

**State of New Hampshire**  
**Site Evaluation Committee**  
**Docket Number 2015-02**  
**Antrim Wind Energy, LLC**

**Final Brief**

*Richard Block & Lorraine Carey Block*

**November 21, 2016**

## **SEC Docket #2015-02 — Final Brief**

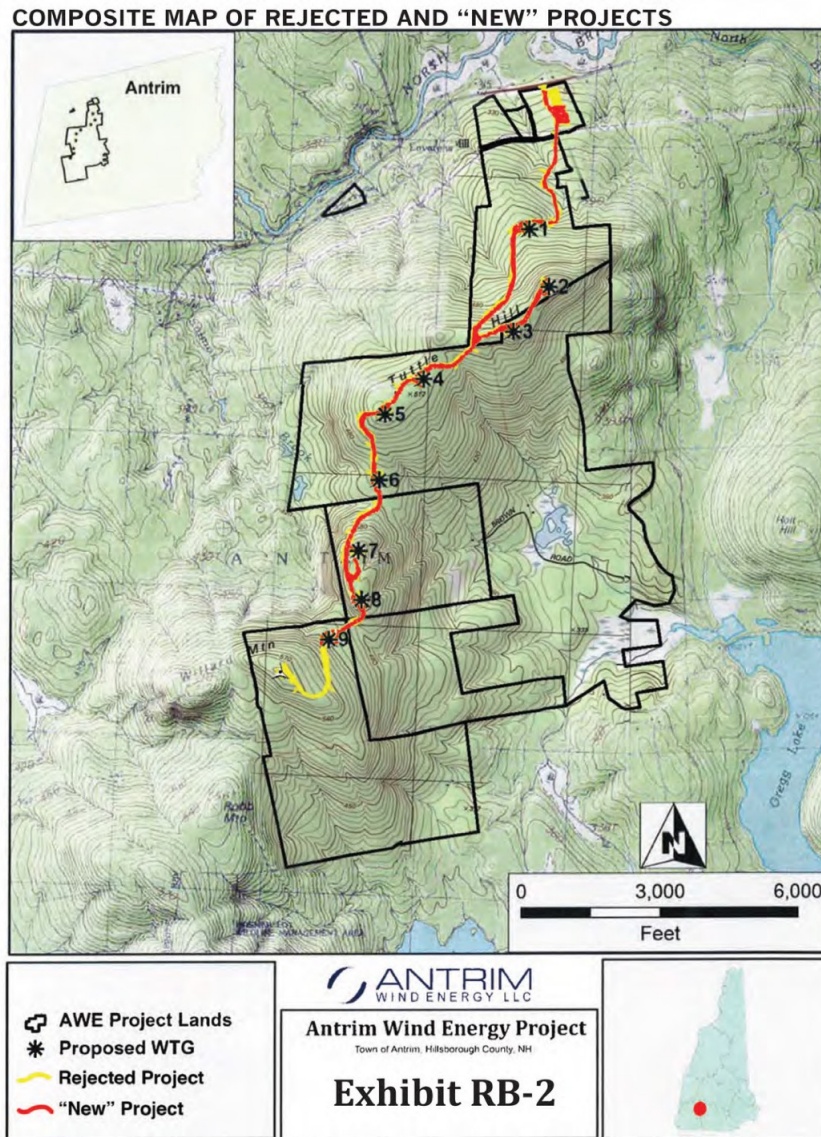
Richard Block and Lorraine Carey Block, residing at 63 Loveren Mill Road, Antrim, New Hampshire, and approved as Intervenors in the above Docket, assert that the industrial wind project consisting of nine 3.2 MW turbines proposed by Antrim Wind Energy, LLC for installation on Tuttle Hill and Willard Mountain in the town of Antrim, New Hampshire has not been substantially changed from the project submitted in Docket # 2012-01 that was subsequently denied a Certificate of Site and Facility by the Site Evaluation Committee. The current project proposal would have a decidedly unreasonable adverse effect on aesthetics and the natural environment and it would unduly interfere with the orderly development of the region. This project, if approved, will not serve the public interest, and therefore, Intervenors Richard Block and Lorraine Carey Block strongly urge the SEC to again deny a Certificate of Site and Facility in this case.

