

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

Docket No. 2015-02

**APPLICATION OF ANTRIM WIND ENERGY, LLC
FOR A CERTIFICATE OF SITE AND FACILITY**

COUNSEL FOR THE PUBLIC'S OFFER OF PROOF

Counsel for the Public hereby submits this Offer of Proof as to what her visual impact expert, Kellie Connelly, would have testified to in response to the rebuttal testimony of David Raphael, visual impact expert for Antrim Winds Energy, LLC ("AWE):

1. In response to Mr. Raphael's critique that she did not spend enough time in the visual study area and did not know enough about it to properly identify sensitive sites or how the typical user would use those sites, Ms. Connelly would have testified as follows:
 - a. While she did not have as much time at the visual study area as Raphael, she augmented that time with extensive research and she believes that the sites she selected as sensitive sites accurately reflect impacts in the study area as she included sensitive sites in the fore-ground, mid-ground and background. It is that balance that helps determine the impact on the entire visual study area. * ¹
 - b. In addition she had sufficient time to hike the trails, and paddle on Willard Pond, speak with various users and take photographs for simulations in compliance with the SEC site rules, i.e. clear blue skies, one turbine blade in each simulation in the twelve o'clock position. She visited the sensitive sites in February, March, and in September.
 - c. The selection of sensitive sites reflected her viewshed analysis, field work, and research. * She did not take a rigid approach but her sensitive site analysis included tools used by most professional including researching various publications in cluding the Gazetteer, sites of interest that were identified by communities of interest i.e., municipalities, users, conservation groups, and the prior work of Jean Vissering, David Raphael and the SEC. *
 - d. Raphael pointed to three sites as examples of her failure to correctly identify sensitive sites, White Birch Point, Black Pond and Liberty Farm Road as all on private property. Ms. Connelly defended her selection of Black Pond and White Birch Point during her testimony, but not Liberty Farm Road. In that regard, she

¹ An * in indicated following a sentence or passage that Ms. Connelly may have already testified to at the hearing. Without the complete transcript it was impossible to review and recall with specificity all of her testimony. In some places the actual testimony is referenced in order to make contextual sense of the proffered testimony.

would have testified that the simulation was taken from a public ATV trailhead not private residence. It was the only point in Loveren's Mills Cedar Swamp that had visibility of the project.

- e. With regard to the critique that by she failed to account for the resources that didn't have visibility as factoring in how the project effects the visual study area, she would have testified that she follows the worst case scenario protocol that relies on simulations to analyze sensitivity, scenic quality and contrast. * It is a valid methodology that is used by many visual impact experts. She accounts for addressing the impact on the entire study area, by including a balance of sensitive sites in her analysis that constitute a sampling of resources that include for foreground, mid-ground and background sites. *
 - f. She disagrees with the approach used by Raphael that mathematically calculates what percentage of a resource affected by the project using a field of view and angle of view that do not reflect the normal human perception because used in that manner will have the effect of almost always deflate the effect of the project on the visual study area.
 - g. She also believes Raphael's method for the selection of sensitive sites is too rigid and contradictory. One method does not fit all. New Hampshire does not have one method for identifying scenic resources and different towns address this differently, so to dismiss resource because a municipality hasn't specifically identified it a scenic resource is a mistake, particularly if a town has designated a resource as worthy of protection for conservation, recreational or cultural purposes.
 - h. She disagrees that she did not account for how typical users utilized the resource. She described the various user groups that were analyzed in the report on page 21-22 of her report. Within her sensitive site analysis, beginning on page 39 through page 53, the expectations of the typical user are addressed with current conditions in keeping with how they are classified using the categories of the Recreational Opportunity Spectrum. Also included how the experience of the typical user will change with the proposed conditions.
2. In response to Mr. Raphael's critique that Ms. Connelly invented a new methodology, Ms. Connelly was prepared to testify that:
- a. Her methodology is not new. She uses all of the standard tools that most landscape architects employ. Even the use of a rating panel is not new. The only aspect of her methodology that was new was her rating forms. *
 - b. The advantage to using numerical instead of simply H, M and L is that it allows for greater transparency, consistency and repeatable results.
 - c. She disagrees with Raphael that there is too much weight put on user groups in her methodology by including more than one category of user groups in her sensitivity analysis. * Sensitivity is based upon the effect on the user/views of the resource. Different users will have different reactions to the project. * The inclusion of the different types of users in this analysis was also intended to address extent, nature and duration of public uses the SEC must consider under Site 301.14.

