

| MAJOR CLAIMS/CONCERNS RAISED BY OTHER PARTIES  | UPC RESPONSE   |
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| <p><b><u>ECONOMIC BENEFIT</u></b></p> <ul style="list-style-type: none"> <li>• Long term negative employment impacts due to assumed closing of King George School</li> <li>• UPC overstates benefit to VT due to flaws re: operational costs, employment, gov'l services, lease payments .</li> <li>• Avoided emissions speculative, or uncertain, due to RGGI.</li> <li>• UPC should have produced financial/management plans.</li> <li>• Will negatively impact tourism and property values. No economic benefit for towns in viewshed.</li> <li>• Power agreements not fully described. Long term contracts provide benefits not available with market-indexed contracts</li> </ul> | <p><u>Cowan, et al. and Kavet rebuttal testimonies:</u></p> <ul style="list-style-type: none"> <li>• Assumptions regarding closing of school unsubstantiated by any evidence.</li> <li>• Alleged flaws addressed, economic model rerun based upon revised project layout. Positive economic benefit is shown.</li> <li>• Explains why avoided emissions are likely to occur.</li> <li>• Financial/management plans not needed for 248 review; a decommissioning fund protects public.</li> <li>• No empirical data that such impacts are likely to occur; Fenner study and other information show to the contrary.</li> <li>• UPC working with WEC, VEC, CVPS and other VT utilities to sell 100% of power in VT. Utilities are interested in both market-based and fixed price contracts .</li> </ul> |
| <p><b><u>SYSTEM STABILITY/RELIABILITY</u></b></p> <ul style="list-style-type: none"> <li>• Can't reach conclusion until ISO study is complete.</li> </ul>  | <p><u>Cowan, et al. rebuttal testimony (CHECK):</u></p> <ul style="list-style-type: none"> <li>• Not an issue, as UPC is responsible for necessary system modifications; in any event, ISO study is being provided and no undue adverse impacts are anticipated.</li> </ul>  |
| <p><b><u>ORDERLY DEVELOPMENT OF THE REGION</u></b></p> <ul style="list-style-type: none"> <li>• Regional Plan – commercial wind projects not encouraged; Project not consistent with traditional development patterns.</li> <li>• Sutton Town Plan – project is inconsistent with purposes of woodlands and recreational district, and scenic protection areas (lands above 2,000 feet).</li> <li>• Regional/local economy could be negatively impacted.</li> </ul>  | <p><u>Raphael rebuttal testimony:</u></p> <ul style="list-style-type: none"> <li>• Plan doesn't prohibit commercial-scale wind farms. Land use provisions must be read in concert with energy section.</li> <li>• Town Plan does not prohibit development on ridgelines, and otherwise encourages the use of renewable energy.</li> <li>• Revised project reduces Sutton turbines from 6 to 2.</li> </ul> <p><u>Kavet rebuttal testimony:</u></p> <ul style="list-style-type: none"> <li>• No evidence from other wind projects of negative impacts to property values, tourism, business.</li> </ul>  |
| <p><b><u>MUNICIPAL SERVICES</u></b></p> <ul style="list-style-type: none"> <li>• Roads in Sutton may be impacted.</li> <li>• Sutton fire equipment may not be capable of handling emergencies.</li> </ul>  | <p><u>Cowan, et al. rebuttal testimony:</u></p> <ul style="list-style-type: none"> <li>• Sutton roads not expected to be used; if used, only minor improvements expected, at UPC's expense.</li> <li>• Lightening or other events that may cause fires are unlikely, and can be handled with typical equipment.</li> </ul>   |
| <p><b><u>VISUAL</u></b></p> <ul style="list-style-type: none"> <li>• Criticisms of Landworks' analysis, including accuracy of simulations, estimates of project's visibility.</li> </ul>   | <p><u>Raphael rebuttal testimony:</u></p> <ul style="list-style-type: none"> <li>• Landworks responds to specific technical issues concerning its analysis .</li> </ul>  |

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| <ul style="list-style-type: none"> <li>Project will result in an undue adverse impact under Quechee test because of general incompatibility with natural environment and scale of region.</li> <li>At Crystal Lake State Park and around the KGS, visual dominance of project relative to existing and expected visual environment is sufficient to create a “shocking” or “offensive” condition.</li> <li>UPC has failed to take generally available mitigating steps - but may be impossible to improve harmony, as turbines would be “freakish giants.”</li> <li>The Project would ruin the night sky.</li> <li>The Project will visually impact the Lake Willoughby area.</li> </ul> | <ul style="list-style-type: none"> <li>Quechee doesn’t require that all impacts be mitigated; UPC has taken all <u>reasonable</u> steps to mitigate.</li> <li>King George School is private and views from this location should not be accorded special status under Quechee.</li> <li>Crystal Lake – views are not dominant use of Lake; distance mitigates impact.</li> <li>Very few viewing locations in Willoughby State Forest.</li> <li>Red FAA lights create very little light in the night sky.</li> </ul> <p><b><u>Project redesign further reduces visual impacts:</u></b></p> <ul style="list-style-type: none"> <li>No Hardscrabble array, eliminating visual impacts to nearby residents and to KGS.</li> <li>Revised layout is more compact and occupies less ridgeline; reduces already limited views of northern array from south.</li> <li>38% fewer turbines overall, and 20% fewer turbines on northern array, reducing visual impact from Crystal Lake.</li> <li>Fewer night lights: ~ 8 instead of 15.</li> </ul> |
