

RICHIE DAVIS Recorder Staff *6/13/2009 GREENFIELD -- A "green-against-green" battle appears to be shaping up over a biomass plant proposed for the Greenfield Industrial Park.

June 13, 2009 | Recorder, The [30 Day Embargo] (Greenfield, MA) 1706 Words
OpenURL Link

As the state and region try to move toward their goals of developing renewable energy alternatives to replace fossil-fuel burning generators, they face some conflict over proposals like the 47-megawatt Pioneer Renewable Energy plant.

A groundswell of opposition has emerged over the past few months over plans by Cambridge-based Madera Energy LLC to build a wood-burning generator adjacent to the park.

"Welcome to Brownfield: Home of the Toxic Incinerator" read a banner -- complete with a mock town boundary logo -- at a protest rally on the Greenfield Town Common last weekend. Organized by opponents of the plant, which is designed to burn clean wood waste, primarily from wood lots within a 55-mile radius, the rally gave voice to concerns about air emissions, wood supply, trucks and a range of other issues.

The Greenfield Zoning Board of Appeals, which is preparing to consider applications for the project by holding a public hearing Monday night at 7 in Greenfield Middle School, unwittingly fired up the opposition and sparked conspiracy theories by two last-minute postponements of its initial hearing -- once because of a lack of space and then because its chairman had broken his pelvis. Last-minute notices for the May 26 session were like red flags waved before the crowd of more than 150 opponents, who turned their presence in the middle school cafeteria into an impromptu, 45-minute rally against the proposal, using microphones to decry the plant.

Meanwhile, "Biomass? No Thanks" lawn signs have cropped up around the county, echoing a slogan popularized by the anti-nuclear movement a generation ago.

Each side in the current power struggle claims the high ground, labeling itself more environmentally sound over questions like whether biomass is truly a carbon-neutral technology needed to slow climate change and whether wood -- a native natural renewable resource to fuel the biomass plant -- would be harvested in a way that doesn't destroy the forests and hurt the ecosystem.

The Pioneer Valley Sustainable Energy Policy, developed by the Franklin Regional Council of Governments and Pioneer Valley Regional Planning Commission, calls for siting 100 megawatts of renewable power generation capacity in the three-county region by 2009 and replacing 15 percent of total fossil and nuclear fuels used for lighting, heating and transportation with other sources by 2020, while also cutting emission of greenhouse gases 3 percent a year to meet a 30 percent reduction goal by 2020.

Some biomass opponents say goals can be met by energy conservation, while others favor a scaled-down wood-burning generator that would also produce heat for a district heating plant.

Environmentalists are also divided over whether a technology that feeds off harvested trees by chipping the "slash" left behind after cutting and burning it to produce steam does enough to slow the rate of carbon added to the atmosphere, as called for in state and regional plans.

"There are people hopping out of the woodwork," said Alexandra Dawson, a Hadley environmental lawyer who has been working on biomass issues for two years and has been involved over the years on the Connecticut River diversion and other regional environmental battles.

"It's a genuine western Mass. movement, so it's highly unpredictable and totally disorganized. I discovered I

couldn't even make a list of who the players are. That explains why you get some wild differences of opinion. The only thing they have in common is they have a problem with biomass."

Dawson, who opposes the biomass plants because of concerns that they may impact forests around the region, faults the Deval Patrick administration for merging the state's environmental and energy secretariats and says the state is sacrificing careful environmental review to advance renewable energy projects.

"This administration is openly, with a huge amount of pressure, pushing renewable energy projects in western Mass.," she said.

"It doesn't take much with western Mass. people: you say Boston and they all take out their knives."

Although a complete environmental impact report wasn't mandated for a project of this size, Dawson said that, without one, "we out here all conclude, they all got together said, When it comes to energy projects, we're going to fast-track them."

With a group called Concerned Citizens of Franklin County poised to sue the state, alleging that Environmental Affairs Secretary Ian Bowles violated the law by not requiring a complete assessment of the "environmental damage" from the plant, the battle seems headed for a deadlock that might grind the proposal to a halt.