- d. She disagrees with Raphael that she misuses the category of Special Uses because she veers from how it is used in the BLM. As she has previously testified, the BLM is designed for federal lands and New Hampshire has a different regulatory scheme. She expanded the concept through her rating method to allow for local management areas beyond Federal designations.
- e. She disagrees that Terraink did not provide a clear distinction for “special areas” in its approach. All rating panel members received VIA reference # Sensitivity Level Analysis which defined and listed the rating criteria and scoring. Landworks acknowledges that the SEC rules do not weight local, state or national resources the way the BLM does. By selecting the resources Terraink did to include on the sensitive site list it acknowledged the existence of major State and Federal funding used to conserve some of these resources and areas adjacent to the these resources.
- f. Ms. Connelly disagrees that she is ranking an unknown local resource as high as the White Mountain National Forest. Her selection of sensitive sites reflects those areas that have local and regional significance within the study area. The SEC has made clear that local and regional resources are to be considered potential scenic resources that merit protection, as with State and federal resources. The rules do not distinguish or weight any of these categories higher than the other. So for example federal and State investment in the DePierrefeu Wildlife Sanctuary, and local investment in Meadow Marsh, the Ross Reservoir and other conservation land indicate a value to these resources that shouldn’t be ignored. She disagrees that her analysis uses simply a quantitative analysis. It is both qualitative and quantitative. *
- g. With regard to Raphael’s criticism that her “Contrast” rating is flawed because she misused the BLM, Ms. Connelly would have testified that once again her methodology is not derived solely from the BLM. * The Contrast rating used by Terraink is based upon a methodology developed by Terraink and it was not misapplied. Raphael incorrectly describes that what Terraink is doing is drawing conclusions about how the project impacts the “aesthetics of the region.” What is being analyzed is the specific resource.
- h. Raphael suggests that Terraink’s method will result in a finding that every wind project will have an unreasonable adverse impact on aesthetics but that is not borne out in the results. Out of 14 sensitive sites, only 6 resulted in that determination. * With respect to the remaining sites, it was determined that some had no unreasonable impact and for others with moderate impacts, mitigation measures were suggested that could alleviate the impacts. Here what is key was identification of sensitive sites. * Raphael did not include most of the sites that she identified as sensitive sites. Ms. Connelly would have testified that Raphael was wrong to exclude these sites in his analysis. That means none of them were subject to further analysis in his VIA.
- i. Raphael states that BLM recognizes that turbines will always exhibit contrast with their surroundings and it has developed guidelines for more accurate analysis of wind turbines effects on resources. Ms. Connelly would respond that the updated resources that he is referencing still uses the BLM Manual H 8400, H 8410-1, H 8431-1, Visual Resource Contrast Rating factors and variable affects. *

- j. Raphael states that 'prominence and dominance' may be more useful than contrast in evaluating a project in the context of his surroundings. Ms. Connelly would testify that "attention and dominance" are part of her Contrast analysis.
 - k. To Raphael's critique of her use of Contrast does not employ common sense, Ms. Connelly would respond that Contrast is part of the analysis used by BLM the US ACOE and EDR. On the one hand she is criticized for diverging from the exact BLM methodology, but in this instance Raphael chastises her for not deviating from BLM method, but rather using a methodology and set of terminology that is universal to most design professionals.
 - l. Ms. Connelly disagrees with Raphael's characterization that all wind turbines are going to be visible because they need to be tall. Rather she would have testified that not all wind turbines are going to be visible in a manner that is deemed negative in the Contrast rating which is evidenced by the fact that she had only five resources trigger a high contrast rating.
 - m. Ms. Connelly also disagrees with Raphael's assertions that although she determined that Black Pond will have a high visual impact while also finding that the experience of the typical user will not change with the with the installation of the project from the ROS "Developed Natural Class" is a contradiction. She would have testified that having a ROS "Developed Natural Class" does not preclude a resource from incurring visual impact of the project in place. Black Pond is home to an International Wilderness Camp as well as Special School near the public boat access, which is why Terraink believed it to be ROS Developed Natural, which means the level of remoteness is low – not the attractiveness of the site. In that context the user experience was referring to level of remoteness – not the visual impact of the turbines on the view.
3. In response to Raphael's disagreement of Terraink's identification of six(6) sensitive resources as having unreasonable aesthetic impacts, Mr. Connelly would have testified to the following:
- a. To the point that her methodology diverged from BLM methodology, he appears to be only addressing the rating panels. * He doesn't use rating panels but other visual impact professionals do use them. * Just like Mr. Raphael, her methodology is not based solely on the BLM and not every departure from BLM methodology yields unreliable results. There mere fact that they both reached different conclusions is not evidence that her methodology is flawed.
 - b. To the critique that Terraink used five consistent and chronic errors, Ms. Connelly would have testified:
 - i. **Critique:** Over-reliance of photo-simulations. **Response:** Terraink reliance on photo-simulations is in keeping with standard industry practice for viewing visual impacts. It is, in fact, one of the most common approaches to visual impact assessment of a project prepared for key

