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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

October 19, 2016 - 9:00 A.M. DAY 10

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire

Morning Session 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

COURT REPORTER: Cynthia Foster, LCR No. 014

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APPEARANCES: (as noted by the court reporter)

Reptg. Antrim Wind Energy (Applicant):

Barry Needleman, Esq. (McLane...)
Rebecca S. Walkley, Esq. (McLane...)
Ashley Scott, Esq. (McLane Middleton)
Henry Weitzner (Antrim Wind Energy)
Jack Kenworthy (Antrim Wind Energy)

Reptg. Counsel for the Public:

Mary E. Maloney, Esq.
Asst. Atty. General
N.H. Attorney General's Office

Reptg. the Town of Antrim:

Justin C. Richardson, Esq. (Upton...)
Robert Edwards, Selectman

Reptg. Harris Ctr. for Conservation Ed.:

James Newsom, Esq.

Reptg. Audubon Society:

Francie Von Mertens
Douglas Bechtel

Reptg. Abutting Landowners Group:

Barbara Berwick, pro se

Reptg. Allen/Levesque Group:

Charles Levesque, pro se
Mary Allen, pro se

Reptg. Meteorologists Group:

Dr. Fred Ward

Reptg. Wind Action Group:

Lisa Linowes

Wes Enman, pro se

Reptg. Giffin-Pratt Intervenors:

Benjamin Pratt, pro se

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APPEARANCES: (C o n t i n u e d)

Reptg. Non-Abutting Landowners Group:

Richard Block, pro se

Annie Law, pro se

Robert Cleland, pro se

Reptg. Stoddard Conservation Committee:

Geoffrey T. Jones.

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1 PRESIDING OFFICER SCOTT: Good morning,
2 everybody. We'll start Day 10 of the Antrim
3 Site Evaluation Committee hearings. We'll start
4 with Mr. Jones. We also have, hopefully for
5 today we'll have the Levesque/Allen Intervenors
6 Panel, and at 1:00 so we'll break wherever we
7 are to start at 1 o'clock with Mr. James. He'll
8 be with us electronically. If we're able to
9 accommodate, we would hope to get to Mr. Ward
10 today also. We'll see how today goes. So with
11 that, why don't we start with, Cindy, if you
12 could swear the witness.

13 **GEOFFREY T. JONES, DULY SWORN**

14 **DIRECT EXAMINATION**

15 PRESIDING OFFICER SCOTT: And since you
16 don't have a sponsor, per se, Mr. Iacopino,
17 maybe we could get you to swear in his
18 testimony.

19 BY MR. IACOPINO:

20 Q Good morning, Mr. Jones. Please identify
21 yourself.

22 A Geoffrey T. Jones. Chairman of the Stoddard
23 Conservation Commission. 1 Old Antrim Road.
24 Stoddard, New Hampshire.

1 Q Mr. Jones, have you filed Prefiled Testimony in
2 this docket?

3 A Yes, I have.

4 Q And have you filed Supplemental Prefiled
5 Testimony in this docket?

6 A Yes, I have.

7 Q Do you adopt both your Prefiled Testimony and
8 your Supplemental Prefiled Testimony as your
9 testimony for the purposes of today?

10 A Yes, I do.

11 Q Do you have any changes to make to that
12 testimony?

13 A Just a couple of things I'd like to add if I
14 may, and, unfortunately, I don't have enough
15 copies for everybody, but the big one pertains
16 to pictures of the boulders. People keep asking
17 what do those big boulders look like. I have a
18 couple of pictures that we could pass around.

19 I also, I have just a printout of Fish &
20 Game Mortality Studies on bobcat.

21 Q On bobcat?

22 A On bobcat.

23 Q Is that the two additions you want to make?

24 A Those are the two additions, yes.

1 Q Why don't we have those marked.

2 A I guess my intent was to circulate the photos
3 around so people could see what these large
4 boulders look like. There are some people that
5 are standing beside them so it puts them in
6 scale.

7 (SCC 1 and 2 marked for identification)

8 (Discussion off the record)

9 PRESIDING OFFICER SCOTT: Okay. Back on
10 the record. I guess we'll start with the
11 Audubon Society. Any questions for the
12 panelist?

13 **CROSS-EXAMINATION**

14 BY MS. VON MERTENS:

15 Q Yes, I do. Thank you. Geoff, yesterday you had
16 a question for Mr. Henninger or some questions.
17 You mentioned the Rob Reservoir tract in
18 Stoddard which is just over, it's right on the
19 Antrim/Stoddard town line, and it's a large
20 tract, 1700 acres; is that correct?

21 A Yes.

22 Q And Mr. Henninger said that the Harris Center
23 holds the conservation easement on that
24 property, but actually it's an easement held by

1 the State of New Hampshire. Can you give a
2 little history to that?

3 A Well, it's a land protection project that took
4 place in 2007. Robb Reservoir has been the
5 apple of the conservation community's eye for
6 decades, and there was a lot of attempts over
7 the year to try to protect it, and that effort
8 came to fruition in 2006 when Trust for Public
9 Lands, the national conservation group, came
10 into play and they were interested in building
11 upon the large amount of protected lands in the
12 Stoddard/Hancock area, and they were able to
13 secure a large amount of money from the Forest
14 Legacy program. So the successful conclusion to
15 this land protect effort would up with the
16 Harris Center opening the land and the New
17 Hampshire Division of Forests & Lands holding
18 the conservation easement.

19 Q The 2012 docket here focused on that investment
20 of public lands which was fairly significant.
21 What amounts are we talking about?

22 A Well, this was a very competitive process.
23 There's a statewide committee that sits down and
24 prioritizes the conservation projects that are

1 going to be the recipients of the amount of
2 Forest Legacy money in any given year, and in
3 2006 these groups all agreed that the protection
4 of Rob Reservoir was the number one project
5 statewide, and the total cost of the project
6 was, according to my figures, and this was based
7 on information that I was promoting in 2006 so
8 I'm not sure what the final exact numbers were,
9 but this will give you a relative comparison,
10 project costs were \$3.9 million, of which the
11 Forest Legacy contributed 2.9 million; LCHIP
12 \$250,000; Harris Center, \$200,000; New Hampshire
13 Fish & Game \$100,000, and small amount but a
14 significant amount came from the town of
15 Stoddard.

16 This is a town that has 60 -- at this point
17 in time 36 percent of the land was protected.
18 Lot of the people thought that there was too
19 much land protected in Stoddard, but Trust for
20 Public Lands asked if the Stoddard Conservation
21 Commission would support the project, and I said
22 sure, and I said what can we do and they said
23 well, a letter of support, and I said, well, how
24 about money? And they said well, sure, if you

1 can. So I said well, what about \$50,000? And
2 they said "wow." So I went to the Selectmen
3 with an article for the town warrant, and I
4 asked them if they would put \$50,000 in.

5 Well, when the Town Report came out, the
6 amount that was in there was \$5,000. So at the
7 town meeting we had to amend that to \$50,000,
8 and then for the first time in the history of
9 the town of Stoddard there was an open
10 discussion about whether or not the town ought
11 to allocate tax money to protect more land in
12 the town of Stoddard, and one of the quotes that
13 came out of that was quite astounding, and it
14 was from a realtor who said that she always
15 viewed land protection as a luxury and now she
16 views it as a necessity.

17 When the vote came, it passed 138 to
18 nothing, and there was an anonymous donor who
19 added another \$5000 to that \$50,000 amount. So
20 a significant amount of public money went into
21 this piece of property which was an anchor to
22 the land protection effort in that general area.
23 Very important.

24 Q And I remember that was a unanimous vote at the

1 town meeting?

2 A Yes.

3 Q What about right next door, the Willard Pond
4 wildlife sanctuary, Audubon's, what about Forest
5 Legacy for that? That, actually it came up the
6 other day when the Audubon panel was on so maybe
7 that's duplication, but that was Phase 1 of the
8 Forest Legacy, and that was half a million. So
9 I'm on the New Hampshire Audubon Sanctuaries
10 Committee, and I can say that the Division of
11 Forests & Lands is very exacting in requiring
12 land management and forestry management plans,
13 and you're on the Harris Center lands committee?
14 You might have experienced that same pretty
15 rigorous standards that Forest Legacy holds.

16 A They require a very thorough management plan,
17 and all your "I"s have to be dotted and "T"s
18 crossed, and they have an annual monitoring of
19 the easement that's done by staff, and it's very
20 thorough.

21 Q Okay. Thank you. Turning to invasive plants,
22 your Prefiled Testimony in large part is about
23 forest fragmentation and invasive plants.
24 Invasive upland plants have been mentioned a

1 couple times but never with a real explanation
2 about why is there this nationwide but also very
3 statewide focus on invasive plants. Can you in
4 a nutshell link invasive plant to forest
5 fragmentation and why this attention to invasive
6 plants?

7 A Well, invasive species, plants, are a huge
8 concern to this country and to North America.
9 There isn't a community in the State of New
10 Hampshire that doesn't have at least one
11 invasive plant in it, and the best natural
12 defense to impede or to keep invasive species
13 from getting a foothold is to not do anything to
14 a forest. To not disturb it.

15 The worst thing you can do is to go in and
16 create disturbance in a forested area and remove
17 the forest cover and get scarification of the
18 topsoil. That provides absolutely fertile
19 ground for invasives which have a very prolific
20 seeding capability. They have a wide range of
21 environmental conditions that they can grow
22 under.

23 So because they have this vigor, and
24 they're prolific breeders and they have early

1 and rapid development, they outcompete native
2 species, both shrubs, plants, ground cover, but
3 more important they outcompete tree species when
4 you're trying to regenerate forests in a
5 situation. So invasive species are a huge
6 problem for foresters like myself when we go
7 into a wood lot and see a beautiful old or pine
8 overstory, and then see a field right next to a
9 client's woodlot or maybe it's their field which
10 is rife with buckthorn, bittersweet, euonymus,
11 all invasive plants that will follow the
12 footprint of skidders into the woods, and
13 wherever you scarify, wherever you disturb the
14 soil, couple of years later if you go back in
15 there, you will see an understory being taken
16 over by invasives. Birds spread them. They
17 will eat the fruit, and it's not as nutritious
18 as native berries from native species, but they
19 will eat them and they disturb them through
20 their scat which compounds the problem.

21 Many of them have very deep roots so that
22 if you try to go in and pull them out, you're
23 not going to get the whole root. If you try to
24 go in and use mechanical means, whether it's a

1 brush saw, a brush hog or a brontosaurus, on
2 many of these species that mechanical cutting
3 actually stimulates growth so that the plants
4 come back with greater vigor.

5 Q Is the plants you mentioned, you mentioned that
6 a handful of them, they're on the state's
7 prohibited lists of plants. If I buy or plant
8 or spread or what happens? What does
9 "prohibited list" mean?

10 A Well, this problem became such a problem,
11 probably being recognized in the early 2000s,
12 and I worked at the Forest Society at the time,
13 and I had a colleague who was an expert
14 botanist, and he served on the Committee that
15 was trying to come up with some rules and some
16 guidelines on how to manage these invasives, and
17 it was such a problem at that point in time that
18 the New Hampshire Department of Agriculture came
19 up with a set of rules and they were given
20 authority by the legislature in RSA 430:51 to
21 create rules under AGR 380. These are
22 regulations that are designed to preserve and
23 protect the state's economic integrity and
24 ecological stability.

1 In this process they identified a whole
2 host of plants and tree species including trees
3 like Norway maples which are found in every
4 community throughout the state, just about,
5 because they're a good urban hearty tree.
6 That's one of the prohibited species. They came
7 up with this list, and they prohibited nurseries
8 from importing them and from selling them and
9 they monitor this program quite vigorously, and
10 that just underscores the threat that invasives
11 pose to our natural ecological integrity of our
12 forests but agriculture and our economy in
13 general. And, according to this New Hampshire
14 Department of Agriculture website, the economic
15 impact of invasives in this country today
16 exceeds \$100 billion.

17 So when a developer says they have a plan
18 to address invasives, I take it with a grain of
19 salt because once these plants get established,
20 it is so hard to eradicate them, and it's a
21 huge, huge problem for people like myself who
22 manage forests, and I have to make the decisions
23 with my clients as to whether or not they can
24 have a timber sale and reap the economic

1 benefits of doing that or put their forest at
2 risk of never producing, you know, the kinds of
3 trees that they have to date because these
4 invasives inhibit growth of all these desirable
5 species in the understory.

6 I can't underscore enough the importance of
7 not fragmenting forest ecosystems if we don't
8 have to, and the forest industry recognize this
9 is a huge challenge, and, you know, they have
10 Best Management Practices for equipment to be
11 scrubbed and cleaned and pressure washed and
12 airblown off before you move from one job to the
13 next in an effort to be proactive to prevent
14 these plants from spreading.

15 Q Okay. Thank you very much and more from
16 Audubon.

17 CROSS-EXAMINATION

18 BY MR. BECHTEL:

19 Q Thank you, Mr. Jones. I have just a couple more
20 questions about forest fragmentation. You've
21 talked a lot about forest fragmentation in your
22 testimonies. How would you consider ridgeline
23 forest fragmentation different from forest
24 fragmentation on slopes or flat lands?

1 A Well, first of all, these ridges that we're
2 talking about are specialized habitat, and when
3 you look at the Wildlife Action Plan which is a
4 document that the U.S. Fish & Wildlife Service
5 required states to do if they wanted to receive
6 federal money, and the New Hampshire Fish & Game
7 department created their first Wildlife Action
8 Plan in 2005, and it required the efforts of a
9 lot of personnel in the Fish & Game department,
10 lot of scientists with universities and
11 freelancers. It received input from the Nature
12 Conservancy, another conservation organization.
13 So a lot of people have a vested interest in the
14 information that was compiled in the Wildlife
15 Action Plan.

16 And the purpose of the Wildlife Action Plan
17 is to identify habitats that species of concern
18 require in order to survive, but it's not just
19 species of concern, it's all wildlife. So they
20 came up with a pretty sophisticated ranking
21 system using biological features, landscape
22 features and human impact features to try to
23 identify habitat through the state that was high
24 ranking. And they came up with three different

1 tiers and Tier 1 is the highest rank, and what
2 this document, while it's full of desire and it
3 lacks any enforcement capability, what it hopes
4 to do is to get people like conservation groups
5 or conservation commissions or the Site
6 Evaluation Committee to look at this information
7 when they're making land use decisions and take
8 this hard work into consideration.

9 Now, when they rank something in Tier 1,
10 that means it's critical for species of concern,
11 and the Antrim Wind site is located in one of
12 these Tier 1 areas, and when you look at what
13 makes up Tier 1 ranking, one of the things they
14 consider is topography, elevation, and high
15 ridge elevations throughout New Hampshire
16 represent unique habitat for certain species of
17 mammals and birds they are very, very sensitive
18 to disturbance.

19 Other information that they use in this
20 Tier 1 ranking, particularly for Tuttle Hill,
21 they look at those boulder fields that have been
22 talked about. That is structure. That is
23 habitat. They look at its proximity to
24 conservation land of which there are thousands

1 of acres that abutted and are in the general
2 area. They look at where it is located in terms
3 of how big of an unfragmented forest block and
4 how much human influence is there. Are there
5 power lines nearby, are there roads nearby, are
6 there a lot of undeveloped land also weighs in
7 how they rank these areas.

8 So when everything is said and done, when
9 you look at high elevation habitats and you look
10 at the forest type which is often spruce fir
11 which is a specialized habitat for a lot of
12 species, there isn't a lot of it, particularly
13 in the southern part of the state. In the White
14 Mountains and in the North Country, you have
15 more of it, but, you know, fortunately most of
16 that area has been protected through the
17 proactive efforts of conservation groups over
18 the last 20 years.

19 But when you look at protected land
20 throughout the state, while we have about 31
21 percent of this state permanently protected,
22 it's not uniformly spread out, and it doesn't
23 always include the highest ranking or most
24 important habitat in terms of wildlife or in

1 terms of forest management.

2 So this document, Wildlife Action Plan, has
3 tried to identify these areas of importance so
4 that when people are making important land use
5 decisions, hopefully they will take this
6 information into consideration. Now, when you
7 look at the Wildlife Action Plan and
8 particularly as it pertains to this project,
9 I've had wildlife biologists tell me that
10 between the time, the first document came out in
11 2005 and when it was revised in 2015, that if
12 the Docket 2012 had succeeded, and that the wind
13 farm was there in 2015 that the Tier 1 ranking
14 would not have been applied to Tuttle Hill and
15 probably Tier 2 would not have been applied.

16 The bottom line is they said that when
17 something has a Tier 1 ranking, a project like
18 this should be denied on those grounds alone.
19 So I think that speaks to the importance of the
20 Wildlife Action Plan as a planning tool but it
21 also speaks quite loudly to the impact that a
22 project like this has when it fragments a forest
23 block like the Tuttle Hill forest block which is
24 12,999 acres plus or minus in size.

1 Q Thank you very much.

2 PRESIDING OFFICER SCOTT: Ms. Linowes?

3 MS. LINOWES: Yes, Mr. Chairman. I do have
4 one exhibit I'd like to hand out.

5 PRESIDING OFFICER SCOTT: We'll go off the
6 record.

7 (Discussion off the record)

8 (Exhibit WA-40x marked for identification)

9 PRESIDING OFFICER SCOTT: Back on the
10 record.

11 MS. LINOWES: Thank you, Mr. Chairman. I
12 apologize for being late. I hopefully will not
13 ask questions that have already been asked.

14 **CROSS-EXAMINATION**

15 BY MS. LINOWES:

16 Q For today, I will be referencing four exhibits
17 including the one I just handed out today.
18 Those are my own exhibits, and I will also be
19 referencing exhibits I handed out in previous
20 days. These will be 32x, 33x and 39x. 39x was
21 handed out yesterday.

22 Good morning, Mr. Jones. Have you already
23 established that you are a forester? Is that,
24 were you asked that question?

1 A Not yet, but I am, and I had 30 years as
2 Director of Land Management with the Society for
3 Protection of New Hampshire Forests. In 2010 I
4 started my own consulting business which to
5 start a forestry business in 2010 was a
6 challenge given the economy, and I'm happy to
7 report that I'm one of the 20 percent small
8 businesses that made it past the first five
9 years.

10 Q And you also have a degree in biology?

11 A Yes, I do.

12 Q Would that be wildlife biology?

13 A No, just general biology.

14 Q Okay. And you're also very familiar with this,
15 the project site?

16 A I am. I've hiked up there on two occasions;
17 once in 2012 and again in April of this year.

18 Q Have you ever seen timber cuts in the Antrim
19 area or at least managed forests within the
20 Antrim/Stoddard area?

21 A I've managed timber sales all around the area
22 for the Forest Society and for clients.

23 Q Now, I did have one question before we get into
24 the details of your testimony. You had stated

1 in your resume that you served on the Forest
2 Sustainability Standards Work Team, and I wanted
3 to get a sense as a forester what does that
4 mean? Was that a state-sponsored entity, and
5 what was the ultimate work product or work
6 products? What was the purpose?

7 A Well, in the late 1980s, early 1990s there was a
8 lot of development taking place in the North
9 Country of New Hampshire, Vermont, Maine and
10 upstate New York. So there was a group that was
11 created and a study that was created called the
12 Northern Forest Land Study, and it went on for a
13 number of years gathering information in all
14 these communities, and one of the outcomes of
15 that study was a report, and one of the
16 recommendations of the report was that each
17 state establish their own set of sustainable
18 forestry guidelines, and in 1997 as an employee
19 of the Forest Society, I represented the Forest
20 Society on that first Committee along with 20
21 some-odd other natural resource professionals
22 from state agencies, other conservation groups,
23 industry, cooperative extension and we developed
24 the first set of sustainable forestry guidelines

1 in the country, and it culminated in the book,
2 the Good Forestry in the Granite State.

3 Q Are those standards, are they applicable
4 primarily in the northeast? You said across the
5 country, but the standards that you adopted or
6 recommended for the Granite State, are they
7 unique to New Hampshire or did these standards
8 apply anywhere?

