,20;36:9; 42:8;43:1;46:23; 47:2;51:9,9;73:21; 99:21;108:23; 117:11;133:18;156:6 objected (1) 36:10 objecting (2) 108:23;112:23 objection (13) 24:11;108:19; 109:3;110:17; 126:11;129:15; 131:4,18;135:4,15; 144:19;153:1;156:23 objections (2) 54:6;56:3 objectives (1) 143:10 observation (6) 33:10;35:17,22; 59:21;80:14;93:23 observations (3) 60:21;80:11;			

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

191:24 Ott's (1) 124:4 out (28) 6:22;11:8,10;33:6; 36:24;42:18;52:24; 65:1,20,21;78:13; 87:2;100:12;124:24; 127:24;135:9; 138:18;152:16; 156:12;159:4; 166:13;172:19; 179:24;186:10; 187:9;195:14; 201:19;202:4 outcroppings (3) 16:2,15,18 outlined (1) 71:21 outliving (1) 150:8 output (3) 17:10;193:23; 194:3 outside (1) 135:18 over (18) 4:14;8:16;35:14; 59:8;60:14;68:24; 92:18;93:19;94:3,5; 106:8;124:14;129:8; 143:3;155:6;172:8; 205:6,11 overseeing (1) 13:6 oversees (1) 87:24 owl (1) 190:4 owls (1) 190:6 own (13) 11:15;103:3; 104:12;112:23; 126:5,5,23,23;127:6; 133:12;142:10; 197:5;201:9 owned (5) 90:8;94:6,10,11; 157:10 owner (1) 89:13 owners (1) 58:6 ownership (3) 102:9;128:21; 135:19	package (1) 54:14 packet (1) 161:13 pad (5) 19:15;177:6,19; 186:14;187:10 pads (4) 18:18;19:17; 123:16;187:1 Page (60) 16:9,24;17:1,1; 19:24;25:12,13,22; 26:8,10;29:13;30:13; 31:9;34:3;35:5; 41:17,17,18;44:16, 16:49;13,18,22,22; 50:13;59:9,14,16; 61:7;84:20;99:2; 103:10;104:7; 106:10;107:11; 119:24;121:18; 125:18;127:10,19,24; 128:6,17;129:6; 143:22;144:2; 145:20;146:4,5; 151:14;176:18,19; 177:2;178:15;183:2; 186:5;187:23;189:9; 190:22;194:18 Pages (6) 25:12;41:18;49:17, 19:53;10,16 painted (1) 168:2 pair (1) 186:12 paler (1) 90:4 pamphlets (1) 163:2 panel (15) 27:5;108:24; 132:22;136:11; 139:5;145:14; 146:24;151:10; 152:7;153:15; 157:15;164:17; 169:23;170:1;175:17 paper (3) 56:19;65:17;66:4 paragraph (5) 25:23;26:11;56:4; 194:17,18 paraphrasing (1) 95:20 parcel (10) 49:9;84:24;85:1; 88:3,22,23;137:6; 140:4;180:21;181:4 parcels (5) 50:12;68:17; 103:19;158:6,18	pardon (1) 110:11 park (2) 154:19;179:22 part (24) 32:3;40:22;41:5; 55:10;69:23;85:10; 91:5;93:23;96:4; 98:5,24;99:20; 102:20;116:18; 120:17;130:9,20; 137:1;143:14;154:5, 18;180:8;192:4; 202:24 partake (1) 128:16 particular (18) 30:14;31:2,19; 32:14;33:10;34:22; 51:17;56:6;73:14; 96:5;101:2;141:10; 154:22;168:5; 190:16;191:6; 198:16;203:8 particularly (3) 76:21;102:18; 184:23 parties (11) 6:23;37:20;41:1,7, 11;42:15;53:15,17; 54:1,5,98:8 parties' (4) 21:7;36:14;37:12; 111:6 party (4) 52:5,6;66:6,7 pass (2) 65:20;92:18 passage (9) 59:15,17,20,24; 60:8,10,13,15,23 past (3) 35:14;82:14; 105:23 Patch (2) 5:16;44:11 path (1) 39:4 patience (1) 136:3 Patriots (1) 77:3 patterns (1) 80:21 Paul (9) 11:1,13,16;13:19, 19,22;15:9,9;26:3 Pause (2) 51:7;136:1 pay (2) 150:22;151:2 paying (1) 19:14	payments (1) 159:5 PC (3) 173:2;174:1,3 Penacook (2) 8:8,8 pending (2) 22:19;131:18 people (22) 14:17;39:19;59:18; 64:15;76:12;77:24; 78:4;81:19;83:4,15; 128:15;133:6;143:3; 155:7;163:8,24; 176:21;179:2,11,18; 187:12;195:21 per (3) 35:16;50:5;60:4 percent (1) 31:4 percentage (1) 71:4 performed (1) 42:3 perhaps (8) 43:3;61:3;63:13; 66:5;95:2;153:24; 155:9;203:9 period (11) 60:1,2;72:24; 80:16;164:9;183:23; 186:16;188:19; 189:1,14;203:2 periods (2) 60:2;191:1 permanent (7) 49:2,10;50:3; 51:15;53:3;56:8; 149:14 permission (1) 88:7 permit (2) 61:16;148:1 permits (2) 61:5,12 permitted (3) 27:17;101:10; 130:18 permitting (1) 127:11 perpendicular (1) 182:4 person (8) 20:14;75:11;76:17; 97:11;134:1;139:5; 169:23;202:11 personal (5) 33:9;104:12; 133:23;169:11; 170:23 personally (2) 20:18;167:22 perspective (2)	78:22;169:9 persuasive (1) 39:17 Peter (1) 6:16 Peterborough (2) 10:11;137:4 Petitioner's (1) 49:17 phalanx (1) 54:6 Phase (6) 68:21,21,21;69:1, 2;190:2 PhD (2) 9:4;202:6 Phil (12) 12:11,11;13:8; 29:11,11;86:17;87:1, 24;88:4;90:22; 139:19;163:12 Phillip (1) 12:14 photograph (4) 174:4,24;175:14; 181:21 photographs (1) 180:9 Phrase (1) 159:9 phrased (1) 135:8 picked (1) 34:24 picture (15) 20:21;66:24;173:4, 8,16;174:4,11,20; 175:3,4,14,16,20; 180:11;181:7 pictures (2) 22:15;173:3 piece (2) 165:3,6 pile (1) 20:11 piles (4) 20:19;21:1;22:20, 24 PINELLO (4) 6:6,7;92:11,12 pitch (1) 180:21 place (3) 112:22;145:8; 163:11 placed (1) 24:5 placement (5) 145:5;169:2; 176:17;177:3,12 places (1) 163:1 Plan (24)
P				
Pack (4) 33:19;35:14;80:17, 23				

