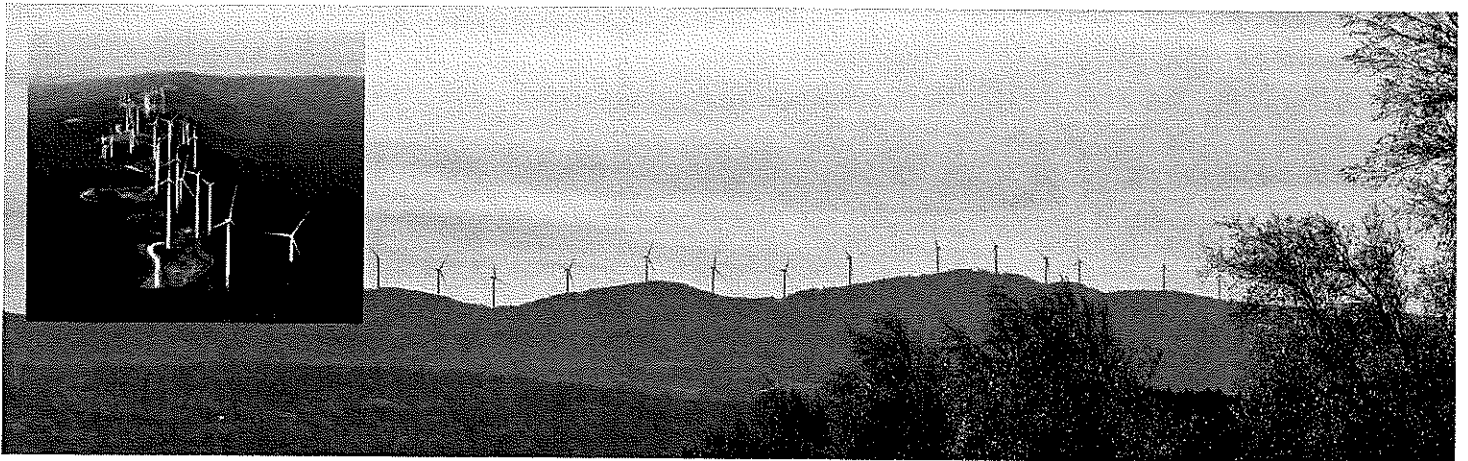


Vermont Getting Blown Away

The Real Story of Wind



This compilation is dedicated to Shirley and Donald Nelson whose courage and determination to protect their mountain world from the ravages of industrial development stand as an example to us all. Their nightmare began about 10 years ago.

GMP had been planning their project since the beginning of the 21st century and the Nelsons had realized very early how devastating it would be. With others in the Lowell Mountain Group, they worked tirelessly to counter the propaganda and resist the ecological rape of the land.

GMP, although touting their "environmentally safe" development, imposes a "Gag Order" in any contract with property owners. Only after the wind turbines had been operating for about 3 years, did the Nelsons finally sell their farm to GMP in the summer of 2014. The contract included, as always, the Gag Order prohibiting Nelsons from writing or talking about the whole saga. Because they cannot share in this collection of articles, we try to tell some of what happened to this retired couple as well as generally "Speaking Truth to Power".

Thank you to those who contributed to:
The Lowell Second Six Legal Defense Fund
Which paid for this book
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Introduction

In this collection we share articles written by local folks who engaged in a spirited effort to protect a mountain range from an industrial wind project. These pieces now provide a summary of the specific points related to this project but also relevant to all "renewable" energy development. During our transition from corporate propaganda to on-the-ground reality it became clear that wind, sunshine, and running water are renewable: massive construction sites, violations of property rights, huge turbines and panels, ecological destruction, high-decibel noise/vibration and light flicker/reflection, are not renewable. They do nothing to reduce carbon emissions. The technologies of energy development and generation are destructive of the environment, communities, and residents without exception.

The question has been framed by both environmentalists and the corporations now using environmental language: which kind of energy do you prefer, extractive or renewable? Being given only two choices guarantees your support of at least one. But this is a FALSE question. Neither kind of energy development is sustainable over the long run. Both are geared solely to make great profits for the energy empire. Each sacrifices land, waters, people, and wildlife for those profits.

As you read these articles, we invite you to consider a third choice, the only Earth-Friendly, sustainable option. As energy development is based on the premise of ever-increasing consumption, the real solution is to REDUCE energy use. This isn't hard at first. Many people are already cutting back on driving and changing light bulbs. But buying more electronic gadgets, "needing" the variety of foods and goods transported from far away, placing more value on bigger homes and higher salaries, these and many other energy-consumption practices are the cancer of national and global economies.

The soft revolution has started. Pockets of local people are learning the tremendous values of living with far less, relearning basic skills and attitudes for self-reliance, maintaining physical health in localized diets and hard work which doesn't require a gym, developing a deeply enriching relationship with the web of life, and finding a supportive network in small communities of like-minded folks. Consider a lifestyle change - even gradually - a transition to a seriously low level of energy consumption as your gift to yourself, your descendants, and Earth herself.

PROTECTING VERMONT'S RIDGE LINE ECOSYSTEMS

Steve E. Wright

Vermont's portion of the Appalachian Chain - the Green Mountains and associated ridgelines were formed 450,000,000 years ago during the mid-Paleozoic Era (Ordovician Period). By 70,000 years back, the Laurentian Ice Sheet covered Vermont and gave us our (modern) landscape morphology. Vermont became (available) for human colonization some 60,000 later or 10,000 hence. Current ecological structures and life forms are products of these two forces: tectonic of the mid-Paleozoic and facial of the Laurentian Ice Sheet.

Glaciated ridgelines and associated river valleys are Vermont's dominant morphology. Plant communities reflect this dichotomy with ridgelines dominated by spruce/fir/hemlock and beech/birch/maple on downslope lands. Red oak becomes present in the river valleys and over the last 30 years is relatively common in some uplands, even in the Northeast Kingdom.

Ridgelines play an important role in Vermont's abundant water resources and define the necessity of protecting these intact functioning ecosystems. In a real sense, they - the ridgelines - function as large sponge and filters intercepting moisture - rain, sleet, snow - in horizontal and vertical planes and delivering it to the surface absence much of its gravitational energy.

Moisture presents itself either vertically - falling, as in rain, sleet or snow, onto vegetation from above - or horizontally, as in clouds. This moisture/vegetative interaction has three primary results: collection, flow, and energy dissipation. This last occurs when the vegetative canopy fragments and slows rain drops falling on leaves and woody surfaces. Eventually, liquid water is slowly absorbed into the forest floor and via gravity finds its way into surface or subsurface features (streams or groundwater).

Opening the vegetative canopy accelerates water movement on and into the ridgeline disrupting functions 450,000,000 years in their formation. Existing life forms evolved within this structure. Altering that system eventually leads to downslope chaos often on a time scale difficult for humans to perceive.

Vermont soils, due to their origin, are said to be "friable", meaning they crumble easily when acted upon by other forces, especially water. "Keeping the soil on the hill" is one of the tenets of good natural resources management. Roman and other extinct cultures are examples of not following the rule.

Nothing good comes from opening the canopy - removing vegetation - of upper elevations especially road-building or development of impervious surfaces. Such alterations have two fundamental effects in response to the laws of physics. Exposed impervious surfaces, in contrast to vegetated, porous soils, bend the solar energy potential of the impervious surface to the maximum due to the fact that the greater the soil compaction the greater the heat absorption. This heat of course is transferred to the water source as it moves over the now-warmer soil surface. Existing ridgeline ecosystems evolved cooler ecosystems due to the shading effect of woody vegetation. Increased temperatures place additional stress on all biotic levels.

Exposed soil erodes more rapidly than vegetated soils because of the absence of root systems and above-ground vegetative features that slow water movement across the forest floor. The faster the water moves the larger the soil particle size it will carry. The larger the particle size the greater the downslope effect, at least the visible effect.

Lowell - the town - received a good lesson in those principles on May 29, 2012 when a major storm cell tested the efficacy of the human system designed to protect downslope areas from heavy rain. Roads and bridges were destroyed along with private property. Rte. 100 was cut in two places by rampaging Missisquoi River tributaries flowing from the wind project area. A state report concluded that the damage was not caused by wind project alterations but from unusual weather that deposited a large amount of water on the ridgeline in a short period of time. Vermont state government seems unaware that advancing climate change means we can expect even more severe weather.

The leadership of the State of Vermont however, cannot see. If SPEED requirements are satisfied with ridgeline wind projects more than 100 miles of ridgeline ecosystems will be impaired and their ability to respond to the stress of climate change similarly affected. Vermont communities will be at the mercy of an altered climate.

There are other, more subtle impacts to ridgeline development, those more difficult for the human mind to see and understand. Upper elevations must be protected from development of that sort of industrial wind. A healthy land mechanism is the most important bulwark against the immediate effects of a warming planet.

Disruption of a ridgeline's protective functions shatters any confidence in the state or federal government that such levels of government will effectively respond to any problem that opposes the interests of multinational corporations. Citizens, therefore, must take this responsibility to protect their families and property.

Steve Wright is a former Vermont Commissioner of Fish and Game, and former President of Sterling College. He lives in Craftsbury, Vermont.

Wind, Property, and the Commons

Carol J. Irons

There are 2 aspects to the issues of property rights in Vermont. One is the cultural concept of "the commons", which refers to property - generally land - considered to be held in common by the community. This is an ancient concept, not unique to the U.S. but still an active understanding here, most especially in rural areas.

Many towns continue the practice of open park and/or forest areas which community members are free to use. Also, there is a generally held perspective that the natural resources of VT are held in common by all citizens. In fact, we have institutions, both state and private whose purpose for existence is publicly stated to be the protection and preservation of our natural resources. These resources are listed as including mountains, certain forest lands, wetlands, streams and rivers, and all manner of wildlife, as well as endangered plant species.

The other part of the property rights issues in VT is private ownership. There is a cultural value here, as old as the first European settlers, which holds that a person owns the property for which he/she holds a deed. As long as one holds that deed, and only until s/he transfers that legal ownership document to another, this deed-holder has legal possession to that property defined in the document.

