

**STATE OF VERMONT
PEOPLE OF THE STATE**

Joint Petition of the Shumlin Administration,)
The Department of Public Service, The)
Public Service Board, and eleven)
developers, including First Wind, Green)
Mountain Power, Iberdrola, David)
Blittersdorf, Jim Harrison, Encore)
Redevelopment, Reunion Power, Eolian)
Energy, Nordex, Enel, Endless Energy,)
and Citizens Energy for a certificate of)
public harm to construct up to 200 miles of)
utility-scale wind generation facilities on)
Vermont’s mountains.)

**CERTIFICATE OF PUBLIC HARM ISSUED
PURSUANT TO THE PUBLIC TRUST AND
SOCIAL FABRIC OF THE STATE OF VERMONT**

It Is Hereby Certified that the People of the state of Vermont this day found and adjudged that the construction of utility-scale wind on Vermont’s ridgelines as proposed and supported by the **Shumlin Administration, the Department of Public Service, the Public Service Board, and eleven utility-scale wind developers**, will harm the general good of the State of Vermont, and a Certificate of Public Harm (CPH) is hereby issued to these entities. This CPH is awarded for the following violations of Vermont’s environmental, social, and economic well-being:

I. **Environmental Harm**

1. **Ridgeline Wind In Vermont Fails to Effectively Target Actual Sources of Carbon Emissions** – 93% of Vermont’s carbon emissions come from burning fossil fuels for such activities as heating, transportation fuels, industry and agriculture, not from electrical generation. In Vermont we generally do not use electricity generated from burning fossil fuels. We must target the sources of emissions in order to reduce them.
2. **Ridgeline Wind in Vermont Fails to Replace Dirty Power Sources** – Because of the intermittent nature of wind as a resource, the necessity of constantly providing backup generation to keep a balanced grid, and Vermont’s relatively clean electricity portfolio, utility-scale wind energy does not effectively replace dirty power sources.
3. **Ridgeline Wind in Vermont Changes Hydrology and Creates Harmful Stormwater Runoff** – Vermont’s mountains are the source of pristine headwater streams that feed drinking water supplies, recharge aquifers, and provide critical aquatic and wildlife habitat. Building utility-scale wind projects in these areas alters

- hydrology and degrades water quality and quantity and creates irreversible changes that can increase downslope flooding and erosion, destroying aquatic habitat.
4. **Ridgeline Wind in Vermont Fragments and Destroys Wildlife Habitats -** Construction of roads and turbine pads requires blasting bedrock and outcroppings, clear-cutting forests, and trucking in huge quantities of construction materials. As a result, food sources are eliminated and other ecosystem values in these areas are lost. Travel corridors and food for bears, deer, moose, raptors and other wild creatures are permanently disrupted, reducing species' capacity to adapt to climate change.
 5. **Ridgeline Wind in Vermont Kills Birds, Bats and Endangers Species -** Bat research demonstrates that bats are attracted to the moving turbine blades, and are often killed due to the sharp changes in air pressure around them. Bird studies also reveal significant fatalities from blade and tower impact, especially in raptor and migratory bird populations. Vermont's Threatened and Endangered Species list includes bats species known to have been killed by utility-scale wind projects in New England.

II. Economic Harm

6. **Ridgeline Wind in Vermont is Not Cost Effective** – Electricity generated by ridgeline wind costs more than double existing wholesale electricity prices. Due to Vermont's relatively clean electricity supply, money spent on efficiency and conservation offers a much better return on investment for reducing CO₂.
7. **Selling Ridgeline Wind RECs Means Brown Power for Vermont** - To keep rates down, utilities sell the Renewable Energy Credits (RECs) out of state. Vermonters are not getting the environmental benefits or renewable energy unless the RECs are retired here in the state.
8. **Big Wind Harms Property Sales and Values** – Many Vermonters have worked their whole lives to own and maintain their homesteads. There is clear evidence that properties located near big wind turbines are diminished in value. Evidence from neighboring Lempster, NH, shows that an abundance of homes - many more than would be expected - near the wind project are currently for sale and are not selling. Vermonters cannot afford to lose property values or limit their sale options in today's unstable and uncertain economy. Tens of millions of dollars in property value is now at risk around Sheffield, Lowell, and Georgia Mountain. It is unfair for neighbors to have to bear the burden of decreased property values for the enrichment of wind developers.