That's what has happened to the 30-megawatt Hoosac Wind project proposal, first unveiled early in 2003, with hopes of siting 19 wind turbines in Florida and Monroe by the end of 2004. The case is still hung up in appeals, and ownership has changed several times along the way.

"You could potentially bleed an individual project dry through repeated legal challenges, especially these smaller projects," said Susan Reid, director of Conservation Law Foundation's Massachusetts Clean Energy and Climate Change Initiative, which has raised concerns about the Russell biomass proposal but has not yet taken a position on the Greenfield project -- although she said it incorporates features that are improvements over earlier projects.

"Theses are not deep-pocket entities. You can fundamentally change the economics through filing lots of lawsuits and administrative law appeals." She added, "You can also in a much broader sense have a chilling effect," in conveying attitudes about whether renewable projects can be sited.

"We would still support a well-sited facility that makes a commitment to relying on sustainable fuel. But those boundaries, those protocols, haven't been well set."

The state has begun a "visioning process" to set the priorities for managing its 280,000 acres and is also updating the rules for how private woodlots around the state should be managed. Both would have a significant effect on the supply for biomass plants like Pioneer, which hopes to begin operation in 2013.

"We really need to grapple with this," Reid said of prioritizing what is the highest and best use of the wood supply. The sustainable fuel piece of the equation is huge. That hasn't been fully hammered out."

Although she said biomass advocates have oversold the "carbon neutral" advantage of the technology, Reid said some opponents are unrealistic about the need for renewable energy sources.

"Those electrons have to come from somewhere," she said. "If we're not pursuing wind, solar, biomass and even environmentally responsible hydro, we're going to continue to get those electrons from our fleet of really dirty coal-fired power plants and from nuclear energy facilities."

Nancy Hazard, an environmental energy consultant and co-chair of the Greening Greenfield Committee, which has been looking into a district heating plant for the town that could make use of a locally-owned, maximum 20-megawatt wood-burning plant, said, "The devil is always in the details."

Given the typical 24 percent efficiency of an electricity-generating biomass plant, versus a much higher efficiency for one that generates heat as well, and the propensity for people to continue wasting power and heat as long as it's cheap, Hazard said she's not convinced that a biomass plant of this size is needed at this time, give the demand it would place on forests.

Then again, she added, "The human race has never been at this crossroads before."

Greening Greenfield member Wendy Marsden, who was a chief proponent of a locally-owned, small-scale wood-fired plant as part of a district heating plant for Greenfield, said she's watched opposition to the Pioneer proposal grow, and while she has plenty of doubts about who would ultimately own and operate a 47-megawatt plant, she also has serious differences with many of the opponents.

"The people who've got the money set the rules," she said.

"But one of the options we have is to say what rules you have to follow. We make sure (proponent Matt Wolfe) has to pay for his pollution, for noise control, for anything that pisses us off. We have to turn our fears into rules."

Instead of trying to stop the plant, Marsden said, the community needs to set the bar high enough that either the plant is stopped or it succeeds with safeguards in place. "The world is changing, and we're still using electricity," Marsden said.

Wolfe, who says he's surprised at the level of opposition and is frustrated that in many cases, people repeat erroneous information even after he's made clear what his plans are, has taken to posting "myth-buster" information on his Web site at:

pioneerrenewableenergy.com

Coming into a situation where an "extraordinarily controversial" proposal for a Russell biomass plant galvanized opponents for several years, "People had four years to learn tactics like this," Wolfe said, pointing to a propaganda flier for "Biomass-O'a," depicting a belching smokestack.

"I know people from Russell came up here and got people really stirred up." Although the two wood-fired proposed plants are roughly the same size, he calls them "apples and oranges." Wolfe went door-to-door in the neighbrhood around Adams Road and Lover's Lane leaving information about the plant and set up a meeting with neighbors in late April -- probably a month later than he should have, he realizes now that people have gotten "fired up."

"It's very hard. These are complex issues," said Wolfe, who says he's borrowed from friends and relatives to get his proposal rolling. "There's a huge level distrust of me, of regulators, of elected officials at the local level and state level."

Madeline Cantwell, a Lover's Lane resident who co-hosts a "Concerned Citizens Network" group page on Facebook -- there's also a GreenfieldBiomass.info Web page -- said, "There are so many sources of concern with the project that that's producing a diverse body of concern.