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

25:17;28:17;29:2; 57:13;58:11,14; 72:19;82:17;87:16; 88:1,11,15,15; 101:15,19;102:5; 110:4;111:12; 118:13;127:8;129:4; 139:11;140:24; 141:16 Planning (1) 6:7 plans (3) 89:15;120:18; 121:8 plant (5) 73:11,12;96:5; 201:18,19 plate (5) 28:11,14;29:3; 131:14;132:2 plates (1) 120:22 playing (2) 30:9;33:6 please (39) 8:3,5,13;9:7;10:8; 12:12;13:2,20;17:11; 18:9;24:13;29:18; 30:22;32:1,3;34:15; 35:10;37:8;49:24; 50:19,23;53:13; 56:12;74:16;88:9; 89:23,23;90:1;91:16; 104:22;107:7;118:4; 126:14;127:24; 135:23,24;143:23; 157:1;158:10 pleasure (1) 122:22 plowed (1) 84:2 plowing (1) 84:6 plows (1) 84:4 plus (2) 50:5;151:19 Plymouth (1) 154:7 PM (7) 16:8;19:24;29:13; 30:12;31:9;34:3; 206:1 pocket (1) 183:17 pockets (2) 183:14,15 point (14) 21:24;39:9;52:23; 65:1,21;84:21;86:12; 89:22;93:7;127:24; 179:9;188:11; 189:23;192:5	pointing (1) 175:4 points (6) 31:22;32:17,21; 33:7,14;81:6 policies (1) 146:8 policy (18) 9:13;14:4;104:15, 17,18;105:5;145:12; 146:11,16;147:2,6, 12,13;165:22;171:20, 24;172:2,4 politically (1) 157:23 Pond (56) 68:21;75:5,6,6,17; 77:14,24;78:5;82:1,2, 4,21;83:2,17,21;87:5, 7;89:1;90:20;91:18; 93:20;103:11; 104:10;105:22; 127:22;132:24; 133:9,14,16;151:15; 156:19;157:18,21; 160:13;161:9,20; 162:24;163:20; 164:14;166:13,22; 167:4;169:3,6;173:5; 174:6,7,14,15,19; 177:14;178:4,6; 180:16,17,21 ponds (7) 151:22;152:10,12; 154:3,9,17;156:5 population (1) 94:8 populations (2) 81:20;94:4 porcupine (1) 20:23 portion (2) 138:15;183:22 portions (1) 142:2 pose (1) 94:16 position (14) 8:9;10:12;12:16; 13:24;14:20;100:5; 103:23;104:13; 107:3;111:14; 116:13;127:15; 132:7;165:22 possibilities (1) 187:7 possibility (4) 98:16;99:18; 149:13;150:6 possible (11) 20:7;31:13;58:18; 64:8,17,23;80:10; 125:4;133:6;135:16;	150:3 Possibly (3) 75:18;137:4; 188:11 post-construction (4) 58:3;79:15;94:23; 133:9 poster (1) 180:12 post-mortality (1) 79:15 postsript (1) 87:23 potential (6) 18:16;95:5,12; 169:13;178:5;188:15 potentially (4) 149:2,18,19; 186:20 Power (2) 49:16;133:8 practice (4) 37:19;38:19;39:14, 15 practices (4) 25:15;26:15;28:3, 21 practices/guidelines (1) 28:14 pre-assuming (1) 158:15 precipitation (1) 178:12 precipitous (1) 30:10 precision (1) 177:20 pre-construction (11) 18:22;95:2,8; 114:19,24;115:8,13, 16,21;116:3;199:15 predicts (1) 109:11 prefiled (41) 9:15,20;10:4,21, 24;11:16;12:7;13:9, 16;15:10,18;24:5,8, 18;25:21;26:3;27:13, 19;36:14,21;37:12; 40:7;43:22;44:1; 45:13,18;59:1,4,10; 73:23;100:4;107:8, 11;108:4;110:2,13; 111:10;117:6,9; 118:16;129:6 prehearing (3) 38:9,12;39:12 preliminary (2) 6:18,21 premiere (3) 75:5;101:1;120:7 preparation (1) 123:16	prepare (1) 74:7 prepared (4) 22:7;112:2,4; 194:20 presence (5) 64:6;75:23;81:23; 115:18;165:2 present (3) 18:4;61:10;162:17 presented (1) 22:11 presenting (1) 97:18 preserve (1) 154:20 preserving (1) 181:24 preside (1) 4:14 presided (1) 106:8 Presiding (1) 54:18 pressurized (1) 20:8 presupposes (1) 99:22 presupposing (1) 148:22 pretty (9) 35:8;66:24;72:1; 84:12;87:3;94:4; 163:15;169:16;196:9 prevailing (1) 182:5 previous (2) 37:18;95:11 previously (2) 74:6;95:17 prey (2) 188:6,21 primarily (3) 9:10;30:8;96:3 primary (1) 11:3 prime (1) 23:3 priority (2) 99:5;100:6 pristine (5) 77:23;78:4;151:16; 165:8;179:20 private (2) 156:4,19 privately (1) 90:8 probability (1) 60:12 probably (11) 81:4;98:1;106:19; 108:10;124:15; 143:1;155:7;165:21;	179:19;181:6;188:18 problem (10) 24:23,24;39:11; 40:22;41:5;115:2,3; 135:6;148:19;168:6 problems (1) 129:24 proceed (3) 22:17;56:9;118:4 proceeding (4) 52:6,7;156:10; 176:2 proceedings (4) 4:7,15;51:7;136:1 process (7) 11:12;24:2;98:6; 99:1;114:5;160:12; 161:8 processing (1) 38:1 procuring (1) 161:9 producing (1) 155:2 professional (2) 114:6;139:12 Program (16) 23:9,9,11,12; 24:17;25:1,7;62:10, 17;63:2;64:9,19; 73:1;155:7;159:6; 166:21 programs (5) 13:7;68:14;73:6; 145:24;169:19 progress (1) 46:9 prohibit (2) 57:3;124:5 prohibited (1) 56:22 prohibitive (1) 149:23 project (73) 17:9;18:10;20:16; 26:21;27:16;33:22; 46:14;47:13;51:19; 52:5,9;59:12;61:18; 62:23;63:15;64:7,11, 18;65:7;66:24;67:15; 68:10;69:19,23; 70:13,24;71:5;75:24; 77:16;78:3,13;79:3; 80:1;81:24;95:1,18; 97:15;98:12,18; 99:17,20;101:7,9; 104:2,9;105:22; 114:17;116:15; 118:7,15;121:2; 125:21;127:12; 128:12;131:2; 132:24;140:14; 144:12,16,21;149:1,
--	--	---	--	---

