

August 2, 2016

VIA FIRST CLASS MAIL AND EMAIL

Pamela G. Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

**RE: New Hampshire Site Evaluation Committee Docket No. 2015-02
Application of Antrim Wind Energy, LLC for a Certificate of
Site and Facility**

Dear Ms. Monroe:

Enclosed please find the **Partially Assented-To Motion of the Audubon Society of New Hampshire to Add Willard Pond to the Site Inspection Locations Scheduled for September 8, 2016** for filing in the above-captioned matter with the New Hampshire Site Evaluation Committee.

Copies of this letter and its enclosure have this date been forwarded via email to all parties on the Distribution List.

If you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,



Nicole M. Manteau
Office Manager

/nmm

Enclosures

cc: Distribution List (Rev. 7/8/2016) via email
Client



STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2015-02

Application of Antrim Wind Energy, LLC
for a Certificate of Site and Facility

**PARTIALLY ASSENTED-TO MOTION OF THE AUDUBON SOCIETY OF NEW
HAMPSHIRE TO ADD WILLARD POND TO THE SITE INSPECTION LOCATIONS
SCHEDULED FOR SEPTEMBER 8, 2016**

The Audubon Society of New Hampshire (“Audubon”), by and through its attorneys, BCM Environmental & Land Law, PLLC, requests that Willard Pond be added to the list of site inspection locations scheduled for September 8, 2016, as follows:

1. On July 28, 2016, the Subcommittee issued an order providing for site inspections on September 8, 2016 to include six locations in proximity to the proposed project.
2. Audubon respectfully requests that Willard Pond be added to the list.
3. Audubon makes this request pursuant to Site 202.13(a), which provides as follows: “The committee or subcommittee, as applicable, and public counsel shall conduct a site visit of any property which is the subject of a proceeding if requested by a party, or on its own motion, if the committee or subcommittee determines that the site visit will assist the committee or subcommittee in reaching a determination in the proceeding.”
4. During the Antrim I proceeding (SEC Docket No. 2012-01), the proposed project’s impacts to Willard Pond were among the primary reasons that the Subcommittee denied the certificate for site and approval. See, e.g., Deliberations Day 3 Afternoon Session, at 17 (Comm’r Bailey); 31 (Mr. Green); 37 (Mr. Robinson); and 39 (Comm’r Bailey) (attached).
5. The currently proposed wind farm is substantially the same as the Applicant’s 2012 version, though the current nine-turbine proposal has one less turbine, turbine 9 has been

reduced from 492 feet in height to 446.2 feet, and turbines 1-8 have been reduced from 492 feet to 488.8 feet—a 3.2 foot reduction. See Pre-filed Testimony of Jack Kenworthy at 8.

6. The Applicant cites the effects on Willard Pond as the reason for the changes. See id.

7. The Applicant's visual analyst, David Raphael, also devotes much attention to Willard Pond. See Pre-Filed Direct Testimony of David Raphael at 7-8, 10, 12, 13-15, 21-23.

8. Willard Pond will be the subject of testimony from witnesses on behalf of Audubon, including expert witness Michael Buscher who created an animated visual simulation.

9. In short, Willard Pond will likely play a key role in the upcoming adjudicative hearing, as it did in 2012.

10. The pre-filed testimony, including that of Mr. Raphael, focuses on recreation on Willard Pond and the view from the Pond.

11. Audubon understands that the Subcommittee visited Willard Pond on February 22, 2016, at which time there were no leaves on the trees, there was snow cover, and the Pond was partially frozen.

12. Additionally, winter is not the prime season for recreation at Willard Pond.

13. In order for the Subcommittee to fully understand Willard Pond, its setting, its recreational uses, and the impact that the visibility of up to eight turbines would have on the Pond and its values, Audubon respectfully requests that the Subcommittee visit Willard Pond on September 8, 2016, which is at a time of year when Willard Pond looks substantially different than it does in the winter and when the Pond's recreational use is more significant.

14. In the Pre-Filed Testimony of former Audubon President Michael Bartlett (which has since been adopted by new President Douglas Bechtel), Mr. Bartlett cites guidelines from the

Clean Energy States Alliance and the New Zealand Wind Energy Association that recommend viewing photographic simulations “combined with site visits” and “by standing at the location the photo was taken and comparing the view with the simulations.” See Pre-Filed Testimony of Michael Bartlett at 13–14. Put another way, summertime photo-simulations should be viewed on location in a similar season as opposed to only viewed in isolation at the adjudicative hearing.

15. Re-visiting Willard Pond in the late summer will allow the Subcommittee to view Willard Pond and the Applicant’s photographic simulations at a time when the view is similar and comparison can be made of the simulation and the actual view.

16. For the foregoing reasons, a site inspection of Willard Pond in late summer “will assist the . . . subcommittee in reaching a determination in” this matter. See Site 202.13(a).

17. Adding Willard Pond to the site inspection list will not unreasonably lengthen the schedule, as the Subcommittee will be in the general vicinity of Willard Pond on September 8, 2016, and no hike or walk is required for the visit.