In the case of trespassing on the Lowell Mtns., all of the arrestees were carefully standing on part of a 28 acre parcel owned by Don and Shirley Nelson. The Nelsons had held the deed to their property for decades.

Both aspects of property rights are involved in the development of industrial scale energy projects. On the Lowell Mtns. range, forest land, small wetlands, black bear habitat, wildlife corridor areas, a natural system of stormwater discharge for 2 watersheds, bird and bat safety, moose wintering areas, and sightings of lynx and catamount evidence were dismissed by state agencies in order to permit the development of Green Mtn. Powers' wind project. All those natural resources were compromised by state and private institutions/agencies whose mission was to protect them! This enabled a multi-billion dollar corporation to proceed with industrial development which forever changed the whole ecological area.

In order to facilitate the development project, property owners were pressured, harassed, and bullied by GMP to surrender their rights regarding use and protection of their own property. The Nelsons, holding out to protect their 28 acres on the Lowell ridgeline, were

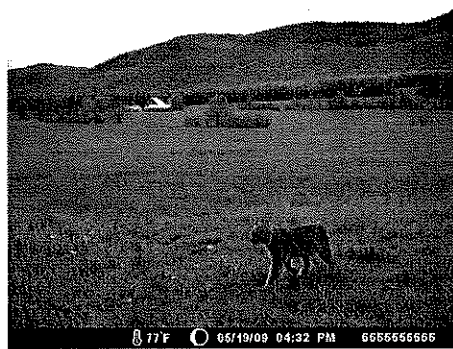
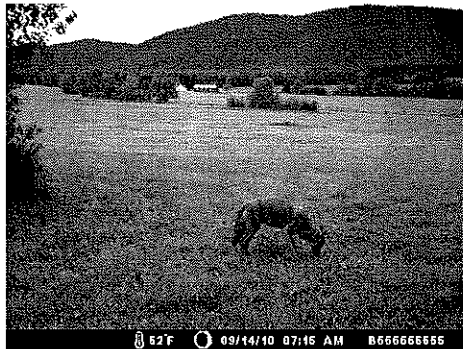
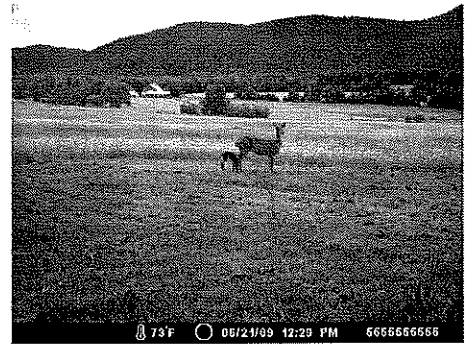
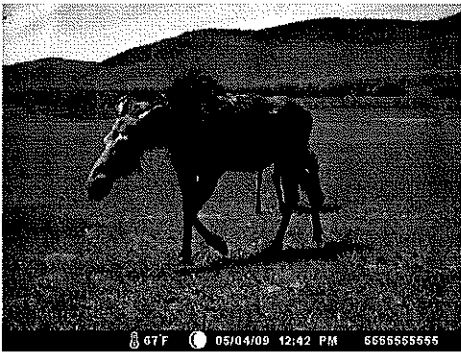
even to subjected to a trick purchase offer by a "farmer" when GMP was the background financial backer.

A landowner adjacent to Nelsons' 28 acres has tried to claim their acres because he is leasing his ridgeline acres to GMP. The property dispute was in the court system for more than 2 1/2 years. The court's unwillingness to resolve the question of ownership of that crucial acreage in the middle of the ridgeline was coupled with court rulings enabling GMP to proceed across Nelsons' 28 acres with their construction of the site. Thus the court sided with 1 party in an unresolved property dispute while the deed-holders saw their property's natural resources destroyed.

Therefore, the protesters were not trespassing, as GMP and the lessor (T. Wileman) had never been able to demonstrate their title to the property on which the protesters stood.

The use of state agencies, a state prosecutor, court, and state legislators to facilitate and uphold the destruction of natural resources and individual property rights of Vermonters is a critical in our state. Long-held social and legal obligations regarding the commons, and also the relationships between citizens and state government, are now changed.

Carol was arrested on Lowell Mountain in August 2012. She lives in Albany, Vermont.



A Moral Response to Climate Change

Mark Whitworth

Most Vermonters accept the scientific consensus that climate change is happening and that human activity is major contributor.

Many Vermonters believe that climate change is a moral issue.

Some Vermonters believe that we can reverse climate change by reducing our carbon emissions. We can't—even if we were able to eliminate emissions completely, it would take a thousand years for natural processes to begin to reverse the climate effects that we have already set in motion.

Right now, the best we can do is to prepare for climate change and to stop adding to the damage that we have already done. Those of us who view climate change as a moral issue are presented with two moral imperatives:

1. We must preserve our remaining intact ecosystems in order to enable climate adaptation by the largest possible number of species.
2. We must reduce our emissions of greenhouse gases.

There are thousands of ways that we can reduce GHG emissions, but there is only one way to preserve intact ecosystems: refrain from developing them.

Vermont has some substantial blocks of undeveloped land that will be essential to climate adaptation, but even the most remote parts of Vermont are experiencing development pressure. While creeping residential development nibbles on the edges of our woodlands, industrial wind developers gobble up entire ridgelines—our most ecologically sensitive, high-elevation forests. We must stop both practices.

Here's how the Vermont Natural Resources Council describes the importance of our undeveloped forests:

"Intact blocks of forests provide habitat for a wide variety of species, and maintaining connectivity between large forest areas can ensure that wildlife species are able to travel between habitats and adapt to climate change. In addition, healthy forests protect water supplies, absorb precipitation, and filter water, thereby enhancing flood resilience and water quality in other parts of the watershed... Since forests have a huge capacity to sequester and store carbon, keeping our forests as forests is a surefire way to battle climate change."

Vermont's energy and environmental policies have it wrong. Instead of emphasizing the preservation of our remaining intact ecosystems, we encourage energy developers to industrialize them.

Some Vermonters think that trading an intact ecosystem for electricity, which they believe to be carbon-free, is a good deal. But, when we compromise, fragment, or destroy our few remaining blocks of forest with industrial power plants, we close off opportunities for plants and animals to adapt and survive .

Consider Green Mountain Power's conversion of Lowell Mountain from an intact ecosystem to an industrial wind energy complex. The industrialization of Lowell Mountain exemplifies, in dramatic fashion, each of the seven mechanisms of natural heritage loss that our Agency of Natural Resources has identified:

1. direct loss of diversity;
2. destruction of habitat;
3. habitat fragmentation;
4. disruption of movement, migration, and behavior;
5. introduction of invasive exotic species;
6. degradation of water quality and aquatic habitat; and
7. loss of public appreciation for the environment.

Lowell Mountain, as wildlife habitat and as a resource for climate adaptation, was irreplaceable; its value incalculable. So, the decision to industrialize it must have been motivated by some pretty impressive environmental benefits, right?

GMP claims that the Lowell turbines will prevent the release of 74,000 tons of CO₂ into the atmosphere each year. That claim rests on the assumption that Lowell's electricity will displace dirtier electricity. Since Lowell's production of electricity has fallen short of GMP's promise, so has their promise of CO₂ avoidance. If we applied GMP's method of calculating CO₂ avoidance to the twelve months that ended June 30, we would arrive at a total of 62,000 tons of avoided CO₂.

GMP's calculations exaggerate their avoided emissions because they fail to account for carbon emitted during turbine manufacture and transport, site preparation, and construction. GMP also fails to account for emissions resulting from support operations such as powering the synchronous condenser and providing spinning reserve for the turbines. Acknowledging these emissions would reduce or perhaps even eliminate any carbon savings that GMP could claim for Lowell. Furthermore,

GMP's sale of renewable energy credits to polluters undermines any of their environmental claims.

But, let's look at the claim of 62,000 tons of CO₂ per year. Does it sound like a lot? It's equivalent to the CO₂ produced by traffic in metro New York City in less than half a day (visit EnergizeVermont.org to see the math).

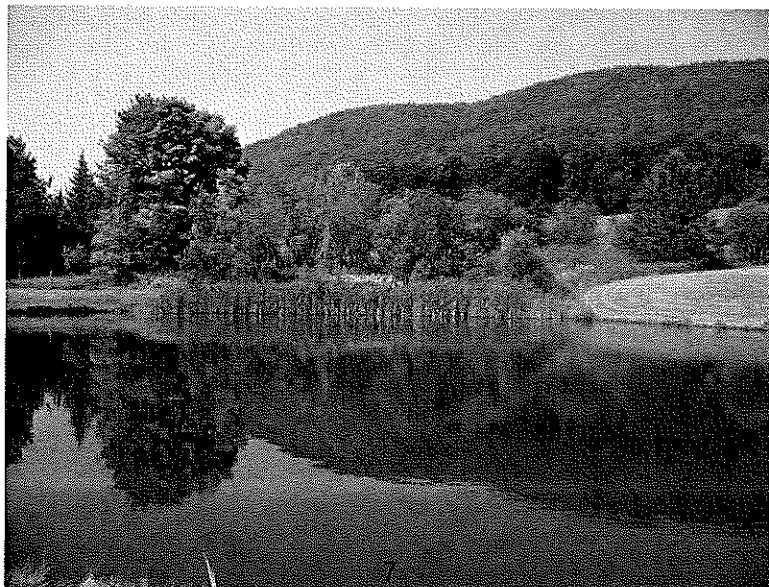
According to the turbine manufacturer Vestas, the Lowell turbines will last twenty years. That means that Vermont traded an intact ecosystem of incalculable value for an industrial complex that, by GMP's own reckoning, is capable of offsetting fewer than 10 days of carbon emissions from New York City traffic. Will anyone argue that this is a good trade?

If the survival of Earth's species and the preservation of intact ecosystems is a moral imperative, what does that say about our choice in Lowell?

It's campaign season. You will probably hear candidates talking about climate change in moral terms. You may hear them say that we must all "do our part" and that we must continue to industrialize our ridgelines. Ask them if they have a plan for climate change adaptation. Ask them if they see the preservation of intact ecosystems as a moral imperative.

Finally, ask them which Vermont ridgelines they want to sacrifice in order to offset another week's worth of big-city traffic.

