Testimony of Manuel Cords, President of
The Colebrook Land Conservancy, Inc.
Before the Committee on Energy and Technology

Thursday, February 3, 2010

My name is Manuel Cords and I am the President of The Colebrook Land Conservancy, Inc. (the "Conservancy"). We appreciate the opportunity to testify before you with respect to wind turbines in Connecticut. The Conservancy is a local land trust and a qualified charity under Section 501(c)(3) of the Internal Revenue Code of the United States. The Conservancy is a non-partisan organization. Our organization was formed in 1986 and is run entirely by volunteers, and we are fortunate to have both an active Board of Trustees and an active membership. The purposes of the Conservancy are to promote, for the benefit of the general public, the preservation of natural resources, including land and water resources, plant and animal life, and unique scenic, natural and historic sites, principally located in, but not limited to, the Town of Colebrook, Connecticut. I am attaching to our testimony today a copy of our 2010 appeal letter, which summarizes the kinds of activities the Conservancy undertakes and I invite you to visit our website at Colebrooklandconservancy.org.

The Conservancy has approximately 300 members, a remarkable number given there are only about 1,400 souls in Colebrook. The Conservancy protects over 1,050 acres in Colebrook: it owns 648 acres and holds voluntary conservation easements on 413 acres. Included in the Conservancy's owned property is the Phelps Research Area, which consists of a 395-acre tract that has been described by the The Nature Conservancy as a "prime example of unspoiled nature in the northwestern part of Connecticut." The Phelps Research Area provides excellent refuge for a broad variety of wildlife. About 30 species of animals and more than 20 species of reptiles and amphibians have been reported on or near the preserve. Its location, large size and diverse habitat of rocky slopes, woodlands, post-agricultural fields and wetlands support birds that require undisturbed forest for breeding, such as the broad-winged hawk, pileated woodpecker, yellow bellied sap sucker, hermit thrush, white throated sparrow and several warblers. Besides being an excellent area for bird study and other research, the Phelps Research Area is used to track the long term effects of the 1976 tornado. The Conservancy has provided stewardship of the Phelps Research Area since 1995. In 2009, The Nature Conservancy transferred ownership to the Conservancy, signifying an important vote of confidence by a national organization. The Phelps Research Area is approximately 3.5 miles from the location of wind turbines proposed for Colebrook by BNE Energy, LLC ("BNE").

While the Conservancy also owns and holds conservation easements on other significant tracts of land, The Phelps Research Area is a prime example of the benefits associated with the preservation of large tracts of land and the ecological and natural resources of the Northwest Corner of Connecticut. These resources are under ever greater threat, but there are significant conservation organizations in the Northwest Corner working to conserve what is left. And the area has attracted some national attention and Federal and State grants designed to further conservation values and which acknowledge the significance of this part of Connecticut. For example, the Conservancy has been the recipient of various State grants, including one that enabled us to purchase an important parcel at the corner of Routes 183 and 182 (less than 1.5 miles from the site of the proposed wind turbines), which included excellent bird, wetland and upland habitat as well as the oldest surviving upland dairy barn in Colebrook (originally built in

the late eighteenth century). The Conservancy did extensive restoration work necessary to keep the barn upright and historically accurate, and in 2009 was the recipient of a 2009 Barns Grant by the Connecticut Trust for Historic Preservation. The Conservancy has also been the recipient of several Federal grants administered through the Natural Resources Conservation Service ("NRCS") in connection with the re-establishment of fields and the elimination of invasive plant species. The Conservancy believes its efforts are an important step in maintaining avian and wildlife friendly habitat in Colebrook. And the Conservancy has sought and received advice from the NRCS in connection with the removal of an older camp and the restoration of a seven acre parcel to a natural state. Once again, this effort should be viewed in the context of a larger, landscape sized effort to provide natural habitat, clean waterways and ecological benefit in Colebrook. The Conservancy is also sponsoring the development of a management plan for parts of Sandy Brook, one of Connecticut's premier trout streams and a State Natural Area Preserve. Sandy Brook is considered the highest ranking salmon restoration stream in the Farmington River basin, home to a diverse number of native fish and threatened or endangered species. We have also constructed various trails and sponsor various educational events during each year. As a result of the Conservancy's initiatives, I can say that we are a science-based organization that prefers to be guided by science in our actions.

