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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

September 23, 2016 - 9:05 A.M. **DAY 5**
Public Utilities Commission.
21 South Fruit Street, Suite 10 **Morning Session**
Concord, New Hampshire **ONLY**

IN RE: SEC DOCKET NO. 2015-02.
ANTRIM WIND ENERGY, LLC;
Application of Antrim Wind
Energy, LLC for a Certificate
of Site and Facility.
(Hearing on the merits)

PRESENT FOR
SUBCOMMITTEE: SITE EVALUATION COMMITTEE:

Cmsr. Robert R. Scott	Public Utilities Commission
<i>(Presiding as Presiding Officer)</i>	
Cmsr. Jeffery Rose	Dept. of Resources & Economic Development
Dr. Richard Boisvert	Dept. of Cultural Resources/
<i>(Designee)</i>	Div. of Historical Resources
John S. Clifford	Public Utilities Commission
<i>(Designee)</i>	
Dir. Eugene Forbes	Dept. of Environmental
<i>(Designee)</i>	Services/Water Division
Patricia Weathersby	Public Member

Also Present for the SEC:

Michael J. Iacopino, Esq. (Brennan...
Pamela G. Monroe, SEC Administrator
Marissa Schuetz, SEC Program Specialist

COURT REPORTER: Cynthia Foster, LCR No. 014

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1 PRESIDING OFFICER SCOTT: Good morning. I
2 think we're on Day 5 of the SEC hearings for the
3 Antrim Wind Farm application. If memory serves,
4 we are still on Mr. Raphael, and Mr. Ward, we
5 were with you and you had asked for some time.
6 Now you've had it so, you had your time, rather,
7 so we'll start with you.

8 MR. WARD: I would ask that you leave me,
9 if I promise to speak up loudly, that you'll
10 give me leave to talk from various places in the
11 room and even approach the witness.

12 PRESIDING OFFICER SCOTT: Right. Again,
13 just, as you said, as long as you are loud
14 enough.

15 MR. WARD: I will be loud.

16 BY MR. WARD:

17 Q Mr. Raphael, I'm a meteorologist, and we're
18 different, I think, from your profession in that
19 we like to think big, we talk about data from
20 the entire world. Even when we have a local
21 weather station we're still talking about
22 visibility out a mile, sky cover out to a
23 hundred miles and things like that. So we've
24 been talking about and you've been talking about

1 and the discussion has been about the visual
2 impact of this facility, but we're all doing it
3 from little pictures 8 and a half by 11 and some
4 site visits. Some people have actually gone
5 there. So I'd like to ask you a couple of
6 questions, just general questions. I'm not a
7 visual impact expert, but I'd like to start by
8 saying if I do this --

9 PRESIDING OFFICER SCOTT: Mr. Ward, it's
10 going to be hard to get that on the
11 transcription so maybe you could describe it.

12 Q I've drawn a little A and a big A. Is this
13 likely to have more visual, all things being
14 equal, would this likely have more visual impact
15 than this?

16 A I would say that it's more likely to be more
17 visible. I can't comment on impact. It depends
18 on what it is, where it is, and other factors as
19 regards impact, but it certainly would be more
20 visible.

21 Q So we're just having a question about impact as
22 well as impact or not. This would be more
23 easily seen than this.

24 A Yes.

1 Q If somebody were looking for it, would they more
2 likely see this than this?

3 A Most likely.

4 PRESIDING OFFICER SCOTT: For the record,
5 Mr. Ward, you're pointing at two different
6 letter As, one much bigger than the other. This
7 is for the transcription. Correct?

8 Q We have a little A and a big A, and I'm asking
9 him about the little one versus the big one.
10 Whether this has more. I'm asking the impact,
11 but all we've gotten to is whether this is more
12 visible than this.

13 In general, the point of all this is that
14 things that are larger are easier to see than
15 smaller. Would you agree?

16 A Generally speaking, certainly.

17 Q So as a general rule, all things being equal,
18 larger would be more easily seen than smaller.

19 A I think that's fair to say.

20 Q Would this hold true as we keep going from this
21 size to this size to that size, is there any
22 limit on size versus visibility?

23 PRESIDING OFFICER SCOTT: Mr. Raphael, is
24 your microphone on?

1 A Goodness. Yeah, it's on. Sorry. I'll to try
2 to speak closer. You know, that's a, I would
3 just say that, you know, size isn't the only
4 determinant. I mean, something very large can
5 be very well screened and not visible at all
6 where something small might not have screening
7 or may not be visible from certain locations,
8 and, therefore, you know, might be more visible
9 from certain locations, and therefore -- would
10 be more visible so it depends on context.

11 Q I agree with you completely. That's why I
12 started it off, all other things being equal, if
13 it's the same thing, would large, generally be
14 more visible than small, and very large more
15 visible than large up to some point at which you
16 can't even take it in, but up to the point where
17 you can comprehend it, then large would tend to
18 be in most cases, all things being equal, more
19 visible than small?

20 A Yes.

21 Q And I'm extending this up to the view that I
22 would have if I were driving along Route 9 and
23 looking at Tuttle Hill and Willard Mountain
24 where I would see nine windmills; in other

1 words, I could comprehend, I can actually see
2 the nine windmills. Would it also hold true up
3 to that size?

4 A Well, I think, again, there are factors which
5 would affect to what extent you would see it,
6 record it and find it visible, large or small,
7 and that would depend on your orientation, you
8 know, be different if the view was to the side
9 of the car, out the side window versus your
10 windshield. It might look or feel different
11 depending on the speed you were going. So there
12 are a lot of factors that go into an analysis
13 and those factors have a lot to do with the
14 context within which you are viewing something.

15 Q You can rest assured we will get to those other
16 factors, but the question was all other things
17 being equal. Would that generally hold true?

18 A You know, I would say yes. I mean, I think if
19 there's more to a feature in the landscape than
20 is likely it would be more visible.

21 Q Okay. Would the impact of this, and may I have
22 those held up now, be more or less visible than
23 this? In other words, multiple things?

24 PRESIDING OFFICER SCOTT: Mr. Ward, you

1 need to describe for the written record what
2 you're doing.

3 Q Some of the audience are holding up the exact
4 same picture that I'm holding, but we have more
5 pictures of the same thing.

6 Now, the question is, does this have more
7 or less impact than that?

8 A Again, you know --

9 Q All things being equal.

10 A Not necessarily. Not necessarily. I mean, if
11 that was a pleasing view or a pleasing element
12 to look at, it actually, I mean, impact implies
13 something negative, and so, you know, a taller
14 mountain or several mountains if they were in
15 the shape of an A, might actually be more
16 pleasing and enjoyable to look at than a single
17 mountain, for example.

18 Q You said that impact implies negative. I don't
19 see that in the context of the outline and the
20 definitions for this proceeding that impact was
21 necessarily positive or negative, was it?

22 A I certainly don't see it that way, no, but I
23 think there's a tendency to view it in that
24 sense.

1 Q But you were asked about impact. I don't recall
2 anything in your testimony or anything,
3 questions or anything here which suggested that
4 impact was either positive or negative. It was
5 a question is are you likely to, more likely see
6 it and be aware of it. That's my understanding
7 of impact unless you have a different
8 definition, and if you do you'd like to hear it.

9 A Well, there's not a simple definition to impact
10 in the sense that you're talking about. You
11 know, in our visual assessment, we go through a
12 multi-step process that begins with an
13 inventory, assesses landscape sensitivity and
14 scenic quality of that landscape, and then we
15 look at visual effect and use a number of
16 criteria to do that, you know, objective
17 criteria that literally anybody could fill out a
18 form with and then we finally take another look
19 at a separate piece which I think is what you're
20 getting at which is viewer effect. How does it
21 affect the viewer. And that's a critical last
22 piece, and I think that's what you're asking me
23 about. So that's why I, you know, I refer to
24 affect versus impact. I don't know if you saw

1 one large A-shaped mountain, to use your
2 example, versus three large A-shaped or
3 conical-shape mountains whether you would find
4 the impact greater or less. I think you'd find
5 the effect certainly greater, and perhaps more
6 positive.

7 Q What effect?

8 A The effect of having several summits or conical
9 shapes to look at.

10 Q Effect implies on something. What is the effect
11 on?

12 A On you and how you see it and how you view it.

13 Q So multiple does have some effect. We won't get
14 into the details of it, but you're willing to
15 concede that multiples of the same thing,
16 whether they're beautiful or ugly, we've leave
17 that aside, but more of them are likely to have
18 more effect.

19 A A different effect. I wouldn't say more. I
20 mean more, again, is a quantitative, and I think
21 we're talking about, you know, how a viewer
22 responds to a landscape and, you know, that can
23 be a positive or a negative and so I wouldn't
24 call it more or less. I would call it

1 different.

2 Q Well, we weren't getting into, at least unless I
3 missed something, into whether the windmills
4 were beautiful or ugly. I don't recall any
5 comments in your testimony or any of the
6 questioning that got into that question. I've
7 heard comments about they're beautiful, they're
8 ugly, but hasn't happened here as far as I know
9 unless you can recall something that I missed.
10 Is that true?

11 A I think you did miss something. I think in the
12 narratives and the review in our VIA we discuss,
13 you know, different reactions that people have
14 to wind energy, and I think it's clear that
15 there are reactions that are both positive and
16 negative, and there is some reference here in
17 quotations about whether people felt wind energy
18 and the view of turbines is a positive or a
19 negative.

20 Q We're talking about visual impact. We're not
21 talking about whether we believe the science,
22 whether this is clean or anything like that. I
23 think we're talking about the visual impact and
24 I'm trying to stay on that and I'm not arguing

1 whether impact is plus or minus. I'm just
2 saying was there and is there more. And so the
3 question to go back again to, is this or that
4 more impact.

5 A It's a different impact. Again, more? I'm not
6 comfortable with agreeing with you on more. I
7 think its different.

8 Q Okay. So if we back up, then this is different
9 from that, and I'm now pointing to the large and
10 small As, and more is extras are different from
11 this one.

12 A Yes.

13 Q We're agreeing on that, but we're not agreeing
14 on what the word more means.

15 A I'm just saying that I think, I'm not
16 necessarily disagreeing with what the word more
17 means. I'm basically saying that, you know,
18 size or numbers don't, I mean have a different
19 effect on a viewer and how they respond to it,
20 and that effect could be positive or negative,
21 not more or less.

22 Q I would agree with you on the could be positive
23 or negative, but the point of this proceeding
24 and the point of this discussion is to determine

1 visual impact. That's more or less. It isn't a
2 question of good or bad. The point of this
3 thing and the whole question here is what is the
4 visual impact on the surroundings. So we're
5 talking about it either has more or less visual
6 impact. We cannot avoid that. Now, is it
7 likely to have more or less visual impact, for
8 better or for worse, is the size and the number
9 likely to have more or less visual impact?

10 A Forgive me. I just don't want to just answer
11 that yes or no because I think that's a question
12 in isolation, and as a visual expert, we are
13 trained to look at that question in a context
14 with other factors that weigh into whether it's
15 more or less or positive or negative, to use
16 your terminology.

17 Q I understand all of that. That's why I keep
18 starting with everything else being equal. You
19 are the expert, and who else can I ask? I'll go
20 back to the chairman. Who else can I ask? Does
21 that factor account more or less, and if your
22 answer is you don't know, that's a fine answer.
23 That will go into the record. So I need a yes,
24 a no, or I don't know.

1 A I can't assess, I can't connect your large A and
2 your small A directly to the process we go
3 through which is very comprehensive to review
4 the effect of a project, and I understand that
5 you're trying to provide a stark contrast or
6 difference between one or more, but I'm trying
7 to tell you that I believe that when you make
8 that kind of an analysis, you need to understand
9 the context.

10 Now, in the context of this room, and maybe
11 this will help you, I would agree that large As
12 are more visible than small As, and if you had
13 four large As versus one A, there would be more
14 As to look at, if that's helpful to you.

15 Q Let me ask it slightly differently. You're here
16 testifying about the visual impact. Isn't that
17 true?

18 A Yes. I'm here --

19 Q Visual impact.

20 A I'm here to testify about my visual assessment,
21 and part of that visual assessment is to assess
22 whether the project is reasonable or
23 unreasonable within the rules of the SEC, and
24 the review of the project.

1 Q The terminology, you seem to be afraid of the
2 terminology. Is the word "impact" a problem?

3 A No.

4 Q If not, then we need to change the whole point
5 of this proceeding. It's on visual impact
6 unless I misread. Are we not talking about
7 visual impact? Isn't that why you're here?