Mark Whitworth is Executive Director of Energize Vermont. This piece appeared in several Vermont news outlets in September, 2014. Mark lives in Newark, Vermont.



Betraying Vermont's Environment

Suzanna Jones

There is a painful rift among self-described environmentalists in Vermont, a divide that is particularly evident in the debate on siting industrial wind turbines on the state's iconic ridgelines. In the past, battle lines were usually drawn between business interests seeking to profit by "developing" the land, and environmentalists seeking to protect it. Today, however, the most ardent advocates of developing Vermont's fragile ridgeline ecosystems are environmental. So what is happening?

The simple answer is that those supporting ridgeline wind believe that the costs of climate change to the entire biosphere outweigh the impacts to any particular ecosystem. But I believe there is something deeper going on. According to former *New York Times* foreign correspondent Chris Hedges, this change is symptomatic of a broader shift that has taken shape over many years. In his book *Death of the Liberal Class*, Hedges looks at the failure of the Left to defend the values it espouses - a fundamental disconnect between belief and action that has been corrupting to the Left and disastrous as a whole. Among other things, he argues, it has turned liberal establishments into mouthpieces for the power elite.

Historically, the liberal class has acted as watchdog against the abuses of capitalism and its elite. But over the last century, Hedges claims it has traded that role for a comfortable "seat at the table" and inclusion in "the club". This Faustian bargain has created a power vacuum - one that has historically been filled by right-wing totalitarian elements (think Nazi Germany and fascist Italy) that rise to prominence by ridiculing and betraying the values that liberals claim to champion.

Caving in to the seduction of careerism, prestige and comforts, the liberal class curtailed its critique of unfettered capitalism, globalization and educational institutions, and silenced the radicals and iconoclasts that gave it moral guidance - "the roots of creative and bold thought that would keep it from being subsumed completely by the power elite". In other words, "the liberal class sold its soul".

From education to labor to agriculture and environmentalism, this moral vacuum continues to grow because the public sphere has been abandoned by those who fear becoming pariahs. Among the consequences, Hedges says, is an inability to take effective action on climate change. This is because few environmentalists are willing to step out of the mainstream to challenge its root causes - economic growth, the profit system, and the market-driven treadmill of consumption.

Hedges' perspective clarifies a lot. It explains why so many environmental organizations push for "renewable" additions to the nation's energy supply, rather than a systematic reduction of energy use. It explains why they rant and rail against fossil fuel companies, while studiously averting their eyes from the corporate growth machine as a whole. In their thrall to wealthy donors and "green" developers (some of whom sit on their boards), they've traded their concern about the natural world for the goal of "sustainability" - which means keeping the current exploitive system going.

It also makes clear why Vermont's mainstream environmental organizations as well as the state's political leadership have lobbied so aggressively to prevent residents from having a say regarding energy development in their towns. By denying citizens the ability to defend the ecosystems in which they live, these groups are betraying not only the public, but the natural world they claim to represent. Meanwhile, these purported champions of social justice turned their backs as foreign corporations bully Vermonter's out of their homes in the name of "green" energy.

Similarly, Hedges' perspective explains why environmental celebrity (and Vermont resident) Bill McKibben advocates the buildout of industrial wind in our last natural spaces - energy development that would feed the very economy he once exposed as the source of our environmental problems. Behind the green curtain are what McKibben calls his "friends on Wall Street", whom he consults for advice on largely empty PR stunts designed to convince the public that something is being accomplished, while leaving the engines of economic "progress" intact. Lauded as the world's "Most Important Environmental Writer" by *Time* magazine, McKibben's seat at the table of the elites is secured.

In this way the "watchdogs" have been inexorably transformed into "guardians of the faith". Now they actually help the powerful maintain control, by blocking the possibility for genuine solutions to emerge.

Environmentalism has suffered dearly at the hand of this disabled Left. It is no longer about the protection of our wild places from the voracious appetite of industrial capitalism: it is instead about maintaining the comfort levels that Americans feel entitled to without completely devouring the resources needed (at least for now). Based more on image than action, it supports the profit system while allowing those in power to appear "green". This myopic, empty endeavor may be profitable for a few, but its consequences for the planet as a whole are fatal.

Despite the platitudes of its corporate and government backers, industrial wind has not reduced Vermont's carbon emissions. Its intermittent nature makes it dependent on gas-fired power plants that inefficiently ramp up and down with the vicissitudes of the wind.

Worse, it has been exposed as a Renewable Energy Credit shell game that disguises and enables the burning of fossil fuels elsewhere. It also destroys the healthy natural places we need as carbon "sinks", degrades wildlife habitat, kills bats and eagles, pollutes headwaters, fills valuable wetlands, polarizes communities, and makes people sick - all so we can continue the meaningless acts of consumption that feed our destructive economic system.

Advocates for industrial wind say we need to make sacrifices. True enough. But where those sacrifices come from is at the heart of our dilemma. The sacrifices need to come from the bloated human economy and those that profit by it, not from the landbase. We are often told that we must be "realistic". In other words, we should accept that the artificial construct of industrial capitalism - with its cars, gadgets, mobility, and financial imperatives - *is* reality. But this, too, is a Faustian bargain: in exchange we lose our ability to experience the sacred in the natural world, and put ourselves on the path to extinction.

Suzanna Jones was arrested on Lowell Mountain in December, 2011. She lives in Walden, Vermont.



Wind Power and the Economy

Steven Gorelick

When political leaders want to reach a certain policy goal, they often use tax breaks and subsidies to influence the behavior of corporations and the wealthy. This has been the case with attempts to address climate change: both the US and Vermont have offered lucrative incentives for industry to invest in renewable energy. But this can be a risky strategy: because these corporations act primarily out of self-interest, there's the danger they will take advantage of government largess while doing little to further the ultimate policy goal.

This was made clear to me during the first wave of government subsidies for renewable energy 35 years ago, when I was working with a solar energy collective in San Francisco. Our company sold and installed solar water heating systems for apartment buildings, college dormitories and other large users of hot water - work to which we were drawn because of concerns about pollution and dwindling resources. I assumed that our clients felt the same, but this naïve belief was dashed one day by the collective's top sales person - someone more intimate than I was with the motivations of landlords and investors. "You think you've been installing solar systems on all these roofs, but you're wrong" he told me. "As far as our clients are concerned, we're really just installing credits." Most of them, it turned out, didn't give a fig for the energy savings they'd be getting, and even less about the environmental benefits of solar energy: there were so many incentives available and clever ways structuring the financing for these projects that most of the landlords made piles of money even if the systems didn't work at all.

Because subsidies to wind power today are tied to actual electricity production, they aren't as easy to abuse as 1980's-era tax credits. But the principle remains the same: the corporations that want to industrialize Vermont's ridgelines - First Wind, GMP, Eolian, Iberdrola, and the rest - are mainly in it for the money, not the environment.

For a host of reasons we do need to drastically reduce fossil-fuel burning, but attempting to achieve that goal by relying on inducements to energy is problematic. Here are some of the reasons why:

Lack of accounting. In deciding whether a project is feasible or not, wind corporations aren't focused on reductions in greenhouse gas (GHG) emissions: they're focused on whether the project will turn a profit. On one side of the ledger are the dollar costs of purchasing the turbines, transporting them from Europe or

Asia, building a road up the mountainside, blasting away the ridgeline, pouring tons of concrete, and operating the turbines. On the other side of the ledger are the subsidies available (largely in the form of federal Production Tax Credits), the value of accelerated depreciation and other tax avoidance opportunities, the proceeds from selling Renewable Energy Credits (REC), and the above - market value of the electricity produced and sold. So long as the dollar return on investment is favorable, the project is deemed "feasible". But all the dollar costs listed above also have CO2 emissions associated with them. The most important calculation - whether or not the project actually offsets enough GHG emissions to justify the other environmental costs - is not part of the decision-making process.

Such a calculation could and should be required, but even the Vermont legislature and many environmental groups don't seem interested in whether these projects perform as advertised. In 2013 the House rejected SB 30, which would have required developers to document the actual amount of greenhouse gas emissions offset by their proposed projects. This was too much for VPIRG Director Paul Burns, who called the bill "the most anti-environmental piece of legislation" of the year.

False accounting. It's bad enough that no accounting of a wind project's net GHG impact is required; even worse is that Vermont's SPEED program allows an abuse that would make a 1980's landlord blush. This corrupt practice has been exposed in a complaint to the Federal Trade Commission, alleging that Green Mountain Power - and by extension other wind developers as well - engaged in deceptive practices by telling its customers they were getting renewable energy from the Lowell project when in fact the Renewable Energy Credits had all been sold to out-of-state utilities. This means that the environmental benefits are being counted twice for the same project: they contribute to Vermont's renewable energy goal, while enabling an out-of-state utility to meet *its* renewable energy requirements as well. Vermont's Department of Public Service has acknowledged that because of the double-counting, even if Vermont were to get 100% of its power from SPEED projects there would be zero net reduction in GHG emissions.

Externalities. In economic theory, an externality occurs when someone who isn't a party to a transaction ends up paying some of the costs or reaping some of the benefits. For the past 100 years, for example, the fossil fuel industry has made enormous profits while externalizing the health and environmental costs of extracting, refining, and burning fossil fuels: neither they nor the purchasers of their products have paid for acid rain, urban smog, pollution-related cancers near

refineries, and much more. The wind power industry is behaving in similar fashion by externalizing many of its costs onto the public or the environment. Thus, the near neighbors of industrial wind projects pay dearly for noise-related illnesses and lowered property values. Harder to quantify are the externalized environmental costs of clearcutting, blasting, and essentially paving a ridgeline. The loss of wildlife habitat, the disruption of migratory patterns, the elimination of CO₂ sequestering forests, and the alteration of water flows are just a few of the impacts paid for by nature, not by the wind developer. Birds and bats pay an additional cost once the turbines are operational. (Interestingly, the wind power industry has been exempted from rules against killing endangered species, thus codifying this particular externality in law).