observation points. The field of view Terraink used in the photo-simulations is the standard that is used in the industry, and is consistent with the requirements of Site 301.05. There is debate regarding the actual amount humans take in visually; therefore the standard 40 degree view which is the worst case scenario, is used as a standard since the majority of the viewers attention would be taken up in that span, even in a larger view. All of Terraink's simulations are based upon the 40-degree view, whether they are foreground, mid-ground or background views because that is the typical viewer experience. Raphael's assertion that photo-simulations tell very little about how a project will be absorbed by the landscape and experienced by the user from the resource of the whole misses the mark. The absorption of the project by the landscape and experience is affected by the viewing distance not by how much we can push the human field of view and create a disproportionate percentage to use as a means of justification.

- ii. **Critique:** Terraink did not follow criteria as set out in the selection of White Birch Point and Black Pond because White Birch Point does not have public access and while Black Pond has public access the simulation was taken from private property and not representative of the public view. **Response:** Ms. Connelly was permitted to testify that White Birch Point and Gregg Lake were analyzed as one resource and that is clear from reviewing the report.* The simulation taken at White Birch Point was taken from the lake itself and is accessible to the public. * That viewpoint was selected because there were several other simulations of Gregg Lake from different vantage points that were already part of the record, and also because the fact that White Birch Point was an site that was eligible for the National Historic Register was a fact that should not be overlooked and was taken into consideration in the selection of Gregg Lake as a sensitive resource. * There is no legitimate reason to remove Gregg Lake from the sensitive site index. As with Willard Pond, it is identified in Antrim's Master Plan as both a recreational and scenic resource. As for Black Pond, it remains a sensitive resource that was previously identified by the SEC in Antrim I. The fact that the simulation was taken from the shore is no reason to remove it from the sensitive resource list. Moreover, unlike a private residence, the international camp is host to over 300 hundred students, and over 100 staff each summer. * The camp also rents its amphitheater for public events. * It would be a mistake to characterize it as a private with no public access because it clearly has a quasi-public experience for visitors. * Finally, even if the SEC disagreed, removal of Black Pond from the sensitive site list does not change the overall result. *

- iii. **Critique:** Terraink misrepresents the field of view. **Response:** Raphael is unreasonable in suggesting that because Ms. Connelly states that the visual arc of 21.03 degrees and a field of view of 37.85 degrees that she is implying that 55.5% is the field of view taken up by the project. Clearly that is not what is being said. The field of view as per Site 301.05(8)(a) states that the photos should be taken “using a full frame digital camera with a 50 mm fixed focal length lens or digital equivalent that creates an angle of view that closely matches human visual perception – which is a 40 degree view. A more reasonable interpretation of what is written is that the 37.85 degrees being referred to is the view being presented in the simulation as per the SEC rules. Raphael’s suggestion that his “site immersion” method experience is more superior vs. photo simulations is not based upon any quantitative or qualitative measurable results. There are no checks and balances, and it is far too vulnerable to subjectivity and bias.
- iv. **Critique:** Terraink provides incorrect ROS for numerous sites which inflates the visual impact of Meadow Marsh, Goodhue Hill, Bald Mountain and Willard Pond. **Response:** Ms. Connelly disagrees that she provided incorrect ROS designations for any site. Further as she testified the ROS was used to examine the element of remoteness and it did not have a numerical relationship to the rating results. * It is purely an indicator of the level of anticipated remoteness that could be expected within the site and how it can change with the introduction of the turbines. Finally with respect to two resources, Goodhue Hill and Bald Mountain, Raphael disputes Terraink’s ROS and says instead it should be Semi-Primitive Natural. The USDA FS does not have an ROS rating called Semi-Primitive Natural. This is something created by Landworks.
- v. **Critique:** Terraink uses an outdated and misconstrued concept of Contrast in order to evaluate the aesthetic impact of the project on selected resources. Current visual assessments for wind projects use additional factors as used by Landworks to accurately assess how a project will fit in the context of the selected resource, and will be experienced by a typical user. **Response:** There are multiple assessment approaches used by various practitioners, like Jean Vissering, EDR, Terrance DeWan, T. J. Boyle, ESS, James Palmer and Richard Palmer and none of them resemble Raphael’s methodology. His assertion that his methodology is current may be accurate in that it is one he is currently using but he is grossly overstating matters if he is suggesting that his methodology is the current industry standard. In response to the critique that Terraink misapplied the contrast rating, the response is that Terraink did not use BLM