III. Social Harm

9. **Big Wind Creates Noise and Health Issues** - Studies have linked the audible noise and inaudible low frequency noise and infrasound caused by wind turbines to changes in the cochlea of the inner ear. Both kinds of noise can result in sleeplessness and health problems. Lack of or significantly interrupted sleep causes stress, headaches, heart disease, other medical conditions and poor school and workplace performance. There is no mitigation possible. The only solution is to curtail the wind turbines or buy out people who can no longer live in their homes. There is currently no plan to compensate wind turbine victims.

10. **Big Wind Creates Health and Safety Risks** - Turbines occasionally catch on fire, throw ice and/or blades thousands of feet and even completely collapse. Turbine manufacturers warn of these dangers in their operational manuals, and suggest staying over 400 meters or 1,300 feet away from operating turbines. Our own Public Service Board allows setbacks from property lines of less than 200 feet. Utility-scale wind in Vermont risks public health and safety, violates abutters' use and enjoyment of their land, forecloses development options, takes thousands of acres out of recreational access for hunting, fishing, hiking, snowshoeing, birding, etc., and destroys quality of life for those nearby.
11. **Wind in Vermont Manipulates and Fractures Communities** - Wind development has been a divisive issue in every town where a utility-scale wind project has been proposed. It pits town against town and neighbor against neighbor. In Vermont, where we try to work together, developers attempt to divide and conquer. They have sued neighbors, prosecuted for trespass, and kept people off their own land. Payments to towns are used to gain favor. Such tactics are not those of socially responsible businesses.
12. **Wind Developers Mis-use the Word "Community"** - Most of the utility-scale wind projects proposed in Vermont are owned by large, some of them foreign, corporations who seek to profit from tax payer-funded subsidies and the sale of RECs. While the word "community" may appear in the name of their projects, there have been no community conceived or owned projects in the state.
13. **The Permitting Process Fails Regular Vermonters** - Public access to the Section 248 Certificate of Public Good process is limited and unjust. Public hearings are meaningless political theater and people's comments are not taken into account in the PSB's decision making. Neighbors can fight to attain Intervenor status, but must raise hundreds of thousands of dollars to hire lawyers and experts to compete against well-funded multi-national corporations. The Board has repeatedly ignored testimony of experts hired by anyone other than developers. The process is grossly out of balance in favor of developers.

Order

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the People of the State of Vermont that:

1. The findings, conclusions, and recommendations stated above are violations of the public trust and the social fabric of Vermont.
2. All public planning and construction of utility-scale wind projects will cease immediately until Vermont has developed a comprehensive energy permitting process that serves Vermont's citizens, communities, and the natural resources of the State and that acknowledges and takes into consideration the known harm that is caused to Vermonters living near ridgeline wind projects.
3. The Shumlin Administration, the Department of Public Service and the Public Service Board, in conjunction with eleven utility-scale wind developers, have committed or plan to commit specific acts of harm in the following communities in Vermont, with little or no effect on climate change:

Sheffield Wind (UPC & First Wind) - Sheffield

- **Creates Disruptive and Harmful Noise** - Since this project started operation, several of its neighbors have reported noise that has made their family sick and threatens their ability to stay in their homes.
- **Creates Adverse and Undue Aesthetic Impact** - The presence of sixteen 420 foot tall turbines continues to be shocking for the neighbors to see and they have not “gotten used to it” as predicted by developers and utility executives.
- **Creates Disruptive Light Pollution** - Turbine warning lights have caused complaints of marring the landscape and have created light pollution visible at a distance of over 10 miles.
- **Leaves Neighboring Towns Which Voted Against Project With No Benefits** - First Wind bribed Sheffield residents into voting for the project and the Town is receiving large payments from the developer. The neighboring towns of Sutton and Barton opposed the project and now the residents of Sutton and Barton, many of whom live closer to the project than Sheffield residents, are suffering from the impacts but receive no compensation or benefits from the project.
- **Creates Water Quality Damage** - This project was constructed on very steep slopes at the headwaters of several high quality headwater trout streams. The project rearranged the hydrology of the mountain and has degraded downstream water quality and aquatic habitats.
- **Destroys the Real Estate Market in the Viewshed** - Four properties in the area have been on the market for an excess of sixteen months and haven’t received offers of purchase -- even at dramatically reduced prices.