False assumptions. When climate change activist Bill McKibben spoke in favor of industrial wind at the Vermont State House in 2013, he claimed that "every turn of the blade reduces fossil fuel burning somewhere." Really? For this to be true, energy production would need to be a zero-sum game: for every unit of renewable energy brought online an equal amount of fossil fuel consumption would have to be taken offline or avoided. But that's not how the corporate-run global economy works. To see what really happens, just look at the US coal industry. Demand for coal has dropped in the US (not because of renewables but because of cheap fracked gas), but the coal isn't staying in the ground: it's being shipped to Europe and China. When burned there, it will have just as big an impact on global climate as if it were burned in the US. Even in its best light, McKibben's phrase should have been, "every turn of the blade here allows dirty coal to be burned somewhere else.)

Wrong targets. If reducing Vermont's greenhouse gas emissions is the goal, industrial wind isn't the best way to get there: only about 4% of our emissions derive from the production of electricity. A far greater percentage comes from heating homes and businesses, particularly with heating oil. According to the Thermal Energy Task Force, weatherizing these Vermont buildings would "save over 6.8 million tons of (GHG) emissions from entering the atmosphere, which is equivalent to the annual CO₂ emissions of 1.7 coal fired power plants, or removing 1.26 million passenger vehicles from the roads for one year". This savings could be accomplished without devastating ridgeline ecosystems, and at much lower cost. So why have so many Vermont policymakers focused their efforts on wind power, despite its human and environmental costs? Maybe because it's easy to use the potential for profits to induce corporations to industrialize our ridgelines, but there's little corporate profit in insulating homes.

If Vermonters really want to do something about our fossil fuel consumption and greenhouse gas emissions, we need to pressure our political leaders to choose the appropriate targets, and to finance those targeted efforts without offering huge subsidies to outside corporations.

The elephant in the room. In the debate over climate change, policymakers and mainstream environmental groups would like us to believe that we can have our cake and eat it too - that we can maintain our current way of life while simultaneously reversing climate change simply by switching from fossil fuels to renewables but even the most sanguine researchers admit that renewable energy can't replace all the BTU's in the fossil fuels we're now burning every day. The danger is that we'll continue to sacrifice local ecosystems - like Vermont's ridgelines - one after another in the pursuit of an unattainable goal.

Pretending that renewables can replace fossil fuels and reverse climate change allows us to avoid hard questions about what a truly sustainable economy would look like. Currently, we're relying on economic growth to provide jobs and tax revenues, but endless growth is simply incompatible with sustainability. Doing something about our many impacts on the environment - not just climate change but rainforest destruction, the depletion of topsoil and groundwater, toxic pesticides residues, species extinction, ocean dead zones, and more - will require a rethinking of basic economic premises. Does the ability to spend several hours a day clicking "like" on Facebook or watching cat videos on UTube really improve our lives? Is it really worth the environmental cost to have ever more plastic toys, labor-saving conveniences, electronic devices, shopping trips, and motorized vacations? If not, we need to find ways of meeting our real needs - for healthy food, clean water, adequate shelter, and a sense of connection to community and nature - that don't require massive amounts of energy. The fact is life could actually be better if we do.

Steve Gorelick lives in Walden, Vermont.

The "Corporate" Court System

Carol Irons

The Property Rights Case

Serious ethical issues become obvious as one reviews the process by which the courts dealt with property rights. As the industrial wind project was moved forward by the various state permitting procedures, property owners adjoining the proposed site were subjected to bullying by the corporation, Green Mountain Power (GMP).

One retired farm couple resisted throughout. They held a deed for 28 acres which was located in the middle of the ridgeline of the Lowell Mountain range. This was part of their farm, a 600 acre mountainside land where Donald Nelson had grown up, and where he and Shirley had raised their family.

Without that part of the Nelson's land, the wind project could not go forward.

Because of extensive research, the Nelsons and their growing number of supporters had learned far more of the negative effects of industrial wind projects than the general public knew. The energy developers and the state officials only talked up what they claimed were the benefits and much of what they presented was not honest.

So the Nelsons brought suit to block GMP from being on their acreage. Just before their suit was filed in Superior Court in Newport, Governor Shumlin appointed a new judge, Martin Maley, who had no knowledge or experience in property cases.

However, Maley is a long-time neighbor and family friend of the CEO of GMP, Mary Powell, who is known to have vacationed at the same locations and times as Governor Shumlin. Vermont's governor is a very strong supporter of energy developers and of wind projects especially.

Judge Maley was assigned to Family Court in St. Albans. The Nelsons lived in Lowell, Orleans County; the disputed property was in Lowell; the civil suit was filed in Orleans County Superior Court in Newport. Yet the first hearing was held in St. Albans, Franklin County, before Judge Martin Maley (not yet confirmed), who had been presiding in Family Court. The plaintiffs in the case, Nelsons, were not even notified of this hearing.

These circumstances give a stark appearance of political influence on judicial proceedings, as well as conflict of interest by the judge. But wait, it gets worse!

In September of 2011, even as GMP began construction of the access road up the mountainside, the hearing on the evidence for the Nelson's suit was held in Orleans County Superior Court. At this time Judge Maley had been reassigned to the Orleans court. Extensive surveyor testimony was presented regarding property boundaries. Demonstrating his unfamiliarity with issues outside family court, Judge Maley had to ask what a range line is. After testimony, he stated that the case was 'too complicated' to decide at that moment. He declined the Nelson's request for a restraining order to keep GMP off their property. But he gave GMP a restraining order against Nelsons to keep them off that part of their own property (for which they held the deed for decades).

Judge Maley then continued the case until September of 2013, a TWO YEAR DELAY. Construction by GMP was expected to take 1-1½ years. Along the ridgeline of the Lowell Mountain range GMP clearcut and blasted 3½-4 miles to construct a turnpike-sized roadbed for its giant turbines. The ridgeline acreage belonging to the Nelsons was destroyed as viable mountain ecology.

The September, 2013, hearing to resolve the property dispute never happened. It was delayed first to January, 2014, rescheduled to May, 2014, and then further delayed to August, 2014, about THREE YEARS after the evidence hearings.

With that property destroyed, and with the day and night noise (both audible and vibration of inaudible sound) now impacting their health, Nelsons had to settle with GMP in June of 2014. They lost the beautifully tended farmland and house which had been in the Nelson family for 2 generations.

The Criminal Trespass Case

Six protestors, carefully standing on Nelson's disputed property, were arrested by local law enforcement at the behest of GMP in December of 2011. In spite of the fact that GMP had not been able to establish any legal right to that acreage, both law enforcement and the state prosecutor for Orleans County, Alan Franklin, proceeded to arrest and prosecute people who had the Nelson's permission to be on their land.

By this time, Judge Maley had been rotated out of Orleans Superior Court and Judge Gerrity was presiding. Pre-trial preliminary hearings were held in the early months of 2012. Judge Gerrity ruled that property ownership could be addressed in the defense, as it was a core issue of why defendants were there on the mountain.

Just before the trial Judge Maley was abruptly returned to Orleans Superior Court on the given reason that he still needed some hours in that court. Trial was juried before Maley, relying on evidence related to property ownership, the critical issue at the heart of the case. The judge read a 7 page jury instruction in which he repeatedly made a distinction - using his own definition - between 'lawful possession' and 'legal possession'. The jury demonstrated their confusion on this by sending out from deliberations a request for clarification. They also asked if there was a legal case pending about the ownership. The judge refused to give clarification to the questions. After hours of deliberation the jury returned a guilty verdict.

The 'Lowell Six' appealed to the Vermont Supreme Court. In August 2012, six more demonstrators stood on the Nelson property in the middle of GMP's industrial wind site, blocking work on turbines to the north of that point. There were at least 50 people present, including live music by the Bread and Puppet band, dancing, chanting, and holding signs. The blatant injustices were generating more support. There was more understanding of the true stakes of both property rights abused by GMP and state agents, and of the extent of environmental destruction. Press coverage was more extensive, going well beyond NEK. The six who declined to move off the area when state police requested were arrested and charged with trespassing on behalf of GMP.

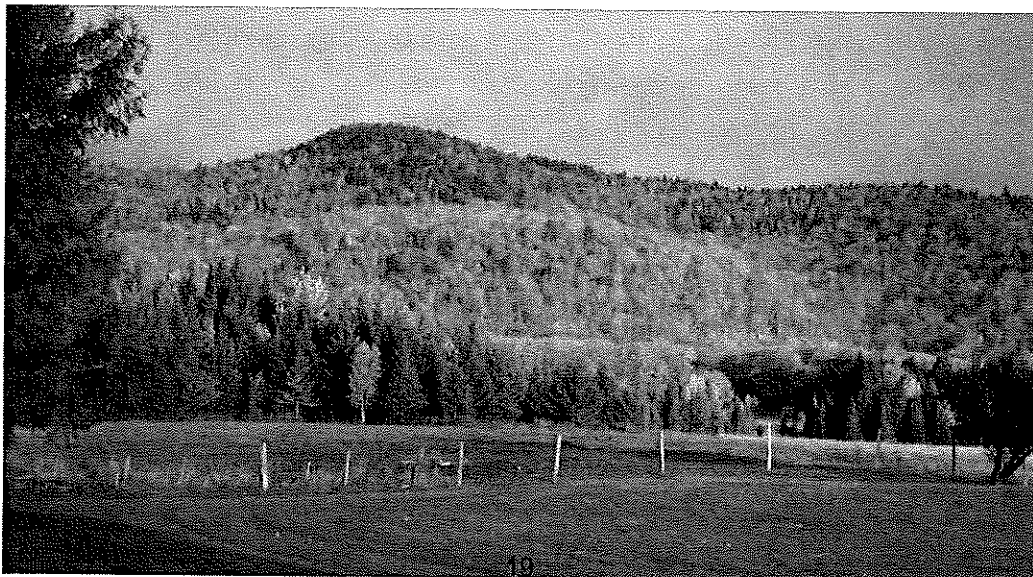
Preliminary hearings were held before Judge Van Benthysen. The trial was not scheduled pending the outcome of the Supreme Court appeal of the first Lowell Six since the same issues applied. After many months, the Vermont Supreme Court upheld their conviction. However, one of the five justices wrote a dissent stating that if the disputed property turns out to actually be owned by the Nelsons instead of by GMP, the conviction is a serious miscarriage of justice. He notes that the property ownership needed to be established before trespassing charges could hold.