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

12;150:9,24;155:4; 160:5;163:23; 180:14,16,18;194:21; 196:4;203:6 projects (10) 9:12;63:9;64:8; 68:9;73:4;105:6; 129:17;140:17; 146:11;147:6 project's (6) 72:13;109:12; 111:11;120:3; 121:20;124:6 pronounced (1) 122:14 pronouncing (1) 122:11 proof (3) 38:23;47:8,10 properties (18) 26:21;62:19,22; 63:12,14;68:3;69:22; 70:8,24;71:17,18,19; 91:13;103:11; 130:19;139:24; 140:8;192:17 property (37) 83:5;122:13,16; 123:7,23;124:2,5; 125:15;126:5,6,8,23, 23;127:6;129:15,18, 20,21,22,24;130:2; 133:21;134:21; 135:18;137:8; 138:12,15,19;140:1, 3;141:16;149:4; 158:7;165:3,6,8; 176:7 proponent (1) 47:13 proposal (3) 82:19;170:11; 184:21 proposals (1) 72:13 propose (1) 187:3 proposed (12) 18:17;25:17;67:7; 69:19,22;76:4; 116:14;121:20; 139:9;141:24;170:2; 182:8 proposing (1) 27:17 prosecutorial (1) 62:2 protect (3) 116:7;139:20; 143:12 protected (1) 191:23 Protection (6)	61:9;71:21;110:4; 111:12;161:20;167:3 protocols (1) 178:9 provide (8) 9:7;13:2;14:5; 24:15;84:23;114:6; 135:12;157:19 provided (7) 40:6;43:20;49:4; 66:18;67:11;173:19; 199:16 provides (2) 19:20;116:6 provision (1) 124:4 provisions (9) 48:3;50:2;54:8,13; 56:5;120:16,24; 121:2;130:24 provisions' (1) 125:5 Public (8) 4:13;5:2;6:16; 63:24;68:7,8;145:24; 163:3 publication (1) 164:5 publicize (1) 163:14 publicized (1) 162:24 publicizing (1) 163:16 PUC (1) 148:2 pull (2) 197:15;200:14 purchase (4) 159:2;160:9; 162:21,22 purchased (2) 102:19;165:10 pure (1) 118:23 purpose (6) 36:12,19,23;37:2; 52:19;158:20 purposes (2) 158:8;165:9 put (20) 21:7;27:19;36:13; 37:11;47:24;49:6,10; 51:13;63:1;73:23; 74:9;101:12;123:11; 126:22,24;129:22; 148:2;197:11,12; 198:3 puts (3) 38:22;39:18; 126:24 putting (3) 148:13;155:1;	191:9 Q Quabbin (2) 143:5;145:1 Quabbin-to-Cardigan (2) 144:10;145:6 qualifications (4) 9:8;10:15;13:3; 14:6 qualified (1) 150:15 qualify (2) 64:4,9 quality (7) 77:13,22;78:1,5; 167:1,7;178:3 quantifiable (1) 179:5 quick (2) 199:18;204:21 quickly (3) 102:7;130:14; 137:16 quite (6) 77:3;92:22;155:12; 179:5;187:8;188:10 quote (3) 38:10;176:20; 178:18 R Rachel (2) 5:16;14:17 radar (1) 188:7 radar-activated (1) 107:1 rainbow (3) 181:8,11,12 raised (3) 24:14;37:5;124:20 ramp (4) 83:17,21;84:7,8 range (2) 109:13;137:11 rankings (1) 18:4 raptor (3) 31:21;32:16; 182:18 raptors (14) 31:1,15,24;32:10, 20;34:22;80:18; 116:8;182:3;183:3, 15,18;184:7,9 rare (1) 127:2 rate (9) 59:15,17,24;60:8, 10,13,15,24;198:2	rated (1) 17:8 rates (1) 59:20 rather (3) 55:23;79:6;155:3 rating (2) 17:23;18:1 re- (1) 42:24 reached (4) 46:19;47:13;48:22; 55:4 read (12) 49:24;50:15,16; 56:4,19;59:2;118:14, 17,24;119:3;132:19; 176:23 reading (4) 11:23;50:19;71:14; 119:15 real (1) 102:14 realize (1) 171:13 realized (1) 155:6 really (17) 22:9;41:1;48:13, 18;54:4;84:20;95:20; 96:7;100:20;158:17; 166:20;184:17; 185:17;191:5,17; 202:10;205:12 realm (1) 114:11 reason (8) 39:15;41:4;99:15; 102:2;115:23;132:4; 156:15;189:10 reasons (3) 39:13,16;106:5 rebut (9) 23:21;27:5;36:20; 37:4,21;38:13,24; 39:1,6 rebuttal (20) 10:1;12:6;13:13; 15:15,22;22:15; 24:23;25:3;27:18; 36:11,13,20,23;37:2, 10;38:12,14;40:7; 45:14;79:12 rebuttals (1) 38:7 rebutting (2) 36:16;37:11 recall (10) 39:12;46:13;76:17; 78:14;79:19;82:16, 23;88:17;196:6; 198:10 received (1)	119:11 recent (2) 162:21;189:4 recently (6) 63:3;91:1;94:5; 162:20;164:6;178:4 recess (2) 96:24;205:23 recite (1) 124:13 recognize (1) 174:7 recognized (2) 80:23;81:1 recollection (2) 38:18;199:22 recommend (4) 73:16;125:19; 186:5;204:20 recommendation (3) 110:12,20;190:7 recommendations (10) 78:21;110:5,8; 111:11,15;113:4; 114:14;125:6; 196:19,23 recommended (3) 78:11;189:1,4 recommending (2) 141:11;148:21 reconcile (1) 148:16 record (40) 6:24;8:6;10:9; 12:13;13:21;22:4,13; 24:4;27:10;40:2; 43:17;45:5;50:15; 51:4,13,18;54:11,16; 55:9,10,11;65:13; 99:23;104:20; 110:18;116:23; 117:17,23;118:1,2,4; 146:9;151:3;152:20; 162:9;172:4,6; 177:11;199:21; 204:16 records (1) 155:18 recreation (2) 63:24;69:15 recreational (4) 57:1;103:24; 127:20;128:2 recross (4) 42:11,15,16;43:14 red (5) 70:7;71:12,17,21; 202:19 redesignate (1) 88:16 redesignation (1) 88:18 redirect (6)
---	--	--	--	---

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

42:14,17;43:8; 204:18;205:9,14 refer (7) 80:4;114:1;143:22; 178:18;180:3; 193:20;198:20 reference (9) 24:8;26:4;66:9; 118:21;125:8; 127:24;196:2; 198:21;199:1 referenced (5) 25:1;109:17; 155:17;171:21; 180:17 references (1) 18:7 referred (5) 85:9;86:14;109:16; 159:21;163:17 referring (9) 16:5;44:12,15; 85:1;96:3;98:4; 123:4;195:5;198:16 refers (3) 66:8;113:13; 128:10 reflective (1) 56:7 refresh (1) 198:13 refreshed (1) 199:22 regard (2) 94:23;112:24 regarded (2) 25:14;41:24 regarding (3) 33:7;114:13; 128:24 regards (1) 157:5 region (7) 15:2;167:1;178:16, 19,19,23;179:3 regional (4) 137:18;143:10; 144:11,14 regions (1) 143:13 regrets (1) 126:20 rein (1) 41:10 relate (2) 67:7;201:20 related (1) 149:2 relates (3) 18:10;26:19;51:14 relating (1) 134:14 relation (1)	94:21 relationship (1) 184:19 relative (1) 204:2 relatively (8) 17:16;30:17;31:14, 23;32:10,19;84:22; 151:16 release (1) 84:17 releases (1) 163:3 relevance (2) 47:2;126:10 relevant (4) 47:22;67:19,23; 126:12 Reliable (14) 46:14;47:11;49:15; 51:1;52:4,9;53:20; 54:11;55:19,24; 56:14;73:8;79:13; 203:6 relied (1) 60:7 relocated (1) 168:3 reluctant (1) 154:24 relying (1) 53:24 remain (4) 15:19;133:14; 134:16;135:13 remaining (2) 45:22;180:20 remember (10) 76:18,21;78:19,20; 83:9;167:9,10;173:9; 184:5;201:2 remembering (1) 75:24 remind (1) 27:22 removal (3) 20:2,6,7 removed (4) 20:3;21:18,19,20 render (1) 186:24 renewable (2) 133:7;145:17 Reno (1) 5:17 repeat (4) 8:19;32:3;44:11; 126:13 repeated (3) 118:18,19,21 repeating (1) 62:11 repetitive (2)	112:17;124:11 rephrase (4) 109:3;110:22; 113:19;152:11 replace (3) 78:15,15;140:23 report (1) 148:11 REPORTER (5) 8:21;14:14;72:6; 154:12;156:2 reports (1) 196:7 represent (2) 86:7;97:12 representative (1) 52:17 representatives (1) 98:11 represented (2) 20:17;108:24 represents (1) 166:7 request (6) 107:18;110:19; 152:20;155:9;156:4, 24 requesting (1) 156:15 requests (1) 6:24 require (6) 125:20;133:13; 134:14;135:17; 140:13;141:15 required (3) 20:2;69:11;79:14 requirement (5) 28:16;29:1;87:17; 88:19;139:11 requiring (2) 17:3;121:7 research (3) 58:12;155:4; 186:21 reserve (2) 123:12;153:1 Reserved (2) 28:12;119:3 reserving (1) 153:19 Reservoir (2) 69:6;156:18 residence (1) 176:6 resident (1) 81:15 residential (8) 101:13;122:1; 123:17;141:12; 149:9,12,13;150:7 residents (1) 190:15	resolve (2) 196:24;197:2 resource (5) 91:4,11,12;139:21; 142:13 resource-rich (1) 64:3 Resources (9) 4:20,23;5:9;85:13; 87:20;91:5;144:5; 148:9;149:6 respect (14) 10:24;29:24;41:15; 67:15;72:13;74:10; 120:9;184:23;196:4, 19;197:2,21;203:12; 204:5 respectfully (2) 39:4;140:11 respond (2) 38:2;171:11 response (11) 29:4;41:20;43:19; 74:4;79:23;96:16; 107:18;112:1; 120:14;137:15;171:6 responses (1) 40:4 responsibilities (2) 130:9,21 responsibility (2) 119:15;150:20 responsible (1) 134:12 restored (1) 150:3 restrict (3) 121:12;122:16; 141:8 restricted (2) 104:6;139:13 restriction (3) 125:9;171:6;181:3 restrictions (12) 26:14,17;29:5,6,7, 10;56:20,24;103:12; 122:2;130:17;150:18 restricts (2) 134:24;141:7 results (1) 26:22 resume (3) 96:21,22;206:1 resumed (1) 97:1 retired (1) 15:3 returned (2) 17:17;193:13 Returning (1) 15:22 reversed (1) 73:10	review (10) 42:19;57:9;58:22; 69:18;113:23; 130:21;194:20; 199:15;200:18;201:1 reviewed (2) 57:16;196:4 reviewer (1) 113:22 reviewing (1) 42:22 reviews (5) 20:13;50:17; 113:18;194:12,14 revisions (1) 111:22 Richard (1) 5:7 ridge (15) 31:10;33:23;59:8; 80:22;81:24;82:21; 95:6,9,13;115:11; 169:12;184:3;198:9; 199:8;203:24 ridgeline (21) 33:2,13,15;71:5; 122:1;123:19; 125:10,21;135:1,3; 140:2,14;141:13; 142:3,19;148:3,7; 168:3;182:8;200:5; 203:23 ridgelines (7) 16:18;123:24; 140:18;170:17; 182:4,13,15 ridges (7) 31:19,21;32:15,16; 34:10;199:12;200:7 right (57) 15:22;17:15;21:23; 24:10;38:1;46:2; 48:10;50:22;63:8; 68:11;71:19;72:2; 74:1;84:7;89:22; 93:1;98:6;105:17; 110:10,21,23;114:5; 117:21,24;118:3; 119:9;121:17;122:3, 17;123:12;125:7,22; 128:8;131:21;132:3, 11;152:24;153:17; 159:6,10;171:15; 173:23;174:15,19,21; 175:2;178:14; 186:22;188:6;189:7; 191:2;194:23;195:2; 197:13;198:6; 204:12;205:4 right-hand (1) 180:15 right-of-way (1) 125:14
--	--	--	---	--