Kingdom Community Wind (Green Mountain Power) - Lowell

- **Fragments Important Wildlife Habitat In Vermont's 12th Largest Habitat Block** - By constructing nearly six miles of new roads up to and on the ridgelines and inside an important area for connectivity, the project severs one of Vermont’s largest habitat blocks. This fragmentation will impact the ability of wildlife to adapt to climate change.
- **Abuses Neighbors of Project** - Due to the inadequate PSB-approved setback distances, neighbors were forced to leave their own property during blasting too close to the neighbors’ property line, and the turbine blades will extend over their property line with no compensation. The PSB allowed construction to proceed despite an ongoing property dispute between neighbors and GMP regarding land leased by GMP for turbine sites.
- **Jeopardizes Headwater Streams** - Nine headwater streams of the Missisquoi River and the Black River have been filled or altered substantially. Construction will likely increase downslope water temperatures, harming aquatic habitat, especially that inhabited by brook trout.

Georgia Mountain Community Wind (David Blittersdorf & Jim Harrison) - Georgia and Milton

- **Threatens Neighbors by Being Too Close** - GMCW was approved with over 100 homes within one mile of the project, and with turbines only 188 feet from a

- neighbor's property line. At this distance neighbors will be dramatically impacted.
- **Denys Illegally Throwing Flyrock onto Neighbor's Property** - As confirmed by DPS, GMCW's blasting operations have thrown dangerous flyrock onto neighboring property, putting those on that property at risk. GMCW has repeatedly misled the PSB and the media by asserting that no flyrock has been thrown.
 - **Fails to Address Complaints & Sues Neighbors** - GMCW completely failed to address concerns brought up by the neighbors, and instead sued them, and received a restraining order to remove them from their own property. These actions are the exact opposite of socially responsible business.
 - **Fails to Regulate Blasting** - Despite concerns from neighbors, the PSB failed to regulate blasting loads or time of blasts, leaving residents with no time to peacefully enjoy summertime activities, and putting them and their livestock at risk. The PSB waited more than one month to order the developer to stop blasting only after GMCW had finished blasting.

Deerfield Wind (Iberdola Renewables) - Searsburg and Readsboro

- **Ruins Beauty and Sanctity of George D. Aiken Wilderness** - The Deerfield wind project is proposed for an area two miles from a nationally recognized and protected wilderness area. The Federal NEPA review of the project incorrectly concluded that it would have no impact on the wilderness.
- **Reduces Bat Populations** - The proposed project is located in an area known to have bat populations, including the Threatened and Endangered Little Brown Bat. There is no dispute that wind turbines kill bats. If constructed this project will create another threat to this bat population that is already threatened with extinction.
- **Fails To Evaluate Impact on Blasting** - The NEPA review process used to justify the project failed to consider impacts from the massive blasting required to build the project.
- **Suffers From Conflict of Interest** - The Forest Service's Environmental Impact Statement relied solely on the developer's expert witnesses in evaluating noise and aesthetics, and plagiarized directly from the testimony presented by Iberdola to the PSB.

Little Equinox Wind (Endless Energy) - Manchester

- **Can't Move Forward or End Project** - This project has been proposed for almost a decade now with no movement from the developer to either bring it forward to permitting or to withdraw the project. It would clearly be an inappropriate project for this scenic area.

Northfield Ridge (Citizens Energy) - Northfield and Waitsfield

- **Tries to Change the Town Plan's Elevation Prohibition** - The Town Plan of Waitsfield limits development above 1,700 feet but the developer of this project believed they could have the Plan changed even in the face of community opposition.
- **Threatens Over 1,000 Structures in 2 Mile Impact Zone** - Over 1,000 structures exist within the two miles of the proposed project, creating potential noise and

health impacts on over 3,000 Vermont residents. A project of this impact is inappropriate for development so close to residents.