Eventually, as the corporation reached a settlement with the Nelsons for their farm, GMP admitted they had known all along the ridgeline acres were in dispute. In fact, by buying that parcel, along with most of the farm, they demonstrated that they had not had any legal claim to the land before. The charges of trespassing against the second Lowell Six were dropped. However, the state's attorney Franklin has refused any post-conviction relief to the first Lowell Six. They have a criminal conviction based on a false claim by GMP and charges should not have been prosecuted on behalf of one party in a property dispute. Mr. Franklin chose sides in the dispute, was wrong, used taxpayer funds to wrongly prosecute the first six and can't admit it, thus continuing the wrong.

Judicial misconduct is a serious issue. There has not been, to date, any question raised by officials about this long drawn-out process which has so negatively impacted a retired farm couple, their claim by deed to 28 acres and 6 defendants. In contrast, GMP has benefited by tens of millions of dollars (our federal tax subsidies) because they were enabled to proceed with their project without having to establish a clear title to the disputed land.

The Vermont Senate Judicial Retention Committee, with all this information in hand, reconfirmed Judge Martin Maley.

Carol Irons was arrested on Lowell Mountain in August 2012. She lives in Albany, Vermont.



Deception vs. Reality

Keith Balleck

Vermont's mountains have always been a cherished natural resource, with their high elevation, streams, wetlands and wildlife habitat, and providing our watershed. These mountains are enjoyed by Vermonters and visitors alike for the natural beauty of their viewshed. They are a vital link to Vermont's clean environment as well as to our state's economy. Vermont has in recent decades set high environmental standards, protecting our landscape from overexploitation by corporate interests.

Now these corporate interests - industrial wind developers and their lobbyists - are driving Vermont's environmental and energy policy. This is being carried out under the guise of "green energy". These huge, environmentally destructive energy projects are being built on sensitive high elevations. This involves clearcutting, the use of hundreds of thousands of pounds of dynamite to blast out huge sections of ridgeline, and bulldozing to flatten out and fill in the streams and wetlands to make clearings for turbine pads, each larger than the size of three football fields. Then thousands of tons of concrete are poured into the mountain. In addition, miles of roads the width of an interstate highway traverse the ridgeline.

To make all of this possible, millions of taxpayer dollars fund the deal, and a handful of developers and investors walk away with fistfuls of money. What makes this policy even more obscene is that the energy-intensive construction of the projects, along with an energy output that falls far below lofty predictions, makes it highly questionable as to whether the carbon footprint of industrial wind projects can be overcome.

To complete this deception of carbon dioxide reduction, the renewable energy credits are then sold to fossil fuel-burning power plants, so it's business-as-usual.

Note: The Vermont Department of Public Service states in a recent report that Vermont's industrial wind projects may actually add to greenhouse gases.

At public hearings the Vermont Public Service Board has stated repeatedly that the Vermont legislature needs to take action to make changes to Statue 248, or the current path will continue. Any environmental criteria are non-binding and can be overruled for what is declared the so-called 'public good'. To make matters worse, the environmental court has been removed from the appeal process to help expedite the process to help for industrial wind developers.

Vermont needs to make the changes necessary to stop this growing disaster to Vermont's environment, people and economy.

Keith Ballek was arrested on Lowell Mountain in August, 2012. He lives in Sheffield, Vermont

Why I Lost Faith in Government

Dennis Liddy

1. I found that there is no representation from the Northeast Kingdom on the legislative committee making decisions about industrial wind – decisions that would drastically change the character of our rural area.
2. I discovered that the head of the Vermont House Natural Resources and Energy Committee was a former lobbyist for an electric cooperative and an ardent supporter of industrial wind. He worked to have the appeals process for wind projects taken away from the Environmental Court and placed in the hands of the Public Service Board (PSB). As a result, the body that makes the decision to issue a Certificate of Public Good for an industrial wind project is also the judicial body that listens to appeals of decisions relating to that project. Who would want to appeal an action to the same body that approved the action in the first place?
3. I realized that here was little recourse for those experiencing the adverse affect of industrial wind projects. Those with the power to rectify the wrongs deny the problems – whether they are related to noise, health, environmental damage, or damage to wildlife habit. They act as proponents for industrial wind developers and not as advocates for Vermont and its citizens.
4. On February 2, 2011, the Department of Environmental Conservation and the Fish and Wildlife Commission claimed that Agency of Nature Resources (ANR) staff were being allowed to do their jobs without politics intruding on their work. Two weeks earlier, VPR's John Dillon had interviewed Eric Sorenson, an ecologist with the Fish and Wildlife Department. In reference to the impacts of road and other construction on Lowell, Sorenson said, "It's forest fragmentation, it's the effect on interior nesting forest birds. It's effects on bears' use of beech stands." Wildlife biologist John Austin said 1.46 acres of bear habitat would be directly or indirectly affected. He stated, "That's a significant impact." Two days after it was claimed that ANR staff were free from political pressure, Governor Shumlin announced that the agency had come to an agreement with Green Mountain Power on all outstanding issues surrounding the application, and they would be providing a united front to the Public Service Board. One would have to be naive to believe there was no political pressure exerted here.
5. I learned that the land used to mitigate the Lowell project extended no further north than the cut between the two sides of Lake Eden in Eden Mills. This is at least 2-3 miles from the Lowell project. This mitigation plan was a political deal benefiting

Green Mountain Power and not a plan to mitigate the loss of wildlife habitat in Lowell.

In February 2011, the Shumlin administration appointed Ron Shems to head the Natural Resources Board, giving him oversight of the Land Use Panel (Act 250) and the Water Resources Panel. At the time of his appointment Shems was an attorney for First Wind, owner of the Sheffield wind project, which was litigating against neighbors over the storm water construction permit issued by ANR.

6. I learned that Representative Peter Welch sends out the same form letter in response to letters written by his constituents about industrial wind in Vermont. That letter states, "I firmly believe that we must act quickly to reduce our dependence of foreign oil." It seemed that he did not know that oil is primarily used in home heating and transportation, and is used to generate less than one percent of the electricity produced in the US.
7. Governor Shumlin refused an invitation by Representative Sam Young and Representative Vicki Strong to visit Albany, Vermont in February 2011. He stated to the *Hardwick Gazette* that he did not accept the invitation because "the [Lowell wind] project was going through the regulatory process and that process needed to play out on its own." Two days later he decided to make a side trip from Lyndon to Lowell. He called Representative Young but not Representative Strong and told him to come to Lowell. Shumlin did not speak to anyone in Craftsbury, Albany, Eden or Irasburg.
8. In late August 2011 the PSB endorsed GMP's revised impact mitigation plan without allowing other parties in the case the opportunity to directly question the experts who supported the plan. One PSB member, John Burke, argued for additional technical hearings. He was outvoted 2 to 1 by the other board members, and GMP's proposal was accepted without a full investigation.
9. The Agency of Natural Resources issued water quality permits to GMP that allowed the use of 'level spreaders', which had not yet been shown to adequately control storm water runoff.
10. In late September 2011, a Sheffield turbine leaked about 40 gallons of oil. Chuck Schwer, a member of the Vermont Hazardous Response Team, said the leak was in a gearbox, up high, and sprayed about 200 yards. Sheffield-Wheelock Fire Chief Marc Brown stated, "They dug it all up and took it away. It was a very small area,

100 x 100 foot area, the gravel space around the turbine." Was a report ever made to the PSB? What did it describe?

11. In September 2011 I contacted Mark Woodward, the Representative from Eden, and asked if he would sponsor legislation that would give citizens in towns surrounding proposed industrial wind projects a say in whether the project was approved. I never received a reply back from him. I also sent a request to Senator Richard Westman, who represents Eden, for information on the BNE project and I never received an answer from him either.
12. In September 2011 Peter Shumlin used his influence in a bidding war between Gaz Metro and Fortis for Central Vermont Public Service (CVPS). E-mails between Shumlin's administration and GMP, whose parent company is Gaz Metro, indicated that Shumlin favored Gaz Metro over Fortis. The ensuing merger between GMP and CVPS meant that 70% of the state's ratepayers would be served by the monopoly. Shumlin was a corporate advocate, not a consumer advocate in this merger.
13. In October 2011, a 17-turbine project planned for Searsburg and Readsboro in southern Vermont was placed on a list of projects around the country to be given what federal officials call 'expedited' environmental reviews and permitting. Why are politicians fast-tracking these projects and putting environmental destruction on the back burner?
14. An Orleans County judge granted a temporary restraining order, October 14, 2011 against the protestors camping on Don and Shirley Nelson's property within the range of debris that could be spread by blasting. When the Vermont Attorney General, William Sorrell, was asked about the campers in late September he stated that the trespassing law wouldn't apply. With the property owner's permission "there's no criminal violation that comes readily to mind." Why was the Vermont Attorney General under the assumption that campers were committing any crime?
15. In October 2011, Governor Shumlin appointed Martin Maley, formerly in the Family Court Division, to serve on the Vermont Superior Court in the northwestern district. He was assigned the property dispute case between GMP and the Nelsons. During the hearing Maley asked, "What's a TRO?" and "What is ANR?" This same judge also conducted the trial of the Lowell Six. During that trial the jury asked for clarification from the court, particularly on the question of how to determine who controls property during a dispute. The jury also wanted to know if there was a court case currently going on about the disputed property. Maley told the packed courtroom that the jury did not need to know the answers to these questions. Maley

wanted clarification for his understanding of testimony in the property dispute hearing, but denied the jury in the Lowell Six trial clarification of facts they needed for making a sound decision.

