

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

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

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

PRESENT: SITE EVALUATION COMMITTEE:

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

COUNSEL FOR THE COMMITTEE: Michael Iacopino, Esq.

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

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

I N D E X (CONT'D)

APPEARANCES: Reptg. Antrim Wind, LLC:

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

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

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

Reptg. Antrim Planning Board:
Martha Pinello, Member

Reptg. Abutters Intervenor Group:
Susan Duley

Reptg. Audubon Society of N.H.:
Frances Von Mertens

Reptg. Intervenor Allen/Edwards:
Mary Allen

Reptg. Industrial Wind Action Group:
Lisa Linowes

Reptg. North Branch Group
of Intervenor:
Loranne Carey Block

Reptg. Stoddard Conservation Comm.:
Scott Simmons

I N D E X

WITNESSES:

LORANNE CAREY BLOCK
RICHARD BLOCK

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P R O C E E D I N G S

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 MR. STEARNS: Good morning. I'm

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

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

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

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

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

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

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

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

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

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

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

24 CHAIRMAN IGNATIUS: Good

1 morning. Welcome, everyone.

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

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

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

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

24 MS. LINOWES: Thank you, Madam

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

3 CHAIRMAN IGNATIUS: That's all
4 right.

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

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

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

24 CHAIRMAN IGNATIUS: Do other

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 MS. LINOWES: Yes.

23 CHAIRMAN IGNATIUS: All right.
24 Anything else?

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

3 (WHEREUPON, LORANNE CAREY BLOCK and
4 RICHARD BLOCK were duly sworn and
5 cautioned by the Court Reporter.)
6

7 LORANNE CAREY BLOCK, SWORN

8 RICHARD BLOCK, SWORN

9 DIRECT EXAMINATION

10 BY MR. IACOPINO:

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

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

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

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

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

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

24 A. (Mr. Block) That is correct.

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

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

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

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

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

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

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

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

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

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

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

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

7 A. (Mr. Block) I do.

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

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

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

15 A. (Mr. Block) They are.

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

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

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

1 questions today?

2 A. (Mr. Block) I would.

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

6 A. (Mr. Block) No.

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

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

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

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

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

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

23 A. (Ms. Block) I was.

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

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

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

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

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

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

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

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

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

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

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

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

24 All right. Please continue.

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

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

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

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

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

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

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

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

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

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

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

17 MR. BLOCK: Yeah. Okay.

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

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

24 MR. BLOCK: Yes, it is.

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

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

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

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

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

16 (Mr. Roth distributing document.)

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

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

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

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

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

12 CHAIRMAN IGNATIUS: All right.

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

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

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

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

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

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

9 CHAIRMAN IGNATIUS: Mr.
10 Guariglia?

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

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

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

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

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

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

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

17 MR. BLOCK: Thank you.

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

24 But the prime purpose of the picture is

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

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

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

1 that.

2 MR. BLOCK: Okay.

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

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

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

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

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

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

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

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

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

24 This is a rather simplistic response to

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

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

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

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

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

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

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

16 All right. Then, Mr. Roth.

17 MR. ROTH: Thank you.

18 CROSS-EXAMINATION

19 BY MR. ROTH:

20 Q. Good morning, Mr. Block.

21 A. (Mr. Block) Good morning.

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

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

4 A. (Mr. Block) Yes.

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

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

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

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

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

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

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

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

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

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

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

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

7 (Pause in proceedings.)

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

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

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

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

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

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

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

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

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

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

4 Q. Is it more than just you two?

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

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

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

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

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

24 Q. Okay. So you would experience sleep

1 disturbance?

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

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

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

11 BY MR. ROTH:

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

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

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

19 BY MR. ROTH:

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

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

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

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

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

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

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

18 BY MR. ROTH:

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

21 A. (Ms. Block) Okay. I'm sorry.

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

24 First, would you be annoyed or very

1 annoyed, or neither?

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

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

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

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

17 A. (Ms. Block) We do.

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

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

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

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

1 myself.

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

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

7 Q. And they listen to you?

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

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

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

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

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

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

17 Q. Do you have chickens?

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

19 Q. Are sheep noisy?

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

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

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

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

6 Q. I don't want to cross --

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

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

24 Q. Okay. Now, you probably heard some

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

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

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

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

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

23 BY MR. ROTH:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 remember where I specifically saw that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Q. Now, in your testimony there was some

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

4 A. (Mr. Block) Correct.

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

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

18 A. (Ms. Block) Second largest.

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

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

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

13 A. (Mr. Block) Briefly.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 MR. BLOCK: Yes, I did.

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

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

23 BY MR. ROTH:

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

1 please?