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

Rights (3) 28:12;119:3; 133:11	roughly (1) 141:23	satisfactorily (1) 79:2	112:18;155:4	152:13;154:4
rise (1) 184:2	round (1) 88:13	satisfactory (1) 112:5	selectman (1) 6:1	shores (1) 200:3
rises (1) 184:6	rule (1) 157:7	satisfied (2) 101:6;124:19	self-imposed (1) 181:3	short (3) 160:17;204:20; 205:1
rising (2) 183:12,14	rules (4) 36:11;37:17;83:20; 173:14	Saturday (1) 179:13	send (1) 195:13	show (10) 33:5;49:13;68:8; 69:5;86:9;87:21; 88:23;112:13;153:7; 176:4
risk (22) 17:8,10,11,23; 94:16;109:12,14,22; 182:23;185:6,9,9,22; 186:2;187:22,24; 190:23;197:8,9,22; 198:1,3	ruling (1) 40:10	save (1) 105:10	sense (7) 55:5;95:1,24; 149:6;169:1,24; 188:20	showed (2) 33:17;56:20
risk-assessment (1) 109:11	runoff (4) 176:18;177:6; 178:1,9	saw (9) 22:15;31:14,23; 32:10,19;77:10; 80:20;122:22;158:24	sent (1) 36:24	shown (1) 70:19
Road (11) 10:11;12:15;84:4, 22;86:19;87:5,7; 123:1;125:14;149:3; 150:2	runs (3) 33:20;188:23; 190:18	saying (12) 29:4;33:22;35:2, 23;41:3;140:6,9; 141:23;142:1;179:6; 182:20;198:12	separate (1) 206:2	shut (1) 188:9
roads (6) 57:3;84:2;123:17; 124:6;150:5;177:7	Rutgers (1) 12:21	scale (1) 177:18	September (1) 183:10	side (3) 82:20,22;127:4
Robb (2) 69:6;156:18	S	scanned (2) 65:18;66:15	series (1) 180:8	signage (1) 163:21
Robinson (3) 41:21,23;42:1	sailboat (1) 86:24	scheduled (1) 58:10	serves (2) 156:20;158:19	significance (3) 68:4;159:22;160:1
Robinson's (1) 43:21	Salmon (2) 122:18;123:1	science (2) 12:20;133:20	Service (19) 14:11,21;17:8; 18:3;61:22;62:1; 94:14;109:10,11,13, 24;110:1,9;112:1; 114:3,13;119:8; 193:7;194:7	significant (5) 93:22;94:7,12; 144:12;158:21
rock (7) 16:2,15,18;20:2,2, 6,7	same (35) 9:14,19;10:3,5,20; 12:6,8;13:8,15,17; 15:8,9,17,20;31:8; 33:20;34:3;35:5; 52:17;109:3;129:11, 16;132:5,10;133:1, 14;134:17;135:13; 154:16;156:20,20; 158:20;197:14,20; 201:7	scientific (1) 17:14	Services (3) 4:18;5:4;112:6	significantly (3) 31:18;32:13;94:5
rocks (3) 21:18,22;22:3	samples (1) 166:18	scientists (1) 188:12	Services' (3) 112:19;114:12; 192:23	similar (17) 18:16;22:15;30:16; 33:14;35:21;93:17; 120:16;121:1,16; 131:2,14;132:1,17, 20;153:22;154:8; 187:16
role (2) 30:9;46:14	sanctuaries (3) 99:10;157:9,12	scope (2) 25:2;37:10	Service's (2) 111:19;194:22	SIMPKINS (8) 4:22,22;138:22,23; 139:1;144:22;145:1; 146:19
room (1) 184:1	Sanctuary (60) 62:19;65:6,15; 67:1,8,14;68:22; 78:8;79:4;81:3,7,10, 24;82:2,4;83:2,11,24; 90:6,8;93:21;103:15; 104:1,10;119:1; 126:17;127:22; 128:20;129:2; 134:13,15,16,21; 135:13;136:21; 138:6;154:19,21; 157:8,18,21;159:8, 11,21;160:13;161:9; 163:1,4,6,14,19; 164:1,2,14;165:4; 167:21;176:8; 179:14,15,17	search (2) 72:16;73:7	Session (5) 29:13;30:12;31:9; 205:24;206:3	simple (1) 91:19
rotation (1) 185:8	sanctuaries (3) 99:10;157:9,12	season (9) 35:16,18;81:9; 183:9,20;184:24; 189:18;190:10,12	sessions (1) 100:8	simple (8) 28:20;52:23;54:3, 7,12;124:12;144:8; 168:23
ROTH (55) 6:15,16;38:5;39:8; 43:12;46:7,8,11;47:5, 9,17,23;48:16,20; 50:20,24;52:12;54:2, 23;55:15;56:1,15,17; 64:5,24;65:23;66:21; 67:6,10,20;68:1,16; 70:14,21,22;71:9; 72:4,7;74:3,7;75:1,3; 108:19,23;112:15; 113:2;124:9;133:17; 154:23;156:6;173:6, 11,15;175:19;181:18	second (6) 32:5;97:16;102:15; 114:16;194:18;199:4	secret (1) 63:13	set (2) 8:22;66:18	simulation (2) 168:10;174:4
rotor (1) 59:12	Section (8) 28:11;50:1;61:8, 10;119:4;122:18; 123:11;163:11	sections (1) 110:3	Settlement (5) 46:18;47:12;49:14; 51:23;52:23	sincere (2) 76:14,15
rotors (1) 19:14	secure (1) 50:3	sediment (1) 166:19	seven (1) 26:20	single (1) 156:10
rotor-swept (1) 186:1	sedimentation (1) 178:5	sediment (1) 166:19	several (9) 17:22;103:11; 108:10;124:14; 136:12;139:6;143:2; 145:20;153:21	sit (1) 27:14
	seeing (3) 128:6;170:11; 196:7	seem (2) 19:7;79:19	shall (2) 18:13;50:2	Site (22) 4:10;19:16;20:16, 24;33:1,8,22;35:7; 51:19,24;57:23; 59:22;60:11,16;80:1; 98:5;115:13;123:15; 139:18;140:11; 150:2;197:1
	seems (5) 21:5;42:9;73:21;	seem (2) 19:7;79:19	shocked (1) 126:19	sited (2) 16:1,15
	Sarah (2) 17:5;195:19	seems (5) 21:5;42:9;73:21;	shoreline (3) 89:3;178:17;179:8	
	sat (1) 52:8	seem (2) 19:7;79:19	shorelines (2)	