"We're hearing from a lot of people picking up on a lot of different concerns and articulating what's most important to them." Cantrell, who is most concerned about diesel emissions from trucks and equipment and carbon emissions from the plant itself, said, "We're all susceptible to what the new silver bullet is.

"I don't agree with some of the philosophy behind the way biomass is interpreted to be green energy. This project is way out of scale. I'd potentially consider being in support of something smaller."

She rejects the notion that for a lot of people it comes down to "not in my backyard" and said leaving environmental protection up to even well-meaning local or state governments isn't clear-cut with complex issues like siting of energy plants.

"Everything is open to interpretation," she said.

"Regulation at the state or federal level is not exempt from that reality. Nothing is black and white."

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Local council acquires 750 acres on Hoosac Range

May 21, 2009 | North Adams Transcript (MA) Author: Jennifer Huberdeau | Section: Local | 757 Words OpenURL Link

North Adams Transcript

NORTH ADAMS -- The city is poised to become a destination for hikers, as the Berkshire Natural Resources Council has recently completed its acquisition of 750 acres of ridge line along the Hoosac Range, spanning from the Wigwam Western Summit to the Savoy Mountain State Forest.

"We now have over 10,000 linear feet of ridge line, offering multiple views along the Hoosac Range, which offers spectacular views and hiking opportunities," Narain Schroeder, acting president of Berkshire Natural Resources Council, said Wednesday. "While there are currently no improved trails on property, we hope to work with the state Department of Conservation and Recreation to develop a first rate hiking trail, with the trailhead located near the Wigwam Western Summit." On Monday, the group finalized a purchase of 97 acres from Mary Claire Walden for \$97,000. The Walden property was the last piece of the puzzle for the council, which purchased the Wigwam Western Summit gift shop, cabins and about 37 acres of land from Stephen and Karen Andrews at the end of April for \$470,000.

"This all started in 2007 with the purchase of two parcels of land through bankruptcy from the Adelphia Cable Corp., which featured terrific mountainside land with beaver ponds at high elevations and great views," Schroeder said. "We planned on owning these two parcels as standalone conservation parcels, but then we looked to the south and the north of us and realized there was only one piece of land between our holdings and Spruce Hill in the Savoy Mountain State Forest."

After purchasing 147 acres from the J.W. Kelly Corp. in December 2007, the group then set its sites northward, purchasing land from Timothy Caffrey of San Antonio, Texas, along with Michael Deep and West Shaft Realty Trust in the last year.

"We thought how great it would be to get out to Route 2 and thought that it could be a long-range vision, that maybe someday we'd get there," he said. "We started approaching the land owners along the ridge and to our great encouragement, they were interested. The project began to take shape and we began to feel our dream was not so wild and impossible." Schroeder added, "With so many multiple owners to work with, it could have fallen apart at any time and stopped us from connecting all of the parcels. On Monday our dream became a reality."

Mayor John Barrett III said he believes the council's plans will not only preserve spectacular views and create a destination for hikers, but also lend itself to a nice partnership between the private and public sectors.

"When I talked to their president, Tad Ames, several months ago about their plans for up there, we had discussed the purchase of the Wigwam and the city's desire to involve the private sector to keep part of it on the tax rolls," he said. "I think what they are doing will be a tremendous entrance to the city."

Schroeder said the council is quietly discussing a partnership, but that plans for the gift shop and cabins have not been finalized.

"We have an agreement in place with the current shop owners that allows them to remain in the house and gift shop through the end of September," he said.

Stephen Andrews, who has owned the Wigwam with his wife Karen for the last five years, said the couple would remain in the area, but was still trying to decide what their next move would be. Karen, a native of Hawaii, spends

the winters there with family.

"We do know that we'll be liquidating our inventory sometime in June or July," he said.

For the resource council, the final land acquisitions presents a unique conservation effort that will offer access to a remote area that has been closed to the public.

"The climb from the Wigwam to the top of the ridge line is about 1/2 an hour," Schroeder said. "From there, one can hike all the way from Route 2 to Spruce Hill in Savoy. The views are amazing."