9 A Well, this is a complex question but let me
10 distill it very quickly. Forestry for a hundred
11 years has been based on the concept of sustained
12 yield. You don't cut more than you grow. With
13 the spotted owl controversy and industrial
14 clearcuts that took place in the 1980s and got a
15 lot of public exposure, we started to recognize
16 that if you want to sustain the yield you have
17 to sustain the ecological processes that sustain
18 the yield. That's a subtle but significant
19 shift.

20 And so you say well, how do you do that?
21 Well, you look at forms in the forest that have
22 ecological functions associated with them and
23 you identify those forms. The Good Forestry in
24 the Granite State identifies forms. They could

1 be dead standing trees, they could be downed
2 logs, they could be vernal pools, they can be
3 riparian corridors, they can be hardwood stands,
4 softwood cover, roosting nests, root wads.
5 These are all physical forms in the forest that
6 have an ecological process associated with it
7 that contributes to healthy forests.

8 Let me give you just one example: Snag
9 trees. Now, OSHA and the forest products
10 industry used to think you had to get rid of
11 snags because they were vectors of insidious
12 diseases, they caused health problems in the
13 forests and they were a physical threat to
14 loggers. Well, we recognize that there are 20
15 some-odd species of birds and mammals that
16 depend upon snags of varying sizes for all or
17 some of their annual habitat requirements. So
18 now we respect snags and try to leave six trees
19 per acre of varying diameters. So that's one
20 example.

21 So to get back to your question, the forms
22 are universal to any forest, but the
23 recommendations that are made are tailored to a
24 New Hampshire landscape.

1 Q Thank you. I want to come back to that concept
2 of forms then. That's very helpful.

3 If you can go to page 4 of your Prefiled
4 Testimony, your Prefiled Testimony is SCC
5 Exhibit 6. That's the exhibit. Do you have
6 that in front of you?

7 A Prefiled? I think so. Somewhere maybe.

8 Q This is where you discuss having visited the
9 site on July 15th. I don't know if I have it or
10 not. Do you know the section I'm talking about?

11 A Remind me what I said and I'll see if I can
12 verify it.

13 Q It says on the July 15th, 2012, traverse of
14 Tuttle Hill Ridge by a number of natural
15 resource professionals including myself, Sue
16 Morris and others, abundant sign was observed.
17 You're talking about sign of wildlife.

18 A This was in 2012?

19 Q That's correct. That you found scat,
20 scrappings, browse, bite marks, and observed
21 what appeared to be core habitat for black bear,
22 bobcats, coyotes, moose, deer and other big game
23 species. Do you remember saying that?

24 A Yeah. The purpose of both times that I went out

1 there, the first time was with a group of
2 abutters and Sue Morris. The second time in
3 2016 was primarily members of the Stoddard
4 Conservation Commission who hadn't been up there
5 and who wanted to learn more about it, and there
6 were, I believe, a couple of other abutters that
7 came along with us. But the purpose of both
8 traverses was to follow a GPS route taken from
9 one of Antrim Wind's maps that I was able to use
10 a little digital jujitsu to get from paper into
11 a GPS.

12 Q And before you go on, you're actually getting
13 ahead of me so I wanted to step through some
14 questions --

15 A Yes.

16 Q -- about that. But you did --

17 A But the purpose of it was to follow this route
18 and to do it twice and to see what kind of
19 wildlife signs, if any, we could see.

20 Q Okay.

21 A In both instances, we could see fresh bear sign,
22 both in scat and in claw marks on beech. We
23 could see ample moose particularly the second
24 time which was a little bit of a surprise

1 because the moose population has taken quite a
2 blow in the last three or four years because of
3 the brainworm and ticks, but we saw ample sign,
4 both in scat and in browsing, along this route.
5 We saw obviously deer in there. We saw some
6 turkey scat, we saw some grouse scat, we saw
7 some coyote scat. But what all these signs are
8 telling us is that it's reinforcing the Wildlife
9 Action Plan's Tier 1 ranking as core habitat.

10 Q Let me stop you right there because you use the
11 word core habitat, and what is core habitat
12 versus any other habitat for a species? What
13 does that mean?

14 A Well, it has all the essential elements that
15 wildlife need to survive. It has food, it has
16 water, it has cover. But in this case, and I
17 can't underscore the importance of it enough, it
18 has escape habitat. Since the glaciers
19 retreated, animals have been seeking this area
20 as escape habitat. This is where they go when
21 they feel pressured by either human threats or
22 other animals because of the inherent features
23 of the land that offer them protection.
24 Softwood cover, the boulders, the high elevation

1 which, you know, a lot of generalist predators
2 won't go up into unless there's a road that's
3 nicely landscaped and packed down in winter that
4 gives them access.

5 So when I say core habitat, it's providing
6 all the basics they need, but in this case the
7 added feature is the isolation and the
8 protection they get for escape.

9 Q Okay. Thank you. If we could look at your
10 Supplemental Testimony. This will be your slide
11 presentation. Do you have that?

12 A Yes, I do.

13 Q And this would be SCC Exhibit B. And I would
14 like to go to page 11. PDF page 11 of your
15 slides. This is where, I believe, it shows the
16 GPS track of what you followed. Is that
17 correct?

18 A Yes.

19 Q Is that what the dashed line is?

20 A Yes.

21 Q And you have also marked on there the turbines.
22 You said that those are the exact locations as
23 you understood the turbines to be sited?

24 A Well, they corresponded with the information

1 that was on the maps that Antrim Wind developed,
2 and it was reinforced by the fact that there had
3 been a logging operation shortly before 2012,
4 and on a number of the sites there was a circle
5 around each of the potential sites that had been
6 cleared.

7 Q Okay.

8 A There were flagging out there that led us to
9 believe that these were the places where the
10 wind turbines would be erected.

11 Q Okay. Thank you. Now, you also call out, you
12 call out beech trees, I think that is
13 exceptional sugar maple ash stand. Is that what
14 it's supposed to be?

15 A Yes.

16 Q Right. Bear, I'm not sure what that is. The
17 first one that you get to. Bear he tree?

18 A Bear should have been beech tree in that, not --

19 Q Spellcheck.

20 A Right. A 26-inch diameter beech tree that had
21 claw marks on it.

22 Q Bear.

23 A Bear claw marks. They climb beech trees to get
24 up into the canopy to eat the beechnuts and they

1 have favorite individual trees. So when you get
2 into a beech stand you can identify whether
3 bears use it or not historically because the
4 same trees have multiple claw marks in them that
5 go from one year to the next. Some of them are
6 very old and starting to grow in and they have
7 callused shapes, but you can see the very
8 distinct paw print and the newer claw marks can
9 actually be fresh, you know, scratch marks for
10 the year that you happen to be out there
11 observing it.

12 Q Now, going to the next slide, here I wanted to
13 ask you, you have again the turbines appear to
14 be marked, 1 through 9, and they you have a call
15 out around turbine 6 and --

16 A Which page is this?

17 Q Very next slide. PDF page 12.

18 A Oh, yeah. Okay.

19 Q The title says rugged terrain, potential bear
20 den areas construction schedule for winter
21 months. Okay. So that area encircled in red,
22 is that what that callout is up above?

23 A That circle in red, I believe, is where that
24 boulder field is which is subject of the picture

1 I sent around.

2 Q Okay. Okay. And then, and I did look at the
3 road profile. It appears that that particular
4 area also has a significant dip in the terrain,
5 and then it comes back up so that's why I
6 thought that your callout was referring to the
7 profile of what you walked.

8 A Well, the callout is two-fold. One, it
9 identifies where the boulder field is and close
10 proximity to tower 6, but you can also see that
11 in that profile that's beside it that that's
12 right before the terrain takes a dip down into a
13 steep ravine.

14 Q I see. By looking at the contours of the map?

15 A Right, and you have to understand that this map
16 was generated by software called Terrain
17 Navigator. So what it does is it enables you to
18 draw routes and then look at what the profile
19 is. You can actually take your cursor and go
20 along the profile route, and it will give you
21 the percent slope.

22 Q Okay.

23 A So it's very useful for me when I'm laying out
24 logging roads and I want to keep a percent of 15

1 percent or less for skidders or trucks.

2 Q Now --

3 A So it's very useful in that respect.

4 Q Mr. Jones, what is it, maybe you've already
5 answered this question, but the kinds of things
6 that you're looking for with regard to bear,
7 quality of bear habitat. Was it the boulders,
8 was it the roughness of the terrain, was it the
9 quality or the types of trees that you saw or
10 all of above in that area?

11 A It's a combination and it's what makes it
12 high-ranked habitat by the Fish & Game
13 Department. And the way I interpret that is I
14 look at it and I see, if you look at page 11
15 which is a 2010 aerial photograph.

16 Q I'm not sure we have that.

17 A Page 11.

18 Q Is that the one we just looked at?

19 A Look at Page 11 is what I'm looking at.

20 Q Do these have page numbers?

21 A They should. That was the intent. If you print
22 it out, you probably won't see it. If it's --

23 Q Page 11 is the one that we just looked at. The
24 one just prior?

1 A Yes.

2 Q Okay. I'm sorry. Go ahead.

3 A So when I look at that aerial photograph, I can
4 see distinct stands of softwood cover, and when
5 you're out there in the woods you can ground
6 truth it and see whether it's spruce or hemlock
7 or pine, and in this case, because of the
8 elevation you can say okay, that's spruce.
9 Well, that's important softwood cover. You look
10 at the fact that there were beech in the area.
11 Well, beech are a favorite food of bear when
12 they produce the beechnuts, and they're
13 available at this time of the year, and that's
14 what they use to fatten up to get through the
15 winter. If you look at other areas, you know,
16 exceptional sugar maple ash, that's an
17 indication of fertile soils so there's going to
18 be in the understory some spring ephemerals like
19 jack-in-the-pulpit that bear will eat. They
20 also go after lot of other spring wildflowers,
21 and these are the things that come out first
22 that have high nutrition content in them and
23 they're available before other vegetation comes
24 out.

1 So, you know, I look at those kinds of
2 things off an aerial photograph, and then when
3 I'm in the field, you know, you look at just the
4 tree sizes, tree types, you look at the terrain,
5 you look at the boulder fields, it's all just
6 rugged territory that they like, and it offers
7 them some comfort and some security and --

8 Q That's very helpful. I appreciate that. I just
9 want to go now to slide 21. PDF page 21. And
10 this is referring to the recent bobcat study
11 confirming that there was at least one collared
12 bobcat in the area?

13 A There was, and this was a four-year study that
14 was jointly done by the Fish & Game Department
15 and University of New Hampshire and the lead
16 biologist was professor John Litvaitis, and what
17 they did was they concentrated their fieldwork
18 in southwestern New Hampshire and over in
19 east/central part of the state, and they were
20 able to collar a number of cats. This was
21 probably one of the most comprehensive studies
22 that have been done on bobcats to try to figure
23 out what their habitat movements are, what kind
24 of habitat do they use, how big their territory

1 is.

2 And one of the things that they were trying
3 to do is to get a rough estimate on the numbers
4 of bobcat to see if the moratorium that had gone
5 in place in the 1980s was resulting in an
6 increase in the bobcat populations. It's
7 important to note that in that study they have
8 said, and this is kind of just anecdotal
9 information that biologists have said, that as
10 the place of bobcat goes in Cheshire County that
11 influences the bobcat population in the entire
12 state. Now, I think maybe this bobcat study
13 might have dispelled that a little bit. The
14 important thing is that the stronghold of bobcat
15 in the State of New Hampshire has been the
16 southwest part of New Hampshire.

17 Q I would like to -- I appreciate that and I think
18 that's important, and there are bobcat in this
19 area.

20 A Absolutely, there are bobcat. I've seen them in
21 fact, the first bobcat I've seen in the 68 years
22 that I've been on this planet, the first bobcat
23 I saw was in 2013 I got a picture of it, and it
24 happened to be the bobcat that was collared and

1 it was confirmed by the trapper who did it, and
2 he said it was probably the biggest, healthiest
3 bobcat he had ever seen, and he hoped that it
4 was still alive, and I assured him that it was.

5 Q Now, you are aware that Antrim Wind did not
6 conduct any studies regarding, to determine the
7 baseline activity of large mammals in this
8 project area.

9 A I am, and I'm quite perplexed by that.

10 Q Okay. And it's, now, I wanted to -- hold on one
11 second.

12 A And I might add, I'm perplexed because, number
13 one, this is being proposed in an area that is
14 ranked Tier 1, highest ranking habitat, by the
15 Fish & Game. So that right there should be a
16 red flag. In fact, it's colored red on the map,
17 you know, should draw attention to the fact that
18 there's something unique about this area, and by
19 golly, we should find out what it is. Wouldn't
20 you think?

21 Q Now, we don't have to go look at this, but in
22 App. 33 which is the Application, on page 32,
23 the last paragraph, I'll just tell you what it
24 is. It's a description of the access road that

1 will be built, and it will be three miles, the
2 access road that will be between turbines will
3 be three miles long with a travel surface of 34
4 feet wide, but it will be permitted to
5 revegetate back to 16 feet wide.

6 Mr. Jones, have you ever visited an
7 operating wind energy facility?

8 A I have. I have a client by the name of Dan Ski
9 who owns fairly large acreage up in Lempster,
10 and on his property he hosts two of the towers.
11 And last year I was up there doing some current
12 use evaluation of his woodlot for him, and out
13 of curiosity I went up and walked a good section
14 of the road.

15 Q Did you find the road revegetated? How wide did
16 the road appear?

17 A Well, I was intrigued by the wonderful views
18 that were up there, the result of the amount of
19 forest cover that had been cleared, and the
20 distance from clearing to clearing along the
21 road was quite significant, and I wasn't able to
22 pace off that rugged terrain and get an accurate
23 measurement. So I went back home and looked it
24 up on my computer program using 2010 aerial

1 photographs. I used ARTMAP software which is
2 very accurate software at measuring distances.
3 So I was able to zoom in on some of the areas
4 along the road and there are a number of
5 sections that were upwards of 200 feet wide.
6 And I think some of that might be in my Prefiled
7 Testimony.

8 But anyway, I just, I was kind of struck by
9 the size of it. I also, in standing on that
10 road I could hear some equipment coming, and I
11 stood there and waited until a person operating
12 the roller stopped and turned out to be Kevin
13 Onnela's son who has the maintenance
14 responsibility for that road. So I kind of
15 played ignorant. I didn't know there was going
16 to be another Antrim Wind docket coming along.

17 So out of curiosity I asked him, you know,
18 what kind of maintenance goes into this road,
19 and he says it's pretty high maintenance because
20 they have to have the roads open and available
21 24 hours a day for emergency personnel, and that
22 there are two and a half full-time equivalents
23 that work there five days a week. So they have
24 to grade these roads, they have to roll them,

1 they have to snowplow them. So you have
2 constant equipment going back and forth. You
3 also have constant use by maintenance people
4 going back and forth on these roads from tower
5 to tower five days a week.

6 Q I appreciate that because I wanted to continue
7 talking about that and the effect on the
8 wildlife. So can we, if we can, if you could
9 look at the WA-32x. This is a photograph from
10 Groton Wind, a road, and I appreciate that this
11 is not Antrim Wind, but I just wanted to look at
12 this for a second.

13 So in looking at the, knowing what you know
14 about Lempster, seeing what you're seeing on the
15 Groton Wind project, how do those compare to a
16 timber road. Or is there any comparison?

17 MR. NEEDLEMAN: Mr. Chairman, we've
18 previously objected to this exhibit as
19 mischaracterizing what is going to happen at
20 Antrim.

21 MS. LINOWES: I'm not trying to say this is
22 Antrim. I'm just looking at this as a type of
23 operating project, the road that you see there.
24 I have a couple of questions regarding it, and I

1 don't have pictures from Lempster.

2 PRESIDING OFFICER SCOTT: Okay. While I'm
3 speaking, I'm also going to ask, we have a lot
4 to get through.

5 MS. LINOWES: Yes, we do.

6 PRESIDING OFFICER SCOTT: So to the extent
7 that the panelist can answer the question and
8 get your voice heard, I understand that, but to
9 answer the questions would be good because we
10 have a lot to get through in this proceeding.

11 MS. LINOWES: Thank you, Mr. Chairman.

12 Q If we can just get to the questions quickly.

13 A In looking at the upper portion of the picture
14 where you have the cut ledge, there are sections
15 on Lempster Mountain Road that look exactly like
16 that. I wouldn't say that I saw the exaggerated
17 tower slope on the lower side, cut and fill area
18 there, but you are going to have that on any
19 ridge where you have great topographic relief.
20 You have to have cut and fill.

21 Q As a forester, what is the likelihood, the sense
22 that a road can be revegetated back to 15 feet,
23 you get a sense that it will look like a narrow
24 gravel road through a forested area, that's sort

1 of a picture you get when you read the
2 Application, but what is the likelihood from a
3 forester's perspective of getting forest to grow
4 back to that road, to the edge of the road.

5 A You know, I'm not as concerned about trees
6 coming back. They will work their way up
7 through the tower slope. You'll get pioneer
8 species like aspen and birch that will work
9 their way up and over time they'll revegetate
10 and the leaf litter will create soil in there,
11 but it's going to take it a long period of time.

12 Q Will you get a canopy?

13 A Eventually.

14 Q Like three years, five years?

15 A Oh, no. You're talking 30, 40 years probably.

16 Q Decades.

17 A Right. Before you get the trees established and
18 tall enough to start to modify the environment.

19 Q So we're talking about potentially after the
20 project has been decommissioned.

21 A There will be trees in there, but it's not going
22 to be a mature forest. It will still be what we
23 call an early successional, small diameter
24 trees.

1 Q Now, Mr. Jones, on page 38 of your Supplemental
2 Testimony, this is the slide presentation, you
3 state, "The negative impacts of each residential
4 dwelling acre located within an unbroken forest
5 radiates outward affecting up to 30 additional
6 acres with increased noise disturbance,
7 predation and competition from edge dwellers
8 like the cow bird." Do you see that?

9 A I do.

10 Q And these, is the edge effects that you're
11 talking about, where, on something like that
12 photograph that you have Groton Wind project,
13 where does the edge effect begin? Is it at the
14 edge of the road?

15 A It's at the edge of where you cut the trees.

16 Q So down, that area where it goes downslope?

17 A Right, and they're hard edges, they're not a
18 soft edge. A soft edge would have a gradient to
19 it. These are hard edges where you can see in
20 the upper picture you've got the ledge and then
21 right behind the ledge you've got the forest
22 cover.

23 Q So that forest cover there, that's the start of
24 the edge effect?

1 A That's the start of the edge on that side, and
2 then you can see on the picture its irregular
3 shape that goes along the bottom of it. You can
4 also see there's been a timber sale that was in
5 there so there's, the original cover has been
6 partially removed so it's --

7 Q I want to call your attention to the Exhibit I
8 just handed out today, this would be WA-40x.
9 This is a postconstruction breeding bird survey
10 that was taken at the Granite Reliable Wind
11 Energy Facility. This is not the entire
12 document, but it is the discussion and
13 conclusions of the study. If you can go to page
14 9 which is the first page that I have given you,
15 on the bottom of that page.

16 A Which document is this?

17 Q This is WA-40x.

18 A I don't think I have that one.

19 Q It was handed out today. You didn't get a copy?

20 A Not to me.

21 Q We'll get you one.

22 A Thank you.

23 Q If you look at the bottom of that page 9, this
24 is the, it says here, "At the 33 turbine sites,

1 the mean number of birds cumulatively recorded
2 in three ten-minute point counts in 2009 showed
3 a significant decrease of roughly 42 percent.
4 This result is perhaps not surprising given that
5 the habitat of point counts locations was
6 removed to construct the turbines and the
7 roads."

8 But then it says, "At 33 corresponding
9 slope points and downstream from the turbines, a
10 similar decrease of 47 percent was apparent.
11 This would indicate that whatever affected avian
12 abundance along the ridgeline also affected it
13 250 meters downslope where habitat to the eye
14 appeared undisturbed and turbine noise was not
15 an issue in hearing birds." Do you see that?