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

sites (12) 16:20;31:17,17,23; 32:12,13,18;34:19; 36:4;59:22;80:19; 163:2	sometimes (6) 16:19;83:22;137:1, 2;141:9;178:12	80:8	113:5;128:24; 205:8	5:23,24;92:8,9
siting (2) 122:2;180:2	somewhat (6) 39:17;58:16;78:10; 81:22;90:6;104:6	speaks (2) 33:4;80:7	standing (1) 94:8	Stephen (2) 5:20;86:7
sitting (2) 52:8;53:19	somewhere (6) 43:11;180:6; 187:12,14;189:5; 205:2	special (3) 29:21;30:7;70:23	stands (3) 88:12;127:10; 148:24	steward (1) 88:15
situated (1) 102:4	soon (2) 93:3;152:22	specializes (1) 136:18	start (9) 4:11;21:12;22:9; 32:22;46:12;97:13; 151:12;189:15;190:8	STEWART (4) 4:16,16;155:6; 187:17
situation (5) 16:17;18:16;58:9, 17;95:8	sophistication (1) 188:10	Species (39) 14:23;15:1;16:21; 18:19;22:23;23:3; 29:20,22;30:7;31:1; 33:17,18;59:23;60:3, 11;72:14,16,20;73:2, 6,11,12,12,14,18; 74:11,20,24;80:19; 93:10;96:6;114:10; 190:3;195:10; 201:16,20;203:9,10; 204:6	started (1) 22:2	Stewart's (1) 167:15
size (6) 151:19,24;154:18; 168:18;169:2;178:16	sorry (26) 4:8;44:9;50:10; 51:4;67:5;70:14,17; 72:11;74:17;87:8; 90:2;91:24;105:3,15; 106:19;108:6;113:6; 118:19;155:23; 158:11;165:17; 190:19;197:6,16,16; 204:14	specific (17) 50:12;54:24;58:14, 14,15;62:13,13; 142:6;143:16;188:9, 13;194:15;195:9; 196:18,18;202:6,18	starting (3) 8:4;190:11;191:8	sticker (1) 173:24
skiing (2) 84:11;128:4	sort (13) 39:18,19;65:4; 67:3;81:11;154:24; 155:8;164:23;167:7; 171:13;172:19; 187:16;199:13	specifically (10) 93:14;113:11,13; 128:11;129:18; 159:7;173:4;183:4; 195:10;201:17	starts (3) 44:15;188:22; 194:19	sticking (1) 174:23
sky (1) 35:1	sorts (1) 182:13	specified (1) 29:2	state (35) 8:5;10:8;12:12; 13:20;23:17,17;25:6; 28:22;29:16;50:8; 61:10;63:18;69:9,14; 85:2,10;87:10;89:6; 90:14;96:4;120:19; 128:18;142:21; 144:15;145:21; 154:6,19;155:17; 159:13;160:4,8; 162:14;166:23; 167:11;201:16	still (8) 58:6;65:4;84:6; 94:8;128:15;147:2; 183:11;186:9
slower (1) 15:7	sought (1) 155:20	specify (1) 88:11	stated (5) 81:16;95:16; 176:16;182:2;183:1	stock (1) 75:16
small (4) 31:14,23;32:10,20	sounded (1) 205:20	specs (1) 34:21	state-endangered (1) 93:11	stocked (1) 75:6
smaller (5) 31:18;32:14;34:21; 78:16;168:4	sounds (2) 133:18;169:21	speed (7) 183:5;184:13,15, 19;185:7,8,16	state-level (1) 160:1	stocks (1) 75:9
snowflakes (1) 121:15	sources (3) 67:9;145:17; 163:17	spell (1) 90:1	state-listed (1) 114:10	Stoddard (2) 63:14;69:4
snowshoeing (2) 84:12;128:3	south (4) 86:24;87:7;154:7; 203:13	spend (2) 60:20;81:15	statement (8) 30:23;106:14; 141:21;145:12,18; 147:3,13;184:11	stop (1) 63:8
so-called (1) 68:4	southeast (1) 90:7	spoke (6) 75:22;76:2;77:19, 22;78:7;79:11	statements (1) 76:11	story (1) 160:14
Society (14) 145:11,16;146:15; 155:2;157:10,12,16; 158:4;160:11; 162:19,23;164:7; 166:4,7	southeastern (2) 33:12;174:18	spruce (2) 201:17;202:20	States (7) 17:6;107:24; 108:18;113:12; 123:15;127:9;143:13	strategies (2) 186:6,7
Society's (1) 68:9	southern (3) 154:5;192:7,10	spruce-fir (6) 52:21;96:2,10; 202:13,18;204:8	statewide (2) 68:4;144:11	strategy (3) 58:8,15;186:23
soil (2) 95:21;189:21	southwest (2) 68:23;86:19	square-ish (1) 90:6	stating (2) 60:18;144:8	streams (1) 178:6
Soils (1) 202:23	southwestern (1) 143:14	staff (1) 94:14	statistics (1) 30:19	Street (1) 8:8
Soininen (4) 97:18;98:13,20,21	spaces (2) 99:4;100:5	stage (1) 73:13	status (8) 29:22;30:2,5; 148:3,17;149:24; 150:8,14	stretching (1) 68:22
solely (1) 18:1	Sparhawk (1) 13:23	stand (3) 43:13;124:24; 175:20	statutory (1) 157:6	strict (1) 99:12
solution (1) 164:22	speak (9) 15:6;38:16;59:14; 74:22;98:10;102:7; 129:5;146:24;184:3	standard (2) 120:21;167:12	STEARNS (4)	strictest (1) 136:22
solve (1) 168:6	speaking (1)	standards (3)		strictly (5) 10:19;90:23; 164:20;165:1;170:15
somebody (7) 37:3;59:18;83:10; 132:22;201:9; 202:13;203:17				Strike (1) 17:4
somehow (1) 144:17				striping (1) 71:17
someone (3) 119:17;163:22; 181:21				strong (3) 102:16;127:11; 148:24
				stronger (1) 185:19
				structure (1) 136:15
				structures (3) 57:4;130:17; 178:13
				struggling (1) 171:19