| <p><b><u>NOISE</u></b></p> <ul style="list-style-type: none"> <li>Criticisms of HMMH’s noise analysis, including background data, turbine data, low frequency noise, rhythmic beating, tonality, vegetation, masking effect of wind, and worst case assumptions.</li> <li>Noise from turbines will be audible at some residences, and out of character with surroundings.</li> <li>Project will likely create impulse noise that will adversely impact aesthetics in quiet rural area where there are homes and a boarding school.</li> </ul>  | <p><i><u>Bajdek/Menge rebuttal testimony:</u></i></p> <ul style="list-style-type: none"> <li>HMMH addresses the various criticisms.</li> <li>Low frequencies not an issue at projected sound levels.</li> <li>Beating/impulse noise should not be an issue due to asynchronous operation of turbines and topography.</li> <li>Issue is whether Project noise will cause an undue adverse effect, not whether it is audible. Project-related sound levels are well below established noise standards.</li> </ul> <p><b><u>Project redesign further reduces noise impacts:</u></b></p> <ul style="list-style-type: none"> <li>Eliminates all project-related noise at or around Hardscrabble.</li> <li>Reduces projected levels at King George School.</li> <li>Closes t residences to revised layout are more than ½ mile away, at which projected sound levels are very low.</li> </ul>  |
| <p><b><u>HISTORIC SITES</u></b></p> <ul style="list-style-type: none"> <li>UPC should have inventoried historic camps around Crystal Lake, and visual impacts to those camps.</li> <li>UPC didn’t document survey methods used to evaluate potential impacts to historically significant properties .</li> <li>Undue adverse effect at Crystal Lake State Park, due to importance of scenic view to historic site.</li> </ul>  | <p><i><u>Raphael and Pritchett rebuttal testimonies:</u></i></p> <ul style="list-style-type: none"> <li>The historic camps were reviewed; additional documentation is being provided.</li> <li>The historic bathhouse and the Park beach area will not be unduly impacted by views of the Project.</li> <li>The principal reasons Crystal Lake State Park was placed on the National Register was its connection to the CCC and the bathhouse building, not because of the scenic views .</li> </ul>   |

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|   | <p><b><u>Project redesign further reduces impacts to historic sites:</u></b></p> <ul style="list-style-type: none"> <li>• Fewer turbines visible at State Park.</li> <li>• UPC willing to mitigate impacts through creation of interpretive center at Park.</li> </ul>  |
| <p><b><u>WILDLIFE – LARGE MAMMALS</u></b></p> <ul style="list-style-type: none"> <li>• Criticisms of methodology re large mammal assessment. <ul style="list-style-type: none"> <li>• Additional survey work needed for deer and moose.</li> <li>• Not all rare and uncommon species of mammals that occur in VT are addressed.</li> <li>• Surveys conducted for detection of Canada lynx and mountain lions were not scientifically credible.</li> <li>• Conclusion that bears won't be impacted by loss of BSB habitat is unsupported.</li> </ul> </li> <li>• General concerns - activity and disturbance from project construction; linear nature and scale of project, degree of clearing, and fragmentation; potential and unknown level of human activity for O&amp;M; lack of agreement on necessary post-construction studies.</li> </ul> | <p><i>Wallin and Roy rebuttal testimonies:</i></p> <ul style="list-style-type: none"> <li>• Generally accepted wildlife assessment for review of projects in VT involves habitat recon., not inventorying all local populations.</li> <li>• Indirect impacts to bears aren't completely known, but evidence suggests that they will continue to use the area.</li> <li>• Moose and other wildlife appear to have acclimated to the Searsburg project.</li> <li>• Roy addresses issues related to other wildlife.</li> </ul> <p><b><u>Project redesign reduces potential impacts to wildlife:</u></b></p> <ul style="list-style-type: none"> <li>• Reduces direct impacts to BSB from 167 to 38, or by 77%</li> <li>• Avoids direct impacts to beaver wetland.</li> <li>• Maintains corridor from beaver wetland to BSB stand.</li> <li>• Reduced fragmentation - overall footprint of project is reduced by 33%; new roads are reduced by 10%.</li> </ul> |