8 A In part, yes.

9 Q You are the expert for Antrim Wind on visual
10 impact. Are you not?

11 A I am the expert not on visual impact. On visual
12 quality and scenic quality. I don't call myself
13 a visual impact expert. I'm a landscape
14 architect. I'm here to review the aesthetics
15 and the quality of the project and to assess
16 whether there is an unreasonable effect or not
17 from the project. That's the language of the
18 rules.

19 Q I have to confess I'm having a problem,
20 Mr. Raphael, because the title of this session
21 and your participation in it was about visual
22 impacts.

23 A The title of my report is Visual Assessment of
24 the Antrim Wind Project, but I'll grant you, if

1 you want to refer to it as impact, I'm happy to
2 discuss that in that vein with you.

3 Q We are not going to see anybody else that I can
4 question about visual impact, are we?

5 A Absolutely.

6 Q Maybe I'll ask Mr. Needleman. Are we going to
7 have any witness here who is going to be able to
8 discuss visual impact other than Mr. Raphael?

9 MR. NEEDLEMAN: I think, Dr. Ward, we get
10 your point.

11 MR. WARD: I asked a question. I will ask
12 the Chairman.

13 MR. IACOPINO: He's not the witness.

14 PRESIDING OFFICER SCOTT: Mr. Raphael
15 already answered your question, and he said he's
16 the guy.

17 A Did you say that? I didn't hear it.

18 Q On visual impact, you are the guy.

19 A Today I am here to address visual impact.

20 Q So you are the guy for now. Okay. So let's go
21 back to visual impact. Is there anything in
22 your written or oral testimony that discusses
23 the effect on visual impact, all other things
24 being equal, of the size of this facility?

1 A Yes.

2 Q Can you point me to some place where you said
3 the size either does or doesn't or whatever?

4 A Certainly. In our methodology under visual
5 effect, let me get to the proper -- I'll just
6 use my short form.

7 Q Take your time. In our methodology, one of the
8 steps is to determine visual effect, and under
9 that step, there are six criteria which we use.
10 Three of them have to do with, you know, how
11 large or small the turbines are or how visible
12 they will be due to their numbers. One is
13 number of turbines visible so that would speak
14 to your discussion about more or less. The
15 second one is percent of visibility. In other
16 words, given the size and scale of the project,
17 and, you know, to your point, if you have more
18 turbines, the chances are there's going to be
19 more visibility, and that's what's covered under
20 number 2 which is percent of visibility.

21 Number 4 which is angle of view also refers
22 in part to how many turbines will you see from
23 that particular vantage point that we're
24 analyzing, and again, if you have more turbines

1 visible, you know, your angle of view will be
2 wider, and, therefore, the presence or the
3 visibility of the project would be corresponding
4 to that. If there are fewer turbines visible,
5 your angle of view would be narrower. So there
6 are three criteria there in that step which is
7 an important step in our analysis that speak to
8 size in some respect.

9 Q Perhaps I didn't ask the question quite the way
10 I wanted it. My question is, is there anything
11 in any of your written or oral testimony that
12 discusses whether the size is better or worse,
13 has more or less visual impact?

14 A Yes. There are certain elements in a number of
15 locations. You know, determining the scale of
16 the project overall, you know, again, is a
17 determination based in part on size, and I think
18 if you read through the analysis, I'm sure
19 you'll find a number of references that speak
20 to --

21 Q I'm sorry, Mr. Raphael. Let me try it again.

22 Did you ever say -- I know you considered
23 the world. I won't take that from you. Did you
24 in any of your testimony, oral or written, ever

1 say that the, and I'll use the term "huge" size
2 of this facility is a significant visual impact,
3 and now I'll talk impact in the negative sense.

4 MR. NEEDLEMAN: I'm going to object to that
5 characterization.

6 PRESIDING OFFICER SCOTT: Understood.

7 Q Should I try it again?

8 PRESIDING OFFICER SCOTT: Maybe take the
9 adjectives out. How's that?

10 MR. WARD: Are you objecting to huge?

11 MR. NEEDLEMAN: Yes.

12 MR. WARD: I will take that out.

13 Q The large size of this facility and we're
14 talking about two miles long and a 10th of a
15 mile high, did you ever in there in any of your
16 things say that this was a negative for visual
17 impact? Anywhere?

18 A I don't recall specifically saying that in the
19 way in which you've characterized it. We
20 certainly discuss, again, the size and scale of
21 the project throughout the analysis and, again,
22 part of the conclusion that we came to was that
23 the size of the project actually is relatively
24 modest. As we discussed yesterday in terms of

1 overall numbers compared to other projects here
2 in New Hampshire, and certainly other projects
3 throughout New England, a nine-turbine array is
4 a relatively small scale wind energy project.

5 Q Excuse me.

6 A And that's what we did say. We didn't perhaps
7 say exactly what you're looking for me to quote
8 or reference.

9 Q I have not, I think, disagreed with the
10 characterization that you have discussed.
11 Politicians have a habit of discussing and
12 discussing and discussing and trying as hard as
13 they can never to come to a conclusion, so I'm
14 not talking about whether we've discussed it.
15 We've discussed it in disgusting detail. I'm
16 asking did you ever make a statement anywhere in
17 your thing that the size of the project, however
18 you want to judge it against, that that could
19 have a negative, that would be a negative visual
20 impact.

21 A I don't believe I presented it in that manner in
22 the assessment, no.

23 Q Okay. Did you ever in any of your written or
24 oral testimony say that nine of something is

1 likely, all other things being equal, to have a
2 stronger negative visual impact than one?

3 A I don't believe so.

4 Q Okay. I'll apologize having to go through each
5 of these separately, but I think we're going to
6 have to. If I were to take, again, my A, and I
7 would hold it like this, and then I were going
8 to compare it to this, would this have more
9 virtual impact than this? All other things
10 being equal?

11 MR. NEEDLEMAN: Can we clarify the record?

12 Q I'm swinging the A back and forth above my head
13 versus holding it in front of me. So the
14 comparison is between the holding it, moving it,
15 and holding it still in front of me.

16 The question then is, is there a difference
17 in visual impact between this, which is the
18 swinging, and this, which is holding it steady?
19 All other things being equal.

20 A What would be helpful to me is if you describe
21 what you mean by visual impact. Could you do
22 that for me? In terms of how you're, in what
23 sense do you want me to answer that question
24 with regard to impact? More visible? I mean,

1 I'm not, you know, my answer will be the same as
2 the previous answer to a similar question. It
3 may have a different visual effect. Again, more
4 or less, it depends on what it is, the purpose
5 it it's serving, the context it's in. Will it
6 catch the eye more? Yes. Maybe that's what
7 you're --

8 Q No. I'm not trying to frame your opinion. I'm
9 asking visual impact in the context of this
10 proceeding, and as I understand it, and I might
11 be wrong, and I could stand corrected, the
12 question here is that we don't want something
13 that has enormous visual impact. That should
14 then work for turning it down. So the visual
15 impact in the context of what we're talking
16 about here is the question of if it's negative,
17 is it negative enough to make a difference. So
18 visual impact in the context of these
19 proceedings is always negative. It needn't be,
20 I'll agree with you, but it is. So when I ask
21 the question, I'm asking it in the context of is
22 it negative. So when I do motion, and I think
23 we can all agree, that these things not only are
24 rotating constantly, but they're turning around

1 and so every time you see them you'll see a
2 different view. So what I'm saying is, is this
3 motion, both this and this motion, I'm sorry.
4 The motion circular of the blades and the motion
5 rotating of the facility, the turbine itself,
6 we'll take both of those as motions, does the
7 fact that it has motion, substantial motion,
8 make it have more visual impact than if they
9 were still?

10 A Not necessarily.

11 Q That's a fine answer. In other words, it could
12 or it couldn't or it might not.

13 Have you in any of your oral or written
14 testimony made any comments, one way or the
15 other about whether it's good, bad or
16 indifferent as far as visual impact is
17 concerned?

18 A I'm not sure I've spoken to that specifically,
19 no.

20 Q Thank you. We have seen in this proceeding lots
21 of pictures and you have them and people have
22 gone to places, there have been site visits and
23 we've looked at it. Would you agree that no
24 matter how many times you go over there you're

1 never going to see the same thing? Let's assume
2 it's up there. Will we ever see the same thing?
3 Rotation, the churning, the cloudiness, all of
4 these, the sunshine? We'd have to visit it a
5 hell of a lot of times, wouldn't we, to get the
6 same thing?

7 A I think you're right. As a meteorologist, I'm
8 sure you know that atmospheric conditions alter
9 the view.

10 Q So if you were designing something to have
11 visual impact, would you, if you wanted to make
12 the impact so people would see it and know it
13 and say oh, I see that thing, would you prefer,
14 all things being equal, to have things that were
15 different every day versus the same thing day in
16 and day out?

17 A Hum.

18 Q I'll take the humph.

19 A I have to think about it. Maybe yes, maybe no.
20 I mean, maybe one, you might draw more attention
21 on by using color or different effects, but I
22 think --

23 Q I'm getting to those.

24 A I'm thinking of the Burma Shave signs.

1 Q Classic example.

2 A Where as you walk along the highway or drive
3 along the highway you get a different message so
4 that might attract your interest, yes.

5 Q I am not going to get to the humor of the Burma
6 Shave signs, but that's something you might
7 consider for these things if you want people to
8 see them.

9 A No graphics or insignias on the turbines.

10 Q Okay. Now, if I were trying to have maximum,
11 I'll call it impact if that's what we're talking
12 about, if I were to, let's say, add Christmas
13 music to it, would that likely to get more
14 attention?

15 A Possibly, yes.

16 Q So the fact that they make noise could or could
17 not increase or decrease the visual impact?

18 A Noise is a separate category. I wouldn't add
19 noise into an assessment of visual because it's
20 a separate consideration.

21 Q I tried to get this thing changed from visual
22 impact to sensory impact and I had no success so
23 I understand your answer, but from what you
24 know, from your testimony, oral or written, is

1 there anything in that that acknowledges that
2 noise will be a factor in this facility. It
3 will make noise. And I'm not arguing -- just
4 noise.

5 A That was not my charge in this docket to address
6 noise. It's not a part of the visual
7 assessment, and the rules do not ask the visual
8 assessment to cover that. That is covered by
9 other experts, and I think you heard them
10 yesterday.

11 Q I know. I'm not, I'm not criticizing you for
12 what you did or didn't do. I'm just trying to
13 find out what you did and what you did about it.
14 We're back again, Mr. Chairman, to who do I ask,
15 okay? I won't beat that to death, however.

16 PRESIDING OFFICER SCOTT: Thank you.

17 Q If you were set up, and you can argue that you
18 don't have expertise in the answer to my
19 question, but I'm going to ask it anyway. If
20 you were setting something up, your charge was
21 to design something, and you had a choice
22 between having it play music, noise, Christmas
23 lights, whatever it be, and the idea was to get,
24 it was an advertising billboard and you wanted

1 people to watch it, would you think that if you
2 could put a little music or noise that you might
3 get more people watching it? You can say you
4 don't consider it.

5 A You know, again, I think it would just depend on
6 what it is. I mean, in some ways, yes, noise
7 could attract more attention. In other ways
8 noise might actually be a deterrent or a
9 turnoff.

10 Q A deterrent to?

11 A It really depends on what your intent is in
12 terms of the information you're trying to
13 attract people's attention to.

14 Q Well, I'm trying in my thing to attract
15 attention so I'm asking you in your, you're in
16 the business if somebody asks you to get the
17 maximum attention, maximum visual shots of it or
18 however they call it in advertising, would
19 noise, music or otherwise, be likely to increase
20 that attention?

21 A I think that potential exists.

22 Q Okay. If I shine this light --

23 PRESIDING OFFICER SCOTT: Remember you have
24 to describe what you're doing for the record.

1 Q If I shine this light, and I'm now shining a
2 flashlight on the A, the exhibit, is that likely
3 to make it more visually, more easily visible
4 than if I don't?

5 A Sure.

6 Q Okay. And if I was to flash a flashing light on
7 it, would that have more likely and visible
8 attention than if I don't?

9 A Sure.

10 Q Thank you. Now, in my Prefiled Testimony, MI-2,
11 and you may or may not have a copy. You may
12 borrow mine for now. You should have it.