16. The Lowell Six were tried and convicted for trespassing on disputed property. Whose property? The court has yet to decide. The property dispute should have been resolved before any trespassing trial was conducted. Why wasn't it?
17. In October 2011, GMP's attorney Jeffrey Behm stated, "There is an estimated 330,000 cubic feet of rock to be removed by blasting located within 1,000 feet from the Nelson boundary." That amount of stone would fill more than 780 ten-wheel dump trucks. Why didn't ANR stop this destruction that forever changed the hydrology of the mountains?
18. The Department of Energy issued loan guarantees for utility-scale renewable projects without putting in place regulations that would allow it to determine which projects were likely to fail.
19. Legislators push programs that would benefit renewable vendors, project developers and LLC-tax shelter promoters at the expense of household and business ratepayers.
20. Federal subsidies are renewed repeatedly by legislators who make exaggerated job claims. The federal government does not require production accountability, and so there are no consequences when projects underperform and fail to meet developers' claims. The burden of risk is carried by the taxpayers.
21. The Commissioner of the Department of Public Service made decisions about Green Mountain Power's Lowell Wind project. A managing partner of the law firm that represents GMP is the Commissioner's husband.
22. I found that many renewable energy companies receiving federal energy subsidies and stimulus money were either run by or owned by some of President Obama's biggest campaign donors. After they received their subsidy, some of them claimed bankruptcy.
23. The governor and legislators support ridgeline destruction for industrial wind projects in the name of CO2 reduction, when energy efficiency would eliminate far more CO2 without the destruction.

24. The PSB and the DPS denied ratepayers of CVPS money that should have been returned directly to them. Instead, the governor, the state, and GMP dictated to CVPS ratepayers how their own money was going to be spent.
25. The legislature mandates unrealistic and unattainable goals of energy from in-state renewables.
26. Legislators refuse to admit that the 2009 SPEED program, which offers premium prices to renewable energy project developers, does not create the number of permanent jobs promised – one of the main reasons they supported the program.
27. Legislators will not admit the adverse affects of the SPEED program projects that sell then energy to the grid at 3-5 times the annual average grid price for 20 years. This results in higher electric rates for homeowners, renters, and businesses. It leads to higher prices for goods and services, fewer jobs and lower living standards.
28. Legislators spend time listening to lobbyists pushing an agenda that is not in the best interest of their constituents, instead of researching and investigating the issues themselves.
29. In 2011 the wind industry was the second largest recipient of government tax breaks in the renewable sector. The Congressional Budget Office was critical of government tax breaks as a means of spurring investment in energy production. The report described government support for basic energy research and development as a better investment.
30. In March 2012 Representative Margaret Cheney issued her opinion about alternative energy. She showed graphically that the transportation sector contributed 44% of Vermont's greenhouse emissions, while electric consumption contributed only 7%. She showed that 81% of Vermont's electric energy supply was already being produced by the greenest methods. Her Keys to Success page stressed what a renewable energy developer needed, but mentioned nothing about improvements in the transportation sector. She stressed that renewable energy developers need "Predictability, Predictability, Predictability... in permitting, in pricing, in fees, in financing, in taxation, in cash flow, in available incentives." Based on her own analysis she came to the wrong conclusion. Instead of suggesting ways to reduce greenhouse gas emissions in the transportation sector or from energy efficiency measures like weatherization of homes and businesses, she wants to give guarantees to renewable energy developers who build projects that would destroy pristine ridgelines, headwater streams and wildlife habitat while providing

unpredictable, unreliable, intermittent, non-carbon reducing, higher cost electrical power. Representative Cheney now sits on the Public Service Board. If she was unable to come to a logical conclusion after her own analysis, how can Vermonters trust that she will be able to make logical, well-reasoned conclusions relating to issues coming before the PSB?

31. Representative Peter Welch is Margaret Cheney's husband. Representative Welch, Senator Leahy, and Senator Sanders have all consistently voted to extend the Production Tax Credits. Remember, the federal government has no oversight program to determine if these renewable energy companies pose a risk to taxpayer's money.
32. In 2010 the Government Accountability Office (GAO) counted 641 programs in place at 130 federal agencies to prop up wind turbine technology and underwrite solar panel manufacturers. The GAO at that time reported that "It is difficult for the Department of Energy to defend its decisions against charges of favoritism. The free market should determine if an alternative energy technology is worthwhile, not congressional subsidies."
33. On April 11, 2012, at a business roundtable sponsored by the North Country Chamber of Commerce, Representative Peter Welch was asked several questions about industrial wind in Vermont. He responded with a generic answer – that industrial wind projects in Vermont were a local issue and that he dealt with issues on a national level. I then asked him about federal takings permits, which allow the killing of endangered species by industrial wind turbines. Rep. Welch said that he was not aware of these permits. He also never mentioned that he had a voice in extending federal wind subsidies and that he favored them being extended.
34. The PSB did not require that noise monitoring at Sheffield and Lowell be conducted by an independent party, not one employed by the developer. Monitoring and completion of compliance reports should be done by two separate entities.
35. Vermont has more electricity than it needs, and industrial wind projects on mountaintops have zero impact on our overall carbon footprint. As more wind turbines and collectors enter the grid, conventional power plants have to be turned on and off to account for the variability of the wind. This switching generates more CO2 than having the conventional plants running continually. The more penetration of the grid by renewables, the less CO2 saved. An analysis of the real-time ¼ hour grid operations data was published by Eir Grid, manager of the Irish Grid. Wind energy promoters had claimed there was a 1:1 ratio – that one MWh of "clean" wind

energy offsets one MWh of “dirty” fossil fuel energy and its associated CO₂. The study reduces the 1:1 ratio significantly. It found that the greater the wind energy percentage on the grid, the lower the ratio. Adding more wind energy becomes less and less effective for CO₂ reduction. It was found that the ratio will ultimately go to zero and then become negative, meaning, that adding more wind energy to the grid will *increase* CO₂ emissions. Almost all grid operators have the ¼ hour grid operations data but they don’t publish them. Because this data is not made public, wind energy promoters and government leaders can instead make unrealistic CO₂ reduction claims based on estimates, probabilities, algorithms, assumptions, modeling, etc.

36. The Vermont Superior Court issued a restraining order against the neighbors of Georgia Mountain Wind Project. The court granted the order without holding a hearing.
37. In June 2010, the PSB issued a CPG for the Georgia Mountain Project. In hearings on appropriate project setbacks, the Board approved 155-foot setbacks from neighboring property lines. This decision came against the recommendation of the Department of Public Service and other parties in the case. The DPS recommended using a standard of at least 1.1 times the turbine height, which would have meant a minimum setback of 440 feet. On July 3, 2012 the neighbors sent a letter to the PSB regarding fly rock (from blasting) thrown onto their property. It took the PSB over a month to respond. By this time the blasting was completed.
38. The selectboard in Westfield, Vermont knew about GMP’s Good Neighbor Policy in February 2011. Nothing was mentioned at Town Meeting in March. It was not until after many residents questioned the selectboard about the transmission line upgrade that the selectboard set a meeting date in April 2011. It was at this meeting, with GMP officials present, that the citizens of Westfield first were informed of GMP’s policy.
39. In the spring of 2011 I asked the Eden Town Clerk for any information on the prospective wind project to be developed by BNE in Eden. I was told there was no information available. I went to the PSB clerk’s office and made the same request, and was given a file folder of information. Copies of some of the information had been sent to the Town Clerk in Eden. I asked if there was any possibility that the Eden Town Clerk did not receive the information and the answer was, NO.

Dennis Liddy was arrested on Lowell Mountain in August, 2012. He lives in Westfield, Vermont.

The PSB vs. the People: the System is Broken

Annette Smith

"It's as though we weren't even there," say neighbors of energy projects that must go through the Vermont Public Service Board (PSB) approval process. For the last several years, Vermonters who intervened in big wind cases before the PSB have raised hundreds of thousands of dollars to pay lawyers and experts in an attempt to protect their rights, only to be totally ignored by the PSB. Towns and neighbors of smaller renewable energy projects are having the same experience. The PSB process does not work for anyone other than developers.

In 2014, Vermonters for a Clean Environment (VCE) assisted two Vermont couples to participate in the PSB process *pro se*. In one case involving complaints from an already-constructed wind turbine, the PSB held a technical hearing in mid-January. Twelve weeks after Reply Briefs were filed, the hearing officer had not yet issued a Proposal for Decision.

In the other case, Robert Grant of Essex Capital Partners from Boxford, Massachusetts got a SPEED/Standard Offer contract in December 2012 for a 1.89 MW solar project in Barton. He hired experts to do studies and notified neighbors to the south, Monica and Anthony Menard, in October 2013. The SPEED contract requires it to be in-service by Dec. 17, 2014. The PSB, Agency of Natural Resources (ANR) and Department of Public Service (DPS) assured that the developer did not miss his deadline. The PSB approved the project four weeks after Reply Briefs were filed.

Last year, Vermont had a Siting Commission that was supposed to look at the permitting process for electricity projects. But they never discussed the details of the burdensome and unbalanced PSB process that is consuming so many people's lives, wasting their time and money without acknowledging their participation, or issuing equitable decisions that take neighbors' concerns into consideration.

The PSB process is unique in Vermont, and perhaps in the country. After a 45 day notice to town and regional boards, applicants file petitions containing prefiled testimony and exhibits. The PSB (usually a hearing officer) holds a pre-hearing conference followed by a site visit and public hearing.

The schedule is set: deadline to file motions to intervene by non-petitioning parties, discovery on petitioners, responses to discovery, prefiled testimony by non-petitioning parties (*a/k/a intervenors*), discovery on intervenors, rebuttal testimony by

petitioners, responses to discovery, surrebuttal testimony by intervenors, depositions, technical hearing, brief, reply brief, proposal for decision, comments, oral argument, final order, Certificate of Public Good.

Neighbors end up exhausted, both emotionally and financially, with nothing to show for it except mounds of paper. The Menards were served with 290 discovery questions and with repeated motions to compel responses to discovery including copies of correspondence with VCE. They were badgered by Barton Solar's counsel for participating. "They have nothing to lose and no right to be here," claimed Barton Solar's lawyer even though the Menards had been granted party status by the PSB.

Without a Public Advocate to represent parties not able to afford legal counsel, Vermont residents and towns are at a tremendous disadvantage and unable to participate effectively in the PSB process. When neighbors do hire lawyers and experts, as they did with the Charlotte solar project, they too are ignored by the PSB.

Annette Smith is the Executive Director of Vermonters for a Clean Environment. She lives in Danby, Vermont.

Bias in Action: PSB's Sound Standard Workshops

Annette Smith

While neighbors of existing wind projects in Vermont continue to complain about excessive noise that is disrupting sleep and causing serious health problems, the Public Service Board has opened an investigation into sound standards for future energy projects. At its pre-hearing conference in January, PSB Chair Volz announced that they would only be looking at standards for future projects.