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

studies (9) 79:16;94:23;95:2; 114:20,24;115:9,22; 116:3;199:16	125:16,18;127:9; 148:20;186:4;189:9	90:7	17:2;19:21,24;20:1; 21:8,8,10,16;22:5; 23:6,10;24:6,9,18; 25:2,10,11,14,21; 26:3;27:13,20;29:11, 14;30:11,13,21;31:8; 32:2;34:2;35:24; 36:1,14,21;37:12,21; 38:13;40:7,8,11,16; 41:15,19;42:2;43:22; 44:2;45:14,19;48:4, 12;51:17;52:15; 58:23;59:1,4,14;61:2, 6,8;64:2;65:4;72:17; 73:24;74:8,11,21; 75:4,22;77:1,19; 78:9;81:16;83:10; 84:19;95:11;99:3,22; 100:4,7;101:12; 102:24;103:2,9,10; 104:7;106:11;107:7, 8,12,20;108:1,4,16; 109:7;110:2,13; 111:10;112:2,18; 115:20;116:6,10,11; 117:6;118:16;119:7; 120:1,20;121:19; 123:15,20;124:11,20; 125:19;127:9,20; 128:17;129:7; 139:18;143:2,18; 151:14;158:24; 159:3,22;160:18; 161:8;166:12;173:3; 176:16;178:15; 186:4;188:18; 189:10;190:22; 192:21;196:1; 198:10;201:13	though (1) 202:22 thought (13) 36:10,19;39:14; 43:5;67:6,12;80:1; 100:9;105:11; 124:18;164:4; 165:17;171:13 threatened (1) 15:1 Three (7) 44:21;45:2;70:8; 79:14;177:13,23; 196:18 throughout (5) 15:1;35:18;84:14; 143:11;156:9 thrush (2) 203:11,13 thus (1) 38:19 timber (4) 56:21;129:8,16; 130:1 times (4) 81:9;112:21; 124:15;136:12 title (2) 50:7;54:18 Today (15) 4:8,8,5;24:6;23; 10:5;12:8;13:17; 15:18;22:7;39:2; 42:24;52:8;156:11; 159:3;192:22 together (1) 124:16 told (3) 55:14;171:23; 172:10 took (2) 90:24;118:22 top (1) 180:5 tops (1) 59:8 total (1) 35:20 totaling (1) 50:5 totally (1) 42:21 totals (1) 31:4 towards (7) 12:22;25:22;121:7; 157:17;160:5;175:5; 177:2 Town (9) 5:24;63:4;84:5; 91:1;97:19;98:7,7; 137:4;159:23 traditional (1)
stuff (1) 21:13 Subcommittee (6) 22:12;40:1;43:16; 45:4;54:15;204:15 subject (3) 48:2;75:21;170:10 submitted (6) 9:15;10:21;11:6; 28:18;152:21;191:20 Subsequently (1) 14:18 substantive (1) 37:24 Sue (1) 201:13 sufficient (3) 60:7;169:4;198:7 suggest (1) 168:16 suggested (2) 95:12;111:22 suggestion (1) 154:24 suitable (1) 95:10 suite (2) 96:5;203:9 Sullivan (1) 92:3 sum (1) 130:14 summary (1) 62:20 summer (2) 179:12,13 summit (7) 82:6;86:22;87:7; 191:22;192:3,7,10 summits (2) 59:8;192:2 sundown (1) 191:5 sunup (1) 191:5 Super (5) 62:19;65:5;67:8, 14;159:21 supplanted (1) 147:5 supplement (2) 200:15,20 supplemental (24) 9:20;10:24;11:16, 24;21:8;25:20,21; 26:3;36:14,21;37:12; 61:2;103:2;110:2; 116:10;119:24; 121:19;123:14;	support (4) 80:4,6;96:5;157:21 supports (1) 145:17 supposed (1) 175:19 sure (44) 8:2;14:7;16:7; 29:9;32:4,6;41:24; 43:23;44:1,13;51:22; 60:8;70:11,18;71:18; 75:19;88:5;93:14; 94:1;98:3,23;105:1; 115:15;122:21; 123:5;130:17; 131:18;132:9; 133:10;134:23; 139:4;144:20; 145:14;146:19; 162:8;168:20;169:5; 177:1;181:23; 185:11;190:17,18; 193:14;199:2 surface (1) 19:19 surprised (4) 126:20;163:18; 179:1;191:19 surrounding (3) 65:7;68:10;151:17 survey (7) 31:14;32:9;91:8; 150:15,21;196:6,8 surveyed (4) 89:19;91:2,7;137:7 surveying (1) 90:23 surveys (9) 14:21;18:22;30:20; 33:16;42:3,5;44:4; 57:21;115:16 Susan (3) 5:16;97:11;193:17 sweep (1) 59:12 swimming (1) 179:13 Switching (1) 142:24 sworn (1) 38:15 Syndrome (1) 30:9 system (2) 107:1;128:11	talk (11) 26:17;55:13,18; 77:2;91:22;96:2; 107:12;122:7; 151:15;178:23;179:2 talked (9) 21:10;69:2;75:4; 98:13;112:18;117:7; 129:7;132:23;139:6 talking (14) 78:1,3;96:11; 115:3;129:11;139:3, 19;178:19;182:9; 183:3;201:6;203:1,7; 204:4 talks (1) 148:8 Tamposi (4) 85:1;86:10,21;88:2 tarps (1) 187:7 technical (1) 157:20 technically (1) 95:23 technology (1) 147:8 telling (3) 165:12;168:23; 169:21 tend (2) 126:4;188:23 term (5) 136:14,24;142:5; 200:11;204:2 terminology (4) 137:10;180:19; 201:9;202:7 terms (9) 47:15;90:23;122:6; 124:18;133:21; 134:7;159:2;185:10; 201:16 territories (1) 19:10 territory (1) 18:14 testified (6) 37:13;58:20;72:8; 133:24;172:1;198:22 testify (3) 47:19;115:18; 203:17 testifying (3) 22:2;111:6;112:11 testimonies (3) 10:4;11:22;12:7 testimony (159) 9:15,20;10:1,21; 11:1,4,5,14,16;13:9, 13,16;15:10,15,19, 24;16:5,14,22,23;	third-generation (1) 102:15 Thompson (1) 138:6	
	T			
	table (1) 5:11 tail (1)			

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

139:17 trail (5) 84:23;86:20;87:4; 128:11;192:3 trails (1) 83:13 transactions (2) 133:22;162:11 transcript (9) 27:6;35:6;44:10; 12,22;45:11;198:21; 199:1;206:2 transcripts (3) 42:17,22;198:18 transfer (1) 50:6 transplant (1) 176:1 Transportation (1) 5:6 Travel (2) 163:11;185:4 tree (1) 189:6 trend (1) 184:2 trending (1) 182:16 Trevor (1) 58:19 Tributaries (1) 177:16 tried (2) 61:23;148:20 tries (1) 192:16 trips (2) 83:8;84:11 trouble (2) 102:14;171:1 trout (12) 75:5,6,9,16,17,19, 20;180:12,13;181:8, 12,15 true (9) 34:16;88:5,14; 107:17;111:17; 115:8;120:10;122:9; 181:22 trust (16) 23:15;26:24;28:19; 29:8;99:12;101:1; 102:11;103:21; 117:3;120:8;121:9; 136:17,18;137:18,19; 141:15 trustees (2) 14:3;166:6 trusts (2) 23:16;102:14 Trust's (1) 141:6 try (7)	45:11;54:5;96:21; 163:8;164:2;175:13; 176:20 trying (19) 44:5,10;54:7,12; 55:15;56:15;68:7; 100:3,12,20;125:8; 168:22;171:10; 175:11;184:5;186:9, 24;203:14,16 Turbine (15) 18:17;19:14,15; 123:16;167:20; 177:3,6,12,19; 184:21;186:14,15; 187:1,10,15 turbines (27) 16:1,15;18:15; 72:1;78:13,17;79:9; 94:16;107:13;108:9, 13;140:4;148:14,18; 149:4,18;175:1,9,12, 15;176:17;177:4; 182:8;185:8;187:13; 188:9,17 turkey (1) 20:23 turn (5) 8:16;44:14;121:17; 123:2;156:9 turned (1) 186:16 Turning (4) 29:11;99:2;107:6; 114:15 Tuttle (4) 33:12;198:9;199:8; 203:23 two (27) 18:11;35:12;53:10, 15,16;58:2;63:5; 70:8;73:14;79:1; 80:16,19;99:11; 124:7;137:5,12; 139:14,15,24;146:5, 8;163:23;169:19; 186:11,22;192:1; 196:18 two-year (1) 82:10 type (7) 30:20;52:17;73:22; 128:2;129:16; 136:14;202:19 types (2) 44:20;137:23 typical (2) 28:9;141:5 typically (14) 19:17;34:4,6; 35:16;59:6;84:8; 96:1;102:10,14; 139:20;142:11;	144:4;185:5;204:6 U unclear (1) 134:18 unconserved (1) 72:9 uncut (1) 88:12 under (22) 11:6;25:16;28:4; 37:1;47:15;50:1; 51:21;62:23;64:9; 71:11,20;139:24; 140:1;150:18;158:3; 168:9;170:22; 184:18;188:13,16,17; 206:2 understood (8) 37:18,19;41:13; 70:18;114:8;161:7; 169:22;198:14 undeveloped (5) 152:13;154:4; 165:5;166:24;178:17 undisturbed (1) 179:17 unfair (4) 22:9;41:1,10;42:21 unfortunate (1) 12:10 unfragmented (1) 99:4 UNH (1) 14:10 United (2) 107:24;108:18 University (4) 9:3,5;12:21;14:8 Unless (1) 74:19 unlikely (3) 31:12;32:8;100:10 Unlimited (2) 180:12,13 unmolested (1) 167:5 unprotected (1) 180:20 unreasonable (1) 144:17 unregulated (1) 83:7 unsolicited (1) 76:3 unusual (2) 102:23;182:12 unusually (1) 179:7 up (35) 29:9;34:24;43:24; 44:19;58:7,10,13;	74:5;81:24;82:21; 84:7;86:22;87:5; 115:14;130:14; 133:5;136:12;138:6; 139:16;142:18; 143:2;148:14;149:7; 153:7,11;163:4; 170:17;172:22; 176:6,19;184:7,16; 197:15,15;200:14 updates (5) 9:24;11:21;13:12; 15:14;46:2 upland (2) 73:12;89:4 upon (6) 60:7;61:20,23; 102:3;160:22;170:11 Upper (1) 173:23 use (16) 22:24;30:15;39:19; 47:24;49:3;53:12; 77:24;81:2,20;124:6; 142:5,8;181:6; 183:23;185:1;187:8 used (15) 16:19;31:22;32:18; 38:13;83:2,21; 137:11;149:21; 158:8;167:6;193:1,7; 195:13;200:11; 201:23 useful (1) 17:15 user (1) 81:20 uses (4) 109:24;110:1; 130:18;141:19 USFWS (1) 61:11 using (8) 30:14;83:5;142:6, 9;184:7,9;188:7; 201:7 usually (1) 139:20 Utilities (2) 4:13;5:2 V vague (2) 65:5;82:11 Valleau (7) 31:8;34:2;35:5; 36:5;41:15;43:13,20 value (4) 20:20;133:6;145:5, 9 variability (2) 31:6;33:5	various (5) 62:18;81:6;110:3; 145:21;199:15 vary (1) 60:11 vegetation (3) 95:21;202:14,22 vehicles (1) 57:1 verbal (1) 96:16 Vermont (2) 29:14;137:20 version (1) 66:15 versions (1) 57:15 versus (1) 202:5 vicinity (4) 18:23;91:18; 156:20;186:13 view (3) 33:14;63:23; 189:16 viewpoint (1) 143:20 views (6) 133:13;134:13,15; 135:2,12;168:24 Virginia (2) 15:3;185:18 visibility (3) 34:13;35:3;169:12 visible (5) 123:19;167:21; 169:3,6,8 visitation (2) 82:2,4 visitor (3) 81:7,18;93:20 Vissering (10) 23:7,21;24:15; 68:2;100:8;143:4; 148:10;173:2;174:5, 6 Vissering's (1) 78:9 visual (10) 64:18;78:6;104:9; 105:21;106:6,11; 165:2;168:7,10; 170:12 visually (2) 34:24;170:10 volume (1) 21:19 volunteer (4) 10:14,17,19;23:15 Von (200) 10:10,10,14,16,20, 23;11:5,10,19,23; 12:3,9;21:9;23:12;
---	---	---	--	---