### **1. AESTHETICS**

In order to approve a certificate for an energy facility, the New Hampshire Site Evaluation Committee, by the responsibilities assigned in RSA 162-H:16 IV(c), "...shall find that... the site and facility will not have an unreasonable adverse effect on aesthetics...".

In his Prefiled Testimony, Jack Kenworthy claims that "the facility that AWE now intends to propose for construction in Antrim differs substantially in several critical and

fundamental ways from that which preceded it". [Prefiled Testimony of Jack Kenworthy, page 3]. A quick look at the footprint of the "new" proposal superimposed upon the footprint of the 2012 proposal which had been rejected by the SEC shows that there is scant difference between the two:



Additionally, Mr. Kenworthy claims:

“the turbine heights from foundation to blade tip were reduced from the previous project design. In 2012, all 10 turbine heights included in the application were approximately 492 feet. In the reconfigured Project design, AWE has significantly reduced the height of turbine #9 to eliminate visibility of the tower and nacelle from Willard Pond and thus *substantially reduce its visual impact*. Turbine #9 will now be 446.2 feet, which is a 45-foot reduction from the prior proposal. AWE has also reduced the height of turbines #1 – 8. Turbines #1 – 8 will be 488.8 feet from foundation to blade tip. These changes collectively represent a *substantial difference* in the configuration of the proposed facility.” [*Prefiled Testimony of Jack Kenworthy*, page 8-9; emphasis added].

The reduction in height of turbines #1 – 8 from 492 feet to 488.8 feet (only 38.4 inches) is infinitesimal, not even enough to result in any discernable change in the results of the calculations used to determine the visibility on the viewshed maps. The reduction in height of turbine #9 is likewise insignificant; the height reduction of that turbine is only 8.7% from the remaining turbines. At over 91% of their height, this turbine would still be over 170 feet taller than the tallest building in the state and still taller than any turbine now in operation in New Hampshire. This minor reduction cannot possibly “substantially reduce its visual impact.” Since the removed turbine, #10, and the “reduced” turbine, #9, would not have had significant visibility from anywhere other than Willard Pond, the remaining installation would continue to have exactly the same visibility throughout the viewshed area as the original proposal.

All of AWE’s additional changes are likewise insignificant and do nothing to alter the impact of this project. The “significantly increased” mitigation offers will have no effect

whatsoever. The SEC, in its 2012 *Decision* already determined that “While additional conserved lands would be of value to wildlife and habitat, they would not mitigate the imposing visual impact that the Facility would have on valuable viewsheds.” [SEC Docket # 2012-01 *Decision and Order Denying Application for Certificate of Site and Facility*, page 53]. The offer to conserve land at locations distant from the project, install signs, or to preserve parcels on or near the project site decades *after* the development and destruction of the Tuttle/Willard ridge, does not constitute a sincere, effective mitigation effort. Once the land has been blasted and roads built, some of which are to remain permanently, the damage will have been done. No amount of postponed land conservation would have the slightest mitigating effect for residents and area visitors for the life of the project.

This project, in its original, almost identical configuration was already denied certification by the SEC in May of 2013 primarily on the grounds of undue negative aesthetic impact. In September of 2013, the SEC denied AWE’s Motion for Rehearing. By resubmitting their project proposal in 2015 with only minor physical alterations to the configuration, AWE, in their refusal to accept the decision of the SEC, is seeking to get a different outcome for the same project; after having been turned down twice, this application is essentially a repackaged appeal. Approval of this project would set a very far-reaching negative precedent.

Antrim Wind, in their November 2014 *Petition for Jurisdiction* submitted to the SEC, refers to their belief that “The jurisdictional authority of the Committee, once asserted,

applies to *the Project* generally, and not merely to the Application.” [SEC Docket # 2014-05, *Petition for Jurisdiction over a Renewable Energy Facility Proposed by Antrim Wind Energy, LLC*; emphasis added]. By equating the original “Project” with the revised “Project” in this argument, they have effectively admitted that the two “Projects” are, indeed, one and the same, and that the current submitted Application is *not* for a new project.