18. The following intervenors concur with the requested relief:

Counsel for the Public

Stoddard Conservation Commission

Bruce and Barbara Berwick

Meteorologists Group

Windaction Group

Schaeffer Family

Janice Longgood

Allen/Levesque Group

Richard and Lorraine Block

19. The Applicant objects.

WHEREFORE, Audubon respectfully requests that the Subcommittee include a site inspection of Willard Pond on September 8, 2016.

Respectfully Submitted,

AUDUBON SOCIETY OF NEW HAMPSHIRE

By its Attorneys,

BCM Environmental & Land Law, PLLC

Date: August 2, 2016

By:  

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CERTIFICATE OF SERVICE

I hereby certify that on this day, August 2, 2016, a copy of the foregoing Motion was sent by electronic mail to persons named on the Service List of this docket.



Jason Reimers

ATTACHMENT

[DELIBERATIONS]

17

1 take it up next? Is there anyone who has a
2 view that there are conditions that would
3 alter your conclusion of an adverse effect on
4 aesthetics? Ms. Bailey.

5 MS. BAILEY: I have also been
6 thinking about this. And I appreciate, Mr.
7 Dupee, your summary, because I'm kind of same
8 at the place you are. I'm not sure I'm at the
9 same place that everybody else is. I voted
10 that I wasn't sure about whether it had an
11 undue visual impact, unreasonable adverse
12 effect on aesthetics. And so, in thinking
13 about it and in thinking about what Mr. Dupee
14 just said, I realize that my biggest aesthetic
15 concern for this project really is about
16 Willard Pond, because I think that's an
17 important local scenic resource. And I think
18 that I agree that it seems that one could
19 conclude that this does overwhelm the region.
20 I think some people believe that. And I'm not
21 really sure where I come out on whether it
22 overwhelms the entire region. I don't think
23 that the statute would allow us to find an
24 undue adverse impact because of a few

[DELIBERATIONS]

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1 I'm going to offer a lot. I really feel like,
2 as you said, that the Willard Pond is one of
3 the major issues and the properties around
4 that. It's a really special place. It's
5 difficult, and it's becoming more and more
6 difficult to find places like this where there
7 hasn't been a disturbance. And we are
8 continuing to lose this type of land throughout
9 the state, and it would really be nice if we
10 could keep this in its natural state and
11 protect it forever. But unfortunately, we
12 don't have enough money to buy all the property
13 and keep it that way. And even the property
14 owners that own the land apparently feel that,
15 for one reason or another, that this would be
16 okay to do on their property. This is a little
17 bit emotional for me. And also, I have to look
18 at it from a practical standpoint. Having
19 grown up on a farm, I really want the farm to
20 stay the way it is, and I don't think it's
21 going to happen that way.

22 The town has voted, a
23 majority, for this project. There are a
24 significant number of people who don't want

[DELIBERATIONS]

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1 Bay, Lake Umbagog, the Connecticut River
2 Valley. We protect them for their wildlife
3 values, but also for their use by people. And
4 when you conserve an area, there's a lot of
5 expectations there. And they're different for
6 different people. But a lot of people choose
7 to go to these special places for solitude, I
8 believe, to hear nature and to see nature. I
9 believe that the Willard Pond area is one of
10 these jewels. And I agree with the Chair, that
11 the scale here with the wind farm is out of
12 sync with the area. I think it's just too
13 large. I think it's going to overwhelm the
14 quality and experience that folks might have
15 for going to Willard Pond for a lot of reasons.
16 And I don't know how you mitigate that. I have
17 no idea how to mitigate that. So I think you
18 either accept the project or you don't. And
19 right now, I think, as it is, it would
20 overwhelm the conservation values, the
21 aesthetic values of going to Willard Pond by
22 seeing these turbines there and hearing them.
23 I'm sure you'll hear them, too. So right now,
24 I can't support it.

[DELIBERATIONS]

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1 open-ended, and I'm not sure how you would
2 value it.

3 CHAIRMAN IGNATIUS: Ms. Bailey.

4 MS. BAILEY: I agree that it
5 sounds like it's fairly open-ended. And, you
6 know, I was thinking in terms of giving them 60
7 days. I think there's general agreement
8 that -- well, I think, that the biggest
9 aesthetic impact is on Willard Pond. And the
10 Audubon Society may never be able to agree, if
11 this project is built, that anything could
12 offset that impact. But what I was thinking
13 is, maybe there's something else that is --
14 that would offset the aesthetic impact. I
15 don't think the sound is going to be that loud,
16 and it's probably not going to be audible all
17 the time at Willard Pond. And personally, from
18 the visual pictures, I think it's sort of
19 peaceful. So I don't know if Audubon could
20 ever imagine any scenario or any trade that
21 would make them feel comfortable that what this
22 project would do to Willard Pond would be
23 worthwhile. And maybe it's just a last-ditch
24 effort. But I thought, you know, maybe we