13 A Thank you.

14 Q The other day, I guess yesterday, I guess it
15 was. We had an Antrim Wind witness who made
16 quite a point that the best way to determine
17 value and changes of value in things was the
18 assessment. That was always the best measure of
19 whether putting windmills in was going to raise
20 or lower the value of property and so forth. So
21 I have here, MI-2 is a study or a report by the
22 North Carolina --

23 A Department of Revenue Local Government Division
24 Property Tax Section.

1 Q Thank you.

2 A My pleasure.

3 Q Okay.

4 MR. RICHARDSON: I don't know if this
5 witness was here when that testimony occurred,
6 when the testimony that he referred to has
7 occurred so I don't know if he can agree more or
8 less that was said. I wouldn't have agreed with
9 Dr. Ward's characterization of it, but I don't
10 know whether this witness has any opinion about
11 what was said before, and I just think that
12 should be --

13 MR. WARD: I will withdraw that comment.

14 PRESIDING OFFICER SCOTT: Okay.

15 Q Leaving aside whatever this other witness said,
16 let's concentrate on the document. You would
17 agree, I hope, that if the town or the state or
18 the district, whatever it is, assesses a
19 facility, what it's meant to do is to say its
20 value, isn't that correct? Your understanding
21 of assessed value is that it's putting a value
22 on a structure or whatever, in this case signs.

23 MR. NEEDLEMAN: I'm just going to object to
24 the question. I'm not sure the witness

1 necessarily has experience with this, and I'm
2 not sure it's relevant at all to any testimony
3 he's filed here.

4 Q The whole point of this thing is whether this
5 thing is worth more or less. The worth more or
6 less is a pretty easy measure of how much people
7 think about it, and a billboard which is what
8 this is about, evaluating billboards is how much
9 attention do they get. The proposed facility
10 here is a, and I won't use huge, I'll say a
11 large billboard, it's laid out there and we're
12 going to look at it. It is intentionally the
13 same as a billboard, hence the reason for using
14 that, and the point of all of this is we're
15 trying to determine its value which is
16 determined by how much people look at it. A
17 billboard has no intrinsic value except for
18 people looking at it and having a message. So
19 it's a great surrogate for the question of the
20 visual impact of this facility on the people
21 going around, hence its use.

22 MR. NEEDLEMAN: I have the same objection.
23 I'm looking at this document in light of what
24 Dr. Ward just said, and I don't think there's

1 any relevance in the context of what
2 Mr. Raphael's testified to.

3 PRESIDING OFFICER SCOTT: Mr. Ward, why
4 don't you keep your questions if you're going to
5 stay on this to the visual aesthetics, the
6 visual impact and we'll draw our substance from
7 that.

8 MR. WARD: I'm not conceding
9 Mr. Needleman's point.

10 PRESIDING OFFICER SCOTT: I understand.

11 MR. WARD: But I will skip through.

12 Q On page 13 of that MI-2 is a discussion of the
13 value that has to do with the, well, actually,
14 11, 12 and 13, the value of this sign strictly
15 in terms of its size, and as the numbers in
16 there show, size is almost a direct measure of
17 value, and in the case of an advertising
18 billboard, its visual effect.

19 MR. NEEDLEMAN: I'm going to disagree with
20 the characterization. You could have a 10,000
21 or hundred thousand square foot warehouse that's
22 one story high. I just don't think there's any
23 correlation, and I don't understand the
24 relevance.

1 PRESIDING OFFICER SCOTT: So again,
2 Mr. Ward, I did not hear a question in that
3 either so --

4 Q I apologize. Would you agree on page 11 there
5 is a correlation in the value, the assessed
6 value, of its size?

7 A You know, I can't, you've just, I don't feel
8 comfortable or able to comment on that, having
9 just had this shown to me, and in terms of
10 valuation, it's not an area that I have
11 particular expertise in with regard to taxes and
12 property assessment.

13 MR. RICHARDSON: Is this a premarked
14 exhibit? I'm not clear what we're looking at
15 here.

16 PRESIDING OFFICER SCOTT: Yes. It's MI-2.

17 MR. WARD: MI-2 of my Prefiled Testimony.

18 Q Okay. I'm going to ask you just a short set of
19 questions, and I'll be done, and you can answer
20 yes, no or you don't have an opinion on it.

21 All other things being equal, does a larger
22 facility, as the one we're talking about here,
23 have more visual impact than a smaller one?

24 A Not necessarily. No.

1 Q Does the height and the isolation of this on a
2 ridge, does that have more visual impact than if
3 it were sitting down in a valley, all things
4 being equal, including its size?

5 A Not necessarily. No.

6 Q Does the number of turbines that are up there,
7 would twice as many have more visual impact?

8 A Again, it all depends on the context, and you
9 know, where you're seeing them from, you know,
10 how many of them are visible at one time, what
11 your distance is from them, you know, a single,
12 if this is helpful to you, a single turbine
13 that's, you know, closer to you might have more
14 effect or impact than multiple turbines that are
15 many miles away.

16 Q I said all things being equal so distance I
17 can't change. Same distance, everything else
18 being equal, do multiples have more impact?

19 A But, again, you're asking me to come to a
20 conclusion on a hypothetical without any context
21 to it, and that's very difficult for me to do.

22 Q What context would you like?

23 A Give me an example of a project or compare a
24 project.

1 Q Well, this is all hypothetical. There's nothing
2 on top of the hill now. Only thing we're
3 talking about is hypothetical.

4 MR. NEEDLEMAN: I'm going to object. I
5 think he's arguing with the witness.

6 PRESIDING OFFICER SCOTT: He tried to
7 answer your question, Dr. Ward.

8 Q Let me just be sure I phrase it properly.

9 Do you have an opinion as to the visual
10 impact of a facility, all of the characteristics
11 which were exactly the same except one had twice
12 the number of turbines on it as the other one.
13 Do you have an opinion?

14 A I mean, it certainly might mean the project's
15 more visible.

16 Q And do you have an opinion as to whether it were
17 higher or lower that it would have more or less
18 impact?

19 A You know, again, it depends on the project, and
20 the context. I mean, if you ask me specifically
21 about this project and visibility from certain
22 locations, perhaps I could answer that better
23 for you, but in absence of that it's very hard
24 for me to make a definitive conclusion because,

1 you know, again, there are a number of factors
2 that weigh into whether you would determine if
3 something has more or less impact, and, you
4 know, those factors are all, you know, in the
5 methodology. You know, as I said earlier, you
6 know, if you are an ardent supporter of
7 renewable energy you might actually find the
8 view of more turbines more exciting and a
9 positive. Okay?

10 Q Good point.

11 A So that's why I'm saying, I'm not trying to
12 avoid your questioning, I'm trying to be
13 responsive, but recognize that I need to have a
14 context within which to come to the conclusion.

15 Q Okay. Is there anything in your oral or written
16 testimony that says one way or the other that
17 size has more or less visual impact, height has
18 more or less visual impact, the number of
19 turbines has more or less impact, the fact that
20 these things rotate and change has more or less
21 impact, the fact that it has flashing lights on
22 it have more or less impact, the noise has more
23 or less impact, is there anything in any of your
24 testimony where you can point to that you said,

1 either more or less, better or worse, however it
2 is you want to describe it?

3 A Well, first of all, nothing to do with sound or
4 noise because that's not, again, my area of
5 expertise directly, but yes, I mean, throughout
6 the methodology, there are a number of places
7 where we say, you know, if you have more
8 turbines visible that might end up in a high
9 rating in terms of a visual effect. If you have
10 turbines closer so they appear larger to you and
11 to your eye, that might result in a higher
12 visual effect. So that type of determination
13 now that we're getting to the specifics of the
14 project is something that is embedded throughout
15 the analysis and is clearly outlined in that
16 multi-step methodology that I've been referring
17 to.

18 Q I'm not suggesting that it wasn't mentioned. I
19 was asking is there any point there where you
20 say this is, this factor or these set of factors
21 will, pardon the pun, impact the visual impact?

22 A Yes.

23 Q I know you discussed them.

24 A For the ten resources that we analyzed for

1 visual effect, each of them are addressed in the
2 methodology under visual effect with regard to
3 number of turbines visible, you know, low,
4 medium or high, you know, percent of visibility,
5 and that percentage does translate into a low,
6 medium or high. So if you were to look at that
7 section of my assessment of our assessment, you
8 would see that discussion and those
9 determinations, yes. They are there.

10 Q So I could find in your testimony a statement,
11 one way or the other, but not about whether you
12 considered them or not, not whether they might
13 be this or that, a statement, conclusion,
14 something like that that would say that the more
15 turbines that were there, all things being
16 equal, the higher the visual impact.

17 A Well, it isn't phrased that way. It is a high
18 visual effect. How that translates into impact,
19 if you will, is based on a multi-step analysis
20 that then goes through a determination of viewer
21 effect before we come to the overall conclusion
22 about impact, but, yes, as I said a moment ago,
23 there are ten resources with which we analyzed
24 and provided documentation as to whether there

1 was a, you know, low, medium or high effect due
2 to things like proximity, and number of turbines
3 visible, you know, scale, which we also address
4 with several categories, angle of view, visual
5 dominance, things of that nature which are,
6 again, outlined in the six categories that we
7 used to analyze the visual effect of the project
8 and that, you know, those categories are
9 standard determinations and analysis tools that
10 most visual if not all visual experts use to
11 find, to come to that type of determination that
12 you're asking me about.

13 Do you have any data when you were
14 evaluating these that, for example, the size and
15 how much effect that might have or the number of
16 any of these things? Are there any data in
17 there any place?

18 A I'm not, in what sense? I'm not sure what type
19 of data you're referring to.

20 Q Well, I have, and Mr. Needleman objected to
21 this. Maybe I took it back.

22 A You took it back.

23 Q I looked at the assessments of these things.
24 Professionals look at the assessments of those

1 things and determined that no matter what, high
2 was better than low in getting visual things and
3 more was better than less and lights were better
4 than non-things.

5 PRESIDING OFFICER SCOTT: Mr. Ward, are you
6 talking about the billboard assessment that you
7 were just talking about?

8 MR. WARD: Yes.

9 Q And I'm looking for some place, I've read a lot
10 of your stuff, I haven't read all of it, I have
11 to confess. I cannot read all the stuff. I
12 can't find any place in that and I guess I'm
13 asking you where in it could I find any
14 statements about the effect, visual impact, not
15 compared to other wind facilities, talking about
16 things on the horizon, all the things we view,
17 that would compare, for example, the thing with
18 two miles long and a tenth of a mile high versus
19 anything else we see. Is there any place in
20 that where you would compare those?

21 A Well, again, in the methodology and analysis of
22 visual effect there is quite a bit of discussion
23 about those types of considerations.

24 Q What can you compare it with other than other

1 industrial wind facilities?

2 A What do you mean what you can compare it with?
3 I'm not sure what the question is asking.

4 Q If you're going to make a judgment, you have to
5 say something to judge it against, isn't that
6 true?

7 A You judge it on its own merits in the context
8 that it's in.

9 Q That's not what the rules say. This is supposed
10 to being judged on its effect on the landscape
11 in New Hampshire.

12 A Right, and its own merits are discussed,
13 assessed, and evaluated, rated, in that
14 determination of visual effect section so that
15 is the place where we look at those questions.
16 Number of turbines visible, percent of
17 visibility, proximity or distance, angle of
18 view, visual dominance and visual clutter.
19 Those are six tools that we use to come to a
20 conclusion as to whether the effect or the
21 impact, if you will, is moderate, high or low
22 relative to those qualities of the project.

23 Q You use the term visual dominance. Okay. That
24 implies with respect to something. What does

1 that imply with respect to?

2 A It responds to how the project looks and feels
3 from the perspective of the viewer from a
4 selected viewpoint.

5 Q Compared to?

6 A You have to analyze a project in place or with
7 the proposal in place we analyze the project
8 based on its effect in that landscape.

9 Q Well, let me just finish with one question and
10 make it easy. Is there some place in your
11 testimony that you can refer me to so I don't
12 have to read thousands of pages?

13 A Sure.

14 Q Which would answer, which was one of my original
15 questions, how much, if any, impact does size
16 have? The number, the motion, the noise, the
17 lighting, all of these things, is there some
18 place I don't have to read more than a hundred
19 pages that would give me that?

20 A Absolutely. I think if you read Section F in
21 the methodology, determinations of visual effect
22 from sensitive scenic resources, that's on page
23 16, I think, through page 29.

24 Q I have read those, and it just says that it does

1 or doesn't. It doesn't ever say if this thing
2 were half the size or twice the size it would be
3 more or less.

4 A That's not the charge of the analysis. The
5 analysis is to review this project and not
6 compare it necessarily in the review process to
7 some other project. You have to review this
8 project and its characteristics in the landscape
9 and from the vantage points that are selected
10 for that review, and we use multiple vantage
11 points for many of the resources to understand
12 those considerations that you're talking about.
13 You know, how close, how high, how many. So
14 that's there.

15 Q On the pages that you -- I guess I can't read
16 English very well, but I don't see it in there.
17 I'm finished with my questioning. Thank you
18 very much.

19 PRESIDING OFFICER SCOTT: Thank you. For
20 the record, WindAction would be next. I don't
21 see Ms. Lenowes here. So the Audubon Society?