The council is also negotiating a conservation restriction for the 750 acres, preventing any future development on the land including wind turbines. Much of the land falls just west of ridge line in Florida and Monroe, where 19 windmills are proposed as part of the long delayed Hoosac Wind Project. The restriction would remain in place even if the land was sold in the future.

"Our goal is a goal of public access for recreational purposes, not for energy production," Schroeder said.

To reach Jennifer Huberdeau, e-mail jhuberdeau@thetranscript.com.

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Berkshire blowback

April 7, 2009 | North Adams Transcript (MA) Author: Editorial | Section: Local | 399 Words OpenURL Link

While proponents of wind power are no doubt wringing their hands over last week's news that the Hoosac Wind project in the towns of Florida and Monroe has been delayed for up to another year, many of the sensible among us are applauding.

We have long opposed this overrated project for several reasons. Among them are excessive government subsidies to an out-of-country conglomerate (estimated at up to \$90 million over 30 years), minimal energy production (about the amount needed to power this state's electricity needs for half a day per year) and an undetermined negative impact on the environment of the Berkshire mountains.

The massive road building and clearing needed for grid connections alone make Iberdrola Renewables' supposedly "environmentally friendly" 30-megawatt wind farm far from attractive. But in an age when government officials are grasping to push the so-called "green energy" that is all the rage -- and have big bucks to do it -- we have little doubt the project will eventually get built.

Meanwhile, we thank groups like greenberkshires.org for fighting the good fight and appealing the state's decision to move ahead with this ill-advised idea on the grounds that the Department of Environmental Protection's acting commissioner did not follow agency regulations in approving wetland permits. We also thank the Berkshire Natural Resources Council for its efforts in buying up and protecting other ridge lines that power companies are certainly eyeing.

We have endorsed wind projects that make sense and have more local benefit, among them Jiminy Peak's "Zephyr," which caused minimal environmental disruption. Its grid connection was right next to the ski resort, and very little clearing and road building was needed. Hoosac Wind, with its 20 turbines -- 11 on the Hoosac Range in Florida and nine on Crum Hill in Monroe -- would require the building of 4 1/2 miles of roads and substantial tree clearing and blasting.

We won't even discuss the aesthetic impact of 340-foot-tall turbines (equivalent to about 34-story skyscrapers), all with flashing lights, on our local skyline. Perhaps, as some suggest, the turbines might even end up being a tourist destination of sorts, if enough of them get built.

We hope that doesn't happen. The Berkshires' natural attractions are enough for us, and to despoil our wilderness with overly expensive and minimally beneficial technology should require far more planning and foresight than our state and federal governments have shown thus far.

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Taking the wind out

April 2, 2009 | Berkshire Eagle, The (Pittsfield, MA) Author: Editorial | Section: Editorials | 242 Words OpenURL Link

Thursday, April 02 Yes, it is a shame, as Florida town administrator Christine Dobbert said in Wednesday's Eagle, that with the push for green power finally in full swing in the state and nation, misguided environmentalists and obstructionist North County residents continue to bind the Hoosac Wind Project in Florida and Monroe in red tape. Iberdola Renewables has shown remarkable patience through this laborious process and we hope it continues to do so.

The 30-megawatt wind turbine project has received the necessary permits and court go-aheads over the past few years, but the latest in a string of appeals could delay it for another year. Even though a Superior Court judge in January upheld the legality of a wetlands permit for the project issued by the state Department of Environmental Affairs, opponents are now dragging it before the Massachusetts Appeals Court, where it may linger until 2010.

These delay tactics clearly frustrate state Energy and Environmental Affairs Secretary Ian Bowles, who said in a recent visit to the Eagle that the construction of culverts at the crux of the wetlands appeal poses no threat that state environmental engineers could not overcome. Mr. Bowles maintains that the cumbersome appeal process needs to be reworked, and while this is obviously true, environmentalists may regret their hamstringing of a beneficial renewable energy project that will provide clean energy to the grid should it deprive them of some of the tools necessary to battle a truly destructive project in the future.