The first sound standard investigation workshop was held in April and lasted more than three hours. Five experts were given as much time as they wanted to present. Three were paid experts who typically represent the wind industry. Two were unpaid experts who do not represent industry. Renewable Energy Vermont paid CH2MHill's Mark Bastach who presented for 33 minutes. The Department of Public Service paid Aercoustic Engineering's Payam Ashtiani who presented for 22 minutes, and Acentech's Jim Barnes who presented for 34 minutes. Les Blomberg of Noise Pollution Clearinghouse presented for 33 minutes and Noreen Hession presented for 10 minutes. Neither Les nor Noreen were paid.

At the end of the first workshop, PSB Chair Volz announced that the next workshop would be for neighbors of existing energy projects to talk about their experiences with noise. In response to questions, the PSB said they were planning to use their normal "public hearing" format where people come up to a microphone and speak for 2 or 3 minutes, but they welcomed proposals for presentations.

Afterwards, neighbors of the three big wind projects contacted VCE and asked us to facilitate a presentation for the second workshop. VCE followed up by contacting the PSB, which resulted in an Order from the PSB indicating that anyone who wanted to put on a presentation should submit the plan with the format, specific speakers, and time requested by 4:30 on Monday, the day before the scheduled workshop.

For several days leading up to the second workshop VCE's Annette Smith developed the presentation by conducting interviews with 20 people living around Sheffield, Lowell and Georgia Mountain, and she worked with a mapping expert to create topographic maps to illustrate where people live in relation to the turbines and the role that terrain and topography play in the propagation of noise from wind turbines. Properties that have sold below assessed value and have been purchased by wind companies were also mapped. As required, VCE submitted the format, names of speakers, and request for a one hour presentation to the PSB on Monday afternoon.

An hour before leaving for the workshop, VCE was informed by the PSB's clerk that the PSB had decided not to accept the Neighbors' presentation. Instead, the PSB decided to use its "public hearing" format, and noted that if each speaker was given two minutes, it would be a maximum of 40 minutes for the 20 speakers VCE had planned to present. There was no time to contact all the speakers and inform them that the presentation had been cancelled. People arrived at the hearing expecting to be part of a formal presentation and had to quickly adapt to the change. The PSB allowed speakers three minutes.

Standing up at a microphone to speak knowing you will be cut off abruptly at three minutes is one of the most difficult forms of public speaking. Making matters worse, the wind industry made a concerted effort to bring in people, some known to be paid by the wind industry or friends and family of wind developers, to say that they live near wind turbines and everything is fine, they do not hear anything. Out of 44 speakers, 19 said "we're okay" and showed no concern for the people who are not.

By canceling the Neighbors' presentation, Vermont's PSB has shown itself to be disrespectful of the public they are charged with protecting. The format the PSB chose was abusive and amounted to public bullying.

Annette Smith is the Executive Director of Vermonters for a Clean Environment. She lives in Danby, Vermont.



Our Three-Year Nightmare

LuAnn Therrien

We are "Victims of Industrial Wind" (also the name of our facebook group with members from around the world).

We are the Therriens of Sheffield. Many already know our story. We own 50 acres abutting First Wind's Sheffield project. We have spent over 18 years living here, cultivating a beautiful sugar bush. Yes, we live off grid. Yes, we live near the interstate; the interstate is quiet at night unlike the wind turbines that make noise 24/7 more often than not. The interstate also does not make a repetitive obnoxious noise that wakes you then keeps you awake, night after night.

We did not oppose the industrial wind power plant at any stage. From proposal to construction, we had no idea what to expect so we were not about to judge. We never once harassed any employees working on the project or with First Wind. Not until the project began operating, only when we experienced the noise firsthand did we begin to understand and wonder just what we were facing. About six months in we started to realize the project is impacting us. Less than one year in everything started to add up for us, correlating the connection between the sounds and how we feel. We hardly could believe it was true until we started reading up on wind turbine syndrome. This syndrome is real, too darn real. The exact same symptoms are echoed WORLDWIDE!

These facts about wind turbine noise and health have been known for a long time and totally ignored by our federal and state governments. These elected people who are in charge of protecting the public have chosen to blindly believe the big wind developers while turning a deaf ear to towns and residents to be impacted for the good or bad by industrial power plants.

Health studies should have been done before big wind turbines were put close to people, but they weren't. Instead we get literature reviews done by people with financial ties to the wind industry who claim there are no "direct" health effects. It has also been spread far and wide that anyone who opposes clean green energy (laugh) is a NIMBY (Not in My Backyard) or that people are only seeking financial gain by falsely claiming to be negatively impacted. Positive outcome studies are funded by industrial wind and they get to handpick their experts. The non positive studies are done by honest hardworking individuals who face public persecution and possibly the loss of their jobs if they go public with their negative findings. Just ask Dr. Henrik Moller of Denmark, a highly respected academic noise researcher who was fired after exposing the Danish government's role in covering up the health risks caused by wind turbine noise pollution. Kind of says a lot right there doesn't it?

Even with all this information no precautions were taken to prepare in advance to rectify any problems that may arise. Various problems have arisen, and yet they are still largely ignored because no one knows how to solve any problems pertaining to industrial wind power plants. We hear "this is all new to us." Well, it is old hat to us.

The Public Service Board (PSB) has held hearings and workshops to try and hear both sides of the story. Now you would be led to believe that both sides would be given equal time to be heard. No, that couldn't be further from the truth. The developers' side has gotten most of the time while attending victims have to sit and be further insulted and mistreated in the process and are lucky to speak at all. We attended the PSB's Morrisville workshop and will never participate in another unless it is to protest. It was that much of an insult.

So here we are nearly three years into this nightmare and no closer to a resolution than we were on day one. We had asked First Wind to buy us out for \$150,000. This prompted a meeting where we were told of a possible option to pay us \$45,000 for our house and two acres, but it was not an official offer. This is what we were told: "It's what I think I can do, so it's not as though it's a First Wind thing". Yeah right, the head of Safety and Compliance out of Boston is not about to stick his neck out with talk of a "possible option" if he hadn't already had some kind of approval. We expected to be low balled but not to this extreme.

It seems they are well schooled in the art of approaching a town, making promises that they project will cause no harm - while quietly buying/paying off select home/land owners because they know there WILL be harm. The paid off residents have signed nondisclosure agreements so they can not say one word against the project. The developer then sits back after construction and waits for surrounding residents to become so desperate to move they will sell at ALMOST any price. Then try to act like a good neighbor by offering a possible option at a ridiculously low insulting price. AND they wanted us to sign a nondisclosure for this pittance!

It is long past time for First Wind to buy us out so we can protect our children. One hundred and fifty thousand dollars and no gag order and we will move on with our lives.

This letter to the Editor appeared in the "*Chronicle*" on August 27, 2014. Readers were asked to please contact First Wind's CEO Paul Gaynor on our behalf and ask them to do the right thing. First Wind has refused to pay a fair price.

Until December 2014, LuAnn Therrien and her family lived on their 50-acre property abutting First Wind's Sheffield wind facility. They have since abandoned that home for one in Derby.

The Nelsons and other residents near the Lowell Mountain have also suffered from wind turbine syndrome.

Waters and Wildlife, or Turbines

Carol Irons

This is very ancient land. The brutal destruction of the upper reaches of the Lowell Mountain range will cast a long shadow across the surrounding area. In the river valleys on either side of this range are rivers fed by the waters off the slopes. From the ridge of the mountains to the wetlands and rivers below, a beautiful water distribution system has functioned for hundreds of thousands of years. That system was shattered by the clear-cutting and blasting for miles along the ridges and saddles. A turnpike of impermeable surface no longer allows for absorption and slow release of snowmelt and stormwater. The feeder streams on both the east and west slopes of the mountain range have ceased to be the primary channels for pristine waters to descend into the valleys. Now the waters flow willy-nilly in surface washes all along the forest slopes. Carrying silt and surface litter from steep wooded terrain, the waters deposit their load of particles into the wetlands and rivers.

Over the coming decades, the gradual silting-in of these rich watery habitats will change the entire watershed areas. Even now, on the east side of the Lowell Mountains, the Black River is heavily laden with silt after a hard rainstorm. This north-flowing river empties into the south bay of Lake Memphremagog, which now has a brownish cast a day after rainstorms. The extensive wetlands along the Black River and around the end of South Bay have nurtured abundant fish, plants, waterfowl, amphibians, and animals as well as the people who engage in water-related activities. The west side of the Lowells provide the headwaters of the Missisquoi River. These waters too are now silt-loaded. The real consequences of the environmental changes will be seen for many miles and for decades to come.

Wildlife patterns have now changed. Hundreds of flocks of Canada Geese used to fly south each fall along the east and west sides of the Lowells. They have moved away from the mountain range, perhaps disturbed by the massive spinning blades, the audible noise, the inaudible pulsating vibrations in the air which is felt up to a couple miles away. So they are now trying a corridor between the Lowell and Sheffield wind plants. It will take time to see if this adaptation stabilizes.

Evidence such as tree scratchings, scat, tracks, photos (game cameras), and direct sightings were reported to the VT Dept of Fish and Game in order to establish the presence on the Lowell range of lynx, catamount, and bald eagle. It was also highly likely, given the terrain and forest conditions, that the elusive Pine marten and the Bicknell's Thrush were also in residence on the high reaches of these mountains. However, a well-known naturalist declined to ever come, as did field

workers from the Agency of Natural Resources and the State Fish and Game Department. Why?

Just as the construction was starting, the Fish and Game Dept. issued a ballyhoo press release that declared the catamount officially extinct. Over the following year there were efforts to query field workers about why there had been no follow-up to confirm the evidence. Safely at a distance, discretely, reasons were given: "If someone did that he would lose his job," and "Confirm their existence? No, then we would have to protect them."

Isn't protection of rare and endangered species part of the legal obligation of these state agencies? Does this smell of a political agenda to enable corporate development regardless of precious natural resources? Who and what do state agencies really work for?