22 MR. REIMERS: Yes. Can we go off record so
23 I can hand out some documents?

24 PRESIDING OFFICER SCOTT: Yes, let's go off

1 the record.

2 MR. REIMERS: Before we do, just to orient
3 you --

4 PRESIDING OFFICER SCOTT: Back on the
5 record.

6 MR. REIMERS: I'll be referring to his
7 Prefiled Testimony, his Visual Assessment, but
8 also Ms. Connelly's photo simulations which are
9 Appendix F of her report as well as New
10 Hampshire Audubon's exhibits.

11 PRESIDING OFFICER SCOTT: Off the record.

12 (Off-the-record discussion)

13 PRESIDING OFFICER SCOTT: I think we're
14 ready from the bench. So we can go back on the
15 record now.

16 **CROSS-EXAMINATION**

17 BY MR. REIMERS:

18 Q Good morning, Mr. Raphael. My name is Jason
19 Reimers. I represent the Audubon Society of New
20 Hampshire.

21 A Good morning.

22 Q I want to begin by following up on a few items
23 of your testimony yesterday. The Town of
24 Antrim's attorney asked you in the context of

1 conservation easements a question about the
2 conservation benefits of those conservation
3 easements, and your answer was that all evidence
4 of the project will have effectively gone away
5 in 50 years. Do you remember that?

6 A Yes.

7 Q Did you analyze the temporary or permanent
8 impacts of the proposed roads?

9 A Yes.

10 Q Did you determine how much cut and fill needs to
11 be done to create those roads?

12 A I think I reviewed that very early on, yes.

13 Q Did you determine how much of that would be
14 restored or not restored at the end of the
15 project?

16 A No. I did not do that analysis.

17 Q Do you know how much blasting will be done?

18 A I do not know the extent of blasting. I know
19 there will be some blasting.

20 Q Do you know which glacial erratics will be
21 demolished?

22 A No, I do not.

23 Q Are you an expert in invasive species?

24 A I'm aware of invasive species. I'm not, I

1 wouldn't call myself an expert. I'm not a
2 botanist or a horticulturist.

3 Q What exactly will be done to remove the
4 foundations when the project is decommissioned?

5 A I imagine they will be ground down and removed
6 in that manner.

7 Q Will anything be left underground?

8 A I don't know that.

9 MR. NEEDLEMAN: I'm going to object. I
10 think Mr. Raphael was, I'm not going to put
11 words in his mouth, but I think his testimony
12 was with respect to visual impacts. I don't
13 think he was claiming all impacts.

14 MR. REIMERS: I don't recall him
15 referencing visual and his statement that I
16 nearly quoted verbatim was that all evidence of
17 the project will have effectively gone away in
18 50 years, and I'm trying to understand the
19 support for that statement and what that
20 statement entails.

21 MR. NEEDLEMAN: Then I'm going to object
22 because I don't think that was his statement.
23 He's a visual witness, and I think he was
24 speaking from a visual perspective.

1 MR. REIMERS: The transcript will speak for
2 itself.

3 Q This is just point of information. For turbines
4 1 through 8, how much shorter are the hub
5 heights between the current project and the 2012
6 project?

7 A I'd have to look that up. I believe they're
8 maybe 4 feet shorter, but if you give me a
9 moment, I'd be happy to check that.

10 Q Okay.

11 PRESIDING OFFICER SCOTT: Make sure you use
12 the microphone, please.

13 A I know that the total height reduction is 4
14 feet. I do not have right before me, I'd have
15 to find that information in terms of the hub
16 height differential. I don't have it right in
17 front of me.

18 Q Okay. Maybe you could tell us later after you
19 have a chance to look at it.

20 A Certainly.

21 Q Yesterday Mr. Block asked you about Rule 301-05
22 (e(a)(8). Do you remember he was asking you
23 about photo simulations showing some of the
24 blades in a 12 o'clock position?

1 A Yes, I do.

2 Q And he showed you several of your photo
3 simulations and asked you about showing those
4 blades in the 12 o'clock position, and I don't
5 know if we nailed down the number, but I think
6 you agreed with him when he pointed out that in
7 approximately 3 to 4 simulations out of 20
8 something you showed the blades in a 12 o'clock
9 position. Is that right?

10 A I believe that was what the discussion and
11 testimony was about, yes.

12 Q Do you disagree with that right now?

13 A I will take it as a fact at this point. Yes.

14 Q Okay. And your response was that you complied
15 with the rule. Is that right?

16 A That's right.

17 Q Because you did some, you did have some turbines
18 with blades in the 12 o'clock position, and
19 that's the reason why you complied with the
20 rule?

21 A Yes.

22 Q So based on your answer, it must be your
23 position that the requirements of subsection E
24 do not apply to each simulation that you do. Is

1 that right?

2 A Let me read what it says before I answer that
3 question, if I may. If I might, it states under
4 number 7 (b)(3), turbine blades shall be set at
5 random angles with some turbines showing a blade
6 in the 12 o'clock position. It does not state
7 that every simulation needs to do that. It says
8 some.

9 Q And the lead-in to that though, when simulating
10 the presence of proposed wind turbines, the
11 following shall apply. Is that right?

12 A Correct.

13 Q And what is the first criterion under that?

14 A Please refer me to the number.

15 Q Turbines shall be placed with full frontal views
16 and no haze or fog effect applied.

17 A Okay.

18 Q So would that have, does that apply to every
19 simulation?

20 A Yes, it would.

21 Q So that criterion applies to every situation.
22 Number two, turbines shall reasonably represent
23 the shape of the intended turbines for a project
24 including the correct hub height and rotor

1 diameter.

2 Does that apply to every photo simulation?

3 A Yes.

4 Q Turbine blades, the next one, turbine blades
5 shall be set at random angles with some turbines
6 showing a blade in the 12 o'clock position.

7 That doesn't apply to every photo simulation?

8 A The overarching requirement does, but it doesn't
9 say that every simulation itself has to have a
10 turbine at 12, I mean, at 12 o'clock.

11 Q And the next one is the lighting model used to
12 render wind turbine elements shall correspond to
13 the lighting visible on the base photograph.
14 Does that apply to every simulation?

15 A I believe so. Yes.

16 Q So just the one about the 12 o'clock position,
17 that doesn't apply to every photo simulation?

18 A Correct. That's how we interpreted that.

19 Q But that's not stated. Your interpretation is
20 not stated explicitly in here, is it?

21 MR. RICHARDSON: Objection. The rule is
22 pretty clear. I mean, I'm looking at it, and I
23 don't understand why there's any ambiguity.

24 MR. REIMERS: I don't see that the rule is

1 clear if only one of them doesn't apply to all
2 photo simulations. I think that that is a far
3 from clear interpretation of that rule.

4 MR. NEEDLEMAN: If I may, to me we're at
5 the point of legal argument, and I don't
6 necessarily think this is appropriate, but if
7 we're doing that, number 8 which leads
8 everything off says photo simulation shall meet
9 the following additional requirements. It
10 doesn't say each one. So I don't think it's
11 fair for me to engage in legal argument nor is
12 it fair for Jason to engage in that. We will
13 have the time to do that.

14 MR. REIMERS: Okay.

15 PRESIDING OFFICER SCOTT: You except that?

16 MR. REIMERS: Yes.

17 Q One more question about the rules. Rule
18 301.05b)(8). Sorry. It's (b)(9), regarding
19 lights.

20 A I'm sorry. (b)(9). Okay. Beginning with a
21 description? The word a description?

22 Q No. You know, I'll come back to that. Let me
23 make sure I'm looking at the right rule. I'll
24 ask you that later on.

1 All right. I want to ask you some
2 questions about Audubon's Willard Pond,
3 dePierrefeu-Willard Pond Wildlife Sanctuary and
4 Willard Pond. You're aware that Willard Pond is
5 within that sanctuary, aren't you?

6 A It's bordered by the sanctuary, I believe.

7 Q And are you aware that the sanctuary is
8 approximately 1671 acres in size?

9 A Yes, I am.

10 Q And would you agree that Willard Pond is
11 approximately 96 acres in size?

12 A Yes.

13 Q Page 11 of your Prefiled Testimony, you
14 acknowledge that in 2012 the SEC found that the
15 facility as proposed is simply out of scale in
16 context of its size. Is that right?

17 A Give me a moment to get to that reference,
18 please.

19 Q Sure. It's your Prefiled Testimony, not the
20 Supplemental.

21 A And, again, the line you're referring me to,
22 please?

23 Q 11 and 12.

24 A Yes. I see that.

1 Q And on page 13, on line 17, you state that the
2 current project will not be out of scale with
3 the setting of Willard Pond. That's your
4 opinion?

5 A That is my opinion.

6 Q And you stated that this opinion is based on
7 three factors, and I want to ask you about
8 those. The first factor to support your opinion
9 is the immediacy of the pond experience. Is
10 that right?

11 A That's correct.

12 Q And we're looking on, you described this
13 beginning on page 13. You stated that paddling
14 and fishing do not typically focus on or revolve
15 around one distinct view or focal point. The
16 nature of the activity typically precludes that.
17 Is that still your opinion?

18 A Yes, it is.

19 Q Are you saying that paddlers do not typically
20 look around?

21 A Not at all. In fact, that's exactly what I'm
22 saying, that paddlers look around at many
23 elements in the landscape. You know, I'll give
24 you an example. When we did the pre, the visual

1 assessment for Sheffield Wind there was
2 certainly similar concerns about the view of a
3 large project that was 16 turbines from Crystal
4 Lake and Crystal Lake Beach. We actually did a
5 simulation of that project and evaluated it and
6 went back after the project was constructed and
7 found that, first of all, our simulation was
8 exactly what the turbines looked like in
9 realtime when they were built, and secondly, I
10 was really taken by the fact, and I'm an ardent
11 lifelong paddler, that I was there to look at
12 the visual presence and effect of the turbines
13 on the paddling experience, and I could not
14 focus on the turbines for any great length of
15 time. I think if you're a paddler you know that
16 water conditions change, shoreline attracts your
17 interest, the experience of paddling is
18 preeminent in the overall experience of that
19 water body, and so very quickly the presence of
20 those turbines from that experience faded into
21 the background. It did not alter or affect the
22 joy and the fun of paddling that lake.

23 And I think that is certainly the case with
24 Willard Pond, that for the area where you might

1 have a view of the project, you might look at
2 it, but you're also paddling for a number of
3 other reasons and experiences, not just to take
4 a distant view of a hilltop or a ridgeline.

5 Q So my question was whether you think that
6 paddlers look around. And your answer is?

7 A Yes. Of course.

8 Q All right. Thank you. And do fishermen look
9 around?

10 A Certainly.

11 Q And could one reason that people paddle is to
12 see parts of the landscape from a new
13 perspective that they normally don't get to see
14 from?

15 A Sure.

16 Q And paddlers and fishermen pursue their
17 activities in part to enjoy the setting, don't
18 they?

19 A In part. It's secondary. I think there's a lot
20 of evidence that it's secondary so in part.
21 Yes.

22 Q Okay. Yesterday you mentioned that if someone
23 didn't want to see the turbines, they could go
24 elsewhere, and you mentioned, I think, in state

1 and in New England. Where in southern New
2 Hampshire could paddlers or fishermen go to
3 paddle or fish on a 96-acre pond devoid of human
4 structures other than Willard Pond?

5 A I'd have to go back. I know that we looked at
6 that, and there were several other places that
7 came up. I can't, I'd have to get back to you
8 on that.

9 Q Several other 96-acre or larger ponds in
10 southern New Hampshire without development?

11 A Well, this lake is not without development.
12 This lake has development as well. It has
13 infrastructure. I've been at the lake when
14 there are cars parked right at the water's edge
15 so that's a form of development and
16 infrastructure. So, you know, I'd have to get,
17 I'd have to look at our research in that regard,
18 but I do believe we looked at other possible
19 locations.

20 Q You mentioned that there are other, do you know
21 of any other 96-acre or larger or let me remove
22 the word other. Do you know of any 96-acre
23 ponds or 96-acre-or-larger ponds or lakes in
24 southern New Hampshire that are undeveloped?

1 A I don't know specifically. I'd have to get back
2 to you on that with an answer.

3 Q Multiple turbines would be visible from multiple
4 areas of Willard Pond, is that right?

5 A Excuse me. Could you say that again?

6 Q Would you see multiple turbines from multiple
7 parts of Willard Pond? Yes or no?

8 A I can't answer that yes or no because of the way
9 you phrased it. I will characterize it that you
10 will see a number of turbines from portions of
11 the pond.