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Locals balk at turbine project

April 1, 2009 | Berkshire Eagle, The (Pittsfield, MA) Author: Scott Stafford, Berkshire Eagle Staff| Section: Local | 464 Words OpenURL Link

Wednesday, April 01 FLORIDA — A group of residents and state environmentalists will appeal the court decision that cleared the way for a 30-megawatt wind turbine project on Bakke Mountain in Florida and Crum Hill in Monroe. The appeal will likely delay the \$45 million project by a year at least.

The group maintains the Department of Environmental Protection's acting commissioner, in approving a wetlands permit for the project, did not follow the agency's regulations.

Superior Court Justice Frank M. Gaziano ruled earlier this year that DEP acting Commissioner Arlene O'Donnell's decision was OK. Attorney John C. Bartenstein, who represents the two groups, said the appeal will ask the Massachusetts Appeals Court to reconsider Gaziano's ruling.

Based on Gaziano's Jan. 21 ruling, some Florida residents hailed the project as finally being able to move forward.

Town Administrator Christine Dobbert said the town had been anticipating a windfall payment in lieu of taxes from the project's developer. Now with the appeal, that's been delayed: A state Appeals Court official said the case will likely take 12 to 18 months until resolution.

"I just think it's a shame," she said. "I really thought that with the president and everybody pushing for green communities and green power that they would not appeal this. But it isn't the end of the world. We'll move on."

Jan Johnson, a spokeswoman for Iberdrola Renewables, the company that owns New England Wind LLC, which, in turn, owns the Hoosac Wind Project, expressed disbelief that an appeal would have been filed in the face of economic hardships and a nationwide call for more clean energy.

"Despite positive assessments from state permitting authorities and repeated support from the communities, the proposed project is facing another delay at a time when the economic and environmental advantages of clean, home-grown, renewable power have never been more important for the commonwealth of Massachusetts," she said.

Johnson added that the delay will not dampen the company's enthusiasm for the project.

"We believe the Hoosac site remains an excellent site for development, and we look forward to the outcome of the appeal," she said. "We're disappointed, but not surprised. We are confident that the state's decision to grant the permit is correct and that the courts will once again uphold the permit."

The 20, 1.5-megawatt wind turbines would have a capacity of 30 megawatts, enough to power 9,000 homes. The project, which started in 2004, had its original permit withdrawn in February 2005, when local residents and environmentalists appealed DEP's wetlands permit.

Since then, the project has been tied up in the courts. The back and forth has centered on the wetlands permitting issue and the impact of construction on stream beds.

A spokeswoman for the Massachusetts Attorney General's office, who is representing the defendant — the Department of Environmental Protection — in the case, declined to comment.

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Hoosac Wind Appeal stalls wind project

April 1, 2009 | North Adams Transcript (MA) Author: Scott Stafford | Section: Local | 465 Words OpenURL Link

New England Newspapers

FLORIDA -- A group of residents and state environmentalists will appeal the court decision that cleared the way for a 30-megawatt wind turbine project on Bakke Mountain in Florida and Crum Hill in Monroe. The appeal will likely delay the \$45 million project by a year at least.

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'Green' economy looks ahead

March 31, 2009 | Berkshire Eagle, The (Pittsfield, MA) Author: Scott Stafford, Berkshire Eagle Staff | Section: Business | 709 Words OpenURL Link

Sunday, March 29 While the economic downturn has dampened growth of business in renewable energy installations and energy conservation projects, that growth is expected to pick up speed as technology advances and the economy recovers.

An interesting aspect of what has become known as the "green economy" is that for the first time, in considering investing in one of these projects, an ethical return — how the project will help to slow climate change and reduce the use of fossil fuels — is being considered along with the cost and the potential return on investment.

Two sectors likely to see the most growth are solar energy installations and retrofitting existing buildings to be more energy efficient.

The Center for Ecological Technology, located in Pittsfield, has seen rapid growth in the demand for energy audits of homes and businesses, and in the need for technicians and subcontractors to install energy conservation measures.

While the rate of growth has slowed, CET officials are still hiring more staff and expect the growth rate to pick up soon. During the past two years the number of CET employees went from fewer than 40 to 60, eight of them in the past month. CET officials are already setting up a training platform to bring more technicians up to speed.