methodology; it used a methodology it developed and it was applied correctly.

- c. In response to Raphael's comparative evaluation of the six sensitive sites identified by Terraink, Ms. Connelly would have testified as follows:
- i. In general, Mr. Raphael did not complete this analysis for any of these sites but for Bald Mountain and Willard Pond. He already determined they were not sensitive sights so this bias must be considered when he discounts findings related to certain criteria, like "Dominance." It also may filter into his qualitative ratings. General to all of his charts, the use of three of the criteria (Number of turbines, percent of view and angle of view) seem to falsely reduce the impact by not using worst case scenario, but rather diluting the effects by saying 'there is somewhere else you can look if you just turn around. Ms. Connelly has responded to Raphael's critique of use of a static photo, the improper field of view, her sensitivity analysis and contrast rating elsewhere in this document and during her testimony and will not respond to them again for each resource where Raphael repeats them
 - ii. **White Birch Point:** Ms. Connelly has already addressed the critiques Mr. Raphael has made in the narrative both in her live testimony (sensitivity rating) and earlier in this offer of proof. Regarding Landworks methodology, Ms. Connelly adds the following: The number of turbines criteria is arbitrary and makes little sense to rate it alone as separate criteria. Further Mr. Raphael has miscounted the turbines. Six are visible, not four. Terraink does not use proximity as a separate measurement as that is built into its use of 'dominance and attention' criteria. Regarding the criteria "Dominance," Raphael determines that it is "High," and he should have stopped there. Discounting this finding by suggest it is not dominant in all views reflects the turn your head, i.e. 360 degree views. It may also reflect the fact that he does not see Gregg Lake as a sensitive resource. His qualitative rating result in $L + L + M + M + H + L =$ Low Moderate. With two "Moderate and one "High" finding, one could also arrive at an overall "Moderate" rating. There is no way of knowing how this result was arrived at.
 - iii. **Black Pond.** Ms. Connelly has already addressed the critiques Mr. Raphael has made in the narrative both in her live testimony and earlier in this offer of proof. She disagrees that Black Pond has a low scenic resource designation. Black Pond is included in the NH Fish and Game

Freshwater Fish Digest and on the History of Windsor website. Regarding the photograph in the rebuttal it is not clear whether this is "Topography and Vegetation from the Tip" or "Topography and Vegetation from the Hub." Ms. Connelly would also testify that she is unable to compare this to Raphael's original view shed because they are unreadable with the viewpoint number over the top of the map. For that reason she is unable to comment on his representation as to what is visible from the pond itself. As to his rating chart, Ms. Connelly would have testified as with White Birch Point, that Raphael has miscounted the turbines. Eight are visible, not six. She disagrees that seeing 8 of 9 turbines should result in a "low" finding. In its finding of Visual Dominance, Landworks disregards overlap and breaking of the horizon by the line of turbines. This is a contrast and the turbines have visual dominance. So his rating of "low" is incorrect. Ms. Connelly also would testify that she disagrees with his rating on Visual Clutter. She would call into question the bisected blades on the horizon that are universally distracting to most viewers. Ms. Connelly would also dispute that because there is not a recorded number of fisherman does not mean that the lake is not used. There are a number of recreational summer camps on Windsor Mountain in addition to the International Wilderness Camp and school. The Pond clearly receives ample recreational users through the camps on Windsor Mountain and school guests.