12 Q So Exhibit 12 to your report is your photo
13 simulation from the boat launch area.

14 A Correct.

15 Q How many turbines would be visible from the boat
16 launch area?

17 A In the simulation?

18 Q Yes.

19 A You can see --

20 MR. IACOPINO: Do you have a page for that?

21 MR. REIMERS: The witnesses's report, it's
22 Exhibit 12. I'm not sure that there are page
23 numbers.

24 MR. RICHARDSON: Attachment 5.

1 MR. REIMERS: They're not sequentially
2 numbered through the exhibit.

3 MR. IACOPINO: Approximately 169.

4 PRESIDING OFFICER SCOTT: So, again, that's
5 Exhibit 12?

6 MR. REIMERS: Yes. Exhibit 12, and it's
7 called Visual Simulation of Proposed Conditions
8 from Willard Pond boat launch, Antrim, and
9 there's Sheet 1 of 2 and Sheet 2 of 2.

10 PRESIDING OFFICER SCOTT: So I'm showing on
11 the PDF, that's if you go to 166 on the PDF.
12 Correct? Thank you.

13 MR. REIMERS: We're all there?

14 Q So my question was how many, in your photo
15 simulation, how many turbines are visible?

16 A There are two turbines visible, and two blades
17 or rotors, portion of blades or rotors visible.

18 Q Are blades part of a turbine?

19 A They're part of a turbine, but they're not the
20 turbine.

21 Q They're part of the turbine.

22 A Yes. They're part of the overall structure, but
23 they're not a turbine. They're the blades.

24 Q They're part of a turbine. You answered that

1 yes, right?

2 A Yes.

3 Q So parts of four turbines would be visible from
4 the boat launch, according to your visual
5 simulation?

6 A Two turbines, two blades. Yes.

7 Q Is the answer --

8 A Two turbines and parts of two other turbines.

9 Q Why do you call, why are you reluctant to call
10 the blades part of a turbine?

11 A I was just making a distinction about the
12 structure of the turbine overall.

13 Q Okay. But if you responded in the affirmative
14 that the blades are part of a turbine, so why is
15 it incorrect to say that four turbines are
16 visible from the Willard Pond boat launch area?

17 A Well, we may be splitting hairs here. I guess
18 when I look at the simulation I see two turbines
19 with blades and rotors and then a portions of
20 two other turbines. Parts. So just making that
21 distinction.

22 Q And the blades are moving parts of the turbine,
23 right?

24 A Correct.

1 Q And even the partial views of the turbines where
2 you just see the blades, the viewer would see
3 the moving parts from the boat launch, right?

4 A That's correct.

5 Q Movement catches the eye, doesn't it?

6 A It can, yes.

7 Q And this area of the boat launch, this is where
8 a paddler or fishermen would put in their boat?

9 A Yes.

10 Q So any paddler or fishermen will see those
11 turbines as they approach and put in their boat,
12 won't they?

13 A Potentially, yes.

14 Q As long as they're not looking down the whole
15 time?

16 A No, as long as the weather conditions permit,
17 and they're looking around. I mean, you know,
18 when I was there one day there was a gentlemen
19 who was going under water, I think looking for
20 metals. I'm not sure he'd be looking at the
21 turbines.

22 Q Do you think he'd even notice that they were
23 ever there?

24 A He probably would notice.

1 Q Based on your visual simulation of the wind farm
2 from the boat ramp, would the wind turbines be a
3 predominant sight if the project was approved?

4 A No.

5 Q What are the predominant sites for the boat
6 ramp?

7 A Well, one thing that I was struck by when I was
8 there in winter was the face of Bald Mountain.
9 Bald Mountain is really right to your left as
10 you're at the boat launch and that really does
11 catch the eye and kind of is a focal point, and
12 I think just the overall shoreline would also be
13 of interest and capture the view along with
14 these elements once built.

15 Q Okay. If you are looking at Bald Mountain from
16 the boat launch, and the project were approved,
17 you'd be seeing parts of the moving blades when
18 you're looking at bald mountain, wouldn't you?

19 PRESIDING OFFICER SCOTT: Mr. Reimers, can
20 you get your microphone between you and --

21 MR. REIMERS: Sorry.

22 PRESIDING OFFICER SCOTT: Thank you.

23 A I guess it depends in what direction, you know,
24 if you're looking fully at Bald Mountain, you

1 would probably see the blades in your broader
2 view, but not directly. You wouldn't be looking
3 directly at them.

4 Q Unless you wanted to look at all of Bald
5 Mountain.

6 A No. I mean, if you were looking at Bald
7 Mountain, you would not be looking directly at
8 the turbines. Bald Mountain, as you can see in
9 this simulation, is a bit off to the left.

10 Q Well, doesn't that, the last turbine blade on
11 the left, isn't that poking up over the
12 descending slope of Bald Mountain?

13 A Yes.

14 Q So if I were to look at, you said that Bald
15 Mountain is a predominant site. If I am a
16 typical viewer from the boat launch, trying to
17 get a view of Bald Mountain, I would see those
18 turbines, wouldn't I?

19 A No, because, I mean, you would, as I said
20 earlier, you would see them over in your
21 peripheral view, but where the turbines poke up
22 on Bald Mountain is the very lowest portion of
23 the slope. A good deal more of the mountain and
24 certainly the view as I said in winter is much

1 more to the south than to the left in the view.
2 So if you're looking at the ledges and at the
3 summit, that blade would not be in your direct
4 view.

5 Q I understand that there's portions of Bald
6 Mountain I can look at away from turbines.

7 With regard to your Exhibit 12, your photo
8 simulation, those turbines would be more visible
9 against a blue sky, wouldn't they?

10 A Not necessarily.

11 Q Not necessarily?

12 A No. I mean, I think you can see that sometimes
13 in a very blue sky there's often off in the
14 distance and on the skyline a white haze or
15 background that's in several of the simulations,
16 and in that situation, they might not be as
17 visible. It also might depend on the angle of
18 the light, you know, the time of the day in
19 terms of visibility.

20 Q When you were at Willard Pond, did you see any
21 loons?

22 A I did.

23 Q Do you know where the loons are nesting?

24 A They are nesting in the northwest corner, I

1 believe.

2 Q So looking at your, Exhibit 12, do you see those
3 rocks out in the distance?

4 A Yes.

5 Q Is it generally in that vicinity that the loons
6 are nesting?

7 A I think that's approximate, yes.

8 Q So if a person came to Willard Pond with their
9 binoculars or not to look for the loons, would
10 you expect them to see the turbines?

11 A They probably would.

12 Q Under what circumstances would someone looking
13 out toward the loon nesting area not see the
14 turbines?

15 A If it were overcast or the weather conditions
16 precluded a view in that direction.

17 Q Putting those kind of weather conditions aside,
18 anyone coming to look at the loon nesting area
19 would see those turbines on any day when they
20 would be visible to anyone standing there.

21 A If they had binoculars, and they were there,
22 they might see them, yes, but they also might be
23 out of view, they could be behind the rock, they
24 could be tucked into the cove there. I mean, I

1 saw them actually tucked in when I was there --

2 Q You're talking about the loons themselves,
3 right?

4 A Well, that's what you were asking about.

5 Q I was asking about the loon nesting area.

6 A Oh, I'm sorry.

7 Q No, I understand. I wouldn't expect you to
8 pinpoint where the loons would be.

9 So Exhibit 13 of your report which is the
10 next photo simulation, this is from the
11 northeast corner of Willard Pond.

12 A That's correct.

13 Q This was another cloudy day?

14 A There are clouds, yes, in the photo, but it's
15 clear and there's a clear view of the turbines
16 obviously for the simulation.

17 Q Right. I'm asking about whether it was a cloudy
18 day or not.

19 A Clouds. Yes. Cloudy. Partially. Partly
20 cloudy. I guess. We'd have to ask Dr. Ward
21 about that. Yes.

22 Q So this simulation shows 7 turbines visible from
23 that area of Willard Pond, doesn't it?

24 A Correct.

1 Q Is there any reason that a paddler or fishermen
2 wouldn't go to that part of the pond?

3 A Not necessarily, no. I mean, certainly would
4 have the opportunity to do that.

5 Q Now I want to look at Terraink's, one of her
6 photo simulations from Willard Pond. So it's in
7 front of you, I think I labeled it number 1,
8 Willard Pond.

9 A Yes, I have it here.

10 Q You only need to look at the first two pages.

11 PRESIDING OFFICER SCOTT: Can you tell us
12 what you're looking at?

13 Q This is the document we were looking for during
14 that time, and so it's Appendix F of that
15 document, and I'm looking at viewpoint number 1.
16 And it's a blue sky photograph.

17 A Yes. With that, if you can see to my point,
18 there is that sort of white cast to the sky
19 closer to the horizon.

20 Q Okay. I just want to make sure that the
21 committee is following me.

22 PRESIDING OFFICER SCOTT: So that be would
23 be the second page of the PDF file?

24 Q Right. First one doesn't show turbines. The

1 second one does.

2 So according to this simulation, Terraink's
3 simulation was taken from a boat on the pond?

4 A I believe so.

5 Q And this simulation shows 7 turbines and the met
6 tower visible?

7 A Yes.

8 Q Would you say that this simulation was done
9 under blue skies?

10 A Yes.

11 Q And is there any reason a paddler or fishermen
12 wouldn't go to that location?

13 A I can't think of any reason in particular they
14 would go to, they might paddle, as I did, they
15 might paddle around the pond. They might follow
16 a shoreline. You know, follow their interest
17 perhaps.

18 Q Okay. I guess I can't show the witness this
19 exhibit, but I want to look at Audubon's Exhibit
20 number 7 which is the photo simulation by T.J.
21 Boyle Associates. You don't have that in front
22 of you. I can pull it up on the computer and
23 show it to you.

24 PRESIDING OFFICER SCOTT: Why don't we go

1 off the record while we're doing that.

2 MR. REIMERS: If the committee is there, I
3 can do that right now.

4 PRESIDING OFFICER SCOTT: Okay. Back on
5 the record.

6 Q I'm showing the witness Audubon Exhibit 7 which
7 is video simulation. How many turbines -- have
8 you seen this before?

9 A Yes, I have.

10 Q Okay. How many turbines are visible in this
11 simulation? Feel free to move it closer.

12 A There are --

13 PRESIDING OFFICER SCOTT: Mr. Reimers, just
14 to clarify, so you're not talking the visual
15 simulation, you're talk about the video?

16 MR. REIMERS: Right, the animated
17 simulation.

18 A There are, you know, five full views of turbines
19 and one blade visible. I think I'm right.

20 Q So 6 turbines are visible, is that right?

21 A Yes.

22 Q Is the met tower visible?

23 A Barely. Maybe. Yeah. I think it may be very,
24 barely visible.

1 Q So going --

2 A Hardly visible.

3 Q Going from the right, is the met tower, would it
4 be the, you have your first turbine, second
5 turbine and then the met tower is back there?

6 A I see it very faintly, yes.

7 Q Just for the Committee's sake, I'm trying to
8 describe where that would be visible, and this
9 simulation was done under blue skies, right?

10 A Yes.

11 Q And you don't know of any reason that a paddler
12 or fishermen wouldn't go to that area of the
13 pond, do you?

14 A Actually, now that I thought about it, I do, and
15 that comes from my paddling experience. That
16 portion of the pond actually has some very
17 shallow ledge, and I ran aground in a couple of
18 places. So it's not an area that is ideal for
19 paddling or fishing perhaps because of those
20 very shallow ledges in that particular area. So
21 I think yes, they would certainly potentially go
22 there. I'm not sure they would stay there or
23 and those who maybe know the pond better might
24 avoid it at low water times.

1 Q Okay. So this area where that animated
2 simulation was taken is near the dam, is that
3 right?

4 A Simulation.

5 Q Actually take my word for it. It is.

6 A Yeah. I will have to take your word for it.

7 Q It's not in your papers. It's the one I just
8 showed you that T.J. Boyle Associates did.

9 A I will take your word for it certainly.

10 Q Do you know whether people go and stand on the
11 dam?

12 A I do not actually.

13 Q Do you know that there's a rope swing beyond the
14 dam?

15 A I do not, I don't think I saw that, no.

16 Q In Exhibit 18 of your report, from going back to
17 you've visual simulation, in 18 there are three
18 sheets.

19 A Getting there. Okay. Yes. I've got it.

20 Q So in Exhibit 18, Sheet 2 is your visual
21 simulation of what it would look like from
22 Willard Pond if the 2012 project were
23 constructed, is that right?

24 A That's correct.

1 Q And that's the ten turbine layout?

2 A Correct.

3 Q And if you go to Sheet 3, that is your visual
4 simulation of the current project. Is that
5 right?

6 A That's correct.

7 Q And in your Prefiled Testimony, you describe
8 this as a quote unquote, dramatic change. Is
9 that still your opinion?