"In Western Mass. there are around 125,000 houses that need to be retrofitted, and we'll have to do that in a systematic way," said Alan Silverstein, director of CET. "So we need to build a contractor network, and the early steps of that are happening now."

In solar energy, growth is continuing at Berkshire Photovoltaic Services, based in Adams. According to company president Chris Kilfoyle, the firm has seen 300 percent growth since 2003, and as technology advances and demand increases, that growth is likely to continue.

"Solar projects are easy to site, more viable and there are federal tax credits as well as the commonwealth solar program here in Massachusetts to help with the cost," Kilfoyle said. "You put it all together and it's a very good deal for people."

The owners of Barrington Brewery and Chrissy Farm, a brewery, restaurant and banquet facility in Great Barrington, just finished doubling their solar hot water system that feeds its brewing equipment. They went from 15 solar water heating panels to 30.

"All the hot water that we use in the brewery, the kitchens, and the bathroom all goes through the solar hot water system," said Andrew Mankin, a partner in the business. "Before we doubled our capacity, we had already cut about 50 percent out of our natural gas usage. And we use about 1,000 gallons of hot water a day."

Meanwhile, there are three multi-million dollar wind turbine projects in various stages of development in Berkshire County.

Once completed, each of these installations will bring thousands of dollars to the coffers of the towns in which they are built.

Another possible addition to the local green economy is in development.

Berkshire Biodiesel, an effort to set up a \$50 million biodiesel manufacturing facility in Pittsfield, is currently on hold due to the economic slowdown. But given the growing demand for biodiesel fuel, officials are hopeful the plan will be back.

"The opportunities for the green economy are on the rise in Berkshire County," said David M. Rooney, president of the Berkshire Economic Development Corporation.

The combination of renewable energy generation and "energy efficiency and conservation that exists for both businesses and residential is going to create jobs — plumbers, contractors, HVAC folks — to upgrade existing buildings. And there is going to be some opportunity with the stimulus funds to support that work," he said.

In the works ...

The Berkshire Wind Project: A 10-turbine, 15-megawatt project on Brodie Mountain in Hancock; owned by the Massachusetts Municipal Wholesale Electric Co. and likely to start construction this year with a goal of operating by the end of 2010.

Hoosac Wind Project: Twenty 1.5-megawatt turbines would include 11 turbines on Bakke Mountain in Florida and nine on Crum Hill in Monroe. Has a generating capacity of 30 megawatts, enough electricity to power 10,000 households. Originally scheduled for completion in 2007, project has been stalled by legal challenges since 2004.

Minuteman Wind Project: Five 2.5-megawatt wind turbines on West Hill in Savoy; construction target of 2010. (c) 2009 The Berkshire Eagle. All rights reserved. Reproduced with the permission of Media NewsGroup, Inc. by NewsBank, Inc.

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Shining a light in Adams

March 23, 2009 | Berkshire Eagle, The (Pittsfield, MA) Author: Editorial | Section: Editorials | 265 Words

OpenURL Link

Monday, March 23 The Adams Board of Selectmen had no cause to conceal its agreement to pay outgoing town manager William Ketcham \$45,800 last fall to his sever his three-year contract, information the board disclosed after being ordered to do so by the secretary of state's office. Glenn Drohan, editor of The Transcript in North Adams, protested the action to the state's supervisor of public records, which cracked a window in the dark chamber where Adams conducts its business. The town counsel argues the board could not reveal details of the financial agreement because to do so would violate a confidentiality clause with Mr. Ketcham and open the town to a lawsuit. Clearly, however, the board should never have agreed to a clause that would put the town in such a position in the first place.

Clearing way for wind

Wind energy must play a role in the state's efforts to reduce greenhouse emissions, and Secretary of Energy and Environmental Affairs Ian Bowles made clear his frustration to The Eagle Iast week that a "few committed opponents" can hamstring proposals from Cape Wind to the Hoosac Wind project in Florida and Monroe that are supported locally and have gained the necessary permits. Mr. Bowles said his office would work with the Energy Facilities Siting Board to expedite the permit process so projects won't be "tripped up over culverts," the easily resolved objection that has Hoosac Wind bogged down. We hope that opponents' misuse of the appeal process to stop good projects doesn't ultimately lead to changes in permit procedure that could make it easier for inferior projects to be approved.