- iv. **Meadow Marsh.** Ms. Connelly has already addressed the critiques Mr. Raphael has made in the narrative both in her live testimony and earlier in this offer of proof. She disagrees that there are other more amenable areas of the trail than that pictured in the Terraink simulation. Since the view picture is one of the easiest and visually interesting views she would expect that hikers, strollers, dog walkers and birdwatchers would linger at this view especially since there is not a lot of vehicular traffic there. The photo used by Mr. Raphael does not have views of the project, so Terraink would not use it to show visual impact. It would not demonstrate worst case scenario. Mr. Raphael has incorrectly described her ROS rating. Terraink designated it Semi-primitive motorized – not mechanized and Ms. Connelly would testify that she would not waiver from that. The Terraink ROS for both Black Pond and White Birch Point/Gregg Lake are "Developed Natural" which is less remote than "Semi-Developed Motorized." Meadow Marsh does not have the degree of development of that those two resources have; therefore having a designation indicating greater development makes less sense. Ms. Connelly has already addressed user groups in her live testimony and maintains that user groups

she identified are appropriate for Meadow Marsh. She would also testify that Raphael's cultural designation as low is based upon a methodology that is biased toward national and state resources. This location is mentioned on the town of Antrim's website as well as its Master Plan. Referring to the Landworks chart on page 32, with regard to the number of turbines, Ms. Connelly counts 4 visible – not 3. She would also disagree that the project has only a moderate impact regarding Visual Dominance. Notwithstanding her disagreement with Landworks' ratings, when you look at the ratings themselves, you have L+L+H+M+M+L=LM. This really doesn't account for the "High" rating for proximity. This is what occurs when numerical ratings are not used. The final rating is debatable.

- v. **Goodhue Hill:** Ms. Connelly has already addressed the critiques Mr. Raphael has made in the narrative both in her live testimony and earlier in this offer of proof. To the point that Raphael claims Ms. Connelly does not take into account that the area is an active logging area, she would respond that the management of wildlife areas can include the occasional need to clear land or timber, which is allowed as per the ROS Semi-Primitive Non-motorized that Terralink designated for this area. A temporary clearing project is not a permanent affliction to the site. Raphael's opinion that the views are already becoming obscured is presumptive because Audubon may brush hog the area to remain the open shrub and grassland for various bird and wildlife species. Ms. Connelly's response to Raphael's critiques of her field of view have already been referenced earlier in this document. In response to Raphael's critique that the ROS should be Semi-Primitive Natural and not Semi-Primitive Non-Motorized, Ms. Connelly would testify that she disagrees. Goodhue Hill and the viewpoint to the project is not located next to an unimproved road; the trailhead is. Further as noted timber harvesting and vegetation management may occur in the Semi-Primitive Non-Motorized area. She would further testify that there is no such ROS designation as Semi-Primitive Natural. Landworks appears to have created that ROS designation. Ms. Connelly disagrees with Raphael's scenic quality rating and cultural rating. Here she finds that Raphael arbitrarily divorced both Bald Mountain and Goodhue Hill from the DePierrefeu Wildlife Sanctuary which has resulted in a lower cultural designation. These resources are an integral part of the Sanctuary and Goodhue Hill as well as Bald Mountain are mentioned in many publications that reference the Sanctuary. There is no logical reason to parcel out the resources except as to deflate their value. As to Mr. Raphael's chart on page 33, Ms. Connelly's would testify that seeing 8 out of nine turbines should not register as "Moderate."

She would rate that “High.” Also the Dominance rating of “High” should stop there. She disagrees that the landscape is capable of absorbing the turbines. Further Ms. Connelly response to Raphael’s opinion that there are numerous other resources in the region that provide more engaging and satisfying opportunities to be out in nature, is a subjective view and not part of any methodology.

- vi. **Bald Mountain** Ms. Connelly has already addressed the critiques Mr. Raphael has made in the narrative both in her live testimony and earlier in this offer of proof. With respect to Raphael’s criticism of her ROS rating, Ms. Connelly stands by her rating, and once again points out the USDA FS does not have an ROS rating called Semi-Primitive Natural. This must be something Landworks has created. As to Raphael’s chart on page 36, once again he has undercounted the number of turbines visible. All nine are visible not six. Ms. Connelly would not classify seeing all nine turbines in project “Low.” This is also inconsistent with his classification of seeing eight turbines at Goodhue Hill as “Moderate.” Ms. Connelly disagrees with Mr. Raphael’s rating on “Dominance.” This rating should be high. She would testify that there is no way that this grouping of turbines will be less prominent than the adjacent landscape especially with the strange overlaps. She would also rate “Clutter and Coherence” as “High” and not “Moderate.” Ms. Connelly disagrees that there is unity and would testify that quite the opposite. There are bisected blades, varying scale, clustered turbines at the center of the view. And again if you look at the qualitative rating in the Chart on page 36, one sees L+L+H+M+M+M =LM. Even using Raphael’s incorrect ratings, the LM outcome is debatable. This is what happens when there is no numerical component.
- vii. **Willard Pond.** Ms. Connelly already testified that she, as one of the raters, visited and paddled the Pond and understood the experience. In response to Raphael’s critique that use of the simulation doesn’t account for the user being moving and experiencing a variety of viewpoints, Ms. Connelly would have testified that users will be drawn to the turbines due to being in such close proximity, and their movement and sound. She disagrees that she used the wrong ROS. While electric motors are permitted her research indicated that motorized boats are rarely seen on the Pond and many people weren’t even aware that they were allowed because they have never seen them there. As to the number of users, on the one hand Landworks says this Pond is not used by many people, and now on the other hand it is a bustling place. Ms. Connelly would testify that based upon her research and field visits, her ROS rating is correct.