Since the 2015 Application is for a project which is essentially the same as the original, AWE, in order to attempt to depict the current configuration in as different a light as possible from the denied Project, has resorted to changing their standards of assessment to simulate a changed application. (The fact that a large percentage of Application components have been submitted in almost identical versions as in the original application should make it apparent how similar this project is to the original.) The primary vehicle which AWE has used to “demonstrate” the change in the project is the *Visual Assessment for the Antrim Wind Project* submitted by David Raphael of LandWorks. This document employs numerous methods to alter the way the project is assessed in order to make it appear as if it was different. One of the most obvious modifications is Mr. Raphael’s apparently unique insistence that turbines are visible only to the hubs, and that the visibility of spinning blades is “insignificant.” This essentially treats the turbines as if they were only about 60% of their actual height in all of his subsequent calculations of visibility.

The methodologies used by Mr. Raphael throughout his document are quite arbitrary, inconsistent, and clearly designed to achieve the result he desired. After

summarily dismissing 90% of the identified visual resources in the viewshed area, he examined only 30, with the arbitrary decision that only sensitive resources receiving a cumulative “High” rating in visual impact could be considered to be affected by the turbines. The unmistakable bias of Mr. Raphael’s *Visual Assessment* is made crystal clear by his creation of several rating systems in which a “High” rating is totally unachievable. The most outrageous example of this is his category for “Number of Turbines Visible” in which a “High” rating could only be achieved in a location where more than 15 “hubs” would be visible, and fewer than 8 results in a “Low” rating. There can be no explanation for this system other than Mr. Raphael’s manipulation of the data to achieve exactly the final outcome he desired. The obviously skewed rating systems employed in the *Visual Assessment* are assisted by Mr. Raphael’s continual obfuscation of the presented data in his visual exhibits. The totally illogical and random color keying of his viewshed maps is a prime example of his desire to minimize the impacts of the data on the reader.

It is very important to recognize that the photographic simulations included in the *Visual Assessment* blatantly disregard the rules and guidelines established by the SEC in Site 301.05(b)(8). Notwithstanding Mr. Raphael’s insistence that he has complied with the rules, the photosimulations he has submitted in this document were, across the board and in spite of very clear guidelines, taken on extremely hazy or cloudy days and abundantly distracted by foreground intrusions. Their primary effect is to demonstrate how poor visibility will be for the turbines in this project. Counsel for the Public’s witness, Kellie Connolly also provided photosimulations as did Saratoga Associates in the 2012-01 Docket

Application. In neither of these two visual impact assessments are the turbines difficult to see as they are in the LandWorks document. This can only be interpreted as an obvious attempt to make the current project appear to be less visible and thus have a lower aesthetic impact.

The nine Siemens SV/T-3.2-113 turbines proposed for the ridge would be among the tallest turbines anywhere in the northeast. Placing these 489-foot structures on Tuttle Hill which rises only 610 feet over the valley floor will result in a series of massive objects which are each over 80% of the height of the hill they are on; a totally out-of-scale situation already deemed unacceptable by the SEC in the 2012 denial of AWE's application: "the facility, as proposed in this docket, is simply out of scale in context of its setting and adversely impacts the aesthetics of the region in an unreasonable way." [SEC Docket # 2012-01 *Decision and Order Denying Application for Certificate of Site and Facility*, page 70]. One has only to view the animated simulation created by T.J. Boyle Associates of the turbines as they would appear over Gregg Lake to gain a sense of how dominating these massive structures would be in our community.

## **2. NATURAL ENVIRONMENT**

In order to approve a certificate for an energy facility, the New Hampshire Site Evaluation Committee, by the responsibilities assigned in RSA 162-H:16 IV(c), "...shall find that... the site and facility will not have an unreasonable adverse effect on... the natural environment...".