10 A Yes, it is.

11 Q So you can put those down. I started this line
12 of questioning by asking you about your three
13 reasons that you used to support why this
14 project wouldn't be out of scale in the context
15 of Willard Pond. So the second reason you give
16 is actually, if you could go to your Prefiled
17 Testimony, page 13, line 20. That's where you
18 list 1, 2, so on and so forth.

19 A Yes.

20 Q Are you there?

21 A Yes. I am.

22 Q Please read your reason number 2. That begins
23 on line 20 and continues to the next page.

24 A The predominant sites, the slopes of Bald

1 Mountain, the coves at the northern end, the
2 qualities of the shoreline, the sounds and
3 smells of the lake and particularly the feel of
4 the water on the shoreline draw the eye and
5 dominate the experience, not a view off in one
6 direction from a portion of the lake that does
7 not necessarily invite pausing or floating as
8 reaffirmed from observations of user patterns on
9 the lake.

10 Q Please continue.

11 A I'm sorry?

12 Q Please continue.

13 A Okay.

14 Q There's a little bit more before number 3.

15 A These sights and sounds and sensations will not
16 be affected by the project whatsoever. And do
17 you want me to continue?

18 Q No. Thanks.

19 A Okay.

20 Q So are you saying that the coves at the north
21 end of the pond would be more of a predominant
22 site than the turbines?

23 A I think that the coves is what obviously
24 attracts people and Pine Point attracts

1 people --

2 Q But my question is --

3 A -- which is sort of related to that whole
4 geography of that position of the lake.

5 Q You list the predominant sites as the slopes of
6 Bald Mountain, the coves at the northern end and
7 the qualities of the shoreline, and my question
8 is is it your opinion that the coves at the
9 northern end of the pond would be more of a
10 predominant site than the turbines?

11 A What I am stating is not that. I am stating
12 that the combination when taken as a whole of
13 all the various elements on the lake that are
14 there for both the recreational experience and
15 the visual experience would reduce the presence
16 and the dominance, if you will, of the turbines
17 in the project.

18 Q So if people were taking in all three of those
19 predominant sites.

20 A Well, more than that. I mean, the shoreline
21 itself is always I think a very important
22 attraction for paddlers.

23 Q If you were looking at the shoreline, and then
24 you looked at the coves, and then you looked at

1 Bald Mountain, in between would be the turbines,
2 right?

3 A Correct.

4 Q So it would be difficult to take in and enjoy,
5 well, strike the word enjoy. It would be
6 difficult to take in the three predominant sites
7 that you mention without seeing the turbines.

8 A You will see the turbines. I don't think I've
9 ever denied that. I mean, the turbines will be
10 visible and they'll be part of the sights you
11 take in.

12 Q Okay. So it sounds like the answer is yes.

13 A Yes.

14 Q Now, you mentioned the sites and sounds and
15 sensations. As a paddler, you experience the
16 pond with those senses?

17 A Yes, I do.

18 Q Those are, enjoying those senses would be some
19 of the reasons that people seek a recreational
20 area?

21 A Certainly, but they are part of maybe the
22 primary experience which might be to fish or to
23 paddle or that type of thing.

24 Q Those people would also use their sense of

1 sight, too?

2 A Certainly.

3 Q Okay. Going back to what you were just reading
4 on page 14, you get, you have your third reason
5 why this project would not be out of context at
6 Willard Pond. Can you read what your third
7 reason is? The entirety of it?

8 A Based on my circumnavigation of the pond I came
9 to the distinct conclusion that the visibility
10 of the project and/or exposure to that
11 visibility would be limited. As one follows the
12 pond shoreline in a boat in a clockwise
13 direction, it is possible that one would not
14 even notice or even see the project. Where it
15 is most visible on the pond would be in a
16 location that is behind the paddler's or
17 boater's back and over their shoulder, not in
18 the direction they would typically be looking.
19 When traveling counterclockwise around the pond
20 from the body launch, those in boats may have
21 potential project visibility for about 35 to 40
22 percent of the time on the water, and the
23 context of that potential visibility would be
24 continually changing.

1 Q Okay. Could you imagine Fish & Game or the
2 Audubon Society posting instructions at the pond
3 saying paddle clockwise if you want a more
4 natural experience and paddle counterclockwise
5 if you would like to view 8 wind turbines?

6 A Certainly not in the manner that you phrased it.
7 You know, actually I think that Audubon could
8 post at the pond, observe the wind turbines
9 which are contributing to our battle against
10 climate change. So you could also do that as
11 well, but I wouldn't imagine a sign of the type
12 that you're referring to specifically worded in
13 the manner that you suggest.

14 Q Okay. Have you ever been -- I gather that you
15 are, that you paddle a lot. You mentioned
16 yesterday going to Lake George; is that right?

17 A Yes.

18 Q Have you ever been some place where there was a
19 sign indicating what direction you might paddle
20 to avoid looking at something?

21 A I don't recall that, no.

22 Q It might be kind of memorable had you seen one,
23 would you say that?

24 A Yeah. I have not, yeah. I would probably

1 remember that, certainly.

2 Q People don't just paddle in a circle following a
3 shoreline, do they?

4 A Oh, sure they do.

5 Q They just --

6 A Well, no. That's one way they paddle. I mean,
7 I think --

8 Q Let me rephrase my question.

9 A Okay. Please.

10 Q Do all paddlers paddle in a circle following the
11 shoreline?

12 A Not necessarily. No.

13 Q Some people go straight out to the middle of the
14 pond, don't they?

15 A Yes. I would imagine.

16 Q Have you ever?

17 A Certainly.

18 Q Okay. Some people would go out to Pine Point
19 that you mentioned. Is that right?

20 A That's right.

21 Q And Pine Point is out in the vicinity of where
22 the loons are, the northern end?

23 A It's a little bit to the east, right. That's
24 right.

1 Q So some people might paddle straight out to Pine
2 Point?

3 A Right.

4 Q And would those people view turbines? Would
5 they see them?

6 A Yes. They would.

7 Q And for the people who want to check out the
8 coves at the northern end that you described as
9 a predominant site, would those people see the
10 turbines?

11 A If they're right in towards the cove, the trees
12 are high enough to block views of the project.

13 Q But to get to the cove you've got to paddle
14 basically the entire length from the boat launch
15 of the pond, right?

16 A Pretty much but if you're hanging out in the
17 cove and you're observing, the turbines would be
18 out of view at that point.

19 Q Okay. But on the way to --

20 A Yes. They would. They would see them on the
21 way.

22 Q They would see them.

23 A Yes.

24 Q So do some people paddle and try to stay in the

1 sun?

2 A Hmm.

3 Q My wife would if she paddled.

4 A I assume so. Yes. That would be one, I mean I
5 never think of it that way to be honest with you
6 myself.

7 Q Me either.

8 A But I won't refute that somebody would like to
9 be out in the sun and enjoy that, yes.

10 Q For some parts of the day, the sunniest spots
11 would not be along the shore, would they?

12 A For some parts of the day, that's correct.

13 Q Because the trees and Bald Mountain would block
14 it?

15 A That's correct. Yes.

16 Q So the sunnier spots for those parts of the day
17 would be away from the shoreline.

18 A Or they could be on the opposite side.

19 Q Correct.

20 A Or they are could be on the north or the end.
21 So, you know, there could be any number of
22 places where you could find sun if you were
23 looking for it at a particular time of day or
24 year.

1 Q There's nothing blocking the sun from the middle
2 of the pond, is there?

3 A In the winter, I think Bald Mountain probably
4 would block the sun actually.

5 Q Okay. But during the summer.

6 A No. In the summer the sun would be overhead and
7 would certainly be accessible in the middle of
8 the pond.

9 Q Okay. And would you see turbines from the
10 middle of the pond?

11 A Depends what direction you're floating.

12 Q Good point. If you're looking towards the
13 project, would you see turbines from the middle
14 of the pond?

15 A I believe so. Yes.

16 Q All right. On page 14 where we're at of your
17 testimony, you state, let me find the place, on
18 line 17, 16 and 17, you state that the present
19 configuration and size of Willard Pond is the
20 result of human manipulation via damming. Is
21 that still your factual opinion?

22 A Well, I would say the dam was put there by
23 humans. Yes.

24 Q How would the configuration and size of Willard

1 Pond be different absent the dam?

2 A I don't know. If you, I'd have to sort of look
3 at the height of the dam and if you took the dam
4 down what the resulting drop in the water would
5 be. I would imagine it would be slightly
6 smaller in size.

7 Q Is that your area of expertise?

8 A In terms of what?

9 Q Measuring the effects of dams and the
10 differences, hydrology and issues related to
11 dams?

12 A I certainly can read topographic maps and could
13 gauge the current height of the dam and if it
14 were removed, what effect, if any, I mean to
15 what effect the lake would drop.

16 Q But you haven't made any such determinations,
17 have you?

18 A No. I have not.

19 Q So you don't know that the dam affects the size
20 and configuration, do you?

21 A Well, I think the dam certainly does affect, I
22 mean, it's there so it must have some effect on
23 the size and configuration because without it I
24 would imagine the water body would be slightly

1 different.

2 Q But you don't know of the effects. You think
3 and you presume there are effects, is that what
4 I'm hearing?

5 A I would, yes. I presume there would be effects.

6 Q You didn't undertake any analysis to determine
7 that the present configuration and size would be
8 different or has been changed based on the dam.
9 Is that right?

10 A No. I have not.

11 Q You didn't do any of that to support that
12 statement, correct?

13 A Again, the statement is based on what I saw and
14 what I observed and the fact that there is a dam
15 there now. So I think it's common sense, most
16 people would agree if you would ask, that the
17 dam has some effect on the water body and its
18 size.

19 Q In front of you is Audubon's witness and exhibit
20 list, and there's a couple of documents attached
21 to that?

22 A Yes. I see it.

23 Q Let me find my copy. Okay. If you look at the
24 upper right, it says ASNH 12. It's the second

1 attached document called Official List of Public
2 Waters.

3 A Yes, I see that.

4 Q And do you see that this is put out by the New
5 Hampshire Department of Environmental Services
6 Water Division?

7 A Yes, I do.

8 Q Okay. Turn a few pages to actually the last
9 page at the top where it says part one, Public
10 Lakes and Ponds?

11 A Yes. I see that.

12 Q Okay. In the middle is, actually, hold on one
13 second. Are you aware that DES categorizes
14 water bodies as either artificial, raised by dam
15 or natural?

16 A Yes. I'm aware of this particular
17 classification.

18 Q Okay. And are you aware that Willard Pond is
19 categorized as raised by dam?

20 A Yes, I am.

21 Q Are you aware that the water levels of water
22 bodies categorized as raised by the dam are not
23 necessarily raised by the dam but they simply
24 have a dam?

1 A Certainly some are, some are not.

2 Q So are you aware --

3 A It says although it is most often the case that
4 the installation of a dam raises the water level
5 of an impoundment, so I think most often the
6 case would indicate that the today dam does
7 indeed raise the water level.

8 Q I would agree, and what does the rest of that
9 sentence you just started reading say?

10 A And technically speaking could be less than ten
11 acres after damming. No known examples.

12 Q Actually, I believe it would be, you said
13 although, you read the part although it is most
14 often the case --

15 A I'm sorry. I missed a section.

16 Q Could you read the whole sentence?

17 A Certainly. Although it is most often the case
18 that the installation of a dam raises the water
19 level of an impoundment, RDs are not necessarily
20 quote, raised, end quote, and technically
21 speaking could be less than ten acres after
22 damming. No known examples.

23 Q You can put that exhibit down. Pardon me,
24 Mr. Chair. I went a little bit out of order and

1 I'm just trying to find my way back.

2 Okay. On page 19 of your Prefiled
3 Testimony, on the top, it would be line 2, and
4 I'm sorry. Line 14. You state that the hub and
5 the rotor have a greater effect than turbine
6 blades and portions thereof. Is that right?

7 A Correct.

8 Q Doesn't this depend on the distance from the
9 viewer?

10 A It depends on a number of things, but, you know,
11 generally speaking I think most experts agree
12 that, you know the primary focal point of a
13 turbine and visibility is predominantly taken
14 from and seen with the nacelle, the turbine hub,
15 if you will.

16 Q But your statement that the hub and the rotor
17 have a greater effect than the turbine blades
18 and portions of the blades, my question is does
19 that depend on the distance or does that change
20 with the distance that you're viewing it from?

21 A Well, certainly distance has an effect on
22 visibility and visual effect.

23 Q So the same turbine when viewed from, say, five
24 to ten miles, the tower and the hub are the most

1 noticeable elements, aren't they?