16 A I do.

17 Q So is that the edge effect that you're talking
18 about? In part?

19 A That's the collateral damage caused by
20 fragmentation.

21 Q Okay.

22 A And you know, in my Prefiled Testimony, Exhibit
23 C, is an article by Michael Snyder --

24 Q Actually before you go there, I want to step you

1 through the fragmentation discussion, okay?

2 A All right.

3 Q Sorry.

4 A Well, just to say that you know, Mr. Snyder
5 speaks to why you have this impact from the
6 birds. Very clear cause and effect
7 relationship.

8 Q So, now, the Applicant has said that the project
9 will have an initial disturbance in the area of
10 57 acres, but when it's reveged back, and we
11 have an operating project will bring the
12 acreage, I believe it's around 11 acres in total
13 disturbance. Is that, that 30-acre additional
14 acres of impact that you talked about in your
15 slide, for every one acre you get 30 acres of
16 additional impact, is that the metric you would
17 use? So if there was 11 acres of resulting
18 project, times 33, is that what we're talking
19 about? That would give us the actual impact or
20 effect of the project?

21 A That's what research is indicating.

22 Q Now, Mr. Jones, you were not here when Mr.
23 Valleau was on the witness stand, I don't
24 believe. This was September 19th.

1 A I was not.

2 Q And I wanted to ask you a couple of things
3 about, to comment on something he said. He was
4 asked the basis, his basis for claiming that any
5 fragmentation by the project would not be
6 harmful and that wildlife would not be harmed by
7 virtue of the project being built. He was asked
8 that. And he said fragmentation, to define it,
9 is that you're breaking a piece of habitat into
10 separate pieces so they're not connected in any
11 way. This is directly from the transcript.
12 It's a separate, then he goes, and this project
13 which causes some disruption, it's a relatively
14 small disruption and doesn't break the habitat
15 into two pieces that create separation, a
16 separation that would stop bears or large
17 mammals from moving back and forth or birds from
18 moving back and forth. It's a relatively small
19 gravel road.

20 And then he says this. This is where I
21 want to get your comment: So it doesn't meet
22 the, it, the project, does not meet the strict
23 definition of fragmentation looking at it from a
24 two-dimensional view but also functionally it

1 doesn't rise to the level of fragmentation.

2 Do you agree with that statement.

3 A Absolutely not.

4 Q And why?

5 A Because everything I've read on sustainable
6 forestry talks about the threats of forest
7 fragmentation, and forest fragmentation is when
8 you take a block of undeveloped forest and you
9 start to cut holes into it, and the
10 fragmentation is not logging which is a kind of
11 a form of fragmentation, but the fragmentation
12 they're talking about is when you're changing
13 land use from forest to nonforest use. When you
14 do that, it can be linear which is quite a bit
15 damaging, or it can be patches and think of
16 Swiss cheese when you think of patches. They
17 might start out small, and they seem pretty
18 benign and pretty innocuous or it might be a
19 narrow road through a portion of this large
20 forest block, and it looks pretty benign and
21 people think well, you know, we've got more
22 woods than road, it's just a small road, but
23 those are the incipient stages of fragmentation.

24 And the reason that fragmentation is so

1 detrimental to forest ecosystems is this: When
2 you're converting, permanently converting or
3 converting for 50 years, what you're doing is
4 you're removing forest canopy, you're increasing
5 sunlight. Increased sunlight increases soil
6 temperatures. Increased soil temperatures
7 affect soil moisture and dries it out. It also,
8 if it's linear, it becomes a wind tunnel and you
9 get the Venturi effect where you get accelerated
10 wind that comes through and knocks down trees,
11 but it also becomes a conduit for noise.

12 And what Mr. Snyder who is a forester,
13 former Cooperative Extension Specialist with the
14 University of Vermont and now Commissioner of
15 Forest, Parks and Recreation of Vermont, he
16 writes an article in the Northern Journal every
17 issue. And back in 2014 he wrote what I think
18 is the best article on forest fragmentation and
19 why it is a progress, and he speaks in terms
20 that anybody can understand, and I highly
21 recommend the SEC members please read this
22 document because it's very important.

23 But in it, that's where he quotes, you
24 know, that for every acre that you convert, the

1 impact goes well beyond that acre to up to an
2 additional 30 acres, and so that's when you look
3 at your breeding bird analysis and you see this
4 zone, 200 meters below? That's what he's
5 talking about.

6 Q So. Okay. That's helpful. That's in your
7 testimony?

8 A That's in my Prefiled Testimony. It's Exhibit
9 C.

10 Q Now, also I want to reference WA-39x. This is
11 testimony by Will Staats. Do you know Will
12 Staats?

13 A I know him quite well.

14 Q And he's New Hampshire Fish & Game. In setting
15 this up, the question up, I had asked Dr. Foss,
16 and we have also heard from many other people,
17 including yourself, that wildlife is very
18 adaptable. So it's like build a road, they'll
19 just move on. It's not going to be that much of
20 a problem. I haven't heard that from you but
21 from others. Very adaptable to human activity.

22 So if I could call your attention to the
23 second page of WA-39x, that last full paragraph
24 on the page, last few lines, he says, and I

1 think this is consistent with what you're
2 saying, some wildlife use mountain ridgelines as
3 a refuge from --

4 A Which page?

5 Q Second page. Page numbers are not, there are no
6 page numbers, unfortunately. But the first, the
7 last full paragraph on that page?

8 A Yes.

9 Q In the middle it starts: Some wildlife use
10 mountain ridgelines as a refuge from more
11 developed areas at lower elevations.

12 Do you see that?

13 A Yes.

14 Q And over the years, we, Fish & Game have handled
15 numerous black bears that seek out these areas
16 for dens due to their remote locations. That
17 speaks to the remoteness that you are referring
18 to? Is that correct?

19 A Yes.

20 Q Okay. Ridgelines may be the only undeveloped
21 areas in the region and service critical
22 corridors for wide-ranging species including
23 bobcat, lynx, bear, et cetera. Here's the line
24 I wanted to ask you about. It says: These

1 animals exist more successfully with infrequent
2 contact, human contact.

3 So they're adaptable but are they
4 successful when they have to live closer to
5 human contact?

6 MR. NEEDLEMAN: Mr. Chair, I want to object
7 to this exhibit. It appears to be a letter that
8 was submitted in a docket in a different state
9 related to a different project, and it's not at
10 all clear how what's being talked about there in
11 any way relates to what's being talked about
12 here. So I don't believe it's relevant.

13 MS. LINOWES: Mr. Chairman, I used the same
14 exhibit yesterday. If there was going to be an
15 objection, it should have been yesterday.

16 MR. NEEDLEMAN: No, actually not. It's
17 objectionable based on the way it's being used
18 right now.

19 PRESIDING OFFICER SCOTT: Maybe if you
20 could rephrase the question. I'm not sure you
21 need this to ask this question.

22 MS. LINOWES: You're right.

23 BY MS. LINOWES:

24 Q Mr. Jones, I'll just ask the question directly

1 then. Wildlife can be adaptable to human
2 activity and human encroachment on its area, but
3 are they better and more successfully able to
4 survive without that contact?

5 A They're very adaptable, but like people, they
6 need their privacy. While they may come out of
7 their core habitat into somebody's backyard on a
8 daily basis and feed at their bird feeders or
9 people throwing out chicken to get a bobcat to
10 come and eat, these animals can develop a
11 familiarity with people, but when they feel
12 threatened by people's dogs or by hunters or
13 intimidated by loud noises or machinery or
14 fireworks, they need to escape. They need to go
15 back to where they feel comfortable, and that
16 goes to their core habitat and the places that
17 the Fish & Game has identified as Tier 1
18 habitat.

19 Q Let me move on then because I don't want to --
20 you've already made that case, and I think we're
21 good there.

22 Now, according to the Bird and Bat
23 Conservation Strategy plan, this is App. 33
24 Appendix 12 F, and on page PDF page 52, and I'll

1 tell you what it says. Under the section called
2 tree clearing it states, quote, "AWE will use
3 its best efforts to ensure tree clearing occurs
4 during the period between October 1 and March 31
5 in accordance with New Hampshire Fish & Game and
6 SEC recommendations," and then it says this
7 timing will help to avoid mortality of roosting
8 bats, nesting birds and their respective young.
9 Okay?

10 PRESIDING OFFICER SCOTT: What page are you
11 on?

12 Q This is PDF page 52 in the section entitled Tree
13 Clearing.

14 PRESIDING OFFICER SCOTT: Thank you.

15 Q Now, isn't the period from November to March the
16 same period when bears hibernate?

17 A Lot of mammals, you know, hole up in trees or
18 dens and bears are going to be in their
19 so-called hibernation period. Bobcats are
20 active, but they're going to den up in their
21 rocks or in their large diameter snag trees that
22 have cavities in them, they'll get into that.
23 So, too, will raccoons. So, too, will
24 porcupine. All the animals seek cover at this

1 time of the year.

2 Q Now, isn't it true that bear have their babies
3 in January or around that time?

4 A Around that time, yes.

5 Q While they're still hibernating?

6 A They're very small. Just a few ounces in size.

7 Q And it's that period, it was also, we had
8 testimony from Mr. Cavanagh, I don't know if you
9 were there at that time, but it also came up
10 yesterday, but that periods, there will be tree
11 clearing, there will be blasting for the road.
12 Are we working at cross-purposes here that we're
13 going to do the work in the winter to protect
14 the roosting bats and the breeding birds but put
15 our mammals at risk? Is there something wrong
16 with that picture or am I misunderstanding
17 something?

18 A Well, there's something wrong with the study
19 that the biologist did to exclude, you know, the
20 impact to mammals at this time of the year, but
21 more important, the impact to apex predators
22 which are absolutely essential to healthy forest
23 ecosystems --

24 Q I don't know what that is. Apex predators.

1 A They're predators that are at the top of the
2 food chain so in this area, it would be bears,
3 bobcats, coyotes. It used to include wolves and
4 mountain lions, but they're been extirpated.

5 Q So let me ask you. If a bear is hibernating in
6 the area, there's blasting or tree cutting that
7 goes on, what happens to the bear and what
8 happens to its baby or cub?

9 A Well --

10 MR. NEEDLEMAN: Mr. Chair, I'm going to
11 object at this point. We've spent a lot of time
12 with this. I've given some leeway. Mr. Jones
13 testified he's not a wildlife biologist, he's a
14 general biologist. I don't know how he would
15 have basis at all or any professional training
16 or experience to be able to answer questions
17 like this.

18 MS. LINOWES: This is the only question I
19 have left on wildlife, and I would like to hear
20 if Mr. Jones can say whether he has the
21 expertise to answer this question.

22 A For the record. For the record.

23 PRESIDING OFFICER SCOTT: Hold on. Hold
24 on. As Mr. Needleman said, we've given a lot of

1 latitude here so I'll ask you both to be
2 succinct, and we'll move on quickly after that.

3 MS. LINOWES: Let me ask the question, and
4 I appreciate that the discussion has gone on too
5 long, but are the questions out of line? I just
6 want to know if you're sitting there feeling
7 uncomfortable about the questions.

8 PRESIDING OFFICER SCOTT: Again, similar to
9 other discussions we've had, you have to match
10 the expertise of the witness to the type of
11 questions you have. So, again, so I'll allow
12 you to proceed, but I'm asking you both to,
13 let's get beyond this and move on and be
14 concise, please.

15 A For the record, could I respond to challenge to
16 my professional credentials?

17 PRESIDING OFFICER SCOTT: I'd like you to
18 answer the question.

19 Q He was just told, I think there was a challenge
20 to whether or not he had the expertise to answer
21 the question so I want to make sure that the
22 Committee gives the proper weight to his answer
23 by knowing what his --

24 PRESIDING OFFICER SCOTT: My direction is

1 go ahead and answer the question succinctly, and
2 then we'll move on.

3 A Which question?

4 PRESIDING OFFICER SCOTT: You want to
5 rephrase?

6 MS. LINOWES: Yes.

7 Q First of all, do you know a lot about bears?
8 Can you discuss at least their mating habits?

9 PRESIDING OFFICER SCOTT: I don't think
10 that was your question.

11 MS. LINOWES: That's true. It wasn't.

12 Q The question was what happens to the baby. If
13 the mother is awoken from hibernation, what
14 happens to the cub.

15 A Individuals can disturb individual bears if they
16 come upon them when they're hibernating in the
17 wintertime. You can disturb them and you can
18 get them up and get them to move. If somebody
19 is blasting in an area where a bear is dened up
20 that's going to disturb them and they're going
21 to get up and move. They won't tolerate four
22 months of continuous blasting. So they're going
23 to move. The question is well, where and how
24 far away from the noise do they have to go

1 before they feel comfortable and where is that
2 comfortable place going to be. We don't know.

3 But when you look at the infant bears,
4 they're a couple of ounces when they're born,
5 and they work their way up through the fur to
6 get to a nipple and they latch on to it. So
7 will the little cubs survive a disturbance in a
8 move? I don't know. But if you stop and think
9 about what nature has come up with a solution,
10 they keep them in the den until they're big
11 enough to come out and move on their own. So
12 stands to reason that these animals are at
13 threat.

14 Q Thank you, Mr. Jones. I'm all set,
15 Mr. Chairman.

16 PRESIDING OFFICER SCOTT: Mr. Ward?

17 **CROSS-EXAMINATION**

18 BY MR. WARD:

19 Q I just have one, I just have one question,
20 Geoff. I'm working upon an interesting case
21 which will probably end up with the Supremes.
22 It started out as a wind case where a tree, a
23 couple of trees, blew down on a house and almost
24 destroyed it. Now, this came about because I

1 was asked is that, was that wind extreme.
2 Should you have expected it. The answer was it
3 depends, like most lawyers would answer. It was
4 in an area where there were hundred foot
5 evergreen trees, and it had been developed such
6 that there was one lot where they took down the
7 trees, built a house and another lot they took
8 down the trees and built a house, and the lot
9 next to where this house blew down remained as
10 the only place where there were trees.

11 Now, in my experience, and I'm asking you
12 the question, when you have a forested area of
13 large trees and things are taken down on both
14 sides, doesn't that put the remaining trees at
15 risk, substantial risk?

16 A When trees grow in a forested condition, there's
17 safety in numbers and they support each other.
18 So from a silvicultural standpoint when you go
19 into a stand, you have to open it up slowly so
20 that these trees develop wind firmness. If a
21 stand is opened up at the wrong time because the
22 trees are either too tall, haven't been
23 developed early enough in their development, you
24 know, thinned out properly, they're going to be

1 prone to even snapping off or depending on the
2 soil conditions, they could be vulnerable to
3 wind throw which would uproot the whole tree.
4 So, you know, they're some variables here, but
5 when you're talking about house lots, that's a
6 little different animal.

7 Q Well, I guess the question was simply are they
8 not more at risk as you take down the trees
9 around them? Which we're talking about here.
10 We're clearing out an area, and as you've noted
11 the wind is going to blow right along it. Isn't
12 there, just from the standpoint of taking out
13 stands of trees, don't you put the trees that
14 are collocated next to it at substantial risk
15 just due to wind effects?

16 A You'll get breakage and you'll get blowdown
17 along the edge. Yes.

18 Q That's it. Thank you.

19 PRESIDING OFFICER SCOTT: Thank you. Ms.
20 Allen, do you have any questions?

21 **CROSS-EXAMINATION**

22 BY MS. ALLEN:

23 Q Yes, I have three. Can you hear me?

24 PRESIDING OFFICER SCOTT: Yes.

1 Q Mr. Jones, putting on your hat of Stoddard
2 Conservation Commission and also a Stoddard
3 resident, can you briefly describe the Andorra
4 Forest which is, I believe, 11,500 acres and
5 includes also a 2000-acre wilderness area called
6 Wildcat Hollow? Can you tell us a little about
7 it?

8 A I can and --

9 MR. NEEDLEMAN: Mr. Chair, what's the
10 relevance of this?

11 PRESIDING OFFICER SCOTT: Can you help us,
12 Ms. Allen?

13 MS. ALLEN: It goes to his testimony on
14 fragmentation. It's very, it's very near the,
15 well, my next question is how close to it is to
16 Tuttle Hill. So I would like to know about it,
17 and then know how close it is to the project
18 site.

19 PRESIDING OFFICER SCOTT: Okay. Proceed,
20 please.

21 A If you look at the Exhibit B, page 42, if I've
22 numbered them by hand properly, you should see a
23 slide that says the close proximity of AWE to
24 protected lands, viewshed and wildlife. Do you

1 see that?

2 Q Uh-huh.

3 A The green and orange-shaded colors represent 65
4 percent of the town that's permanently
5 protected. The area that's on the western side
6 of town primarily is made up of 11,000-acre
7 Andorra Forest which is a privately owned
8 reservation owned by the Faulkner family going
9 into the third generation. When it was
10 protected in 1991, '92, it was the largest
11 conservation easement east of the Mississippi
12 with the exception, I think, of one tract in
13 Maine. It's a large tract of land.

14 But what's unique about the protected lands
15 in Stoddard, when you look at the two orange
16 areas they are forever wild easement
17 designations. Wilderness areas, if you will,
18 and the unique thing about them is that they are
19 hosted on private land which is almost unheard
20 of.

21 And the reason that the Stoddard
22 Conservation Commission is concerned about what
23 is happening on Tuttle Hill is that the large
24 fragmented forest blocks, whether they are

1 protected or not, the fact that they are
2 undeveloped, they support the ecological health
3 and vigor of the protected lands on Stoddard's,
4 in Stoddard's boundaries, but the fact that we
5 have 20 percent of the land in Stoddard in an
6 ecological reserve designation means that we are
7 in a unique position to reestablish ecosystems
8 and ecosystem health back to their natural
9 equilibrium on a landscaped level, but in order
10 to do this we need to have supporting lands
11 outside the town of Stoddard to be kept intact.

12 Q Can you estimate how far like Wildcat Hollow or
13 the edge of the Andorra Forest is from the
14 project site?

15 A I'd have to measure it, but I think from --

16 Q Just roughly?

17 A From Pitcher Mountain to Tuttle Hill, I think
18 it's something like 6 miles, 7 miles.

19 Q Okay. Thank you.

20 A It's closer in proximity than the Lempster Wind
21 farm to the north.

22 Q Thank you. One last question. Can you tell us
23 a little bit more or tell us about a third
24 Forest Legacy project that's in the viewshed

1 area, Crotched Mountain.

2 A What would you like to know about it?

3 Q Why is it important?

4 A Well, it's a large tract of land, and it's on a
5 mountain that has a lot of undeveloped forest
6 lands, and I think the kind of thing that's
7 significant here is who the landowner is,
8 Crotched Mountain Rehab Center, and it's a
9 project that the Forest Society worked on with
10 them for several years before it culminated in a
11 Forest Legacy easement.

12 Q And you would agree it's in the viewshed area?

13 A Yes, it is.

14 Q Thank you. No further questions.

15 PRESIDING OFFICER SCOTT: Thank you.

16 Mr. Block? Any questions?

17 MR. BLOCK: Yes, just a few.

18 **CROSS-EXAMINATION**

19 BY MR. BLOCK:

20 Q Do the residents of Stoddard support the
21 Conservation Commission's position on Antrim
22 Wind?

23 A The Stoddard Conservation Commission works very
24 hard to educate the people in town on the

1 importance of protected lands. The fact that
2 they have supported our land protection efforts
3 regarding Robb Reservoir and the acquisition of
4 town forest unanimously, and the fact that
5 nobody has called me or questioned me or
6 criticized me or the Conservation Commission for
7 being an intervenor in 2012 when we had the full
8 support of the Stoddard Selectmen and again in
9 2015, both intervenor status and support from
10 the Selectmen, but this time we had to present a
11 logical argument that they accepted, I have not
12 had one phone call from anybody saying what the
13 heck is the Conservation Commission doing voting
14 against a green energy project. I think they
15 get it. I think they understand.