She disagrees that the ROS rating should be “Semi-Developed Natural. There may be a few more visitors in the summer as of late – for example on holidays - but resource is used 3 seasons – people go to this resource to avoid the hustle and bustle of the Whites, etc. Because motorized use on this pond is so unusual and because Audubon has take pains to keep things like the parking lot away from the pond it would be incorrect to classify as Semi Developed natural – that designation would be misleading. One must also consider the expectation of the typical user, and there is plenty of evidence in the record to establish that people who come to Willard Pond expect a peaceful and tranquil experience. Responding to Raphael’s “Moderate” cultural designation, Ms. Connelly would completely disagree. Willard Pond is a unique resource for many reasons. It is found in many publications, and websites. It is one of a handful of ponds in the State with an undeveloped shoreline. It is one of two lakes in the State that is stocked with tiger trout, and it is known for the clarity of the water and the tranquility of the experience. It has also been identified in the Town’s master plan as being known for its scenic attributes. Raphael’s rationale for discounting it - that it doesn’t have state and national significance demonstrates his bias. Ms. Connelly disagrees with Raphael’s ratings in his chart on page 39. In addition, he has miscounted the number of turbines visible. She would testify that seven are visible not five. She agrees that the “Dominance” is high but disagrees that it should be discounted based upon the 360-degree view. She also disagrees with Raphael’s rating for “Visual Clutter/Coherence.” Given that you can see bisecting blades and overlap happening on the horizon line, this will be very distracting to the viewer and it should have a “high” rating. But even using his ratings, you have $L+H+H+M+H+M=M$. Again this is debatable. It looks more likely M-H or if was rated correctly, H.

4. Mitigation. In response to Raphael’s critique of Ms. Connelly’s mitigation options, she would have testified as follows:
 - a. **Critique:** Outdated Mitigation Options. **Response:** The mitigation options provided to and used by the raters in the Terraink VIA are derived not from the BLM, but from the NY DEC which is actively used as a reference in the practice. It is not decades old – it was published in 2000. The NY DEC is referenced by BLM, and in Jean Vissering’s publication cited by Raphael. Many of the options Raphael lists in the rebuttal Ms. Connelly would characterize as best siting practices. These fall into the category of what you would expect any developer to do. In his own VIA, on page 131, Raphael lists mitigation options that look

similar to the Terraink options. He doesn't include the additional best management or siting practices in his own report. As for off-site mitigation, Ms. Connelly would testify that although the BLM indicates that off-site conservation land is a possible option, it is low on its list of off-site options,* and it must serve to offset impacts to visual integrity. The off-site mitigation options most commonly referred to in the BLM are things like reclaiming unnecessary roads, removing abandoned buildings, reclaiming abandoned mine sites, putting utilities underground, rehab and re-vegetating existing erosion or disturbed areas. Ms. Connelly is not aware of any reference in the BLM that provides for money in exchange for unreasonable aesthetic impacts.

Respectfully submitted,

COUNSEL FOR THE PUBLIC
By her attorneys

Joseph A. Foster
ATTORNEY GENERAL



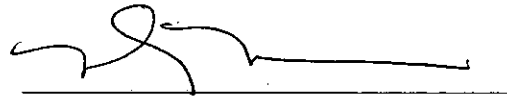
Dated: Nov. 14, 2016

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CERTIFICATE OF SERVICE

I, Mary E. Maloney do hereby certify that on this day, I caused a true copy of the foregoing to be served upon the Parties by electronic mail.

Dated: November 14, 2016

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a horizontal line extending to the right.

Mary E. Maloney