2 A Yes.

3 Q From that distance, the blades wouldn't be as
4 prominent, would they?

5 A Typically, no.

6 Q Even if moving?

7 A Even if moving.

8 Q However, at a closer distance, the movement of
9 the blade becomes more noticeable, doesn't it?

10 A It may, it depends on, again, the context, but
11 generally speaking, yes.

12 Q And it would be kind of counterintuitive,
13 wouldn't it, to say that as you get closer to a
14 moving blade, a turbine with a moving blade that
15 you wouldn't notice the movement more as you got
16 closer?

17 A I don't know if it would be counterintuitive. I
18 mean, I think, yes, at face value, but again,
19 that's sort of out of context, and when you
20 review these projects you really do have to look
21 at each of those kind of questions within a
22 particular context.

23 Q Can you -- I don't know what you mean by that.
24 You used the term context a couple times, and

1 I'm not sure what you're referring to.

2 A You know, context refers to the setting, the
3 landscape around you, the vantage point that
4 you're seeing it from, you know, the other
5 physical elements. You know, for example on a
6 very windy day when the turbines might be
7 spinning certainly you might actually be more
8 likely to notice trees moving dramatically right
9 next to you, to your point, than a turbine
10 blade, you know, a mile and three quarters from
11 where you're standing.

12 Q Right. That makes sense. On that same windy
13 day with the same turbine moving at the same
14 speed if I'm five miles away versus one mile
15 away, looking at the turbine, I will probably
16 notice the movement of the turbine much more at
17 that closer distance?

18 A You would notice it more at a closer distance,
19 yes.

20 Q Moving to page 21 of your testimony. On line
21 10, you state that the elimination, this isn't a
22 quote, but, essentially, you state that the
23 elimination of turbine 10 and the reduction of
24 turbine 9 has reduced effect on Willard Pond

1 dramatically.

2 A Yes.

3 Q Yet 8 turbines would still be visible from parts
4 of Willard Pond.

5 A From parts. Yes.

6 Q And up to 7 turbines would be visible from other
7 parts of Willard Pond?

8 A Yes, and then there are other parts where no
9 turbines would be visible at well.

10 Q Right, and that would be true with regard to the
11 2012 project as well?

12 A That would be true.

13 Q Right. So that hasn't changed?

14 A Although less likely, but, again, the prominence
15 and presence of turbine 10 was quite noticeable.

16 Q Right, but there were, like you said, there's
17 parts of the pond where even that turbine
18 wouldn't have been visible?

19 A That's correct.

20 Q And I'm sure that's true of just about any
21 project, would you agree?

22 A Yes.

23 Q And you state that the, I think it's on the next
24 page, that the overall percentage change in

1 potential visibility area at Willard Pond is
2 nearly five percent from the 2012 project that
3 was denied. Is that right?

4 A That's correct.

5 Q So there's been a reduction of nearly five
6 percent in the area of the pond from which
7 turbines are visible?

8 A That's correct.

9 Q And it's that five percent that you find
10 dramatic?

11 A No. It's the, it's taking all of these factors
12 into account that I found dramatic, and that was
13 really driven home actually when I paddled,
14 going back to the paddling experience, I went
15 out there with both simulations in hand, and
16 from the vantage point that the simulation was
17 taken from, I compared the before and after, the
18 ten turbine project versus the nine turbine
19 project, turbine 9 reduced, and I found that
20 change to be dramatic.

21 Q Okay.

22 A Overall. And then this testimony breaks down
23 all of the contributing elements which went into
24 that material change that, that significant

1 change in the visual effect.

2 Q Okay. Put down your Prefiled Testimony and pick
3 up your Visual Assessment.

4 A Okay.

5 Q Please. And turn to page 85 once you do. If
6 the Committee could just let me know once you --

7 A I'm there. Sorry.

8 Q I just want to make sure --

9 PRESIDING OFFICER SCOTT: I'm showing that
10 as the PDF page 91. I think we're there.

11 Q On the bottom right it says page 85 which is
12 Mr. Raphael's testimony.

13 Mr. Raphael, on page 85 of your report,
14 where you, in the visual dominance table, when
15 you discuss Willard Pond, you state that the
16 project will be quote, unquote, a substantial
17 element within some views. Is that still your
18 opinion?

19 A Yes, it is.

20 Q Is that why you rated visual dominance of the
21 project at Willard Pond to be high?

22 A The basis for the rating is explained in the
23 little paragraph there which I think it has to
24 do with proximity, and, you know, in certain

1 portions of the pond from which you would view
2 the project.

3 Q In your explanation of visible dominance in that
4 paragraph you state that much of the 360 degree
5 preview does not include the project; is that
6 right?

7 A That is correct.

8 Q Have you ever evaluated a wind project that
9 dominated a 360 degree view from a sensitive
10 resource?

11 A I'd have to go and review various, you know,
12 I've done a number of these assessments so I'd
13 have to review it. I can certainly, you know
14 there are several wind projects that I have
15 experience firsthand that certainly would take
16 in a 360 degree view. There are several in New
17 York State in particular that depending on where
18 your viewpoint, you are actually surrounded by
19 them. So there are places where that can occur.

20 Q Okay. In your chart on page 89, this is your
21 chart on Extent Of Use, and you describe, I'm
22 sorry. Duration of View. You begin your
23 Duration of View discussion, and you explain the
24 threshold ratings, low, moderate and high. A

1 rating of low would be for activities whose
2 focus would be away from a project or would be
3 constrained due to limited viewing
4 opportunities. Is that right?

5 A That's right.

6 Q You describe ice fishing in a shanty as one such
7 activity. Is that right?

8 A That's right.

9 Q I agree with you, but I think you're saying is
10 that the someone sitting in a shanty wouldn't be
11 viewing the project. Is that right?

12 A Correct. Or, you know, sitting by a hole in the
13 ice in the winter probably.

14 Q You mentioned a shanty.

15 A I did, yes.

16 Q Have you ever seen a fishing shanty on Willard
17 Pond?

18 A No, I didn't see a fishing shanty. I was there
19 in the winter when it was frozen, and I did not
20 see a fishing shanty.

21 Q Because you do state in your report that access
22 to Willard Pond is not plowed in the winter. Is
23 that right?

24 A I believe. Yeah. I was there when the plow

1 ended at the parking lot.

2 Q Right. So what I meant is from the parking lot
3 to the boat launch, that part is not plowed?

4 A Correct.

5 Q And about how far away from the parking lot
6 would you estimate that the pond is?

7 A I really want to look at a map. You know, I'm
8 not good at saying that off the top of my head.

9 Q Do you remember how long it took you to walk
10 there?

11 A A few minutes, couple minutes.

12 Q Circling back to something you said earlier
13 about a car being parked at the boat launch
14 being a form of development, the parking lot is
15 not at the boat launch, is it?

16 A No, the parking lot is not.

17 Q So if someone were bringing their boat there,
18 they would, for one example, back the trailer
19 up, boat comes off, oh, no, they can't bring a
20 trailer. You would bring your paddle. You
21 would bring your kayak, drop off your kayak?

22 A I'm sorry?

23 Q You'd drop off your kayak maybe with your car,
24 and then but you return your car to the parking

1 lot, right?

2 A Actually, it was interesting. Several of the
3 times I've been there the cars have been parked
4 right at the lake, interestingly enough, so not
5 everybody uses the parking lot. I know they
6 should, and I'm sure that's the intent, but
7 there is actually a kind of a de facto parking
8 space just to the right of the parking, I mean
9 just to the right of the boat launch, and I've
10 seen cars there, I think, on all but one of the
11 occasions I've been there.

12 Q Have you ever heard of the caretaker asking
13 people to move their cars that are parked there?

14 A I'm not aware of that. No.

15 Q Going back to page 89 of your report, we were
16 discussing fishing shanties. Did you see ice
17 fishing happening at Willard Pond when you were
18 there in the winter?

19 A I did not. I saw, you know, evidence that
20 people went out on to the frozen lake, but I
21 didn't see a fishing shanty, no.

22 Q Going back to your explanation of the threshold
23 ratings getting to moderate, moderate would be
24 when views are tempered by focusing on the

1 activities such as fishing and the shifting
2 context and viewpoint?

3 A Yes. That's how we framed it.

4 Q You state, quote, although the views would be
5 present, they would be everchanging and
6 mitigated by the activity. Is that right?

7 A That's right.

8 Q So although a fishermen drifting around the pond
9 would not have the same view of the turbines all
10 the time, the fishermen would likely experience
11 multiple different views of the project. Is
12 that right?

13 A I suppose that's possible.

14 Q And a rating of high would be for activities
15 whose primary focus would be toward the project,
16 is that right?

17 A Yes.

18 Q So that would include someone visiting the pond
19 to look at the project?

20 A Certainly could.

21 Q Would that include people viewing the loon
22 nesting area because I believe you said --

23 A No, because again, in that regard, the primary
24 interest and the primary view is of the wildlife

1 and not of the scenery so that's an important
2 distinction that needs to be made.

3 Q Right. But in your rating of high, you say it
4 would be for activities whose primary focus
5 would be toward the project. The loon nesting
6 area is in the direction toward the project,
7 isn't it?

8 A Yes, but I think it really refers, if you read
9 the whole paragraph, it really refers to the
10 fact that, again, this is a scenic, we're
11 charged with evaluating scenic resources so the
12 example of high, I think, that's important is a
13 scenic pulloff on a scenic highway where the
14 primary interest there is the scenic view, and I
15 think that's the reference we're trying to speak
16 to in that example.

17 Q So in your explanation of high, when you say
18 activities whose primary focus would be toward a
19 project, the activity it sounds like you're
20 focusing on is the activity of pulling over on a
21 scenic overlook?

22 A Yeah, and that may not be worded, you know, as
23 effectively as it could be, but again, the
24 intent there is you, you know, you would have a

1 high effect in terms of duration of view when
2 you are looking at a project specifically for
3 its scenic value.

4 Q And you wouldn't put looking in the direction of
5 loons as a scenic view?

6 A No. It's --

7 Q Or scenic activity?

8 A Watching birders, I live right near a birding
9 area and as you pointed out earlier, you know,
10 they've got binoculars or cameras with long
11 focal lenses, and they're just focused on the
12 wildlife.

13 Q Sometimes they take those binoculars away from
14 their eyes, don't they?

15 A Sure.

16 Q Do you know whether people go to Willard Pond
17 simply to drift on a boat to enjoy the views?

18 A I'm sure that people go to Willard Pond to do
19 that, yes. Certainly.

20 Q Do you think that some people come to Willard
21 Pond to simply enjoy the undeveloped view,
22 undeveloped landscape?

23 A I'm sure the landscape is a contributing factor
24 to their attraction to the pond.

1 Q And their current expectation could be that they
2 would see no human structures, couldn't it?

3 A I mean, that is possible although I don't think
4 the expectation is the same as a wilderness or
5 remote site would provide. You know, I think,
6 again, my observations are that many of the
7 people who go to Willard Pond are there to
8 recreate, and to paddle and certainly the view
9 is a contributing factor and I'm not disputing
10 that, nor would I, but I think it's important
11 when you're looking at use and viewer effect to
12 understand that people doing different
13 activities have different, you know, different
14 focus.

15 Q Right. So the person that I mentioned who came
16 to Willard Pond to enjoy the undeveloped
17 landscape, their current expectation when they
18 arrive could be that they would not see human
19 structures, couldn't that be?

20 A That could be.

21 Q And you consider the expectations of a
22 reasonable viewer, correct?

23 A Correct.

24 Q And on page 29 of your report, Determining

1 Viewer Effect, you see that?

2 A Yes.

3 Q At the bottom. In the last sentence you say the
4 expectations of the reasonable viewer can be
5 assessed and so on and so forth. Is that right?

6 A That's right.

7 Q And that's what the SEC rules require, right?
8 To look at the expectations of a reasonable
9 viewer?

10 A Yes.

11 Q Actually, it does not. Rule 301.05(b)(6)
12 requires you to consider the expectations of a
13 typical viewer.

14 A Okay. Well, maybe, semantics? I think
15 reasonable or typical really could be
16 interchanged in some respects because a
17 reasonable viewer would have the same approach
18 and attitude that a typical viewer would. We're
19 just using the language from the determination
20 of effect and plugging it in there, but that
21 could be interchangeable with typical, and in
22 fact, in other, we may have represented typical
23 viewers elsewhere in the language or in our
24 writing.