The Conservancy favors a moratorium for one year which would allow a rule making process either in the legislature or by the Siting Council with legislative oversight. The regulations that ultimately emerge should reflect several key points:

1. The regulations need to be understood with common sense and they need to be generally agreeable to the public.

2. The regulations need to be based on science and need to provide a coordinated statewide framework for the development of wind power versus other renewable energy resources in Connecticut.

3. The regulations should provide an enhanced level of local control inasmuch as the visual intrusiveness, noise issues, health issues and the enhanced effects of these industrial machines are newer and far greater than the effects of equipment such as cell towers.

4. The regulations need to approach environmental issues on a landscape scale and not only on a real estate parcel by real estate parcel scale.

5. The regulations need to protect people's private property from the depreciation that poorly sited wind turbines cause.

6. The regulations should promote a coherent approach to wind power based on the best economic outcome for Connecticut.

I would like to comment on each of these six points.

First Point. As a resident of Colebrook, I can tell you that the anecdotal evidence supports the notion that as a result of the proposed wind farm development, people feel disenfranchised. Their property values are likely to be adversely affected. After all, as one person mentioned to me, why would anyone want to move to Colebrook if a wind turbine

developer could gut the value of their home without even going to the Town's Planning and Zoning Commission? There is a sense of outrage out there. There is a general belief that the role of the Planning and Zoning Commission, the Inland Wetlands and Watercourses Agency, the Conservation Commission and Town government generally is to protect the public from this kind of development and to enhance the environmental and historical values that brought people to residential Colebrook in the first place. Most people in Colebrook would view the approval or establishment of a wind farm as a back door taking. We have already been through the corrosive taking issues in New London. They are bad for the citizens and the politics of this State. We don't need to go through these issues relating to wind power.

In addition, many people in Colebrook believe that Colebrook has already contributed to the renewable energy portfolio in Connecticut at great cost to the Town. The Town was torn apart when Colebrook River was flooded in the 1940's to make way for the Metropolitan District Commission (MDC) Goodwin Dam and Colebrook River Dam, and the memory of those forced to move still reverberates within the Town. According to the MDC website, "The Goodwin Facility generates 13,600,000 kilowatt hours of electricity in a typical year, enough to serve 2,000 homes. The Colebrook River Facility generates enough electricity to serve 1,000 homes—approximately 6,700,000 kilowatt hours annually." My point is that political disenfranchisement is always felt in a democracy where the government can unilaterally harm a person's property and health and well being. Proper regulations would establish a level playing field.

Second Point. Regulations need to be science-based. For example, computer modeling of noise effects should be mandatory. Other environmental effects to not only the property in question but other properties in the area should be examined. An independent party such as the DEP could be encouraged to do a more in depth survey of environmental effects. There are myriad similar points the can come to mind. Good science can resolve many problem issues; bad science may permit an applicant to "check the box" but will simply exacerbate them. The goal should be to get at the truth, not to get something built.

Regulations should also provide a format for examining wind power versus other renewable energy sources. For example, as noted above, there is hydro power in Colebrook. It may be possible to expand it significantly which would have the salutary effect of not stuffing the electrical grid with intermittent power, and might also have a much more limited footprint in the interference with people's residences or conservation values. The current regulatory regime does not seem to provide for such consideration adequately.

Moreover, it seems to me that if we are a State, then no one area should be required to endure disproportionate burdens for all other areas of the State. There should be established some mechanism for sharing the burden other than paying for the higher electric charges resulting from wind power. If Colebrook is to bear the brunt of the State's desire for wind power, then the remainder of the State should do something for Colebrook to mitigate the damage. For example, the State might collect funds from unaffected areas to increase open space and wildlife habitat in Colebrook. Otherwise, wind power development in Connecticut will be played out as an exercise of some towns seeking to preserve their residential tax bases at the expense of others that will be burdened by this type of development.

Third Point. Enhanced local control is desirable because it can be more responsive to strictly local issues than a State agency. There should be room in the debate that will accompany the development of all renewable energy sources to adequately reflect local opinion. Once again, the basic issue is that this is a democracy and people don't much like having things crammed down their throats, especially when it involves their home, their health and their well-being, without significant local input. This is especially true of highly intrusive facilities like wind. I would like to note that in Colebrook, there are three hydro facilities (two of which are mentioned above) and in the 16 years I have lived there as a full time resident, I have never heard anyone complain about them (other than in connection with the flooding of Colebrook River).