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

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

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

11 CHAIRMAN IGNATIUS: Okay. Thank
12 you.

13 BY MR. ROTH:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 A. (Ms. Block) Okay.

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

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

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

24 CHAIRMAN IGNATIUS: Mr. Roth, I

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

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

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

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

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

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

16 Q. I just have a couple more.

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

22 A. (Mr. Block) Yes.

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

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

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

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

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

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

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

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

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

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

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

6 A. (Mr. Block) Right.

7 Q. Was that intentionally cleared by you?

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

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

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

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

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

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

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

10 [Laughter]

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

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

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

21 A. (Mr. Block) Yes.

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

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

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

4 Q. And is that near a road?

5 A. (Mr. Block) No.

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

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

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

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

21 (Court Reporter interjects.)

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

1 been possible in Mr. Guariglia's analysis?

2 And you said "No." And I think what you -- I
3 just want to make sure --

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

6 Q. Okay.

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

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

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

24 MR. ROTH: That's all, and

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

2 CHAIRMAN IGNATIUS: Still

3 pondering that one. All right.

4 Mr. Froling, any questions?

5 MR. FROLING: No questions.

6 CHAIRMAN IGNATIUS: Mr.

7 Beblowski.

8 (No verbal response)

9 CHAIRMAN IGNATIUS: Mr. Simmons.

10 MR. SIMMONS: Yes.

11 MS. GEIGER: Excuse me. I have

12 a question, Madam Presiding Officer. I know

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

14 the official representative of the Stoddard

15 Conservation Commission? Is that correct?

16 MR. SIMMONS: That is correct.

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

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

19 know for future communications. I don't

20 believe that he's on a service list or

21 anything. So at the appropriate time, I guess

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

23 appearing on their behalf, that he file and

24 appearance and give us all whatever information

1 we need to communicate with him.

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

8 Go ahead, Mr. Simmons.

9 CROSS-EXAMINATION

10 BY MR. SIMMONS:

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

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

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

22 CHAIRMAN IGNATIUS: The witness?
23 Certainly.

24 MR. SIMMONS: Okay.

1 (Mr. Simmons hands document to witness.)

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

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

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

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

15 UNIDENTIFIED SPEAKER: One more
16 complete set.

17 MR. SIMMONS: Okay.

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

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

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

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

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

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

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

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

3 CHAIRMAN IGNATIUS: Ms. Geiger,
4 response?

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

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

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

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

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

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

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

15 CHAIRMAN IGNATIUS: Mr. Block.

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

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

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

24 CHAIRMAN IGNATIUS: Well, let's

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

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

8 BY MR. SIMMONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 MR. SIMMONS: Okay. I guess I

1 have no further questions.

2 CHAIRMAN IGNATIUS: All right.

3 Thank you.

4 Ms. Sullivan.

5 (No verbal response)

6 CHAIRMAN IGNATIUS: Ms. Duley
7 for Ms. Longgood.

8 MS. DULEY: Thank you. I do
9 have a couple questions.

10 CROSS-EXAMINATION

11 BY MS. DULEY:

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

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

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

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

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

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

10 MS. BLOCK: Okay.

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

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

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

19 BY MS. DULEY:

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

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

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

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

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

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

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

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

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

19 (Witness reviews document.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Q. And what about your animals?

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

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

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

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

18 MR. STEARNS: No questions.

19 CHAIRMAN IGNATIUS: Ms. Pinello.

20 MS. PINELLO: No questions.

21 CHAIRMAN IGNATIUS: Mrs. Von
22 Mertens.

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

1 CROSS-EXAMINATION

2 BY MS. VON MERTENS:

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

5 A. (Mr. Block) Correct.

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

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

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

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

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

1 BY MS. VON MERTENS:

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

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

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

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

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

1 right up on the level.

2 A. (Mr. Block) Yes.

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

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

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

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

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

1 No. 10?

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

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

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

13 Q. This one specifically on Turbine 10.

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

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

18 A. (Mr. Block) Page 58.

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

20 A. (Mr. Block) Yeah.

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

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

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

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

17 CHAIRMAN IGNATIUS: Is it Mr.
18 Butler?

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

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

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

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

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

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

10 MS. ALLEN: No questions.

11 CHAIRMAN IGNATIUS: Dr. Kimball.

12 (No verbal response)

13 CHAIRMAN IGNATIUS: Ms. Linowes.

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

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

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

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

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

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

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