1 Q Do you know where you do reference that?

2 A I don't know, but I know I've used that term
3 before certainly.

4 Q Okay. You weren't involved in the rule drafting
5 process, were you?

6 A No, I was not.

7 Q And the rule does say typical. Doesn't it?

8 A It does.

9 Q Are typical and reasonable, are they synonyms?

10 MR. NEEDLEMAN: I think he already
11 addressed this issue.

12 MR. REIMERS: I'm not sure he did.

13 A For the purposes of the analysis, they're
14 interchangeable.

15 Q And that's your opinion, isn't it? That's not
16 in the rules that it's interchangeable.

17 A It's not in the rules, no.

18 Q That would be your opinion then that they're
19 interchangeable, is that right?

20 A It is my opinion and my experience both.

21 Q So can you read that sentence that begins at the
22 end of page 29, the expectations of the
23 reasonable viewer? The full sentence?

24 A The expectations of the reasonable viewer can be

1 assessed using a multitude of sources such as
2 guidebooks, publications, online media,
3 anecdotal and interview sources, background
4 polling, user surveys, studies as well as
5 general field observations and professional
6 expertise.

7 Q Okay. Guidebooks and publications are two
8 sources used to assess the expectations of a
9 typical and reasonable viewer?

10 A Yes.

11 Q And for example, they're one way of ascertaining
12 what a reasonable viewer's expectations are.

13 A It informs that analysis.

14 Q Right. Trying to get to a particular spot if I
15 could just have a minute. You note in your
16 report that -- we were just talking about
17 guidebooks and publications. You note in your
18 report that Willard Pond is discussed in several
19 publications of statewide or national appeal,
20 don't you?

21 A Could you point me to the specific reference?

22 Q Sure. On page 62.

23 A Thank you. Yes. We list a number of different
24 guides in which Willard Pond is mentioned.

1 Q Okay. Let me read from you, this is, I don't
2 know that we need to go to it right now, but in
3 the Prefiled Testimony of Audubon Society,
4 Michael Bartlett's Prefiled Testimony, he quotes
5 various of these exact books that Mr. Raphael,
6 and so Mr. Raphael, if any of this sounds wrong,
7 please let me know, but you list the book Quiet
8 Water New Hampshire and Vermont. Is that right?

9 A Correct.

10 Q In your chart. And that's a canoe and kayak
11 guide?

12 A Yes, it is.

13 PRESIDING OFFICER SCOTT: Can you bring
14 your microphone closer, Mr. Reimers?

15 Q Sure. Sorry about that. Does it sound familiar
16 to you that that book says about Willard Pond,
17 hidden in the southwestern part of New
18 Hampshire, protected by an Audubon Society
19 preserve, Willard Pond is simply breathtaking?

20 A Yes.

21 Q And that's a canoe and kayaker presumably
22 writing that book, right?

23 A Correct.

24 Q And they describe it as breathtaking. Do you

1 think that that breathtaking involves the view?

2 A Obviously not because the view is not -- I mean
3 the view, oh, I'm sorry. I misunderstood the
4 question. I'm sure the view is part of that
5 consideration, certainly.

6 Q And then you cite from Hiking New Hampshire,
7 Second Edition. See that in your chart?

8 A Yes, I do.

9 Q And does it sound right to you that the quote
10 from that book includes, a secluded pond for
11 canoeing, fly fishing or shoreline exploration
12 with plentiful wildlife and a summit overview of
13 the major Monadnock peaks?

14 A Yes.

15 Q And you also cite in your chart The Wildlife of
16 New England?

17 A Yes.

18 Q And does it sound right to you that that book
19 says that Willard Pond is a, describes it as
20 pristine 100-acre Willard Pond and in the heart
21 of a 18-mile-long corridor of protected land in
22 southern New Hampshire's uplands is the
23 1056-acre dePierrefeu-Willard Pond Wildlife
24 Sanctuary which is the largest property of the

1 New Hampshire Audubon Society. Does that sound
2 right?

3 A Sounds right.

4 Q Okay. That acreage is wrong. Would you agree?

5 A You know, what was the acreage again? I'm
6 sorry.

7 Q It's a minor point. 1056. I think we agreed
8 earlier that it was now 1671.

9 A Okay.

10 Q Do you have any reason to doubt that?

11 A No. I do not.

12 Q Finally, from the book, you cite The New Hiking,
13 the Monadnock Region. Do you see that in your
14 chart? Awkwardly titled book.

15 A Yes. I do see that. I'm sorry.

16 Q And does it sound right to you that that book
17 describes Willard Pond as a quote, unquote,
18 "wilderness pond," and it goes on to say the
19 undeveloped tract is contiguous to other
20 protected lands and part of more man 2000 acres
21 that includes hills, pristine ponds and a
22 mixture of woodlands? Does that sound right?

23 A I don't recall reading that specifically, but I
24 will take your word for it.

1 Q If you'd like, we can look at it.

2 A No. I take your word for it certainly.

3 Q Aren't these public documentation of the scenic
4 or recreational values of Willard Pond?

5 A Certainly. They're part of that. Part of what
6 informs that understanding of the public value.
7 Other, you know, other elements that we
8 discussed yesterday have to do with the Town
9 Plan, and, again, the interests and the
10 predilections of the users.

11 Q You are familiar with Jean Vissering, correct?

12 A I know Jean very well.

13 Q Who is she?

14 A Jean is a landscape architect who lives in
15 Montpelier, Vermont.

16 Q And she was involved in the 2012 Antrim Wind
17 docket as Counsel for the Public's aesthetic
18 experts, is that right?

19 A That's right.

20 Q And I believe, I'm not certain, that you refer
21 to Jean's 2011 guide that she primarily
22 authored. Actually, before you answer that, in
23 the packet of two new documents that I gave you
24 today, we were just looking at one of them, the

1 Official List of Public Waters. It's the one
2 that's before the Official List of Public
3 Waters.

4 A I've got it.

5 PRESIDING OFFICER SCOTT: Again, the
6 microphone, please.

7 Q Do you see this? The exhibit is marked ASNH 13.

8 A Yes, I do.

9 Q Are you familiar with this Clean Energy States
10 Alliance Guide?

11 A Yes, I am, and I contributed to it. I reviewed
12 it and made some corrections and additions I
13 recommended to the author.

14 Q And on that, the second page is the
15 acknowledgment's page and you were acknowledged
16 by Jean Vissering as having provided either
17 images, technical review or general information,
18 right?

19 A That's right.

20 Q On page 15 which I didn't, I didn't print the
21 whole thing as an exhibit. Page 15, Ms.
22 Vissering states, quote, and actually could you
23 read it? The first sentence beginning with for
24 certain uses.

1 A For certain uses there may be public
2 expectations of a primitive or natural setting;
3 e.g., remote camping or for cultural landscape
4 in which change is to be kept within narrowly
5 defined parameters.

6 Q And the next sentence?

7 A For example, recreational areas restricted to
8 nonmotorized uses are likely to be more
9 sensitive to changes involving built elements
10 than other settings.

11 Q So do you agree with that statement? Those two
12 statements?

13 A I think in general that's a fair statement, yes.

14 Q Do you think it would be reasonable for a
15 current Willard Pond visitor to have
16 expectations of a primitive or natural setting?

17 A Not primitive but natural setting.

18 Q And Ms. Vissering discusses, she says, for
19 example, recreational areas restricted to
20 nonmotorized uses are likely to be more
21 sensitive to change involving built elements
22 than other settings. What kind of boats are
23 allowed by Fish & Game to use at Willard Pond?

24 A Boats with electric motors.

1 Q Only boats with electric motors?

2 A And nonmotorized boats.

3 Q So no gas-powered boats are allowed, is that
4 right?

5 A That's right.

6 Q During your visits did you see anyone using an
7 electric boat?

8 A I don't recall. There was one boat when I was
9 there once over by the loon area. I couldn't
10 tell whether it had a motor on it or not.

11 Q Have you ever seen anyone bringing an electric
12 boat from lake to lake?

13 A Bringing an electric boat from lake to lake?

14 Q Yes.

15 A I'm trying to think. I have some recollection
16 in Maine of seeing, you know, on some remote,
17 so-called remote lakes people having electric
18 motors, actually on their canoe, in fact.

19 Q Electric motors?

20 A Yes.

21 Q Do electric boats make much noise?

22 A Not typically, no.

23 Q What about compared to motor boats? By a motor
24 boat, I mean a petroleum-powered motor.

1 A No. Typically an electric motor does not make
2 as much noise as a gasoline-powered engine.

3 Q When Ms. Vissering states, for example,
4 recreational areas restricted to nonmotorized
5 uses are likely to be more sensitive to changes
6 involving built elements than other settings,
7 isn't she describing a place much like Willard
8 Pond?

9 A No. Not necessarily. I think she's referring
10 to more remote, and as she said in the opening
11 statement, primitive areas. Again, as I pointed
12 out earlier --

13 Q Can I just interrupt? Did she say primitive or
14 natural setting?

15 A Yes. She said of a primitive or natural
16 setting. Yes. But okay. Well, both. True.
17 And then she says remote camping. So I think
18 that leads me to believe and I recall from this
19 particular entry that and in general that we do
20 have to make a distinction between how we
21 classify primitive, remote and wilderness,
22 versus a place like Willard Pond that's directly
23 accessible with gasoline driven cars that are
24 right at the, can be seen right at the boat

1 launch so that certainly would not indicate a
2 remote or primitive setting.

3 MR. NEEDLEMAN: Jason, I'm also going to
4 ask that David be allowed to see the pictures on
5 the following page which I think are
6 illustrations to see whether or not he thinks it
7 would be helpful.

8 MR. REIMERS: Sure.

9 MR. IACOPINO: Is that a page that we don't
10 have in the exhibit?

11 MR. NEEDLEMAN: Yes.

12 PRESIDING OFFICER SCOTT: Let's go off the
13 record while we find them.

14 (Off-the-record discussion)

15 PRESIDING OFFICER SCOTT: Back on the
16 record.

17 Q Have you seen the photographs that Attorney
18 Needleman referred to?

19 A Yes. I have.

20 Q Moving to page 126 of your report, are you
21 there?

22 A Yes, I am.

23 Q This is Section 5, overall conclusion.

24 A Yes.

1 Q And this is where you present your overall
2 conclusion as to Willard Pond?

3 A Yes.

4 Q You begin by stating that, quote, portions of
5 Willard Pond are encircled by New Hampshire
6 Audubon dePierrefeu Wildlife Sanctuary. Is that
7 right?

8 A Yes.

9 Q What portions are you referring to?

10 A The portions that the Audubon Society has
11 conserved.

12 Q And you know what percentage of the shore land
13 that would be? You don't have to give me a
14 percentage if you want to just describe or a
15 percentage.

16 A Yeah. I don't know specifically. It looks like
17 probably a little less than half or about half
18 of the pond shoreline.

19 Q What is that based on?

20 A The sanctuary map that I have here that was
21 produced by Audubon.

22 Q Showing that Audubon has conserved only 50
23 percent?

24 A Well, there's, on one side is what appears to be

1 the sanctuary and the other side it's listed as
2 private property.

3 Q Is that the source you used?

4 A You know --

5 Q In your analysis?

6 A One of the sources certainly, that was, yes.

7 Q So having spent time on Willard Pond, and
8 produced this report, you understand the Audubon
9 Society to own approximately 50 percent of the
10 land around Willard Pond?

11 A That's my understanding.

12 Q That's your current understanding, having done
13 all of your --

14 A I understand that yes, I'm not certain exactly
15 what percentage of the shoreline and property is
16 Audubon owned, but I'm aware that it's within
17 the sanctuary and based on this map, that was
18 the, map that I had available to me it appears
19 from the map that that's 50 percent.

20 Q How wide is the boat ramp? Ballpark.

21 A You know, it's probably 100 feet, maybe 50 feet
22 to 100 feet width overall from edge to where the
23 woods begin.

24 Q And it's a 96-acre pond?

1 A Yes.

2 Q Would it surprise you to learn that the Audubon
3 Society owns the entirety of the land
4 surrounding the shore land except for the boat
5 launch?

6 A So why would the map show private property? Is
7 that newly acquired?

8 Q I'm not sure what you mean by the map.

9 A Your own map that I had. It was right here.
10 I'd be happy to introduce it.

11 MR. REIMERS: May I approach the witness?

12 PRESIDING OFFICER SCOTT: Please do, and we
13 now have Mr. Reimers speaking in the microphone
14 nicely. If you could do the same thing,
15 Mr. Raphael.

16 A I'm sorry.

17 MR. REIMERS: Mr. Chair, might I suggest
18 that this would be a good time to break for
19 lunch so I could take a better look at that map?

20 PRESIDING OFFICER SCOTT: The committee
21 would like that apparently. Okay. We'll do 45
22 minutes for lunch.

23 MR. REIMERS: Thank you.

24 (Lunch recess taken at 12:00 noon)