The Tuttle/Willard ridge is located in a strategic connective corridor between the conserved and wild lands of Robb Reservoir/Rye Pond/Willard Pond in the south and the SPNHF Peirce Reservation in Stoddard to the north. Within a large unfragmented forest block of 12,994 acres, it is adjacent to the 33,000 acre Monadnock Supersanctuary. Over the last three decades the Society for the Protection of New Hampshire Forests, the Harris Center, New Hampshire Audubon, the Trust for Public Lands, the Nature Conservancy, and Sweetwater Trust have protected 40,000 acres of contiguously forested tracts in this immediate area. Additionally, the Tuttle ridge is central to the Quabbin-to-Cardigan Corridor. This Corridor, an unprecedented interstate collaboration among 27 conservation agencies, designated this area as a core conservation focus in this hundred-mile long, two million acre region, encompassing one of the largest remaining areas of intact, interconnected, ecologically significant forest in New England.

The Tuttle/Willard ridge is known to be significant core habitat for moose, bear, coyote, and bobcat, as well as an important migration corridor for these and other large mammals. Of particular concern is the fate of the massive boulder and bedrock formations and talus slopes located along the proposed access road between turbines six through eight. The use of these boulders as important denning and feeding habitat has been documented, and the testimony by Arthur Cavanagh, AWE's construction contractor, that they would need to be "demolished" is highly troubling. [Transcript, Day 2 morning, page 34]. That destruction of a major component of the natural environment of the ridge would be highly devastating and absolutely permanent.

### **3. ORDERLY DEVELOPMENT**

In order to approve a certificate for an energy facility, the New Hampshire Site Evaluation Committee, by the responsibilities assigned in RSA 162-H:16 IV(b), "...shall find that... the site and facility will not unduly interfere with the orderly development of the region...".

From the very start, when they were seeking a variance to install a 200-foot meteorological tower, AWE's every effort was directed at attempting to either ignore, circumvent, or change Antrim's Zoning Ordinance, which does not permit industrial-scale wind turbine facilities in town nor does it allow industrialization of any sort in the Rural Conservation Zone. The Board of Selectmen was sued and AWE and the Board were found guilty of illegal closed-door dealing.

Jack Kenworthy has repeatedly stated in magazine, newspaper, and television interviews as well as in his testimony before the SEC that their project has widespread support from a significant majority of the residents of Antrim, in spite of the fact that every zoning vote held to try to amend the Antrim Zoning Ordinance to allow or regulate large scale wind energy facilities has been soundly defeated. One of those defeated votes was for an entire large scale wind amendment which had been actually written by Antrim Wind and submitted as a proposed warrant article. During this election, AWE imported paid sign carriers from outside Antrim to stand at the polls and electioneer. During testimony by the Antrim Board of Selectmen, even Selectman Robert Edwards admitted "When we talk about

‘overwhelming majority,’ I think that's a stretch.” [Transcript, Day 7 afternoon, page 112].

Mr. Kenworthy, in his testimony, also erroneously and deceptively interchanges the term “Town of Antrim” with “Antrim Board of Selectmen”. The former is rightfully the voters of Antrim, through the Town Meeting, while the latter refers to an elected board of three members who have consistently ignored the majority opinions of the Town Meeting in their support of Antrim Wind’s project. In his Prefiled Testimony, Mr. Kenworthy states, “AWE has entered into numerous agreements with *the Town of Antrim*.” [Prefiled Testimony of Jack Kenworthy, page 14; emphasis added]. In fact, every agreement he refers to is with the *Board of Selectmen*, not the *Town Meeting*, and most of those agreements were signed in spite of significant opposition by a large number of residents. For example, in his Prefiled Testimony, Mr. Kenworthy states, “AWE has entered into an agreement with *the Town* that governs many requirements during preconstruction, construction, operation and decommissioning of the Project.” [Prefiled Testimony of Jack Kenworthy, page 15; emphasis added]. In fact, the Selectmen promptly signed this agreement without deliberation immediately following a public hearing about it in which the vast majority of speakers expressed their opinion that this agreement should *not* be signed. Another example of Mr. Kenworthy’s interchanging of terms is his statement that:

“AWE also entered into a binding letter agreement with *the Town of Antrim* concerning aesthetic impacts to the Gregg Lake Beach area. AWE has committed to make a one-time payment of \$40,000.00 to enhance the recreational and aesthetic experience at this location, which *the Town* has agreed is full and acceptable compensation for any perceived visual impacts to the Gregg Lake area.” [Prefiled Testimony of Jack Kenworthy, page 15; emphasis added].