16 Q What is it that you think makes Stoddard so
17 unique?

18 A Well, half the hills and half the rocks of
19 Cheshire County are located there. There are
20 several lakes that historically have been
21 recreational areas. It's a stratum of air
22 that's above the rest of the county. The
23 Sunapee/Monadnock ridgeline runs right through
24 the middle of town. We have over a fifth of the

1 Sunapee/Monadnock greenway in the town of
2 Stoddard, most of it on Andorra Forest. And
3 there's a large recreational community that has
4 camps on the lakes and in the hills that help to
5 keep the tax rate low for the year-round
6 residents, but they come there because they like
7 the scenery, they like the protected land, they
8 like the views they get from Pitcher Mountain
9 and Bacon Ledge, and they like looking at
10 hilltops that are unmolested, and I fully
11 appreciated that a few years ago when AT&T tried
12 to put a tower on Melville Hill which is in the
13 southwestern part of town, and there was a lot
14 of public outcry on that, and the Stoddard
15 Conservation Commission weighed in on that
16 because, again, it was a project that would
17 create fragmentation in a large unfragmented
18 forest block, but we didn't just protest it. We
19 offered two viable alternatives that would
20 provide better cell coverage and one of those
21 sites is currently being built on as we speak.

22 So I think they support us and they
23 appreciate the hard work that we put in, and one
24 of the reasons they appreciate us is the fact

1 that we're unique among conservation commissions
2 in that we have two licensed professional
3 foresters, one high school science teacher, that
4 represent over 100 years of natural resource
5 practical hands-on expertise. So they respect
6 us.

7 Q So what do you consider to be the biggest
8 challenges that the Conservation Commission
9 faces?

10 MR. NEEDLEMAN: Mr. Chair, I'm going to
11 object again to relevance.

12 PRESIDING OFFICER SCOTT: I think you need
13 to keep it on topic if you could, please.

14 MR. BLOCK: Seems relevant to me, but I can
15 go either way.

16 PRESIDING OFFICER SCOTT: Well, we'd like
17 to talk about the project.

18 MR. BLOCK: Okay.

19 A One of those challenges pertains to the project.

20 Q There's been a lot of talk about the access
21 road, and the problems it will create. I live
22 right off Route 9. It's a major east/west
23 highway. Doesn't that pose more of a threat
24 than the access road?

1 A It's been a concern of mine personally and a
2 concern of the Stoddard Conservation Commission
3 and, we're on record of being quoted in a Keene
4 Sentinel article, but in 2001/2002 expressing
5 concern about the fact that it seems like Route
6 9 is becoming a de facto east/west highway.
7 What the problem is, you have a major east/west
8 highway for people that intersects a major
9 north/south highway for wildlife, and it's a
10 challenge enough for animals to cross this road,
11 and I've seen a number of them go in front of me
12 personally, but stop and think.

13 Animal gets across Route 9, and, you know,
14 it's frightened by the traffic. It heads up to
15 Tuttle Hill which is historic safe haven, and
16 what happens when it gets up there and it now
17 sees an access road? Its life becomes more
18 complex and more confusing, and a safe haven has
19 been removed. So think of, you know, that
20 challenge, that aspect of it.

21 Q Did you find any shortcomings in Valleau and
22 Gravel's report? Anything they failed?

23 A I think we've discussed two of them is the fact
24 they didn't have a plan or have any kind of

1 reaction for mammals other than that they could
2 go elsewhere, and we know that if the elsewhere
3 is somebody's backyard these animals get shot.
4 And the other thing I take great issue with is
5 their dismissal of this project as being any
6 form of fragmentation. It is the poster child
7 for incipient stages of fragmentation.

8 Q Yesterday when you were questioning me, I may
9 have misunderstood one of your questions, but
10 you were asking me about invasive or exotic
11 species on my property. Is there a difference
12 between invasive species and exotic species or
13 are those interchangeable terms?

14 A Interchangeable.

15 Q Can you explain to me in simple terms, what is
16 the mechanics of that? How would I have gotten
17 invasive species on my property?

18 A A lot of what was discovered out there was
19 barberry, and it could be, number one, a vestige
20 of the previous land clearing and agricultural
21 activity that was out there and the homesteads
22 that were there. You know that you have a
23 number of cellar holes, number of stone walls.
24 So most of the forest on your property had been

1 cleared for agriculture at one time. So it
2 could be a vestige of that because people liked
3 barberry as an ornamental. It also could be the
4 result of some kind of a disturbance from the
5 logging that took place there just prior to your
6 owning it.

7 Q About 30 years ago, yes.

8 A That created the disturbance that made the
9 fertile ground for the barberry, and I can't
10 remember if there were other plants out there,
11 but the point is that you have invasives that
12 are well-established on your property, and there
13 are other properties in the area that I've done
14 inventories on that had invasives established,
15 and the landowners are having a difficult time
16 dealing with them.

17 Q In the Antrim Board of Selectmen's Prefiled
18 Testimony, they mentioned invasive species in
19 the context of their concern about if the Antrim
20 Wind project was not approved, then the
21 conservation easements would not go through,
22 and, therefore, they're worried that the ridge
23 might be developed elsewhere with houses or
24 something like that, and they said in regards to

1 this, and I quote, the development of this land
2 could have impacts on aesthetics, habitat
3 fragmentation, lights, invasive species and
4 other impacts, unquote.

5 When I questioned them about that, during
6 their testimony, I said do you think that if
7 Antrim Wind does any development on there,
8 meaning the wind turbine project, would that
9 development have impacts on aesthetics, habitat,
10 fragmentation, lights, invasive species and
11 other impacts, and the answer from Mr. Robertson
12 was, I don't believe that it will. Do you
13 believe it will?

14 A There's contradictions in that entire statement.
15 It can't happen under one scenario and not under
16 the other. In terms of, you know, widespread
17 residential development takes place on Tuttle
18 Hill, you've been up there and I've been up
19 there, and we know that there's ledge. You
20 don't have soils that are friendly to perc test.
21 It would be very difficult to get good access
22 roads up there, and I'd almost say, you know, go
23 ahead and try when you start looking at some of
24 those topography constraints. I don't believe

1 you're going to see widespread development up
2 there, particularly if the people in Antrim
3 adhere to their master plan. That's what a
4 master plan is for is to guide development,
5 guide growth, make good planned use decisions.
6 The fact that it's being violated here is very
7 concerning.

8 Q So if this project were approved, would that
9 avoid their worry about impacts on aesthetics,
10 habitat, light, invasive species, and other
11 impacts? Or would that result from this project
12 being built?

13 A Of course you're going to have that, but the big
14 concern is this; that once you have broken the
15 integrity of the zoning rural conservation, then
16 that opens the door for any other kind of
17 development and you've lost it, because the
18 precedent's been set. You can have a wind farm.
19 You can have anything else. You've condemned
20 that 12,000-acre block to development.

21 Q Thank you. No further questions.

22 PRESIDING OFFICER SCOTT: Ms. Berwick?

23 MS. BERWICK: Yes. I have a couple of
24 exhibits first.

1 PRESIDING OFFICER SCOTT: We'll go off the
2 record.

3 (Discussion off the record)

4 PRESIDING OFFICER SCOTT: Back on the
5 record.

6 **CROSS-EXAMINATION**

7 BY MS. BERWICK:

8 Q Mr. Jones, you were here during the 2012 docket.
9 Using the document, Abutter 40, that I just
10 handed out, could you read the conversation of
11 the Committee from the first page, it's labeled
12 52. Could you read what I highlighted on that
13 page?

14 A The idea of mitigation implies that one can take
15 something of lesser value, swap it for something
16 of higher value, certainly wouldn't work the
17 other way around. So when we talk about the
18 Willard Pond area, you have to ask yourself,
19 what else out there that we could possibly swap
20 for to give a higher value.

21 Q Now, could you read at the very bottom of the
22 page, the highlighted and go on to the second
23 page, please?

24 A So your concern is both square footage total but

1 also where it is or who has access to it? Not
2 just conserving private lands. But something
3 that is more public in nature?

4 Q Continue.

5 A I would like to see a public component to it.
6 You know, the public is not going to be welcome
7 to the project area. I'm not really sure how
8 much public access there will be to these areas
9 that are conserved and there's a public
10 resource, you know, the natural resource that
11 they're using.

12 Q Okay. Now, on the very back there's just a
13 little bit highlighted.

14 A Yes, it's 685 acres, I believe, is, when we
15 closed the evidentiary hearings, it was 685
16 acres, and then there's an additional 123 acres
17 since that time for a total of 808 acres.

18 Q Now, related to the reading you have just done
19 and your understanding of the current project,
20 how many more acres will be included under
21 conservation easement?

22 A For the current project?

23 Q Yes.

24 A I think the number is 906 acres.

1 Q Okay. Do you know how many acres of this area,
2 the new conservation land, will be public land
3 versus privately owned?

4 A I think it's all under private ownership.

5 Q Do you know or I'm sorry. Just asked you that.
6 Do you know if Mr. Ott's property, if Mr. Ott's
7 property that retains the right to build
8 buildings or build a road and have utilities is
9 part of the new property that is being offered
10 this time?

11 A I haven't been looking at those kinds of
12 details.

13 Q Okay. So you don't know about the Bean
14 property?

15 A I don't. Honestly, I haven't had time to focus
16 in on that kind of detail.

17 Q Okay. Do you know if any conservation groups
18 such as the Harris Center were asked to accept
19 the new acreage being offered in this docket for
20 conservation?

21 A Do I know if the Harris Center's --

22 Q Was asked to accept the new acreage that was
23 being offered?

24 A I believe that they're in discussions.

1 Q Do you know if the Antrim Conservation -- I'm
2 asking specifically because land that is going
3 to be maintained or conserved by the Town of
4 Antrim rather than any conservation group that I
5 know. Do you know why that would be?

6 A I'm not aware of any activity that the Antrim
7 Conservation Commission is engaged in.

8 Q Okay. You missed the day that Mr. Valteau and
9 Mr. Gravel were on the stand. You might have
10 answered this, but they were asked by a
11 Committee member if the effect of this roads
12 project was comparable to logging activity in
13 disturbing animal habitat. Can you explain how
14 logging activity compares to this project's
15 impact?

16 A Difference between a logging road and logging
17 activity and a permanent road and a permanent
18 facility is the permanence. Logging is
19 temporary, forest grows back, recovers. You
20 don't have an ongoing presence of machine,
21 equipment and activity. In a development, in a
22 wind farm, you have constant presence. Huge
23 difference.

24 Q When you log, you were talking about looking for

1 areas to get equipment up in the road grades.
2 Do you have conditions where you do cut and fill
3 to the extent that we are talking about with
4 this project?

5 A Any logging road that gives you access to a
6 forest to be managed you have to justify the
7 cost so most roads are put in with minimal
8 engineering conditions because the money is
9 coming out of the landowner or coming out of the
10 stumpage revenue generated by the timber sale,
11 and the whole reason that people are having a
12 timber sale is to make money, not spend money,
13 so they have a much different approach. They
14 use, they would either skid longer distances,
15 keep the truck road, you know, to a minimum, and
16 the only time you start to get expenditures of
17 big money for big roads is when you're on
18 industrial company lands where it's a permanent
19 ownership and they're looking at these roads as
20 a capital investment.

21 Q Thank you. Upon questioning of the effect of
22 this project on the Quabbin to Cardigan
23 corridor, Mr. Valleau and Mr. Gravel said it was
24 such a small area that the impact would be

1 negligible. Now, you have touched upon this,
2 but obviously you don't agree with that.

3 A No, I don't.

4 Q Is that just your personal opinion?

5 A Well, stop and think, actually, I have -- while
6 we stop and think I'd like you to look at
7 Exhibit B, page 77.

8 Q Is that your Supplemental Testimony?

9 A Supplemental Testimony, Exhibit B, page 77.

10 Q Is that your slide show thing?

11 A Yes, it is.

12 Q Could you tell me, oh, I do have pages, sorry.

13 MR. IACOPINO: What's the title of the
14 page?

15 A It's one of the biggest threats to life on
16 planet earth. Do you have it? It's an
17 earth-like photograph of the United States
18 illuminated by city lights.

19 Q Right.

20 A If you want to know what fragmentation is, that
21 is fragmentation on a continental scale. The
22 whole reason, one of the main reasons of the
23 Quabbin to Cardigan initiative is to identify as
24 much land within the highlands, that is high

1 ranking habitat, to conserve it for habitat and
2 to conserve it as a working forest. And what
3 strikes right to the heart of the issue that
4 we're being confronted with, we are looking at
5 renewable energies because we want to reduce our
6 carbon footprint, and the irony here is that the
7 best life jacket we have is a healthy forest
8 ecosystem and healthy ocean ecosystems because
9 they absorb CO2, they store carbon, and in order
10 for a forest or an ocean to be healthy they have
11 to have healthy ecosystems.

12 And for a forest to have a healthy
13 ecosystem they have to have apex predators, and
14 there's been a lot of studies done over the last
15 50 years that show the importance of apex
16 predators and the influence whether they are
17 present or not that cascades on the whole
18 ecosystem for better or worse. And the concern
19 here on Tuttle Hill is that it's been identified
20 by the Fish & Game department as high ranking
21 habitat and in this case, apex predator habitat.
22 The biggest threat to apex predators and the
23 biggest threat to healthy forest ecosystems and
24 their resiliency is fragmentation, and this, no

1 matter which way you skin it, is fragmentation.

2 Incipient fragmentation may not look like
3 it's bad, but it's the beginning. Developer's
4 got their foothold in the door and if Antrim
5 Wind goes in, kiss the rest of the 12,000 acres
6 goodbye for conservation rural lands because it
7 will become developed. No question about it.
8 If you don't believe me, look at this map. You
9 can see it. It's happening. We have painted
10 ourselves into a corner, and it's land use
11 decisions like this that need to honor wildlife
12 management planning documents, need to honor
13 town planning documents so that we maintain all
14 of the parts of an ecosystem that keep us alive.

15 Q Thank you. Your Supplemental Testimony shows
16 that the wind turbines will be visible from
17 several beaches and significant points of
18 interest in Stoddard. Won't the trees provide a
19 tree and canopy?

20 A I have Terrain Navigator, as I said before, and
21 I'm able to use sight lines sightings, and what
22 I'm able to do with the software is at one point
23 I can elevate it. So I can put the wind tower
24 locations on Tuttle Hill, Willard Mountain at

1 500 feet, 400 feet, and draw sight lines to
2 beaches, to permanent places within the town,
3 people's backyards to see if they can see them
4 or not.

5 Now, this is tried and true technology. I
6 use it all the time when people want to know if
7 they can get a view from their woodlot. If I do
8 an aesthetics clearing, a viewshed clearing. We
9 used it extensively in our defense of Melville
10 Hill and the cell tower and used this technology
11 in identifying literature sites, and when we got
12 done with the hearing I had one of the fellows
13 from AT&T come up to me and said my God, you
14 beat us at our own game.

15 So it's very accurate in giving you an idea
16 of whether you can see it or not, and the one
17 thing you have to make some adjustments for are
18 tree canopies, you know, in this case at the
19 point that you're trying to view it from. But
20 if you have a clear shot like you do at Island
21 Pond beach of Tuttle Hill, then you can see how
22 many of the towers you're going to see portions
23 of and my Terrain Navigator lines up with the
24 simulated towers that were part of the exhibit

1 so I have great faith in this technology and my
2 ability to use it to determine whether or not
3 you're going to see these things, and you can
4 get a relative idea of how much of it you're
5 going to see.

6 Q Okay. Thank you. I passed out another exhibit,
7 Abutter 41. This exhibit that shows the Town of
8 Antrim Conservation Commission in September of
9 2014 which is the last minutes I could find on
10 the website voted to assist the Harris Center in
11 purchasing 184 acres. Can you read me the lines
12 that start with the property has conservation
13 value of very high order?

14 A This is Abutter 41?

15 Q Abutter 41, Town of Antrim says on the top.

16 A So it's the little section highlighted.

17 Q Yes.

18 A The Quabbin to Cardigan (Q2C) Coalition has
19 designated the entire property as either core,
20 about 90 percent, or supporting landscape, 10
21 percent to their mission to conserve intact
22 interconnected ecologically significant forest
23 in central New England and is the key headwater
24 area of the Merrimack River.

1 Second bullet, New Hampshire Fish & Game's
2 Wildlife Action Plan (WAP) designates about half
3 the property as the highest ranked habitat in
4 the state by condition. Third bullet, the
5 Antrim Open Space plans identifies the area as a
6 priority for permanent conservation. Fourth
7 bullet, the property has a 34-acre beaver pond
8 whose outflow goes directly into Gregg Lake.

9 Q Thank you. According to this document, would
10 you say that the town of Antrim places a value
11 on the Quabbin to Cardigan designation of the
12 area?

13 A Certainly sounds like it.

14 Q According to this document, would you say that
15 the town of Antrim values the New Hampshire Fish
16 & Game's Wildlife Action Plan?

17 A The town of Antrim or the Conservation
18 Commission?

19 Q The Conservation Commission.

20 A Conservation Commission, yes. They recognize it
21 which is good.

22 Q Visiting my daughter in Bellevue, Washington, an
23 area basically the same size as Antrim, it's
24 36.47 square miles and Antrim is 36.5 square

1 miles. Bellevue, Washington, has a population
2 of 122,363 versus Antrim's 2673 in 2010 census,
3 and I believe it's much higher by now out there.
4 I saw while I was out there deer with no forest
5 land anywhere. They simply went from one very
6 small city-type yard to another small city-type
7 yard. I saw raccoons that seemed to basically
8 live in pine trees in people's yards and rabbits
9 galore or so, obviously, animals can adapt even
10 to living in city-like conditions. Is that
11 really so bad?

12 A Question is not --

13 Q I know it made me sick.

14 A The question is not whether wildlife can adapt.
15 It's whether people can adapt, and I don't think
16 people are as adaptive as the animals are and
17 that's where the conflict comes.

18 Q Mr. Jones, have you hiked Bald Mountain?

19 A I have.

20 Q Mr. Raphael stated that finding the ledges with
21 the views that would overlook this project was
22 something of a project. Having to shimmying
23 down to get to the ledge and something that many
24 people that would climb Bald Mountain could very

1 well not do or oversee, and that basically they
2 would be content with climbing the mountain and
3 having no view from the top. Would you like to
4 comment on that?

5 A That's what John Kulish calls bobcat habitat.
6 Okay? That's bobcat habitat. If people can't
7 get up there, maybe they don't belong there, but
8 I've been up there. If you're adept at hiking
9 in the woods, you can negotiate those trails.
10 They are steep, they can be slippery when it's
11 wet, but, you know, it's well worth the effort
12 when you see the magnificent view.

13 Q We heard questions about the boulders today and
14 we have seen the Antrim Wind Energy has proposed
15 to try to mitigate the effects on the boulders.
16 Do you have any input into their mitigation
17 plan?

18 A You know, I appreciate their willingness to work
19 with the conservation community, and I think
20 that that's why they have some support of some
21 of the conservation groups is because on paper,
22 this is a very green project. It involves
23 renewable energy, it involves conservation
24 easements, it involves using Good Forestry in

1 the Granite State which I helped develop. It
2 helps licensed foresters. It's involves a
3 willingness to do followup bat and bird studies.

4 The only problem is it's the wrong site,
5 and when you want to, you know, propose a
6 project like this, you need to make sure that
7 you put it in a place where is does the least
8 damage, not the most damage, and this will do
9 the most damage because it's on high-ranking
10 habitat, and it's right in the middle of 40,000
11 acres of contiguously protected land that six
12 conservation organizations and two state
13 agencies have worked 40 years putting together,
14 spending millions of dollars, and I think if
15 this wind farm goes in there, it will be an
16 insult to that every effort.

17 Q You just stole one of my last questions. This
18 is the last question then. You have said that
19 you have the support from the town of Stoddard.
20 Did you also notice that we received a note of
21 submission from the Selectmen of Deering asking
22 the SEC to deny the Antrim Wind Energy
23 Application?

24 A I did and that's significant.

1 Q Okay. Thank you. That's all the questions.

2 PRESIDING OFFICER SCOTT: I've had a
3 request for a break so we'll take a 5-minute
4 break.

5 (Recess taken)

6 PRESIDING OFFICER SCOTT: We're going to
7 get started again. Back on the record. Does
8 the Harris Center have any questions?