Fourth Point. The regulations need to approach environmental matters on a landscape scale. While it is relevant to find site specific facts, common sense should tell you that a wind farm can affect wildlife beyond the acreage on which it is located, either directly through sound and light, or indirectly, for example, by causing the removal of prey animals which will result in predators moving to other areas or being squeezed out, or by creating awkward landing patterns for migratory birds. If people are up in arms about the noise, flicker, subsonic issues, etc., then it should be obvious that animals (for this purpose including mammals other than humans, reptiles, amphibians, fish and birds) will very likely also be affected. In the Northwest Corner of Connecticut, and in Colebrook specifically, the Conservancy, the State, MDC and other organizations have made great efforts to preserve the conservation values at hand. The issues of open space, habitat, species preservation, and truly minimizing environmental effects are lost if only a single parcel is considered. Therefore, the regulations should require a review of a plan for one or more wind farms to undergo the scrutiny and questions around the issues of how much damage to the environment do we want to cause in the name of this type of so-called green energy. There are likely places in Connecticut where the damage might be quite minimal. But in the Colebrook situation, we believe the damage could be consequential not only for the excellent habitat provided by the parcels where the wind turbines are to be located, but also for land a considerable distance away. Wildlife knows no property boundaries. Our history as a country is littered with examples of short-sighted planning that ended up creating an environmental mess. We should heed our need as a culture to preserve and protect those things that make us Americans: historical buildings and their context for sure, the American environment, also for sure. The world should not become a uniform urban or suburban landscape, or for that matter an industrial landscape.

Fifth Point. The regulations should go very far in protecting the values of every individual's property. As a land conservancy that relies to a great extent on donations of easements and outright ownership of land, the ability of the Conservancy to receive such donations would in our opinion be adversely affected by further declines in the value of land, or in there being fewer parcels which have significant conservation values that deserve protection.

Sixth Point The regulation should provide mechanisms for the coherent evaluation of wind power in the context of both the State's need for power and the availability or desirability of other renewable and existing energy resources to arrive at the best solutions for Connecticut. I believe I am not far off the mark if I point out that Connecticut pays about 20% higher electricity costs than the other New England states and according to some testimony given to your committee I understand that wind energy will likely cost about 25% more than fossil fuel

produced energy. Nevertheless, wind may be a useful technology in the right places, but one should ask why a bona fide wind developer would choose a State like Connecticut where according to the latest information I have the wind blows 30% of the time, rather than going to Texas, where the wind reportedly blows 45% of the time.

Another example is brought to mind by the reference to the MDC dams above. It seems to me that it would be valuable to analyze further hydro possibilities which may be both cheaper and non-intermittent before going to an intermittent, higher cost, less efficient renewable energy portfolio. Similarly, by way of example, when considering a wind project, it would be valuable to consider that back-up generating power driven by natural gas or other fossil fuels will also be necessary. At a time when natural gas prices look to continue to be very low, it would be valuable to consider whether the wind component is in fact unnecessary or should be curtailed in an effort to keep electric rates in check. These types of analyses are already being done by countries like Denmark and Germany where resistance to ever increasing electricity costs by consumers has resulted in decommissioning of some wind turbines.

Finally, it seems to me that the State of Connecticut should have regulations which will enable it to avoid what has happened to wind power in California, where I believe 10,000 wind turbines are either idle or spinning without producing any electricity. Some of this abandonment is the result of subsidies and tax credits running out; some is the result of improved technology; some is the result of poor environmental planning. By delaying installation of wind turbines in Connecticut, the State might benefit from the likelihood of improved technology in the future as well as the low natural gas prices which could not have been envisioned only a few years ago.

The Conservancy is pleased to join the chorus of local Town commissions and other groups and individuals to urge the establishment of a moratorium on wind turbine development in Connecticut and the establishment of science-based regulation for the industry. We believe such regulation should be in place before wind turbines are built in Connecticut. We encourage your Committee to exercise your oversight powers to make sure such regulation is in fact science-based and comprehensive, and that such regulation protects the important environmental, ecological and historic values found in Colebrook and other rural Connecticut towns. We urge you to get it right. We know you will do your best.

Respectfully submitted,

Manuel Cords

"In Land We Trust"

The Colebrook Land Conservancy, Inc.