The “Town” has never agreed that this would be “full and acceptable compensation,” and in fact, most residents of Antrim think that this payment commitment is a ridiculous offer that will have no effect on the “perceived visual impacts to the Gregg Lake area.” A number of residents have expressed the opinion that this offer is tantamount to a bribe. It is *only* the Selectmen that have agreed to this.

#### **4. PUBLIC INTEREST**

In order to approve a certificate for an energy facility, the New Hampshire Site Evaluation Committee, by the responsibilities assigned in RSA 162-H:16 IV(e), “...shall find that... issuance of a certificate will serve the public interest.”

In his Civil Rights Address, delivered by President John F. Kennedy on June 11, 1963, he stated: “The rights of every man are diminished when the rights of one man are threatened.” The imposition of this massive industrial project into the quiet, Rural Conservation Zone of western Antrim would severely threaten the rights of every individual living in the vicinity, every resident of the neighboring towns with a view of the Tuttle/Willard Ridge, every visitor to Gregg Lake and Willard Pond. Neither Antrim Wind nor the landowners they are leasing from have the right to destroy the ability of North Branch and other Antrim residents to enjoy and value their own homes and property, nor to ruin the experience visitors have at our lakes, trails, and wildlife sanctuary.

Many Antrim residents have already testified as to the devastating impact approval

of this project would have on their homes, properties, and lives. The potential imposition of shadow flicker has many quite upset. The increase in ambient noise from 19 or 20 decibels to a constant 30 to 40 decibels will irreparably change the character of our homes from a quiet rural existence to something akin to residing next to an interstate highway. The night sky in the North Branch area can be spectacular, with countless stars visible overhead. With the addition of turbine lighting flashing every two seconds, that night sky becomes a nightmare. Even if AWE installed radar-controlled lighting, the potential for the lights to suddenly start up at any time of night invading our bedrooms and awakening us is a stress factor none of us wants or deserves. The prospect of living through four months of construction with its blasting makes it seem like our homes in the North Branch area will resemble a war zone.

A significant number of residents have testified to the SEC and to the Antrim Board of Selectmen that this destruction to our lives would be completely unacceptable to us, and that, if the project is approved, we will be forced to move out of our homes. However, the prospect of us being able to sell our properties in that event seems bleak. During the hearings we heard testimonies from Justin Lindholm, William Jolly, and others who have documented or actually had the experience of not being able to sell land from which wind turbines in Groton or Lempster were visible. [Transcript, Day 8 morning, page 105 and pages 108-111]. This leaves many of us distressed. When AWE and the Board of Selectmen were asked if they would agree to offer a Property Value Guarantee to those of us who wanted, both groups brushed us off, leaving the potentially displaced residents with the

burden of suffering the huge loss of assets that our homes represent. Facing this attitude, it is very difficult for us to believe that AWE is sincere in their assertion that property values will not be negatively affected.

## **5. CONCLUSION**

The Tuttle/Willard Ridge is just not a suitable location for a massive industrial wind facility. The national wind data maps show that the wind resource on the ridge is marginal at best. AWE has overinflated their predictions of how much efficiency this project will have, how much wind will actually be available, and thus how much energy they, in reality, will be able to produce. When one contrasts this questionable output ability with the significant and permanent destruction the facility will inflict on sensitive wildlife habitat and the fragmentation of migration corridors along with the negative aesthetic impact and serious long-term consequences to many area residences and public resources, it is difficult to justify why the ability to do this should be granted to a foreign-backed out-of-state company. This project is just not in the best interest of Antrim, the region, nor the State of New Hampshire.

Therefore, Intervenors Richard Block and Lorraine Carey Block respectfully urge the SEC to once again deny AWE this Certificate for all of the above reasons. The small energy output potential this project may provide could never offset the significant and permanent damage that the approval of this project would inflict upon the land, wildlife, and people of the region.

Respectfully submitted this 21<sup>st</sup> day of November, 2016.

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Richard Block

A handwritten signature in black ink, appearing to be 'Lorraine Carey Block', written above a horizontal line.

Lorraine Carey Block