9 MR. NEWSOM: No questions.

10 PRESIDING OFFICER SCOTT: I think that will
11 leave Counsel for the Public.

12 **CROSS-EXAMINATION**

13 BY MS. MALONEY:

14 Q Unfortunately, you've answered all my questions,
15 but I expect you're going to be asked this
16 question. So I will ask it. There was, you
17 weren't present for the testimony of Mr. Gravel
18 and Valleau, but what they indicated was the
19 reason that they didn't do any studies on
20 wildlife management, large mammals, rather, was
21 that they had consulted with New Hampshire Fish
22 & Game in 2012 and then consulted with them
23 again with the renewed project and asked them if
24 they needed to do any additional studies and

1 they said that they didn't need to.

2 I mean, no one from Fish & Game has
3 testified here, and, granted, they didn't have
4 the benefit of knowing that the Site Evaluation
5 Committee had enacted new rules, but I was
6 wondering if you had any insight on that and why
7 Fish & Game, have you had any discussions with
8 anyone at Fish & Game or do you know anything
9 about why they, again, I said, granted, they
10 didn't know that, I don't know the extent to
11 which they know that the Site Evaluation
12 Committee had enacted new rules, but do you have
13 any familiarity with that situation?

14 A I do. One of the unique opportunities that I
15 had when I was at the Forest Society was access
16 to Fish & Game biologists, UNH Cooperative
17 Extension specialists, so I got to know a lot of
18 the biologists. Went on field trips with them,
19 took them out on Forest Society properties, have
20 a good working relationship with them. So if I
21 have a question about some topic, whether it's
22 personal or professional, I feel comfortable
23 asking them.

24 I've talked to a number of them about how

1 they come up with their wildlife ranking in the
2 Wildlife Action Plan. I ask them what is the
3 purpose of the Wildlife Action Plan, and why,
4 you know, they aren't out defending their
5 recommendations put forth in this; particularly,
6 you know, when you have a project that's being
7 slated in high-ranking habitat that they clearly
8 say in their documents needs to be protected and
9 development needs to be avoided.

10 One of the things I learned through the
11 recent bobcat conservancy are the shortcomings
12 of the Fish & Game Department. There's a
13 legislative study that was done in 2008 that
14 said that the governance of the Fish & Game
15 Department needs to change. Right now the Fish
16 & Game Commission which is made up of lay
17 hunters and fishermen set policy, and we learned
18 through the bobcat controversy that they don't
19 always make the most wise decisions.

20 According to this person that I spoke with
21 in the Fish & Game department, Antrim Wind was
22 not a priority by the department, and they said
23 if I wanted to find out why it wasn't to talk to
24 the Director or to speak to people on the Fish &

1 Game Commission.

2 So I connect the dots that they are
3 constrained from speaking out on issues like
4 this. They also were prohibited to speak out on
5 the bobcat controversies which most of the
6 biologists did not support a hunt. So there are
7 some structural problems with the governance of
8 the Fish & Game Department that hopefully will
9 be corrected in this legislative session. So
10 that would be my answer to that situation.

11 Q Okay. Thank you. And I just wanted to clarify
12 that you indicated that you weren't familiar
13 with the various conservation easements that are
14 proposed for the top of Tuttle Ridge or
15 elsewhere?

16 A I haven't paid attention to the details because
17 as a member of the Harris Center Property
18 Committee, I've, you know, been a party to those
19 discussions. I understand why the Harris Center
20 is doing what they're doing, but I don't agree
21 with it. And I think that every single one of
22 the conservation organizations that have worked
23 hard to protect land in this area and whose
24 conservation values are going to be undermined

1 by this project, they should be defending the
2 same values that the Stoddard Conservation
3 Commission has raised today, and I'm
4 disappointed that the only one that's here is
5 Audubon, and I give them a lot of credit for
6 doing that, and I understand why they're here,
7 but everybody else, Forest Society, Nature
8 Conservancy, Harris Center, Sweetwater Trust,
9 they should be here defending the conservation
10 values. And when you look at the mission
11 statement of all these organizations it's to
12 protect large unfragmented forest blocks from
13 fragmentation, particularly, you know, if it's
14 an area that's been zoned rural conservation by
15 towns. You need to defend that process, and I'm
16 personally disappointed.

17 Q Okay. Thank you. I don't have anything
18 further.

19 PRESIDING OFFICER SCOTT: Thank you.
20 Anybody from the Giffin/Pratt intervenors?

21 MR. PRATT: None.

22 PRESIDING OFFICER SCOTT: Mr. Enman?

23 **CROSS-EXAMINATION**

24 BY MR. ENMAN:

1 Q Thank you, Mr. Chairman. I have a couple. You
2 shared that boulder picture this morning. Was
3 that in the actual access road area? I mean, do
4 you know that that particular picture was taken
5 in the access road boulder area?

6 A As I stated earlier, we were using a GPS route
7 that was determined from maps supplied by Antrim
8 Wind in 2012. So you know, there's some
9 variation in accuracy just because of some
10 mapping errors that you get, but it puts you in
11 the area where the road, where the GPS suggests
12 the road is going, and it was a massive enough
13 boulder field that it's going to require a lot
14 of work to get a vehicle road through there. So
15 we were quite intrigued by it, not only by the
16 sheer size of the boulders, the outcrops, but
17 then there's a dropoff that goes down into that
18 steep ravine, and it's like okay. You guys want
19 to put a road up here? Spend your money. Go
20 ahead. You know? I mean it's that kind of a
21 challenge.

22 Q I'm familiar with the area. Thank you. You
23 talked about invasives and I'm just, I think
24 I've got bittersweet in my yard that wasn't

1 there five years ago, and it's very depressing
2 because it's killing trees, and I don't know how
3 to get rid of it. You had mentioned Mr. Block
4 has invasives on his property across Route 9.
5 There has been extensive logging on the Tuttle
6 Ridge. Did you run into any invasives that were
7 up there already in those logging areas that
8 have been --

9 A I wasn't specifically looking for it, and
10 usually it takes a period of time before they
11 get established.

12 Q Okay. So, I mean, I didn't, nothing stood out.
13 Both times of the year I was there was when
14 vegetation was off so --

15 Q Okay. You're familiar with that ridgeline. I'm
16 guessing that you were not involved, there was,
17 a couple of years ago there was pretty extensive
18 logging done on extensive logging done on not
19 Willard itself but one of the other nob's that's
20 literally been clearcut.

21 A That's an Audubon piece of property?

22 Q Honestly, I do not know?

23 A Southwest of Willard Pond?

24 Q No, no, no, no. This is on the north side of

1 the ridge. I would be like just southwest, I
2 believe, or west of Tuttle Hill, and that area
3 and that's, I don't know if you're familiar with
4 it or not, but that area was completely clearcut
5 not by Antrim Wind but by the homeowner, and I'm
6 guessing that that probably wouldn't be up to
7 your current standards of logging if it was
8 clearcut?

9 A I have no problem with silvicultural clearcuts.
10 That's a tool for regenerating certain species,
11 and, in fact, the forestry profession is leaning
12 more and more towards patch cuts, group
13 selection, as to individual tree selection and
14 there are a multitude of reasons for that.

15 Q Based on your testimony that would potentially
16 encourage invasives?

17 A As I said earlier, any kind of disturbance in a
18 forest creates conditions for invasives, and
19 it's a huge challenge for the logging
20 profession.

21 Q You had mentioned species of concern regarding
22 mammals. Bobcat, because of the controversy,
23 and I'm guessing bobcat, are they endangered in
24 New Hampshire? Because I don't know.

1 A Fish & Game Department has a list, you know, of
2 species of concern in the various
3 classifications of species, and I couldn't tell
4 you off the top of my head one way or the other.

5 Q Okay.

6 A But the fact that there was a moratorium on
7 bobcat in 1988 when the numbers were down, what
8 they thought around 200, you know, and the fact
9 that they're only up around 1400, 1600, 1800
10 depending upon who you want to believe, that's
11 not a very big population for the state as a
12 whole.

13 Q I completely concur. I just, I didn't know if
14 you knew if bobcat were actually on an
15 endangered list.

16 A I can't tell you off the top of my head, and
17 probably I should know, but --

18 Q That's okay. I don't either. That's fine.
19 Thank you.

20 A I know where to go to find that information.

21 Q If I looked, I bet I could find it. I just
22 didn't know if you actually knew. You had
23 mentioned if the project were constructed and
24 decommissioned that it would take years, but at

1 some point after the turbines were taken down
2 and the ground was reseeded it would become
3 early successional forest, and New Hampshire
4 Audubon when they did Goodhue Hill created early
5 successional forest and that was supposed to be
6 a good thing, I'm guessing.

7 A That's desirable, yes, it is.

8 Q And that is desirable habitat but that would
9 take a while but that could be -- your
10 professional term is forester?

11 A Licensed professional forester.

12 Q So you help people when they want to manage
13 forest properties.

14 A Yes, I do.

15 Q Okay. Help me again because I'm ignorant, but
16 when do you recommend people cut forests? I
17 mean, if you're going to do a logging operation,
18 is it beneficial to do it when the ground's
19 frozen and the streams, the ground is hard and
20 it goes less into the surface of the ground?

21 A Depends on the site and here's the irony. There
22 are some species like pine and oak require
23 scarification in order to get good regeneration.
24 When you scarify, you also make the situation

1 ripe for invasives. So it's a double-edged
2 sword. It's a huge problem and a huge
3 challenge.

4 Q So we are in a catch 22?

5 A It is a catch 22 and it's a dilemma. A huge
6 dilemma for the profession.

7 Q I just have clarification. You has mentioned
8 that if the Antrim Wind project goes through,
9 this would be a foothold into development of
10 12,000 acres. Whether was excitement, but the
11 12,000 acres, is a substantial portion of that
12 not currently under conservation protection?

13 A I think there's about 3000 acres or roughly a
14 quarter of it that's protected. So no, it
15 wouldn't be all of it, but my point is that once
16 the integrity of the rural conservation
17 designation by the town had been breached, it
18 would make the rest of the land ripe and
19 vulnerable for any other kind of development on
20 private lands that people wanted to pursue. You
21 don't have an argument, you know, because you've
22 let the worst kind of development come in,
23 industrial, you know, in an area that's zoned
24 rural conservation, and you placed it in

1 high-ranking habitat. So I mean you just,
2 you've ruined the cake. Even though it's a
3 piece of the cake.

4 Q I understand. Also in excitement you said it
5 was in the middle of 40,000 acres? Your word,
6 and I'm just trying to think, is that Quabbin to
7 Cardigan the 40,000?

8 A No. It's what is affectionately called the
9 Harris Center SuperSanctuary, and if you
10 understand GIS mapping, and how all these
11 protected land layers show up, I can take a
12 tool, and I can put it around all of these
13 parcels that have been assembled in the mosaic
14 to protect the lands that are physically
15 connected. They might have a road that goes
16 between them, but for the most part they're
17 physically connected. If you do that, there are
18 over 40,000 acres of hundreds of parcels of land
19 that have been pieced together in the last 40
20 years that make up 40,000 acres of contiguously
21 protected land, and one of the shortcomings of
22 my little PDF slide show in a PDF format is that
23 you can't really appreciate the SuperSanctuary
24 protected lands. And I had hoped that I would

1 be able to use a Power Point presentation so you
2 can zoom in on these maps because most of what
3 I'm talking about is best illustrated through a
4 series of maps, and you get to appreciate the
5 uniqueness of these protected lands,
6 conservation values that have been worked at so
7 hard for so long by so many organizations and
8 state agencies that, you know, you see something
9 that if you're a wind supporter, you know, you
10 should really look for a different place to do
11 it. And it's got nothing to do with being a
12 NIMBY or not in my backyard, but has anything to
13 do with protecting the integrity of the effort
14 that's been put forth and keeping the place
15 clear so that we can add some more lands to this
16 magnificent corridor that stretches between
17 Quabbin and Cardigan.

18 Q Well, that literally leads me to my last
19 question. You stated and it's on the record
20 that this is a green project supported by
21 various groups working with forest groups, et
22 cetera, and you've stated that this is not the
23 right location. Aren't we going to be in the
24 same catch 22 that if you pick another ridgeline

1 in another town, in another area, that the same
2 case wouldn't be brought that maybe it may not
3 be the highest ranking but someone is going to
4 say that it's still, we need to protect this
5 because it could become high-ranking or it could
6 be, I mean the case could be stated that, you
7 know, if it's not here, if not here, where. And
8 that's a rhetorical question because I'm not
9 sure it can be answered.

10 A You know, if you read Will Staats' little paper,
11 he makes an eloquent statement regarding just
12 what you spoke about. I think everybody in this
13 room is concerned about our carbon footprint.
14 We all want to seek alternatives in terms of
15 renewables. I have some real questions about
16 the legitimacy of wind power and a viable source
17 because of a host of problems.

18 As a forester, you know, I would say if we
19 want renewables, let's put the emphasis on
20 biomass and wood plants because if you do that,
21 what you're doing is providing low grade markets
22 that encourage private landowners to keep their
23 land undeveloped, growing trees which mitigates
24 CO2 and stores CO2. That to me is a win-win

1 situation because there's very little
2 environmental degradation. You can protect the
3 land with conservation easement, you can log it,
4 you can use it for wildlife, you can use it for
5 recreation, you can use it for biodiversity.
6 You can use it to mitigate climate change, and
7 you can use it to heat your homes and generate
8 electricity. That's a no-brainer to me, and yet
9 the politics of this state have put biomass on
10 the back burner.

11 And I'm not here as a referendum on wind,
12 you know, I know it has some shortcomings, but I
13 also recognize if people want to use wind there
14 are sites, and one site that I don't have a real
15 problem with is Lempster, and I go by that all
16 the time. I go up on Pitcher Mountain and I
17 look at it, and because it's to the north, and,
18 you know, the sunlight is on the white side, it
19 blends in with the light background. You have
20 Tuttle Hill to the south, I'm going to be
21 looking at the shadow of these towers so it's
22 going to be dark and it's 6 miles closer than
23 Antrim.

24 So I think there are some sites in New

1 Hampshire that aren't in wild, you know, in
2 prime wildlife habitat. They used to have them
3 on Crotched Mountain. That to me would be an
4 ideal place for it, you know, when you look at
5 all things considered. So it's not as though we
6 don't want it. It's just you need to be very
7 careful about how you select sites for something
8 that's as disruptive and imposing as a wind farm
9 on a high ridge, and that's all.

10 And I think that is the challenge for this
11 Commission is to use the good information that's
12 out there, the Wildlife Action Plan, the master
13 planning process in towns, and to listen to
14 people like me that come in and speak to the
15 attributes and the value of unfragmented forest
16 for our economy, for our health of our
17 ecosystems and for our own personal welfare.
18 It's very important and I hope that you all get
19 it because it's critically important.

20 Q I'm all set. Thank you.

21 PRESIDING OFFICER SCOTT: Mr. Richardson?

22 **CROSS-EXAMINATION**

23 BY MR. RICHARDSON:

24 Q Thank you. Let me pick up on, I think, the

1 point that was just raised on the Wildlife
2 Action Plan. I believe in your testimony
3 earlier this morning you said that if the Antrim
4 Wind project weren't built, none of this land
5 would have met the highest tier, might not even
6 have met the tier below, drop down two ranks, is
7 that what you said?

8 A That's what I was told by a retired Fish & Game
9 biologist.

10 Q And I believe you also said that the best
11 natural defense against invasives was to keep
12 this property protected. And then --

13 A Well, no. It was to keep forest canopies
14 intact, not fragmented. It's the shade that
15 inhibits invasives.

16 Q I was kind of correlating the two, but thank you
17 for that. So and then the worst thing, now, I
18 wrote in my notes that you said, although it may
19 be my interpreting what you said, the worst
20 thing that you felt someone could do would be to
21 build a project like this. Is that what you
22 said? Or did you say something different? I'm
23 not sure if that's what you said or that's what
24 I wrote.

1 A I think I may have said that the worst thing
2 that could be done to the conservation effort in
3 this area would be to site a project like this
4 in a place like it's being proposed.

5 Q Okay. So let me start with that concept then
6 because are you aware that one of the
7 landowners, I believe it's Mr. Ott, has retained
8 the rights to put a cell phone tower on his
9 land?

10 A That doesn't surprise me. I'm not aware of it
11 until conversation earlier today, but, you know,
12 that's a common feature that gets piggybacked on
13 wind farms because you have the infrastructure
14 in there with roads, electricity, et cetera, so
15 that it makes it logical to have these other
16 projects piggybacked on it, which, again, you
17 know, increases the footprint and once you have
18 one commercial entity established, then other
19 people are going to see the road infrastructure,
20 the electricity, and they're going to say well,
21 let's do this and let's do that and the next
22 thing you know, you have something that's
23 expanded.

24 Q So then whether this project is built or not,

1 it's possible that a cell phone tower could be
2 built with an access road, they typically have
3 backup fuel supply, power line supports, so
4 those are all things that could encroach upon
5 the conservation values of some of these lands
6 whether this project is built or not.

7 A Absolutely. And that's why the Stoddard
8 Conservation Commission opposed the cell tower
9 on Melville Hill.

10 Q And you said that there were two other sites
11 that your Conservation Commission had
12 recommended?

13 A Yes, actually three sites.

14 Q Okay. So there's a cell phone tower that's
15 being built in Antrim. Was that one of the
16 locations?

17 A No, it wasn't. All three were in Stoddard.

18 Q There's one being built there now, I assume?

19 A Yes, there is.

20 Q Now, another method of encroachment would be for
21 someone to build home sites that could occur
22 whether a cell phone tower was built or not.
23 Someone could build a road. I think you said
24 the soils were very thin on the Tuttle Mountain

1 area, and so my question is wouldn't that
2 require someone to bring soils in if they were
3 going to develop a home site?

4 A I'm not a contractor, but I would suspect that
5 from what you've seen, you know, in areas where
6 people have houses where I don't think they
7 should be, they do import stuff, but it would be
8 a challenge.

9 Q And a lot of people who make those topsoil
10 materials, sometimes these could be a source of
11 invasives. In other words, someone can come in
12 and if they're not paying attention, they can
13 bring invasive species in with the building
14 materials that they're lying down to do the site
15 work on a job or on a road.

16 A Yes. Or the equipment used to bring it.

17 Q And if that were to occur and someone were to
18 propose home sites in this area or somewhere
19 around here, the state and the town might have
20 no control or inspection process over that
21 process; isn't that right?

22 A That sounds right, yes, and it's a problem.

23 Q Is it your understanding because I believe that
24 in a lot of the hearings Antrim was described

1 they're going to have an invasive species
2 management program that presumably is going to
3 be a condition and is going to have followup
4 inspection, followup monitoring, they're going
5 to be obligated to do that; isn't that right?

6 A That's correct.

7 Q So there's no guarantee that, I mean, let's put
8 aside whether or not these properties would be
9 developed and how they would, but there's no
10 guarantee that these lands would be protected if
11 this project doesn't move forward? In other
12 words, they just go back to being private lands.

13 A No guarantees in life.

14 Q So any of these things could happen and invasive
15 species including ones that might already be
16 there could take hold as a result of that.

17 A If they're already there and you get additional
18 scarification in development, the opportunity
19 for them to increase will.

20 Q You were, you referenced that, I believe it was
21 discussing bears and bobcats, that they are
22 threatened by people and they're threatened by
23 dogs?

24 A I didn't say that.

1 Q Felt threatened so that they would move out of
2 the area.

3 A I said when they are threatened, and it could be
4 by people, it could be by animals.

5 Q Okay. So one of the allowed uses in the Rural
6 Conservation District, I believe, is kennels.
7 Isn't that right?

8 A Well, I guess if the Blocks are in the rural
9 conservation area, I know that they have
10 kennels.

11 Q I think he said he had 2 or 3 dozen dogs; is
12 that right?

13 A Yeah, and they're all penned or chained.

14 Q So someone could put a home site with 2 or 3
15 dozen dogs up in this area, and that would be
16 something that would impact potentially bobcats
17 and bears and might make them feel threatened or
18 want to leave the area?