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State shields 700 acres

February 28, 2009 | North Adams Transcript (MA) Author: Jennifer Huberdeau Byline: By Jennifer Huberdeau, North Adams Transcript | Section: Local | 477 Words OpenURL Link

Saturday, February 28 NORTH ADAMS -- The state plans to protect over 700 acres of ridge line in the Hoosac Mountain range from any future development, including wind turbines, as the Berkshire Natural Resources Council continues to create a corridor of land connecting the Florida and Savoy Mountain state forests.

Part of the plan calls for a major hiking trail for North Berkshire.

The City Council received a letter from the state Department of Conservation and Recreation on Tuesday, notifying the city that it plans to place a conservation restriction on 776 acres of the Hoosac Range, a majority of which belongs to the natural resources council.

"The conservation restriction will protect the land from development now and in the future," Wendy Fox, DCR spokeswoman, said Thursday. "Should the land be sold, the restriction remains intact."

The state has identified the Hoosac Range as part of its "Greenways" program, which aims to conserve ridge lines and other linear corridors of land along rivers and mountains "to provide nature with some unfragmented space to migrate."

Much of the land falls just west of land that is on the same range in Florida and Monroe where 19 windmills are proposed as part of the long-delayed Hoosac Wind project.

In addition to providing land for migration, the areas already conserved or about to be are also open to hiking and recreation trails.

"Our idea is to create a fantastic hiking trail along the ridge from Route 2 to Spruce Hill in Savoy Mountain State Forest, while also protecting the land," Narain Schroeder, acting president of Berkshire Natural Resources Council, said Friday.

He cautioned, "It's a work in progress, and we don't want to get ahead of ourselves."

In December, the resources council added another 47 acres along the Hoosac ridge line to its holdings. It purchased the land from Timothy Caffrey of San Antonio, Texas, for \$68,000. Schroeder confirmed on Friday that the resources council is in negotiations to purchase several other parcels along the ridge line, which would make the 47 acres contiguous with its other 630 acres, just north of Spruce Hill.

The nonprofit purchased 295 acres in the eastern higher elevations of North Adams from Michael Deep and West Shaft Realty Trust on Oct. 30 for \$190,000, giving it a contiguous mile of ridge line along the top of the Hoosac Range. The land is adjacent to 340 acres the organization purchased in 2007 -- it purchased 195 acres, in two parcels off East Mountain Road, from the bankrupt Adelphia Cable Co. for \$195,000 in September of that year, and bought an additional 145 acres from J.W. Kelly Enterprises Inc. for \$84,000 that December.

The resources council plans to work with the state Department of Conservation and Recreation to develop improved trail access to all that land, which is open to the public for hiking, bird-watching and other outdoor activities. Motorized vehicles are prohibited.

• Citation (aglc Style)

Jennifer Huberdeau Byline: By Jennifer Huberdeau, North Adams Transcript, 'State shields 700 acres', *North Adams Transcript* (online), 28 Feb 2009 https://infoweb.newsbank.com/apps/news/document-view?
p=WORLDNEWS&docref=news/126A98FCAEB1A0E8>



Turbines at a glance...

February 27, 2009 | North Adams Transcript (MA) Author: TheTranscript.com| Section: Local | 134 Words OpenURL Link

Friday, February 27 There is one wind turbine operating in the Berkshires -- a 1.5-megawatt turbine at the Jiminy Peak Mountain Resort in Hancock. There are three wind energy projects in development:

The Berkshire Wind Project: A 10-turbine, 15-megawatt project on Brodie Mountain in Hancock; owned by the Massachusetts Municipal Wholesale Electric Co. and likely to start construction this year with a goal of operating by the end of 2010.

Hoosac Wind Project: Twenty 1.5-megawatt turbines would include 11 turbines on Bakke Mountain in Florida and nine on Crum Hill in Monroe. Has a generating capacity of 30 megawatts, enough electricity to power 10,000 households. Originally scheduled for completion in 2007, project has been stalled by legal challenges since 2004.