P.O. Box 90, Colebrook, Connecticut 06021

Spring 2010

Annual Membership Appeal

Please join us and the members of the Norfolk-Colebrook Garden Club for a pot luck dinner ***Friday, April 16th, at 6 p.m.*** *in the Colebrook Senior & Community Center. After dinner,* ***Adam Welchel will speak on Climatic adaptation: Natural Resources in Connecticut, today and tomorrow.***

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Dear Members and Friends,

Thanks to your support, the Colebrook Land Conservancy now protects more than 1,000 acres in town. We reached a major milestone in May of 2009 with the transfer of ownership of the Phelps Research Area from The Nature Conservancy to the Colebrook Land Conservancy. In addition, we received three grants to assist with our mission, including a grant which allowed us to replace the roof on the Hale Barn with historically appropriate cedar shakes and one to remove invasive plants. The receipt of external funding signifies an important vote of confidence in the Conservancy's ability to carry out our mission, but each of these grants requires a match with Conservancy funds.

Membership Drive

This annual letter is our opportunity to ask you to support this non-profit organization's work to preserve Colebrook's natural resources through your tax-deductible dues and contributions. We are run entirely by volunteers and depend on the generosity of our long-time contributors, as well as our newer members. Dues are $25 for families, $20 for individuals and $10 for seniors. New and returning members are welcome! For your dues, you also receive our informative newsletter.

April 16 - Pot Luck
April 18 - Annual Meeting

You're invited to a pot luck dinner followed by a talk on conservation, co-sponsored by the Norfolk-Colebrook Garden Club, April 16 at the Colebrook Senior & Community Center. Our guest speaker is Colebrook's own, Adam Welchel, Director of Conservation Programs, The Nature Conservancy, Connecticut Chapter. The pot luck starts at 6 p.m., followed by the presentation about an hour later. Please bring your favorite dish or dessert. There is no charge for the dinner or talk. A short annual meeting for the election of Conservancy officers and trustees will be held Sunday, April 18, at 9 a.m. in the Community Center. PLEASE JOIN US.

Highlights of Other Conservancy Activities

Land Conservation and Stewardship

- We're planning a presentation on open space preservation techniques and tax benefits and will update you once the details have been finalized. In the meantime, if you'd like to find out about the many ways you can protect your land and save on taxes, please contact a Conservancy Trustee.
- The Conservancy now has in place a network of volunteers to steward the 23 properties under our protection. Please let us know if you'd like to be part of this program.
- We actively manage the hayfields and pasture land at our Hale Farm property and maintain the meadows at our Colebrook Road Preserve that provide essential foraging habitat for wildlife such as deer, fox, hawks, rabbit and turkey.

Education

- Please look at our web site at www.colebrooklandconservancy.org. Special thanks to Frank Thompson for making this possible. While there, click on the "Donate" button to speed your contribution on its way.
- Our Fall cider and donuts open house at Hale Barn was well attended. Thanks for joining us. Please let us know what other events you'd like us to put together.
- Joyce Hemingson led a series of informative walks this past spring and summer.
- We prepared a cost-of-services study for Colebrook that showed how undeveloped land actually helps taxpayers because it costs less in services than the tax revenue it produces.
- Bob Grigg and Harry White's talk on Sandy Brook was a big hit at last year's pot luck.
- In honor of Earth Day, the Conservancy's Robert B. Lisle Book Fund will again donate several books to the Colebrook Consolidated School Library.
- Be sure to look for conservation news on our bulletin board at the Community Center.
- Stop by our booth at the Labor Day Fair. There's always something for the kids and you can catch up on our latest projects.

Trails

- This spring and summer we will be hosting walks on Phelps Research Area trails as well as in the Kitchel Wilderness. Please look for details.
- The Rockwell Trail on Conservancy land near Colebrook Center is a short, easy-to-hike trail is 6/10 of a mile from Colebrook Center on Route 182A (Rockwell Road). Park at the top of the hill off the road on the right. You'll see a log gate across an old logging trail. Walk in and the trail starts toward the left. Trail guides that tell of the land's history stretching back to the 1760s and its abundant natural features are available near the trail head.
- The Hale Trail is near the intersection of Routes 183 and 182. The trail head is about 200 yards north of the Hale Barn at an opening in the guard rail on the left side of Route 183 as you head to the Center. Park at the barn on the Route 183 side.

The annual dues envelope is enclosed. **Please add your email contact details** when you return the envelope with your contribution so that we can communicate more effectively with our members and friends. Thank you for your support. My fellow Trustees and I look forward to seeing you at the pot luck April 16th.

Kind regards,

Barney

Barney Adams
President