19 A Only if they're running loose.

20 Q You were asked some questions about Exhibit Wind
21 Action which is WA-40x. Could you turn to that
22 exhibit for me, please, and I want to look at
23 page 11. Now, before we go through this. It's
24 my understanding your background is in forestry,

1 and would you consider yourself an expert in
2 avian biology?

3 A Absolutely not.

4 Q Okay. So let's look at some of the conclusions
5 here because I believe you said that the decline
6 in bird habitat that was in this exhibit was an
7 example of fragmentation. I forget the exact
8 words you used, but I thought maybe it was like
9 a classic example or something like that.

10 A Collateral impact of fragmentation. Right.

11 Q So on the bottom of page 11, I'll read the
12 paragraph to you, it says some of the lower
13 numbers of birds observed in 2012 at both
14 turbine and downslope point counts may be
15 explained by differences among observers between
16 years.

17 So it looks to me like this conclusion was
18 based on there being one firm that did the
19 results one year and then three or four years
20 later a different group came in. Were you aware
21 of that when you gave that prior opinion?

22 A It would influence my opinion, and there's
23 variation from year to year that occurs
24 naturally, and the only time a study really

1 gains validity is if it's done over a long
2 period of time. But it wouldn't surprise me if
3 you get variations like that that one could say
4 that it's possible that it's, you know, the
5 collateral impact of fragmentation.

6 Q Exactly, and if you turn the page and you look
7 in the middle of that paragraph that's at the
8 top, it says one way to determine whether there
9 was a systematic difference related to observer
10 bias between the Zitske surveys and the Stantec
11 surveys is to repeat the study in 2013.

12 And I assume you don't know, and I don't
13 know, whether a repeat study was ever done.

14 A Right.

15 Q Okay. So another criticism or concern that came
16 out of this report is in the next paragraph and
17 I'll just read the sentence.

18 A Which page?

19 Q Page 12. In the first full paragraph. And it
20 says in addition, 50 percent fewer common yellow
21 throats were observed in 2009 as opposed to
22 2012. These species are all common birds in
23 suburban and fragmented areas as opposed to high
24 elevation forests with minimal disturbance. We

1 believe that it is possible that these species
2 may have been misidentified or that they were
3 simply migrants passing through the project
4 area.

5 So I guess you would agree with me that
6 based on this report, we really don't know if it
7 was forest fragmentation or not that was causing
8 this. It may have been just simply different
9 identifiers that misidentified birds in 2009?

10 A It's possible.

11 Q In the next paragraph it reads, another factor
12 could also explain the difference between 2009
13 and 2012 turbine and down slope points, and it
14 says annual variation in breeding bird
15 communities can be as much as 25 percent so
16 weather, late migration and other factors could
17 explain the differences in numbers of birds in
18 these two years.

19 And then the last sentence in that
20 paragraph was the one that really surprised me
21 because I'm not an avian biologist, but it says
22 finally, the presence of West Nile virus which
23 is now known to be prevalent among the songbirds
24 could explain the fewer birds observed in 2012

1 as opposed to 2009.

2 So I guess my question to you based on that
3 is it looks like there's a lot of reason to
4 doubt whether or not it may be habitat
5 fragmentation that's produced the results here,
6 and really it's up to the avian biologists and
7 further study to figure out if that's the case
8 or not.

9 MS. LINOWES: Mr. Chair, I would like to
10 object at one point that it's is not being
11 stated. There was a 42 percent decline in avian
12 activity. Granted, there is appropriate for a
13 document to put information in here explaining
14 other causes, but there is no question that you
15 cannot discount the fragmentation all together,
16 and that's the point. There may be other causes
17 to bring it down, the 25 percent you're saying
18 there may be variation on an annual basis but --

19 MR. RICHARDSON: I'm just reading from
20 their exhibit.

21 MS. LINOWES: I understand, but --

22 PRESIDING OFFICER SCOTT: It's
23 Mr. Richardson's turn. Thank you.

24 Q So let me ask that question again. Put it to

1 you again. It looks to me like there's a number
2 of reasons to question or look at further
3 studies before reaching a conclusion as to what
4 the causes are here.

5 Let me put it this way. Neither you or I
6 are avian biologists, so we really can't say?

7 A Right, and being a person of science, I
8 recognize that there are a lot of variables.
9 You can't jump to conclusions, you know, based
10 on one, two, three-year study, particularly if
11 you have some swings in populations, but please
12 don't dismiss the importance of fragmentation in
13 terms of its impact on habitat and habitat loss
14 because you look as, you sit down and you read
15 the Fish & Game Wildlife Action Plan, and it's
16 rife with their concern about habitat loss and
17 what fragmentation does to habitat.

18 Q I'm a former Conservation Commission chair in a
19 town that was settled in 1640, and I share your
20 concern. I mean, invasive species on the
21 Seacoast are, I mean I drive around Antrim and
22 Stoddard and I see a different world than what I
23 see, that you're referring to and no one's
24 discounting the significance of that issue. I

1 think the question is really what's the best
2 course of action.

3 So let me ask you another question, and in
4 this, the photo that was circulated before, and
5 I apologize if this came in earlier as I walked
6 in the room, who are these individuals? Members
7 of the Conservation Commission?

8 A Yes.

9 Q And you're testifying today as a member of the
10 Commission?

11 A Yes, I am. As the Chair of the Commission.

12 Q Okay. And these are on the project lands, I
13 believe you just indicated to Mr. Enman, and you
14 followed the GPS?

15 A Yes.

16 Q So I guess I may not have been paying attention
17 earlier when your Supplemental Testimony came
18 out, but did you get permission to go on to
19 these lands and look at them and document the
20 wildlife habitat that was there in preparing
21 your testimony for the Commission?

22 A Unless land is posted, in the State of New
23 Hampshire, anybody can walk anywhere they want,
24 and that's one of the benefits of the live free

1 and die state.

2 Q That's great. So then you weren't aware that
3 RSA 36-A:4 which is the governing statute for
4 Conservation Commissions, and I'll read to you
5 Section 2, II, says that no commission, its
6 member or designee shall enter private property
7 to gather data without the property, for use in
8 wetland designations, prime wetlands
9 designations, natural resource inventory reports
10 or maps without permission. And then the
11 statute goes on to say, that such permission may
12 be oral or written provided that a record is
13 made of oral authorization.

14 So I gather from your testimony that no
15 effort was made to contact the prior owners.
16 You just looked at whether or not there was "no
17 trespassing," didn't see it, so you went there?

18 A Yes, and I wouldn't say that we were out there
19 on a formal inventory, you know. We were out
20 there because we were curious as to what this
21 looked like, and we took some anecdotal notes.
22 It wasn't part of a formal inventory. We
23 weren't inventorying wetlands. We were walking
24 around.

1 Q But I understood the purpose was for the
2 Conservation Commission to gather data to
3 present to the Site Evaluation Committee in its
4 testimony or in some form of a report. I mean,
5 isn't your Supplemental Testimony a report?

6 A It's reporting of information we got, yes, it
7 is.

8 Q Okay. And the law concerning this and as a
9 former Conservation Commission chairman myself,
10 I remember when this law was passed and I had to
11 have one of those "oh, my God" moments because
12 Section IV of the statute says that no data,
13 gathered by entering property without the
14 permission of the landowner or an administrative
15 warrant school be used for any purpose other
16 than law enforcement purposes authorized by
17 statute.

18 So isn't this Committee in kind of a pickle
19 because we don't, we have your Conservation
20 Commission's report of the data that you
21 observed and gathered, and we don't have any
22 permission.

23 A Well, I guess you'd have to dismiss that portion
24 of my Supplemental Testimony then, but it

1 shouldn't impact the other concerns raised about
2 invasives, forest fragmentation, et cetera, et
3 cetera.

4 Q Let me look at your Prefiled Testimony, and if
5 you don't mind turning to, I think it's, I have
6 tabs here, but this is your May 23rd filing and
7 then you had a bunch of inventoried maps that
8 you prepared showing conservation rules. Do you
9 have that in front of you?

10 A I do not.

11 Q So I'm going to give you my copy then. And it
12 says, the page is the one that reads Bobcat
13 Study Home Range relative to AWE project in
14 Conservation Lands. I guess what struck me by
15 that document was it appears to show this area,
16 bobcat home range, and then that's an area to
17 the north with only a small overlap.

18 A Right.

19 Q So is that the only bobcat habitat in that area?

20 A No. Absolutely not. What that is is one bobcat
21 that was collared for one short period of time.

22 Q So that there's likely other bobcat habitat in
23 those conservation areas?

24 A I've walked in portions of these areas in the

1 wintertime, and the bobcat track traffic is
2 about as dense as you will see anywhere, and
3 that's part of the concern about this project is
4 that it interferes with corridors that bobcats
5 historically use going from points north of
6 Route 9 to south of Route 9 over to Willard,
7 Bald, Willard Pond and in then crossing 123 and
8 heading over into other ledges over on Lake
9 Nubanusit. It's an absolute highway of activity
10 that you can pick up in the wintertime.

11 It's also a central place where John
12 Kulish, who was a famous local trapper and
13 hunter, subsistence hunter, did much of his
14 hunting, documented in his book Bobcats before
15 Breakfast. Prime bobcat habitat.

16 Q To the extent that any of those lands are
17 private land, it's just a matter of speculation
18 what's going to happen until they're developed
19 or conserved. You'd agree with that, I take it?

20 A It is, but again, you know, the purpose of the
21 Wildlife Action Plan while it has no teeth, it
22 has information, and it's information that
23 hopefully people, including landowners, will use
24 when making land use decisions. And people own

1 private land, but wildlife do not understand or
2 respect our boundaries. They have their own
3 boundaries, and if we don't keep the habitat
4 that they need, we're not going to have these
5 animals.

6 Q I agree, and so my simple point is just that as
7 of right now, the area that is on Tuttle Hill is
8 not conserved, and so if it isn't protected,
9 then it could be at risk whether or not this
10 project is built.

11 A And it could be protected. You know, Rob
12 Reservoir, slated for development, protected.
13 Pickerel Cove, slated for development,
14 protected. We've got a lot of projects I've
15 been involved in where they were this close to
16 being developed, and, you know, through luck,
17 serendipitous activity and through efforts,
18 there was a different outcome.

19 Q But it's pretty unlikely that someone would put
20 a cell phone tower and end up protecting 908
21 acres the way Antrim Wind has proposed.

22 A I think the economics of a cell phone up there
23 are greatly diminished if you don't have the
24 infrastructure of a wind farm to pave the way

1 for it.

2 Q And it's partially those economics, isn't it,
3 that allows Antrim Wind to do things like
4 invasive species management? I mean, a
5 homeowner isn't going to agree to monitor the
6 908 acres for the cable.

7 A No, and I think I've said that have a pretty
8 green project on paper. The problem is, it's
9 the wrong place.

10 Q Thank you.

11 PRESIDING OFFICER SCOTT: Does the
12 Applicant have any questions?

13 MS. SCOTT: Yes. Trying to cull as many as
14 I can.

15 **CROSS-EXAMINATION**

16 BY MS. SCOTT:

17 Q Mr. Jones, your Prefiled Testimony at page 4
18 discusses that conservation lands of Stoddard
19 physically abut other protected lands,
20 particularly in the project area, and I think
21 you discussed this with others today, but I just
22 want to make sure we're clear on this.

23 Route 9 actually bisects the division in
24 the contiguous forest blocks that we've talked

1 about so much in this project and separates the
2 Antrim forest blocks from the Stoddard forest
3 blocks. You would agree with that?

4 A If you understand how they determine what a
5 forest block is, it's a large chunk of forest
6 that doesn't have Class V roads or higher
7 designation in them. It can have class VI. It
8 doesn't have utility lines. It doesn't have
9 residential development. It doesn't include
10 lakes with shoreline development. It doesn't
11 include any kinds of permanent features. So
12 when the people who create these large
13 unfragmented forest blocks create them, those
14 things are excluded, and you can see on some of
15 the maps that I have in the Power Point that
16 show that unfragmented forest blocks, you know,
17 they have fingers, you know, that show the
18 development that go into these areas, but you
19 have the core area that is not bisected by a
20 road or a power line.

21 So yes, roads break up forest blocks, but
22 you can have a 13,000-acre forest block south of
23 Route 9 and a 15,000-block unfragmented forest
24 block north of it, and those are two very

1 important parcels of land for both forestry and
2 wildlife, and yes, they are compromised by the
3 highway. No question about it. But you try to
4 minimize that kind of human influence on these
5 habitats and working forests.

6 Q So if we're talking about a forest block then,
7 and things like lower class roads and
8 nonpermanent structures are excluded?

9 Q Are what?

10 A Are excluded.

11 Q Yes.

12 A So this then this project would be excluded
13 since it's not nonpermanent. You also discussed
14 the distinction between permanent and temporary
15 earlier in a question when you were talking
16 about the distinction between a logging
17 operation and this project. The reality is,
18 though, that this project is not permanent as
19 well.

20 A Fifty years is a long time, okay? In the last
21 50 years living in the State of New Hampshire
22 which I'm a native of, when I was a kid there
23 were no bear in southern New Hampshire. There
24 were no coyotes, there were no moose, there were

1 no fisher, there were no loons, there were no
2 eagles, there were no ospreys, there were no
3 peregrine falcons. All of these animals have
4 come back in the last 50 years. All of these
5 animals could disappear in the next 50 years if
6 we do not provide them with the habitat they
7 need which is the purpose of the Wildlife Action
8 Plan is to encourage communities, people who
9 make land use decisions, to take into
10 consideration these wildlife attributes, you
11 know, and where they site projects because if we
12 don't do that we will not have these animals I
13 just listed off nor will we have a whole host of
14 other animals that depend upon these kinds of
15 habitat.

16 Again, you know, if you need to be reminded
17 of our footprint, look at that page 77 of this
18 continent at night. We are in a crisis.

19 Q Fifty years as cited by the New England Forestry
20 Foundation is less time than it takes for a red
21 oak ceiling to reach the size of a dominant
22 canopy tree.

23 MR. WARD: Is the microphone on?

24 Q It is. Are you having a hard time hearing me?

1 Okay.

2 You are participating on behalf of Stoddard
3 as the Chair of its Conservation Commission.

4 A Yes.

5 Q At the July technical sessions, Counsel for
6 Antrim asked that they be invited to any meeting
7 held by the Board of Selectmen because at that
8 time the Board of Selectmen had not yet endorsed
9 the Conservation Commission's participation in
10 this docket. Did you provide that notice?

11 A Did I what?

12 Q Provide that notice.

13 A I am Chairman of the Stoddard Conservation
14 Commission, and I am sole proprietor of my own
15 consulting and forestry business, and I don't
16 have access to secretarial support, and I'm
17 under no obligation to make arrangements for
18 Antrim Wind or for the Selectmen of Antrim to
19 have a meeting with the Stoddard Selectmen.

20 Q You agreed at the technical sessions to notify
21 them.

22 A What I did was in an email, as a followup to
23 that technical session, I had yet gotten
24 confirmation from the Stoddard Selectmen about

1 writing a letter of support. So I think it was
2 July 13th I told Jim -- his last name escapes
3 me. Coffey. Told Jim Coffey that I was
4 following up our May 23rd request for a letter
5 of support, and I had said in that that if the
6 Selectmen agreed to a meeting with Antrim Wind
7 Energy, would it be possible to schedule it on
8 August 1st. The Conservation Commission would
9 like to have a knowledgeable representative from
10 the Town of Antrim present to refute
11 misinformation that the Antrim Selectmen and AWE
12 folks will probably be promoting. They've
13 already done so at recent SEC hearings.

14 So that was a letter that I sent to Jim
15 Coffey, and then it was followed up on September
16 29th. I said back on July 14th I sent you an
17 email regarding inviting the Selectmen to
18 Stoddard Selectmen's meeting to talk about the
19 Antrim Wind project. What was their response to
20 the invite? Do you recall? I need to know ASAP
21 for my testimony on Monday.

22 September 30th he writes to me, I do not
23 recall getting a response, certainly never a
24 response that was positive. Then I said, did

1 you invite them. He said, I spoke with their
2 attorney, Justin Richardson, and offered a
3 meeting with our Selectmen, but he never
4 followed up. He just disappeared. I do not
5 remember being directed by the Stoddard
6 Selectmen to specifically host a meeting with
7 the Antrim Selectmen.

8 Q On August 8, the Board of Selectmen in Stoddard
9 was notified that you would be attending their
10 August 22nd meeting. So on August 8th you knew
11 you were going to be attending the August 22nd
12 meeting to discuss your participation in this
13 docket.

14 A What's your point? Do you agree that you knew
15 on August 8 that you were attending the August
16 22nd meeting? You personally?

17 A Yes.

18 Q And you personally at the technical sessions in
19 July told Justin Richardson when he asked you if
20 you would provide him notice that you would.

21 MS. BERWICK: I'm going to object to this.
22 Didn't he just answer these questions?

23 A I told you I passed the torch. I just passed
24 the torch to the town administrator. You know,

1 that was my responsibility in notifying the town
2 officials that people in Antrim wanted a
3 meeting. I am under no obligation, no
4 obligation whatsoever, to provide secretarial
5 services and setting up meetings. I'm telling
6 you, I can't do that. That's not my role,
7 period.

8 Q Charles Levesque knew to attend the August 22nd
9 meeting.

10 A Because I invited him.

11 Q And a reporter from the Keene Sentinel was also
12 present?

13 A No, she was not.

14 Q No, she wasn't? She interviewed you after the
15 meeting?

16 A I had alerted her that the Stoddard Conservation
17 Commission was an intervenor in the Antrim Wind
18 project. I had spoken with the editor
19 previously about writing an OpEd piece on
20 Stoddard Conservation Commission's opposition to
21 this, and I wanted to explain why because some
22 people were asking why is the Conservation
23 Commission against a green project, and I wanted
24 to explain it with all the information that I

1 supplied here today.

2 The outcome of that meeting with the phone
3 call with the editor was speak to my reporter,
4 Meghan Foley, and keep her apprised of what's
5 going on.

6 Q So at that meeting on August 22nd, I guess if
7 you want to go off the record, I'll pass around
8 the minutes.

9 PRESIDING OFFICER SCOTT: Off the record.

10 (Discussion off the record)

11 PRESIDING OFFICER SCOTT: Back on the
12 record.

13 MS. MALONEY: I just wanted to question the
14 relevance of this line of questioning. It might
15 be in the minutes. I'm not sure. But can we
16 have some kind of idea where we're going with
17 this?

18 MS. SCOTT: When you look at the minutes of
19 what was represented to the town of Stoddard to
20 convince them to support the Conservation
21 Commission's intervention in the docket, it
22 doesn't match the letter that was received. So
23 I think it's a fuller record of what the
24 Stoddard Board of Selectmen heard in order to

1 convince them to write that letter. These
2 minutes specifically reflect what Stoddard Board
3 of Selectmen considered in agreeing to write
4 that letter. So I think it's important for
5 context of their letter of support. They're not
6 here. Their Conservation Commission is here.

7 MS. MALONEY: But doesn't the letter speak
8 for itself? Is there some reason why we have to
9 look beyond what's in the four corners of the
10 letter?

11 MS. SCOTT: I think the minutes do
12 contradict the letter.

13 PRESIDING OFFICER SCOTT: Why don't you
14 proceed.

15 Q At that meeting, there was no one speaking on
16 behalf of the Town of Antrim with official
17 authority. The Board of Selectmen weren't
18 present, the Town Manager weren't present.

19 A You know what the town administrator told me?
20 He said they got no business coming here. This
21 is our business is what he told me.

22 Q So that's a no.

23 A What's a no?

24 Q No one from the Town of Antrim with the

1 authority to speak on behalf of the Antrim of
2 Antrim was present at the August 22nd meeting of
3 the Board of Selectmen of the town of Stoddard.