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

25:19;26:10,13;27:4; 22:28;7:62;9,21; 63:17,21;64:10,23; 65:9,12,21;66:8,22; 68:19;69:20,24;70:4; 7,12;71:2,16;72:11, 12,15,21;73:3,7,19; 74:15,23;75:4,8,10, 13;76:23,24;77:22; 86:5,13,17;87:11,14, 19,23;89:1,7,9,19; 90:4,11,15,17,21; 91:15,22;97:13,16, 22;98:1,7,13,19;99:7; 100:3,20;101:12,21; 102:6;103:4,8,14; 104:3,11,14,19,21, 23;105:4,23;106:10, 15;107:2,4;116:11, 17;117:3,9;118:9,17; 119:6,10,14,17,21; 120:2,7,19,22;121:5, 22;122:4,8;123:5,8, 21;124:1,19;125:12, 23;126:4,10,13,19; 127:13,16,18;132:2, 13,15;136:9,13,16; 138:1,5;139:15; 140:10;141:4;142:3, 11,22;148:5,8,15,19; 149:7;150:1,10,19, 23;151:2;153:7; 158:21;159:1,7,11, 15,18,24;160:2,6,14, 21;161:1,6,11,17,21; 162:1,5,10,20,23; 163:6,13,21;166:11, 15,17;167:8;170:24; 171:10;178:14,21; 179:9;180:19;181:5, 7,16;200:10;201:2, 11;202:3	watch (7) 31:17,23;32:13,18; 33:19;34:18;35:7 watches (4) 31:5;33:8;35:10,12 watching (1) 81:5 Water (19) 4:17;20:8;77:13, 22;78:1,5;151:17; 155:10;156:4,19; 166:23,24;167:1,5,6, 11;178:3,16;179:7 water-based (1) 84:13 water-quality (3) 78:2;166:18; 167:13 watershed (2) 177:15,19 watersheds (1) 177:14 Waterville (1) 9:2 way (27) 30:15;52:10;66:7; 72:10;76:13;84:2; 100:22;111:2; 129:22;155:21; 157:17,20,24;168:1, 4;169:20;176:22; 183:18;184:7,7; 187:13;190:23; 192:9;193:9;198:14; 199:11;205:21 ways (3) 62:18;145:21; 177:24 weather's (1) 34:5 web (1) 163:2 week (4) 11:11,13;124:15; 153:12 weeks (2) 42:18;58:10 weight (1) 41:9 welcome (2) 111:1,3 west (7) 87:6;90:5;108:6,7, 10;177:17;185:18 westerly (1) 124:2 western (1) 182:14 wetlands (1) 187:16 whack (1) 173:14 what's (13)	27:9;37:11;42:9; 51:14;67:8;70:11; 72:17;143:6;173:20, 21;177:22;183:7,23 whenever (1) 97:18 whereas (2) 29:17;184:6 Whereupon (2) 96:24;205:23 White (3) 30:8;65:19;66:15 whole (3) 138:15;149:20; 182:14 who's (3) 139:4;145:14; 150:21 whose (1) 83:10 Wild (60) 48:6,11,19;53:5; 54:14;55:1,13,20; 56:8,12,18;85:20; 87:12;88:4;89:8,18, 20;90:16,19;91:1,3,9, 17;125:20;126:2,8, 18;129:4;136:10,14, 19,23;137:9,14; 138:4,10,13;139:16; 140:13,17,21,23; 141:2,7,18;142:1; 148:3,17,21;149:17, 20,23;150:4,8,14,18; 180:16,18,23;202:8 Wilderness (4) 136:18;137:18; 141:6,15 wildlife (50) 9:4;14:8,11;17:8, 17;20:20;61:22;62:1; 63:22;65:15;69:16; 89:15;90:6;94:14; 99:11;106:1;109:9; 110:9,15;111:15,18; 112:5,19;113:6; 114:3,11,18;127:21; 141:20;142:12; 154:19,21;157:7; 163:4,6,7,19;165:4; 167:21;179:14,15; 192:23;193:7;194:7; 197:17;201:13,19,20; 202:2;203:9 Willard (44) 33:13;68:21;75:5; 77:24;78:5;87:5,7; 89:1;90:20;91:18; 93:20;94:10;103:11; 104:9;105:22; 127:22;132:23; 133:9,13,14,16; 151:15;157:17,21;	160:13;161:9,20; 162:24;164:14; 166:13,22;167:4; 173:4;174:6,7,14,15, 18;177:14;178:4,6; 180:16,17,21 willing (6) 100:10;151:2; 152:3,16;154:10; 168:15 Wind (59) 5:15;16:1,14; 17:17;18:8;34:7,9; 51:19;59:16;62:6,6; 76:4;81:23;82:20; 97:15;98:11;101:4; 102:21;104:15; 105:5;107:18,24; 108:9,13,18;111:20; 112:4;115:4;118:11, 19;133:8;140:17,18; 144:22;145:18; 146:11;147:6,8; 165:2;167:20;170:9; 171:20;172:3;183:5, 24;184:12,15,16,19; 185:7,14,15,16,20; 188:13;194:9,21,22; 195:1 Wind-Eolian (1) 98:24 windmills (1) 168:2 winds (1) 182:5 Wind's (1) 120:17 winged (1) 181:23 winter (6) 82:10,14;83:3,24; 84:1;189:20 wintertime (2) 83:23;84:10 wise (1) 186:8 wish (1) 164:19 wished (1) 205:17 wishes (1) 103:17 withdraw (2) 45:21;75:2 within (17) 59:11;81:3;94:6; 109:13;127:21; 134:15,16;135:12; 137:4,5,7;143:12; 144:9;148:18; 185:24;203:24;205:7 without (3) 101:14;173:12;	179:21 Witness (46) 20:13;23:20,22; 24:3,16;25:1;26:10; 30:18;38:15;40:11; 41:2,7,8;42:13; 50:17;53:4;54:8,12; 55:21;74:5;76:17,18; 77:18;88:6;97:22; 105:4;110:24;113:3, 4,9,18;124:12;125:8; 131:9;135:11; 146:12;152:22; 153:4;161:17,21; 162:1;163:13; 173:14;193:22; 194:12,14 witnesses (28) 15:6;22:2;25:3; 27:11;36:12,16,17; 37:6,11,13;39:1,2,5, 6;40:5;41:23;46:4; 48:5;68:6;73:22; 74:1;111:5;112:21; 124:23;125:1;134:6; 151:10;198:8 witnesses' (2) 27:19;45:18 witness's (1) 74:8 wonder (1) 74:2 wonderful (1) 160:14 wondering (1) 117:10 wood (1) 121:13 word (7) 11:24;12:10;25:20; 72:16;77:23;90:1; 162:8 words (2) 108:20;168:22 work (10) 4:13;13:5;14:12, 24;23:17;81:10; 100:22;130:4;153:5; 187:19 worked (2) 14:10;166:14 working (6) 9:9;12:21;13:4; 58:6;118:12;188:12 works (1) 25:6 world (1) 17:14 worry (1) 190:5 writing (1) 122:15 written (7)
W				
wait (4) 65:24;70:19; 181:10;204:1 wall (1) 184:1 wants (2) 27:5;113:3 warm (1) 183:14 Washington (1) 107:14				