| <p><b><u>WILDLIFE – BATS AND BIRDS</u></b></p> <ul style="list-style-type: none"> <li>• Additional work is needed re small-footed bat habitat, use of beaver wetland by bats, and additional migration data.</li> <li>• Potential impacts to long distance migrants, esp. silver-haired.</li> <li>• UPC appears unwilling to make operating modifications with any "economic impacts" to reduce fatalities.</li> <li>• Nocturnal bird migration concerns due to lack of actual radar data for the northern portion of the project area and the lack of acoustic data to characterize species composition.</li> </ul>  | <p><i>Roy rebuttal testimony</i></p> <ul style="list-style-type: none"> <li>• Woodlot performed additional studies in 2006, confirming prior results and confirming that bats using beaver wetland are not at higher risk.</li> <li>• High count of silver-haired bats occurred on one night only, and on Hardscrabble (now eliminated).</li> <li>• Bats don't appear to be vulnerable during daily activity.</li> </ul> <p><b><u>Project redesign further reduces impacts to birds/bats:</u></b></p> <ul style="list-style-type: none"> <li>• 38% fewer turbines reduces the risk of collisions.</li> <li>• 1 of 3 turbines near beaver wetland eliminated.</li> </ul>   |
| <p><b><u>WETLANDS, RTESPECIES, NATURAL AREAS</u></b></p> <ul style="list-style-type: none"> <li>• Project contains a high concentration of seep wetlands, a rich fen, rich northern hardwood forest, mature forest, and uncommon plant species that together comprise a rare and irreplaceable natural area.</li> <li>• Roads would separate many seeps from surrounding forest.</li> <li>• Seeding and mulch would introduce non-native species.</li> </ul>  | <p><i>Gilman and Nelson rebuttal testimonies:</i></p> <ul style="list-style-type: none"> <li>• Project is not within a rare and irreplaceable natural area.</li> <li>• Project will not cause undue adverse impacts (including fragmentation) to the wetlands and natural communities.</li> <li>• Re seeps, hydrologic changes that would cause undue impacts to water quality or critical habitat not expected, based on project layout and stormwater systems.</li> </ul>   |

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| <ul style="list-style-type: none"> <li>Alterations to hydrology and introduction of pollutants would have potential to seriously degrade wetlands.</li> <li>Road and turbine-site construction would perpetuate disturbances -- erosion, compaction other alterations to soil structure and hydrology.</li> <li>Impact to bird, bat, and mammal use of beaver wetland due to fragmentation.</li> </ul>  | <ul style="list-style-type: none"> <li>Stormwater is directed away from fen, and fen is otherwise protected by a buffer of 35-80 feet from the existing road.</li> </ul> <p><b>Project redesign further reduces impacts:</b></p> <ul style="list-style-type: none"> <li>Avoids much of rich northern hardwood area on Norris , “mature” growth area near Libby Hill, and rare plants .</li> <li>Beaver wetland avoided; no fragmentation of area from beaver wetland to BSB area.</li> <li>No risk to any rare, threatened, or endangered species.</li> </ul>  |
| <p><b><u>STREAMS, WATER POLLUTION, STORMWATER</u></b></p> <ul style="list-style-type: none"> <li>Given magnitude of project, could be significant impacts on streams.</li> <li>Roads may alter natural drainage patterns (and thus increased runoff), subsurface water flow, and water table, causing adverse impact on streams and wetland vegetation.</li> <li>Beaver wetland - road is likely to result in recurring maintenance and ongoing threat to water quality if road repeatedly washes out.</li> <li>Need final engineering plans to evaluate potential impacts on sediment transport, stormwater issues, and adequacy of stream crossings and protection measures .</li> <li>Project roads and turbine sites should have been flagged, and mapping of streams is inadequate to evaluate the resources.</li> <li>Concerns of neighbors (Burringtons, Gregory) re: construction, blasting, lightening strikes, and resulting potential damage and/or contamination of areas streams, springs and pond.</li> </ul> | <p><i>J. Nelson and Cowan, et al. rebuttal testimonies:</i></p> <ul style="list-style-type: none"> <li>In prior 248 cases, Board has allowed detailed plans to come after the CPG; there is nothing about the Project that would prevent it from meeting state standards and not causing undue water pollution.</li> <li>UPC has nonetheless created detailed stormwater plans , and an SPCC plan which further demonstrate that there will be no undue water pollution or impacts to streams/wetlands</li> <li>UPC previously provided locations of all roads, turbines, stream crossings and other natural features via mapping and GPS data, in a form sufficient for consultants to perform their evaluations.</li> </ul> <p><b>Project redesign further reduces impacts::</b></p> <ul style="list-style-type: none"> <li>Eliminates road over beaver wetland and on steep section up Norris Mountain, thus avoiding difficult stormwater issues .</li> <li>Total new roads reduced from 6.1 miles to 5.6 miles, or 10%</li> <li>Total construction clearing reduced from 119 to 79 acres, or 34%</li> </ul> |