4 A They didn't need to be.

5 Q And no one from the Applicant was present
6 either.

7 A As I told you, he sent out an invitation. There
8 was no response. So what are we supposed to do?

9 Q It's a simple yes or no. No one was present.

10 A No.

11 Q Two members of the Board of Selectmen stated
12 they initially had reservations about supporting
13 the Conservation Commission's request for a
14 letter of support from the Board of Selectmen.

15 A And who said that?

16 Q Brenda Bryer and Steve McGerty.

17 A Okay.

18 Q Do you recall?

19 A I'm just asking you who said it. I'm not
20 disputing it.

21 Q So do you agree?

22 A Yes, which is why we had the meeting.

23 Q Okay. And their basis for their reservations
24 were on Brenda's part it was tax credits, and on

1 Steve's part he doesn't articulate why he was
2 originally reluctant, but he does indicate the
3 only reason he changed his reluctance was
4 because Antrim voters were opposed to the
5 project.

6 A Mr. Levesque was the representative. And I
7 called upon him because he had his pulse on the
8 community. I've known him for over 35 years.
9 And I know him to be a man of great integrity, a
10 man who does his homework, a man who goes way
11 out of his way to get factual, articulate and
12 unbiased information, and I wanted him to
13 represent what he knew about this project
14 because he'd been following it in much closer
15 detail from the Antrim town's perspective than
16 mine.

17 But as far as Mr. McGerty goes, you know,
18 he is a new person in a town of Stoddard, and he
19 does not understand land conservation. He's a
20 professional firefighter who would like to see
21 sidewalks and paved roads everywhere so he can
22 get his fire equipment to wherever it needs to
23 go. So there's a cultural gap that had to be
24 overcome in this process.

1 MS. LINOWES: Mr. Chairman, if I can
2 interject, the attorney for the Applicant
3 characterized his statements that were made, but
4 I think that it would be worthwhile for
5 Mr. Jones to actually read the minutes because
6 it does explain where Brenda Bryer is coming
7 from.

8 PRESIDING OFFICER SCOTT: You already had
9 your chance.

10 MS. SCOTT: The minutes are in the record,
11 and I'm asking the witness what his recollection
12 is since he was present at that meeting.

13 Q But moving to the next question.

14 MS. MALONEY: Wait a minute. I think the
15 witness should have an opportunity to read this.
16 You said it's in the record, but you handed to
17 him as an exhibit.

18 A I haven't seen them, and I will be quite honest
19 with you. You know, the, this is a problem not
20 only in Stoddard but a lot of small towns. That
21 the minutes do not always accurately reflect
22 what happened and that many times they're edited
23 for whatever reason.

24 Q Well, this is why I'm asking you what your

1 recollection of the meeting is.

2 A I haven't seen the minutes so I don't know what
3 was written.

4 Q This is why I'm asking you what your
5 recollection is before I show you the minutes.

6 A So my recollection about what?

7 Q What I've already asked you. Which you've
8 already answered. So I don't, I don't frankly
9 have any further questions about the minutes.

10 My next questions are about the letter that
11 was actually written which you have seen the
12 letter the Board of Selectmen wrote.

13 A Yes, I did.

14 Q And in that letter the Board of Selectmen
15 identify their concern about significant visual
16 impacts to large portions of the community, in
17 addition to other concerns.

18 A Right.

19 Q Did you look at the Applicant's 33 Appendix 9 A
20 which is the LandWorks visual simulation?

21 A That had all the simulations from different
22 landmarks of what different towers would look
23 like?

24 Q No. It's not the tower analysis. It's the

1 visual simulation which is the viewshed maps.

2 A I remember a cursory glance at them, but I
3 didn't commit them to memory.

4 Q When you reviewed them, would you agree with me
5 that the impacts to Stoddard are very small as
6 represented in those exhibits?

7 A I don't put any stock in those exhibits, and
8 I'll tell you why. I know what Lempster Wind
9 Farm looks like from Pitcher Mountain and
10 various other points around town. Okay? And
11 Tuttle Hill is half the distance that Lempster
12 is and it can be seen prominently, prominently
13 from points along Route 9, points along 123,
14 points along major landmarks in town that
15 receive a lot of visitorship which includes
16 Pitcher Mountain and Bacon Ledge.

17 I've done my own viewpoint analysis with
18 Terrain Navigator looking at different places
19 and counting up the number of towers that you
20 can see from different places and it's
21 significant. You know? Some people may look at
22 these things and think it's some form of kinetic
23 art. Many of us who understand what they
24 represent and the damage that they're doing to

1 habitats and damage that they're doing to
2 supporting lands adjacent to conservation lands
3 understand the visual damage that they're
4 creating.

5 Q You're not in a position to tell us what square
6 mileage or square acreage of Stoddard is
7 impacted visually.

8 A Most of Stoddard is protected and woods and
9 undeveloped. The areas that I concentrated on
10 looking at where you could see it were places
11 where you have the greatest human traffic which
12 are the beaches of areas on Island Pond, you
13 can, you look at the Town Hall, you look at the
14 church, you'll be able to see portions of some
15 of the towers from those prominent places
16 particularly when the leaves are off, but
17 Pitcher Mountain, there's no question about the
18 impact from Pitcher Mountain.

19 Q Absolutely. And I don't, I totally agree with
20 you, and I think the viewshed analysis agrees
21 with you as well which is why I asked if you had
22 reviewed it. Parts of Route 9, parts of Route
23 123, Pitcher Mountain, absolutely.

24 A What's your question?

1 Q I'm asking do you disagree with the viewshed
2 analysis?

3 A Like I told you, I didn't spend a lot of time
4 looking at it, but, you know, so if it's an
5 impact, then it's an impact. We're in
6 agreement.

7 Q But you're also saying you don't have a
8 quantifiable unit of square acreage, square
9 mileage impacted in your --

10 A But that kind of information is really
11 irrelevant because most of Stoddard is
12 undeveloped and people aren't there. They're
13 not going to see it. Even if you can see it.

14 Q You --

15 A So acreage is, really doesn't mean, doesn't mean
16 anything. What you need to know is what are the
17 places where people are most likely to gather,
18 are they going to see it, and there's several
19 prominent places that it's going to be quite
20 visible.

21 Q You criticized the Applicant's wildlife
22 biologists for failing to consider wildlife, but
23 you weren't present for their testimony so you
24 didn't have an opportunity to ask them about

1 what considerations they did undertake. Have
2 you reviewed their reports and their Prefiled
3 Testimony?

4 A Yes, I have.

5 Q Okay. So you're familiar that they at Appendix
6 12 G did conduct a wildlife impact assessment
7 which looked at the species that would be using
8 the project site and evaluated impacts to those
9 species.

10 A I've looked at so many documents I'm not sure,
11 you know -- that doesn't stand out. The one
12 that I focused on was their Supplemental -- no.

13 Q So 12 G, for example, states and this is just
14 one discussion about some of the mammals
15 considered. White-tailed deer and bobcats,
16 while not abundant, are also found throughout
17 the area, talking about the project area, and
18 both utilize all ages of forest for generating
19 forest through large saw timber. Both are also
20 well adapted to living in close proximity to
21 human disturbance and are often found in
22 suburban areas. Species that require large
23 blocks of habitat that are found in the region
24 such as moose, black bear and fisher will still

1 find abundant large blocks of habitat after
2 construction of the project.

3 So it sounds to me from reviewing that,
4 they did consider these species. They may not
5 have performed a study, but they did consider
6 these species that were living in the project
7 site.

8 A You know, when I hear you say that, it's as
9 though I've been speaking to a stone wall. I've
10 explained to you the importance of the Wildlife
11 Action Plan. I've explained to you the
12 importance of keeping forests intact and not
13 fragmented. I mean, if I'm having a failure to
14 communicate the values that are going to be lost
15 by a project like this, then I'm sorry.

16 Q Let's talk about the Wildlife Action Plan and
17 Fish & Game for a moment. So again, before I
18 move on to the Wildlife Action Plan, with
19 respect to the Applicant's wildlife biologists,
20 they walked the entire project site with Carol
21 Henderson with Fish & Game, are you aware of
22 that?

23 A And your point is?

24 Q They considered the species. They were on-site.

1 They did review the mammals and the wildlife
2 that were using the project site.

3 A And I think I've been saying consistently, you
4 know, animals are very adaptive. You know.
5 They're adaptive to change, but the problem is
6 you have Tier 1 highest ranked habitat
7 identified by the Fish & Game Department, and
8 you know, let me just find this document so that
9 we can put it in the proper context.

10 Q If you're talking about the Wildlife Action
11 Plan, I'm happy to ask you about that.

12 A People live and visit New Hampshire and spend
13 money here in large part because it's a great
14 place of natural beauty, yet increased
15 development and associated conversion of forest
16 and other wildlife habitat into roads, houses
17 and businesses degrades the land's value to New
18 Hampshire wildlife. New Hampshire can support a
19 growing population economy while maintaining the
20 overall health of wildlife and their habitat
21 with better planning, new understandings of
22 wildlife population and their needs. Increased
23 support and strong collaboration through the
24 public, private and nonprofit sectors.

1 You know, we're talking about
2 wildlife-related activity in the State of New
3 Hampshire.

4 PRESIDING OFFICER SCOTT: Mr. Jones, do you
5 remember the question?

6 A She's asking me about the Wildlife Action Plan.

7 PRESIDING OFFICER SCOTT: I think she asked
8 you are you aware that the Applicant's experts
9 walked the site with Fish & Game; is that
10 correct?

11 MS. SCOTT: Correct.

12 A Right. No. I'm not aware of it, but the point
13 is they can walk it, but, you know, and she's
14 telling me that, you know, animals are adaptive,
15 and they're not going to be impacted by it, but
16 it's not the individual animals that we're
17 concerned about. It's about the habitat that
18 support them.

19 PRESIDING OFFICER SCOTT: I understand your
20 position. I just, we want to get through this
21 so if you can answer the question.

22 A So do I.

23 Q When we're talking about the Wildlife Action
24 Plan, those maps are created in collaboration

1 with the state agencies; in particular, Fish &
2 Game, the Heritage Bureau and using some data
3 produced by nonprofits like The Nature
4 Conservancy.

5 A Absolutely. Nature Conservancy was a big
6 player.

7 Q Right. Absolutely. And all of those entities,
8 in fact, that I just listed support this project
9 and have filed supporting testimony in this
10 docket. Have you reviewed all of that?

11 A I know that The Nature Conservancy has, the
12 Sierra Club, you know, I don't put a lot of
13 stock into what they say, and New England
14 Forestry Foundation, you know, if you understand
15 who they are, they are a consumptive
16 organization. They do a lot of land
17 conservation easements, but, you know, they have
18 no dog in this fight here. They don't have land
19 that's -- they haven't been participating in the
20 land protection effort.

21 The one organization that I'm really
22 disappointed in is The Nature Conservancy, and
23 I've written them letters, you know, early on
24 asking them to join our effort, and I can read

1 you what their response is if you would like to.

2 Q I don't need that response because they have
3 filed a letter in this action, and their letter
4 acknowledges fragmentation and it also discusses
5 species of greatest concern, and yet it comes to
6 the conclusion that the scale of the project is
7 not large enough to substantially impact
8 available habitat. But I wanted to highlight
9 that The Nature Conservancy and Fish & Game
10 participated in creating these Wildlife Action
11 Plans. So when we're talking about whether to
12 evaluate them and how to value them, the
13 organizations that created them have weighed in
14 on this very project. And you don't disagree
15 with that. You're aware of that?

16 A But if you also understand that wind energy
17 projects is a very vexing issue for the
18 environmental community and it splits them right
19 down the middle, and there are contradictions,
20 and, you know, you can look at the
21 contradictions of The Nature Conservancy's
22 position. They support the Wildlife Action
23 Plan, they support Quabbin to Cardigan, they
24 support and recognize the importance of large

1 unfragmented forests, but yet, yet, they go
2 along and they support this project which
3 violates all of those other missions. So they
4 are in conflict.

5 If you talk to Mark Sancow, the Director,
6 you can't get him to stand still without
7 squirming, and so you've got to ask yourself why
8 is the man squirming. Well, if you understand
9 how nonprofits work, okay, they have members
10 that they have to appease and right now members
11 are looking for green energy. Okay? They're in
12 competition with other organizations for
13 members. So it's important for them to be
14 promoting and supporting renewables. They have
15 donors who may, somebody was a big supporter may
16 be putting pressure on them to support this so
17 you know, excuse my characterization but people
18 all along the way will pimp their principles for
19 what they think is a higher cause, and the two
20 biologists who worked on this, you know, didn't
21 adhere to the principles that most of the rest
22 of us understand and value.

23 So you've got conflicts and I think the big
24 challenge here for the Site Evaluation

1 Commission is to, as they stated in an earlier
2 hearing, that how are they going to sift through
3 these organizations that, you know, are in
4 conflict on this particular issue, and I can't
5 tell you the answer, but I think, you know, if
6 you sit there and look at the information I
7 presented, understand the conservation
8 organizations's missions and their track records
9 that you can see who is standing true to their
10 true colors and who are kind of bending for what
11 is politically correct, and I, you know, have
12 always taken the stand that, you know, you stand
13 up for the hard right against the easy wrong,
14 and there's some easy wrong associated with this
15 project that some organizations have decided to
16 stand by.

17 PRESIDING OFFICER SCOTT: Ms. Scott, how
18 much more do you think you have? I know you
19 can't control the answer.

20 MS. SCOTT: Very little. Very little.

21 PRESIDING OFFICER SCOTT: The only thing we
22 do have is we have a hard, around 1 o'clock we
23 need to have somebody come in telephonically.

24 MS. SCOTT: I have a handful of questions.

1 PRESIDING OFFICER SCOTT: So I think the
2 question for the Committee is we take 45 minutes
3 for lunch. Sounds like you have a few more
4 questions you said. And then we have Committee
5 questions. Do you want to press on and compress
6 lunch or do you want to take a break now and
7 come back to this after we do Mr. James?

8 COMMISSIONER ROSE: Charge on.

9 PRESIDING OFFICER SCOTT: Press on, please.

10 BY MS. SCOTT:

11 Q Do you believe Antrim has the right to control
12 its own growth?

13 A Local rule.

14 Q In fact, Stoddard Conservation Commission has no
15 money in its budget to acquire any new
16 conservation lands at this time.

17 A Right.

18 Q Because it recently acquired significantly large
19 conservation lands.

20 A Donated.

21 Q Right.

22 A And the Conservation Commission was
23 instructional in having that land come to the
24 town of Stoddard instead of The Nature

1 Conservancy which it was planning to do.

2 Q There are just a few questions you were asked in
3 a couple points in your testimony I want to
4 clarify. When Ms. Linowes was questioning you
5 about blasting activities and logging
6 activities, there was some discussion about
7 seasonal appropriateness of those activities.
8 You do not purport to suggest that blasting
9 activities going to be occurring in winter
10 months, do you? You don't purport to know
11 whether blasting activities on the project site
12 are going to be occurring in the winter?

13 A I was under the understanding that at the public
14 hearing I think it was in February in Antrim
15 that they had said that they were avoiding
16 construction during the breeding bird and bat
17 seasons and that they were going to confine road
18 construction to the fall and winter months, if I
19 recall properly.

20 Q So that would be the basis for that assumption?

21 A Right.

22 Q There was also some discussion about when you
23 traversed the Tuttle Hill Ridge in 2012 you
24 observed logging activity. Are you aware that

1 at that time, actually a few months before that
2 logging activity as it was ongoing, so a few
3 months before you traversed the Tuttle Hill
4 Ridge, the Applicant actually sent a letter to
5 the Department of Environmental Services in New
6 Hampshire to clarify that wasn't in fact their
7 logging activity? Are you aware of that?

8 A I don't follow you.

9 Q Some of your testimony today discussed logging
10 activity that you observed when you traversed
11 the Tuttle Hill Ridge in April of 2012.

12 A Right.

13 Q Are you aware that while that logging activity
14 was ongoing, which would have obviously been
15 some time before April of 2012?

16 A Yes.

17 Q The Applicant actually reached out to Department
18 of Environmental Services, and said, hey, that's
19 not us. Just so you know, we're not the ones
20 conducting all the activity. That's the private
21 property surrounding the project site. Are you
22 aware of that?

23 A I didn't know who was doing the logging and
24 wasn't sure whose land it was, but it certainly

1 just from walking through looked like it was in
2 concert with efforts to put in wind farms.

3 Q But that's just an assumption on your part.

4 A Yes. Right.

5 Q I have nothing else.

6 MR. RICHARDSON: Mr. Chairman, I had one
7 question for recross because the witness said
8 something that I felt had conflicted with
9 events. I can either show the witness an email
10 that was sent to him requesting a meeting with
11 the Board of Selectmen or I could just offer it
12 as an exhibit. I don't plan to follow up. I
13 just wanted it to be in the record because I
14 believe it conflicted with what his testimony
15 was which was that I never responded and
16 requested a meeting.

17 PRESIDING OFFICER SCOTT: Why don't you
18 just offer it as an exhibit. I don't want to
19 open up recross again.

20 MR. RICHARDSON: Thank you.

21 MS. MALONEY: I want to ask about this
22 exhibit. Is this in the record? It wasn't -- I
23 mean, Exhibit 44? I mean why, you said it's in
24 the record, but you didn't let the witness look

1 at it so how does it get into the record?

2 MS. SCOTT: I'm happy to ask the witness
3 about it, but my questions to him were to
4 confirm his independent recollection of the
5 meeting is what it was, and the Board can
6 compare what his testimony was to what the
7 exhibit says which I think is consistent.

8 MS. MALONEY: So is it part of the record
9 or is it not part of the record?

10 MR. NEEDLEMAN: Well, first of all, there
11 are a lot of exhibits, I think, that have been
12 offered during the course of this proceeding by
13 certain parties where witnesses were never
14 actually questioned about them, and I think
15 what's going to happen is at some point we're
16 going to go through it with the Committee and
17 people will have a chance to object to the
18 exhibits or not.

19 MR. RICHARDSON: I heard the witness refer
20 to the minutes so I'm not sure --

21 MS. MALONEY: He didn't get a chance to
22 read them, and I note that it seemed like you
23 didn't want him to look at them. I want to say
24 for the record there's a reference in here that

1 Jim Coffey reported that he had a call from
2 Upton Hatfield representing the Town of Antrim
3 urging the Selectmen not to support the
4 Conservation Commission. I mean, it seems like
5 where you were going was you didn't, he was
6 trying to keep Antrim's viewpoint out, but
7 clearly somebody from Upton Hatfield contacted
8 Jim Coffey and Jim Coffey reported and that's in
9 the minutes, and for some reason he didn't want
10 him to look at that.

11 MR. RICHARDSON: The Exhibit I intend to
12 offer was the following day I sent an email to
13 Mr. Jones.

14 A What was date on that?

15 MR. RICHARDSON: July 13th, and it would
16 say per our discussion in the technical session,
17 I work with the town of Antrim on the Antrim
18 Wind Project. And then it basically requested
19 that when the Selectmen were ready to consider
20 this, please contact the town administrator. I
21 put her phone number in there and asked them to
22 follow up, and I felt that the witness has said
23 that we didn't follow up and I wanted to show
24 that we actually did, and we never heard, we

1 never got the invite to attend the meeting.

2 A Well --

3 MR. RICHARDSON: We had requested to
4 attend.

5 PRESIDING OFFICER SCOTT: So you're in the
6 record now. So are you -- okay.

7 MS. MALONEY: I don't, I really question
8 the relevance of it, but since that's where they
9 went, I thought the record should be clear.

10 PRESIDING OFFICER SCOTT: Okay. Why don't
11 we go to Mr. Forbes. Do you have any questions?

12 MR. FORBES: No questions.

13 PRESIDING OFFICER SCOTT: Ms. Weathersby?

14 **BY MS. WEATHERSBY:**

15 Q I do, and actually have one for Dr. Boisvert who
16 needed to leave.

17 Mr. Jones, we have been told that
18 developing an access corridor can actually
19 sometimes benefit wildlife, providing them with
20 easier access to food and migratory paths, et
21 cetera. Do you disagree with that?