The Bald Eagle may have survived the spinning blades. One has been seen a number of times further east. We no longer see the one we used to see along the east side of the Lowells. A catamount has been seen at some distance from the remote mountain habitat, down in the valley. These are elusive and more solitary beings, but apparently it was driven from its wilderness haunts. Black bears, whose ridgeline dens were destroyed, are seen lower down on the slopes. Moose wintering grounds were destroyed. They have been seen in the Black River valley in late fall/early winter. Normally wintering in high dense stands of spruce, they are now competing with deer for winter feed in valley swamps.

On the Sheffield First Wind site, during their first months of operation (summer 2011) a crew went along under the turbines each morning to collect dead bats and birds. Supposedly the state regulatory process would be monitoring the kill level. Instead, the corporation simply reported their findings which were in early July, that 6 bats had been killed by their turbines. But a worker directly involved said privately that the actual number was "more like 60". The state, in giving "takings" (kill) permits, was happy with the corporation report.

There have been no publicly-reported kill numbers from the bigger larger wind project on the Lowell Mountains to date.

Carol Irons was arrested on Lowell Mountain in August 2012. She lives in Albany, Vermont.

Civil Disobedience

Carol Irons

Why would people come to realize they had to cross a line between what is considered legal and what is illegal? Obviously, if recourse to legal means of opposition is blocked, is not even available, or is so manipulated that it is rendered meaningless, then choices disappear. One can give up, ceding any claim to rights of property, resources, even lifestyle and health to those who control the legal means. Or one can defy the unfair controlled system.

Civil disobedience is a legitimate course of action in a democracy when legal means of opposition are not available. In the situation we now face in Vermont, the legal processes are controlled by corporations, the governor, state agencies, and legislators. (Yes, your legislators also, who talk one thing but vote for corporate interests even when those interests violate Vermonters rights). These processes are not controlled by citizens. Notice that the “capture” of regulatory and permitting processes has been aided by Democrats and Progressives, as well as Republicans.

Civil Disobedience arises out of the convergence of several threads:

1. A perceived threat to a community or population which provokes some people to organize to resist the threat.
2. The failure of institutionalized processes to address the threat in a meaningful and timely way which honors citizens' rights.
3. A perception of bias and/or dysfunction in the decision-making entities which result in actions or rulings consistently favoring special interests, thereby facilitating the continuation – even growth – of the threat.
4. A high level of frustration within the threatened community or population arising from failed efforts, over time, to engage in more legal and less confrontational strategies to protect legitimate needs and interests, but without achieving satisfactory resolution.

All these threads were present in the process of bringing industrial wind and solar projects to the North East Kingdom. We see now that they are present in other parts of Vermont as well. Gas pipelines are getting approved for corridors in our state, under our waters, through our communities, across personal properties. These, as with the wind and solar projects are most often to serve the profits of the energy development corporations. And, as often, the energy is to serve businesses and /or populations in other states.

If one has read the articles we share here, it should be clear that the energy “policy” of Vermont is a superficial construct whose design is to serve the energy empire. It has no real impact on reducing global warming. The projects are profitable because of taxpayer subsidies. The environment and the properties so negatively impacted by industrial energy projects are owned by Vermonters, and their voice is not heard or respected. The politicians – almost all of them – talk glibly, but the reality of their votes gives corporations what they want.

Lastly, the thunderous silence of environmental groups and mainstream press, including VPR, demonstrated their complicity with corporate-political rule. The reliance on environmental terminology like “green” and “renewable” was simply turned against those who resisted the destruction of intact ecosystems. Superficial use of such terms was easier, was “politically correct”, and provided folks like Bill McKibben, Paul Burns (VPIRG), Bernie Sanders, Peter Shumlin, Tony Klein and a multitude of followers from actually scratching behind the verbal smokescreen.

The resisters knew that wind and sunshine are renewable; huge, noisy, throbbing turbines are not. Clearcutting and blasting are not. Filling in of wetlands is not restorable for generations. The mining of materials for solar panels is environmentally destructive, as are the industrial sites where they are placed.

The realities of industrial energy production in Vermont’s landscape are simply not what the promoters would have the public believe. With no viable means of protecting landscape, ecosystems, property rights, citizens’ health, and wildlife, resistance focused on the only avenue left: civil disobedience, the beginning of a “soft revolution”.

Basically, this form of resistance uses non-violent means to block, delay, challenge and inconvenience the various people and activities which are seen as facilitating the threat. It can take many creative forms. It requires that participants move beyond their normal their comfort zone, and usually a wider community of resisters provide organizational functions in support of those engaged in the confrontation action. Obviously the more people join the resistance, the more energized the movement becomes. Building, and sustaining, pressure on the abusive power structure often entails some risk: counter-abuses by law enforcement, arrests, financial costs from fines and legal proceedings. There can also be indirect pressures on resisters by co-workers, neighbors, and civil authorities. Various methods of harassment from corporation supporters have been experienced, including actual threats. While people who join a resistance movement usually commit to – and take training in – techniques of non-violence, their adversaries do not. However, the trade-off is very important: while the ceding of one’s rights is disempowering, engagement in resistance is a path to power. It builds a sense of community. It provides the only remaining avenue for the expression of a value which has been threatened. It is a stand for a greater good than corporate greed. Ethical power does not belong to those who destroy parts of our world for their own greed; nor is it the province of their political allies. True ethical power belongs to those who stand strong to protect the nurturing earth and her respectful communities.

Carol Irons was arrested on Lowell Mountain in August, 2012. She lives in Albany, Vermont.

It is Time!

Carol Irons

(This piece originally appeared in October, 2011, during the initial stages of clearcutting and blasting the Lowell Mountains to prepare for the crane path and turbine pads. While some of the details are specific to that place and time, the overall argument applies to industrial wind projects anywhere.)

It is time for people who care to put it on the line. Every day now, the damage increases. Already a wetland has been destroyed, a wetland located within an obligated "conservation" area. A two-week "repair" cannot recover the aquatic life and plants that were so quickly smothered with that fill-in.

It is time to step outside the framework defined by officialdom, designed to serve officialdom, to enable (not regulate) big energy corporations. It is past time to turn to other strategies which officialdom cannot turn to the energy corporations' benefit. It is time to refuse to be sacrificed on behalf of a greedy corporation and an ambitious politician.

It is time to recognize the money trail. A significant campaign contribution for Shumlin... A one-sided and expedited hearing process to rush permits to the Green Mountain Power Corporation... A delaying and ignoring of conditions attached to permits, thereby rendering them meaningless... A PR campaign which distorts the reality of industrial Big Wind, which is not green.

We need to stop this model of doing business. Stop it now or it will spread. Stop it now, or your mountains and lifestyle are next.

In Vermont, a mountain range does not belong to one arrogant politician, nor to an exploitative corporation.

Yet Governor Shumlin gave the Lowell Mountain Range to Green Mountain Power. This energy corporation is owned in Canada. Vermont mountain ridges are seen by this money-greased partnership as industrial investment areas. It is only financially viable because Green Mountain Power expects to collect over \$40 million in U.S. federal tax credits.

Big Industrial Wind is NOT Green Wind.

These mountains and valleys are old, very old. They are the wrinkles of Mother Earth. The waters of the mountains feed the rivers of the valleys, nurturing the life in

a great circle. To the east of the Lowell Mountains, waters grow the Black River which flows north into the south bay of Lake Memphremagog. To the west of the Lowell Mountains, the waters become the rising of the Missisquoi River, which flows north, then west to the Long Lake called Champlain.

You cannot clearcut, bulldoze, then blast off the mountain tops without polluting, or even destroying, these life-giving waters. Clean waters are the lifeblood of Mother Earth, and her lifeblood is necessary for all life, including the two-leggeds, the swimmers, the four-leggeds, the wingeds, and the creepy-crawlers.

These mountains and valleys are ancient homelands for a tremendous variety of life-forms. For countless generations the two-leggeds have survived, made their living, and developed their way of life through an interwoven relationship with the forests, the waters, the clean air, and the other kinds of life. Not only hunting and fishing, but hiking, bird-watching, farming, managed timber harvest, snowmobiling, tourism -- all the recreational and small business activities in a large surrounding area are dependent on the intact mountains and their forested slopes. Those activities support the motels, B & Bs, restaurants, outdoor gear stores, gift shops, gas stations, and so on. And all the employees of these businesses also buy gas and heating fuel, groceries, tools, clothing, pay taxes and mortgages....

In the great circle around a mountain range, it is the healthy mountain with her forests and waters and clean air that nurture all life. We are part of that Great Web.

When you kill the Spirit of the Mountain, all the great circle around it will wither.

It is time to stand against the destruction of Vermont – piece by piece – for the benefit of a greedy and ruthless corporation and the arrogant for-sale politicians.

It is time!

Carol Irons was arrested on Lowell Mountain in August, 2012. She lives in Albany, Vermont.

Conclusion

Suzanna Jones

There is an uncommon wisdom expressed by those who still live away from the noise and distractions of commercial life under the canopy of the northern woodlands. Those who live intimately with the land demonstrate a perspective and integrity we will not find in public relations slogans or news soundbites.

Unfortunately, we are now witnessing the consequences of industrial wind development on the wildlife, waterways and human communities. Those opposed to these projects warned us of these very effects, testifying publicly on these issues.

Those warnings went unheeded. Prioritizing profits and development first, while denying any consequences until after the destruction has been done and the profits made is the signature pattern of economic growth. The drive to benefit from and serve economic growth blinds us to the wisdom of using caution and of living in healthy reciprocity with the land.

Since the writing of these essays there has been a humiliating repudiation of the governor who has been exposed as having too "cozy" a relationship to Green Mountain Power and their trans-national parent company Gaz Metro. The "natural" gas pipeline is meeting with well organized resistance. Industrial wind development has come to a temporary screeching halt. Though these are steps in the right direction, it is not enough.

Redefining our relationship with the biosphere to one based on the qualities of nurturing rather than exploiting is essential. Psychologist Erich Fromm may have said it best:

"Our culture's mass destructiveness cannot be addressed by simply bettering material conditions. It can only be the result of drastic changes in the social organization and worldview to convert it from a control-property-power orientation to a life orientation; from having and hoarding to being and sharing. It will succeed only if the whole system as it exists can be replaced by a fundamentally different one."