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

40:7;59:1;86:15; 128:23;139:12; 140:24;180:6 wrong (5) 36:18;41:3;75:11; 124:20;162:5 wrote (3) 11:5;26:13;125:16 Wyoming (1) 107:14	10:30 (2) 96:21,24 10:40 (1) 96:23 10:45 (1) 97:2 100 (2) 59:7;129:8 100- (1) 59:10 100th (1) 61:12 10-minute (1) 45:9 11 (2) 19:24;35:15 114 (1) 29:13 11th (1) 9:21 12 (2) 16:11;178:15 12:59 (1) 206:1 13 (1) 30:13 130 (1) 89:2 14 (2) 104:7;106:10 15 (5) 88:17;127:5; 162:10;205:2,5 151 (1) 12:14 15-minute (1) 45:8 15-year (1) 88:18 16 (2) 20:1;196:14 166 (1) 30:13 17 (1) 175:20 1700 (3) 49:3;69:5,7 1735 (1) 50:6 180 (1) 31:9 181 (1) 34:3 188 (1) 35:6 19 (1) 31:10 1930 (1) 103:18 1960s (2) 160:24;161:4 1962 (1) 160:17	1966 (1) 14:9 1967 (1) 162:6 1970 (2) 14:10,11 1985 (3) 160:19;161:2,6 1B (5) 173:9,15,16;174:1, 3 1st (7) 16:8;19:24;36:6; 189:6,11,17;190:8	26 (8) 8:7;13:10;18:6; 145:13;146:20; 147:12;176:21; 196:14 26th (1) 17:5 27 (3) 9:22;107:19;161:3 2700 (2) 51:16;95:18 2700-feet (1) 50:4 28 (4) 11:3,18;26:1,6 28th (1) 23:7 29th (1) 25:12 2nd (1) 200:18	41 (1) 41:17 42 (2) 41:18;123:2 43 (7) 41:18;109:17; 113:9;193:17,20; 194:2;197:15 44 (2) 41:18;44:16 45 (1) 4:4 48 (1) 49:17 4F (1) 180:11 4th (3) 11:17;117:1; 119:20	
Y		2		5	
year (18) 19:1;30:2;31:6,7; 58:2;60:12,12,19,19, 20;81:9,15;84:14; 137:5;161:2;162:20; 164:6;190:14 years (18) 9:11;33:5;35:14, 20;60:14;64:12; 79:14;88:16;93:19; 94:3,6;97:21;127:5; 137:5;150:1;161:3; 163:10;190:17 yesterday (5) 11:23;52:14;69:3; 95:20;149:8 young (3) 19:8;186:14,15		2 (18) 25:22;26:10;29:13; 34:4;49:19,22;61:7; 68:21;69:2;119:24; 121:18;145:20,23; 146:4,5;161:13; 189:9;194:18 2:00 (1) 205:22 20 (3) 34:4;35:6;41:17 200 (2) 59:7;184:6 2002 (1) 13:5 2004 (2) 14:11;15:4 2009 (2) 97:24;98:1 200-meter (1) 59:10 2012 (19) 9:16,21;10:21; 11:2,17;13:9;15:11; 16:9;17:5;18:6; 27:11,14;29:12;30:3; 117:1,7;171:21; 196:15;200:18 2013 (1) 58:11 21 (1) 25:12 22 (1) 16:24 23 (3) 10:22;35:6;73:10 2300 (2) 51:22;95:19 234 (1) 10:10 24 (3) 15:12;25:12;41:18 24th (1) 11:2 25 (1) 9:17	3	3 (25) 28:11;29:12;30:12; 31:9;34:3;35:15; 49:18,20;56:4;65:10; 70:5;86:13;99:2; 119:4;123:11; 125:18;144:2; 158:13;159:9; 161:13;173:18; 174:11;183:2;186:5; 191:19 30 (1) 16:9 30,000 (1) 158:23 31st (7) 9:16;10:21;13:9; 15:11;29:12;34:3; 84:19 32 (1) 9:11 35 (2) 205:2,5 376 (2) 68:23;86:17 39 (1) 157:14	5 (7) 31:10;59:14,16; 103:10;161:16; 187:23;200:22 50 (2) 16:24;150:1 500,000 (1) 159:4 50-odd (1) 64:12 51 (1) 17:1
Z				6	
zero (2) 48:13,18 zone (2) 186:1;187:15 zoology (1) 9:3				6 (10) 17:1;25:13;29:13; 84:20;127:19,24; 128:6;180:8,8; 200:14 600-some (1) 141:23 620-acre (1) 49:9 650 (1) 162:12 685 (1) 118:22	
0				7	
020 (1) 60:4				7 (3) 13:23;23:6;190:22 70s (1) 121:6 73 (1) 14:22 74 (2) 14:22;25:12 75 (1) 25:13	
1			4		
1 (10) 16:24;17:1;25:11, 13;41:19;50:2;68:21, 21;69:2;173:2 1/24/2012 (1) 147:7 10 (13) 41:19;44:17;78:13, 16;88:15,17;96:22; 148:13,18;149:18; 169:6;177:3,12 10/29/12 (1) 16:24 10/31/12 (2) 30:12;31:9		4 (11) 16:8;19:23;30:13; 36:6;41:16,17,17; 44:15;59:9;107:11; 151:14 40 (2) 41:17;44:16 400 (1) 35:17			

DAY 9 - MORNING SESSION ONLY - November 30, 2012
SEC 2012-01 ANTRIM WIND ENERGY HEARING ON THE MERITS

76 (2) 25:13,13				
8				
8 (6) 4:8;16:11;20:10; 169:6;176:18;177:2 80 (1) 31:4 80-percent (1) 28:10				
9				
9 (6) 4:9;20:1;78:13,16; 128:17;129:6 96 (5) 151:18,23;152:12; 154:3,18 96-acre (1) 154:9				