22 A Roads can, if they're permanent roads and
23 they're managed as such, they can create early
24 successional habitat. They can create different

1 ground cover vegetation that's beneficial for
2 animals like turkeys that feed on insects,
3 grasshoppers that are in the grasses. So there
4 are some benefits to it, no question about it.
5 And as I said, you know, animals are very
6 adaptable to different conditions.

7 But the problem is that you're converting
8 forest to nonforest use, and as I've said, there
9 are a whole host of concerns that go along with
10 that that impact the ecological processes and
11 the resiliency of forests. It's clearly
12 documented in the alternative.

13 Q Thank you. The question for Dr. Boisvert is is
14 the invasive species plan that was submitted as
15 part of this adequate or as good as it can be?

16 A I think it's as good as it can be, and my whole
17 purpose of my testimony on the invasives is to
18 point out what a huge concern this is
19 nationally, what a huge concern it is to the
20 State of New Hampshire Department of
21 Agriculture, and I know firsthand as a
22 practitioner in the woods how difficult it is to
23 deal with this stuff when you have it, and it's
24 a horrendous problem.

1 And you can have a good plan, but it
2 doesn't mean it's going to be effective, and it
3 requires constant vigilance and constant
4 followup and a lot of that followup is spraying,
5 and I do not like using herbicides being, you
6 know, of the generation that used Agent Orange,
7 you know, as a 18 year old working in the woods
8 with a consulting forester and as a Vietnam
9 veteran who got the privilege of inhaling and
10 bathing in the fallout of that stuff and health
11 consequences afterwards. So I don't go for
12 using sprays even though they can be effective
13 because they aren't properly tested, and that's
14 probably the most effective way to deal with it.

15 Q I think my last question is the area around
16 Tuttle Hill, Goodhue Hill, other areas, some of
17 those have been previously logged. Correct?

18 A Yes.

19 Q And that logging, you said, does create
20 fragmentation.

21 A Well, no, it creates disturbance. Scarification
22 which provides a seed bed for desirable species
23 and undesirable invasives so you have a
24 conflict.

1 Q So is it your opinion then that the, I'm just
2 trying to understand, I'm not trying to put you
3 on the spot, but sort of the repeated logging of
4 various areas and the roads that are built, et
5 cetera, that that is a less intensive, has less
6 fragmentation consequences than the single road
7 that will be across the ridge for 50 years for
8 the project?

9 A Logging activity is not considered fragmentation
10 of the forest, and the reason it's not
11 considered fragmentation is because it's not a
12 permanent removal of the forest cover. You can
13 have clearcuts, you can have patch cuts, you can
14 have group selection, but it's done in concert
15 with keeping other parts of the forest intact.
16 So what you're doing with these cutting regimes
17 is two things. One is you're creating
18 opportunities for different forest species to
19 regenerate, and, two, you're creating different
20 species and different elevations of vegetation
21 from the ground on up for a variety of wildlife
22 species to utilize as food, habitat, cover. So
23 this is looked upon as being beneficial to
24 wildlife and not something that's detrimental

1 and the disturbance is temporary, not permanent.

2 Q Thank you.

3 PRESIDING OFFICER SCOTT: For the record,
4 Dr. Boisvert had to step out, but he did assert
5 to us that he would be reading the transcript
6 for the parts he misses. Commissioner Rose?

7 BY COMMISSIONER ROSE:

8 Q Thank you and thank you for being here today.
9 And I also appreciate your comments and
10 contributions to the Good Forestry in the
11 Granite State. As you may or may not know, I
12 actually keep a copy at my desk at all times.
13 But one of the things that, correct me if I'm
14 wrong, but there is a specific chapter within
15 that document that deals with invasives,
16 correct?

17 A I believe so, yes.

18 Q And did you participate in that portion of the
19 document?

20 A I did not.

21 Q Do you feel as though the recommendations within
22 that document would be wise to implement in
23 order to try to mitigate impacts to invasives?

24 A You know, they're giving landowners and resource

1 professionals Best Management Practices to deal
2 with them. Doesn't necessarily mean that
3 they're going to be effective. And, you know,
4 we all try to use Best Management Practices, but
5 I can't, I mean -- go and visit the New
6 Hampshire Department of Agriculture's website on
7 invasives. It's a serious problem. And it's
8 very, very difficult to deal with.

9 Q Certainly. Very well aware of that. You had
10 made a comment that the best way to prevent
11 invasives was not to have any timber harvesting,
12 is that accurate?

13 A It's my understanding that the least desirable
14 environment for invasives is a forest canopy
15 that's kept intact where you don't have
16 scarification. You do have a deep forest litter
17 and you have cool moist temperatures and
18 environment. That is an environment that
19 heavily favors native plants, and unless you get
20 some blowover, blowdown, some natural
21 disturbance in there that scarifies the soil,
22 the chance of invasives getting established is
23 much less than it is in areas where you get the
24 scarification.

1 And that's, you know, what I've
2 experienced, that's what I've observed and
3 that's what I've had other people more
4 knowledgeable on this subject tell me.

5 Q Would it surprise you to know that one of the
6 practices that the Division of Forest & Lands
7 partakes to avoid invasives is timber
8 harvesting?

9 A I would have to know the conditions and
10 rationale under which they do that and what
11 species they're dealing with.

12 Q That's one of the benefits of having a forest
13 management plan is so you can have that adaptive
14 measures to be able to address particular
15 circumstances. So much like what happens with
16 the Forest Legacy which you referenced earlier
17 which does some great work, it certainly does
18 some great work in that region of Rob Reservoir
19 and Willard Pond.

20 Because one of the statements that you made
21 I think you might have been a little bit off on,
22 so I just wanted to correct it as a forester,
23 was that the reason, the only reason why people
24 harvest timber is to make money, and that seemed

1 a little bit contradictory and perhaps you just
2 overstated that, but I just, as somebody who
3 manages that, it felt like that was a little bit
4 of an off statement. So I just wanted to see if
5 you wanted to correct that statement.

6 A Well, that was in the context of roads. You
7 know, a big objective of land owners is to
8 generate revenue but also many landowners are
9 concerned about forest health so they want to
10 make sure they go in and weed and thin and get
11 rid of the low grade material so that saw log
12 trees have a chance to grow. Lot of people will
13 do stuff even at a loss to benefit wildlife or
14 recreation or some other concerns.

15 Q Right.

16 A But money is not the principal thing, but when
17 you're putting in a road, it has been my
18 experience that most landowners and most
19 organizations don't want to put a lot of money
20 into roads because they're interested in having
21 a net gain, not a net loss. It's only in a few
22 instances where people you get people to
23 recognize the importance of the capital
24 investment.

1 Q I appreciate that because wildlife is one of the
2 considerations that a lot of land management and
3 timber harvesting is conducted for, as well as
4 invasives and recreational and viewsheds and
5 forest health.

6 You had made reference to the Wildlife
7 Action Plan, the WAP, and I was just curious, if
8 you had looked to see and I didn't see it as an
9 exhibit, but if you had looked to see what the
10 change in the Wildlife Action Plan might have
11 been in Lempster pre and post the construction
12 of the wind tower.

13 A No. I haven't, and that's something I wanted to
14 do, but I stopped over at the Fish & Game
15 Department to see if I could get a copy of the
16 Wildlife Action Plan, and they said there was
17 only one copy available, and it was about this
18 thick and that they have most of the information
19 available online, and I find the online use of
20 the maps to be a little bit user unfriendly, and
21 I just have not had the time to invest in it to
22 get the information I wanted, but I'd be very
23 interested in what that comparison would be.

24 Q I just happened to, while we were going through

1 the course of this we were looking at Wind
2 Action Exhibit, I think it's 35 that had the
3 Wildlife Action Plan for 2010 and 2015. Just
4 for the record.

5 MR. IACOPINO: Just for the record,
6 Commissioner Rose, I just wanted to make sure.
7 There are presently two Wind Action 35 exhibits,
8 and we'll straighten out which one is which at a
9 break, but I just want to point that out for the
10 record.

11 COMMISSIONER ROSE: So this is the map plan
12 that I was looking at. I actually have it
13 listed as 1 and 2. I don't know if that was by
14 design or not.

15 MS. LINOWES: Honestly, I don't recall.
16 I'm sorry. I do want to make one correction.
17 That should have been 2005, not 2010. That was
18 a mistake on my part for the two maps. 2005 and
19 2015 is incorrectly marked there.

20 Q I think its states 2010 and then 2015.

21 A 2010 should be 2005.

22 Q Okay. That answers that then. Even though
23 there is a 2015. Okay.

24 MS. LINOWES: The 2015 is accurately

1 denoted. It was the 2010 should have been a
2 2005. Should have read 2005. It's the correct
3 map.

4 A Just the 2010 was in reference to a previous map
5 which was a 2010 color aerial photograph. So
6 when the map was changed the title just wasn't
7 changed so it's, you know, a typo.

8 Q So I understand in your testimony, Prefiled
9 Testimony in your exhibits, you had the map for
10 2010?

11 A No. 2005.

12 Q Okay. So you had in your documents 2005 as
13 well?

14 A Well, I have to see the map.

15 Q Well, from your -- I'm sorry. From your
16 testimony. In your testimony. You had
17 reference of a map as well. I wasn't sure.

18 A I think my map should have been the 2015. I
19 don't know if I had the two differences. The
20 thing that gets confusing is when you're making
21 these maps, you have a title slide that if you
22 don't change the information on that, it can
23 misrepresent what the next photo is so it's one
24 of those little things you have to stay on top

1 of when you edit maps.

2 Q Okay.

3 A So I apologize for the confusion but the map,
4 the map should be correct. It's just that date
5 is the wrong reference.

6 Q I think I can still ask the question that I was
7 thinking of even though I was, I'll have to go
8 back and look.

9 But as I look at these two maps that will
10 now say the 2005 map and the 2015 map, the pink
11 being the highest 15 percent habitat value, I
12 was just curious in Stoddard, and, well,
13 certainly in Hancock and potentially in Stoddard
14 at least in the eastern edge of the town, it
15 looks like they had lost or at least didn't rank
16 in the top 15 percent as they once did in 2005
17 even though the land was in conservation. I'm
18 just curious as to what the thought might be or
19 if you had any explanation as to why that might
20 have changed over the course of the ten-year
21 window of time.

22 A I asked the Fish & Game Department if they could
23 explain it, and they said it just had to do with
24 the criteria that they used. They didn't get

1 into specifics, but I was curious with that and
2 still am.

3 Q Thank you.

4 PRESIDING OFFICER SCOTT: Mr. Clifford?

5 BY MR. CLIFFORD:

6 Q Good morning or good afternoon, Mr. Jones. I
7 think Ms. Weathersby covered most of what I had
8 to ask, but the one thing that did come out of
9 it, you had some testimony about what are snap
10 trees?

11 A Snag.

12 Q What's the importance of those? I didn't, there
13 was just a lot of reference to that, but I
14 didn't get what the reference pertained to.

15 A Dead standing trees are referred to as snag
16 trees, and, historically, they've been looked
17 upon as sources of insect and disease problems
18 and so foresters have always had a sanitation
19 approach to them. They'd cut and remove them
20 when they were having a timber sale. OSHA
21 guidelines in the '80s was pretty strict in
22 making sure that loggers who were felling trees
23 by land, you know, that these hazard trees would
24 be removed because they were physical threats to

1 the loggers.

2 Since most logging operations now are
3 mechanized, and both OSHA and foresters and
4 loggers and landowners have recognized the
5 importance of these dead standing structures as
6 important habitat to over 20 species of birds
7 and mammals, as habitat, as homes, as nests,
8 that we now value them much more than we used
9 to, and a good example of that is the pileated
10 woodpecker. You know, their numbers have come
11 back when we've had some insect outbreaks, and
12 they'll wind up creating a lot of these snags
13 which have been used by other animals.

14 Q And so I wanted to ask you also about the
15 conservation land in Stoddard. How many acres
16 in Stoddard, you said, are currently conserved?

17 A Sixty-five percent of the town which is over
18 21,000 acres, I believe.

19 Q Is any of that managed by TMOs, to your
20 knowledge?

21 A No, not to my knowledge. Most of the ownership
22 is by Andorra Forest and a lot of the land is
23 owned by the Society for Protection of New
24 Hampshire Forests, and then conservation

1 easements held by the Forest Society on a lot of
2 other properties, you know, make up that mosaic
3 of protected lands.

4 Q So I'm trying to get it. You're a licensed
5 professional forester, too, right?

6 A Yes, sir.

7 Q Are you familiar with the method of felling
8 trees called switching? Using horses?

9 A Yes.

10 Q So in your opinion what's the better method to
11 use given that your testimony is they're
12 problems with clearcutting, there's problems
13 with skidders, et cetera, and the time of year
14 so what's -- and also you mentioned that there's
15 problems with invasives either way you cut so
16 what in your opinion is the better method of
17 forestry management as a licensed forester?

18 A Well, certainly horses wouldn't be my instrument
19 of choice, and I've had a number of horse
20 operations on jobs and they're very limited as
21 to the distance and the amount of wood that they
22 can skid, and, ironically, you know, invasive
23 plants can be spread by horses through their
24 manure and through their feed. They can

1 introduce unwanted vegetation so that's another
2 problem, but most of the operations today are
3 done with mechanized logging. You know, where
4 you have feller bunchers, you have skidders,
5 there are still a few operators that chop by
6 hand with chainsaws.

7 If you're trying to manage an area that has
8 got invasive problems, one of the, two things
9 you can do. If you harvest in the wintertime
10 you're going to get also soil scarification.
11 Less likely to be carrying seeds in and out of
12 the woods, and the other thing that you really
13 want to do is to go in there and reestablish
14 vegetation as quickly as you can so that you can
15 get something that will outcompete the invasives
16 and make it a less hospitable situation for them
17 to prosper in. So those are the two kinds of
18 choices that you have if you want to harvest in
19 an area where you have invasive species threats.

20 Q Thank you. I have no more questions.

21 **BY PRESIDING OFFICER SCOTT:**

22 Q You've talked a lot today about invasive
23 species. So I just wanted to clarify. Again,
24 not on fragmentation. You've been very clear on

1 your position on that. Is there a difference
2 between the project going in and a logging
3 operation as far as invasive species? I didn't
4 follow why the project would be worse than where
5 we are now which is logging happens
6 occasionally.

7 A I wouldn't say that they're worse. They both
8 pose similar threats, you know, in terms of
9 invasives so I wouldn't say that one is better
10 than the other.

11 Q Okay. Thanks for the clarification. So it's a
12 concern for you, I understand that.

13 A Yes.

14 Q Understanding you're not a wildlife biologist,
15 but there was a discussion about the boulders
16 and habitat that that provides. Am I correct
17 that it's less the scale of the boulder, if you
18 will. It's more of the availability of pockets
19 or gaps to provide a denning space, that type of
20 thing? Is that not the real benefit for the --

21 A That's one of the benefits, I'm sure, that the
22 Fish & Game folks look at. Yes.

23 Q Okay. And you've also mentioned a concern that
24 allowing the project to go in would create a

1 foothold for other development. Was I correct
2 in that understanding?

3 A Well, I think once you breach the zoning
4 ordinance of rural conservation that you open
5 the door for other kinds of development. I
6 mean, that's just a, you have less of an
7 argument to defend it as open space.

8 Q Sure. So are you aware that other than another
9 SEC hearing where the Site Evaluation Committee
10 can override local zoning that any additional
11 development would still have to meet local
12 zoning if it didn't come before SEC?

13 A Oh, right. Sure. Sure. But if the local
14 people aren't enforcing their master plan, then
15 you know, that would be a concern of the town, I
16 would think.

17 Q Okay. Thank you very much. Appreciate it.
18 Okay.

19 **BY MR. IACOPINO:**

20 Q Thank you, Mr. Jones. First question I have was
21 a response to Ms. Weathersby when you're talking
22 about fragmentation, you indicated that to you
23 it's the permanent removal of forest cover. I
24 think that's pretty close to what you had said.

1 Do you know what the amount of acreage of
2 permanent removal of forest cover will occur
3 according to the Application?

4 A I think there was 50 acres initially, and then
5 it was going to shrink down to 10, 15, something
6 like that.

7 Q I think it's 11.5 or about there.

8 A Okay.

9 Q And do you have a different opinion about what
10 the -- you've reviewed the Application, I take
11 it?

12 A Yes.

13 Q Do you have a different opinion about what the
14 acreage of permanent removal of forest cover
15 will be in your opinion?

16 A No. And, you know, the acreage figure isn't as
17 much of a concern as the fragmentation.

18 Q Okay. But you're happy with their figure then.
19 You don't dispute that?

20 A Well, you know, the only thing I would question,
21 and I think you should question, is if you look
22 at other wind farms around New Hampshire and in
23 Vermont and you look at the size of the roads,
24 you've got to wonder why this one is so much

1 smaller, and if they can do it, you know, fine,
2 but I would seriously question it and look at it
3 to make sure that it's going to be the size that
4 they say it is because every other wind farm I
5 look at, you're looking at 100- to 200-foot
6 swaths, and you can Google these things and look
7 at them yourselves. They're imposing,
8 industrial scale type of developments.

9 Q So you have doubts about what the permanent
10 coverage will be.

11 A Well, I would be vigilant.

12 Q Change of gears for you. During the course of
13 your testimony here today, and I'm going to
14 paraphrase because I didn't write everything
15 down verbatim, you seem to indicate that Fish &
16 Game has political considerations that they must
17 consider; that the Nature Conservancy, I think
18 you talked about their Director squirming when
19 you talk about wind projects and suggesting that
20 they had to cater to donors, I guess, or people
21 on their boards, and you expressed your
22 disappointments with the lack of opposition in
23 the environmental community to this particular
24 project. And I guess I'm going to ask you,

1 isn't it possible that those other groups share
2 the very same conservation values that you do
3 but they simply disagree with you about what the
4 impact of this project will be?

5 A Well, you know, I worked with an old forester
6 when I first started working who had 50 years of
7 experience, and he said, affectionately, that
8 you could have 40 foresters out in the woods and
9 you'd get 40 different answers. You know,
10 forestry and wildlife management are both an art
11 and a science, and you use scientific
12 information and you artfully use it on different
13 landscapes. People can come to the table and
14 you have to, what I've tried to do today is to
15 help you look at who's supporting this and who
16 isn't and who's not at the table.

17 And I think if you understand the missions
18 of the organizations, if you understand their
19 goals and the whole concept behind Quabbin to
20 Cardigan is to protect these very areas that
21 this project is trying to develop, that there's
22 a tension there, and there's some contradictions
23 there.

24 I can only offer my speculation of being a

1 member of the conservation community for 35
2 years as to how they think and how they operate,
3 but I think you ultimately have to come to your
4 own conclusion, and I hope that you would see
5 that there's some contradictions and that
6 there's some tension there that you should look
7 into it further.

8 Q Understood, but the question to you is not to
9 raise the question. You've done that. The
10 question to you is is it possible that these
11 agencies and those groups have the very same
12 concerns that you do, but they've come to a
13 different conclusion?

14 A That's obvious, I think. Yes.

15 Q No further questions.

16 PRESIDING OFFICER SCOTT: All right. Thank
17 you. I think we're done with this panelist.
18 It's now, again we're going to take a 45-minute
19 lunch. I'm going to ask you all to be precise
20 so that would mean we'll start promptly at 1:35.
21 If somebody could let Mr. James know?

22 MS. LINOWES: I'm typing to him right now.

23 PRESIDING OFFICER SCOTT: Following that,
24 then we'll go to the -- will Mr. Levesque be

1 back by then? So would you prefer to go after
2 Mr. Ward?

3 MS. ALLEN: Mr. Wells is here and he's only
4 available today.

5 PRESIDING OFFICER SCOTT: Okay. So we'll
6 do the Levesque/Allen Intervenor Panel followed
7 by Mr. Ward.

8 (Lunch recess taken at 12:50
9 p.m. and concludes the **Day 10**
10 **Morning Session**. The hearing
11 continues under separate cover
12 in the transcript noted as **Day**
13 **10 Afternoon Session ONLY**.)

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