- **Jeopardizes Aquifer for Whole Region** - The proposed project was slated to be built on top of a region known to be an aquifer for the whole area. Building utility-scale wind requires massive blasting and drilling into bedrock, and this project would rearrange the hydrology of the area and put the aquifer in jeopardy.

Derby Wind Project (Encore Redevelopment) - Derby

- **Proposes Turbines Too Close to Residences** - With over 500 structures in Vermont within the two mile impact zone and many more on the Canadian side of the border, many residents and the Town of Stanstead oppose this project for its close proximity to their homes and likelihood for impacts on their livelihood.
- **Fails to Properly Notify Adjoiners** - The developer sought to build this project while failing to notify area property owners properly. The PSB required the developer to go back to the beginning and attempt to do this correctly.
- **Fails to Adopt Community Stakeholder Process** - The developer was urged to connect in a meaningful manner with area residents to develop a process and project that could meet their mutual needs. Unfortunately the developer continued to push the project along without responding in any meaningful ways to neighbors concerns.

Grandpa's Knob Wind Park (Reunion Power & Nordex) - Pittsford, West Rutland, Hubbardton, and Proctor

- **Blatantly Disregards ANR's declared RINA (Rare and Irreplaceable Natural Area)** - The areas of Grandpa's Knob and the Pittsford Ridge are an ecologically sensitive area. According to the ANR, this habitat block scored 11th in the state for importance out of 4,055 blocks. ANR stated to the developer that if the project were pursued as proposed, this area would suffer "undue adverse impacts that could not be mitigated." Disregarding this notice, the developer seeks to continue the project.
- **Disrespects and Disregards Opposition to the Project** – Reunion Power has disrespected and disregarded the opposition to the project by residents in the affected towns, the Select Boards of all four towns who voted to oppose the project, as well as formal opposition by the Rutland County Audubon Society, Lake Bomoseen Association, the Hubbardton Grange, and the Hubbardton Historical Society. Even in the face of this opposition, the developer seeks to continue the project.
- **Promises Payments to Host Towns to Gain Favor** - The developer made misleading claims and promises regarding payments to be made to host towns. Misleading statements were also made indicating that large sums might be paid to each town, when in fact any large sums that might be paid would be for the total project, then divided by the 4 towns so each town's share would be substantially smaller.
- **Works to Deeply Divide Communities** - Property owners in this area are at odds with each other because of where they stand with regard to the project. Landowners have taken sides based on whether or not they would gain a direct

financial benefit from the project. As a result, normally connected and harmonious communities are experiencing dissension and strife.

Seneca Mountain Wind (Eolian Renewable Energy & Nordex) - Brighton, Ferdinand, and Newark

- **Ignores Newark's Opposition** - In overwhelmingly voting to amend their Town Plan, the citizens of Newark have made it clear that they oppose the project. The Town expects its vote to be honored, but the developer has continued to push for the project.
- **Threatens Area's Important Natural Resources** - The mountains around Island Pond are Brighton's life blood, and it does not make sense to sacrifice their natural resources and economic benefits for expensive power that doesn't benefit area towns.
- **Ignores Investments In Conservation** - The Vermont taxpayers have invested in the conservation lands of the Unified Towns and Gores of this area, and building utility-scale wind in the area would jeopardize this investment.

Windham Wind Project (Iberdola Renewables) - Grafton and Windham

- **Ignores Town Plans and Zoning** - Local governments are dismayed by the dictatorial planning and permitting process leading to wind installations. Where communities have invested good faith, time, and energy in writing Town Plans that exclude wind development, their own visions and goals are in jeopardy if the PSB continues to ignore the wishes of communities surrounding wind development.
- **Seeks to Create Community Division** - The developer is actively holding private one-on-one meetings before engaging public discussion to curry favor and influence townspeople. This non-transparent action jeopardizes the trustworthiness of the developer amongst the community.