Minuteman Wind Project: Five 2.5-megawatt wind turbines on West Hill in Savoy; construction target of 2010.

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• Citation (aglc Style)

TheTranscript.com, 'Turbines at a glance...', *North Adams Transcript* (online), 27 Feb 2009 https://infoweb.newsbank.com/apps/news/document-view?p=WORLDNEWS&docref=news/126A46CFA70230D8



Turbine venture defeats detractors

February 13, 2009 | Berkshire Eagle, The (Pittsfield, MA) Author: Scott Stafford, Berkshire Eagle Staff | Section: Headlines | 752 Words OpenURL Link

Friday, February 13 FLORIDA — A group of town residents and state environmentalists has lost a legal challenge against the Hoosac Wind Project, a 30-megawatt turbine venture planned for Bakke Mountain in Florida and Crum Hill in Monroe.

Their case — which hinged on permitting — attempted to reverse the state Department of Environmental Protection's June 2007 decision to grant a wetlands permit for the estimated \$45 million project.

Eleanor Tillinghast, president of Green Berkshires, a plaintiff in the case, said an appeal is being considered.

"We thought and continue to think that we have a strong case, and we're deciding whether to take it to the next level of appeal," Tillinghast said. "We thought that the wetlands permit was issued improperly and there were flaws in the reasons given for the permit."

The plaintiffs have until March 26 to appeal the ruling to the Massachusetts Court of Appeals, according to the Massachusetts Attorney General's office.

Paul Copleman, the spokesman for Iberdrola Renewables, the company that owns New England Wind LLC, which, in turn, owns the Hoosac Wind Project, said they hope the project can move forward soon.

"We still feel that the project is a good wind site and would be good for the state of Massachusetts," he said.

The 20, 1.5-megawatt wind turbines would have a total capacity of 30 megawatts, enough to power 9,000 homes.

Town officials in Florida, where budget issues are threatening to curtail local services, are also hoping the project moves forward so they can enter into an agreement with the developer which would include an annual payment to the town in lieu of taxes.

According to Christine Dobbert, town administrator, members of the Board of Selectmen are "keeping their fingers crossed."

"We are very relieved and hoping it is done and over with," Dobbert said. "We're just keeping our fingers crossed that they don't appeal."

An appeal would go to the Massachusetts Appeals Court, where a ruling could take nine to 18 months. A further appeal to the Massachusetts Supreme Judicial Court would stand little chance of being heard: An average of one in 10 cases are accepted by that court.

Officials at the DEP say this project is an important element in the state's initiative for more renewable energy generation in Massachusetts.

"We are pleased that the Superior Court justice has upheld the final decision of the DEP commissioner concerning the Hoosac Wind farm issue and we look forward to the project advancing," said Ed Coletta, spokesman for the DEP. "The DEP, the Executive Office of Energy and Environmental Affairs support renewable energy projects, and this would be one of a number of projects that would come on line in the months and years to come so we can have renewable energy as a major part of our energy portfolio."

So far in the oft-litigated project, one ruling has gone in favor of the plaintiffs, and two have favored the wind project.

The project, begun in 2004, had its original permit withdrawn in February 2005, when the two groups appealed DEP's wetlands permit to an administrative magistrate.

More than two years later, in May 2007, Administrative Magistrate Natalie S. Monroe ruled against the DEP's permit. She took issue with the standards for defining annual flood level measurements in the construction zone, and she predicted potential damage to protected wetland zones during construction.

In June 2007, DEP acting Commissioner Arlene O'Donnell had overruled the advisory decision of an administrative magistrate that some of the stream beds would be compromised beyond what's allowed by the construction of access roads. Her final ruling cleared the way for a new DEP wetlands permit. But on July 20, 2007, the opponents appealed her decision to the Suffolk Superior Court in Boston, alleging that O'Donnell's decision should be overturned.

The court hearing for the latest challenge was in August 2008.

The resulting ruling, issued on Jan. 21 by Superior Court Justice Frank M. Gaziano, denied the pleading of the so-called "Group of 10" that the acting commissioner did not consider evidence as required by DEP regulations, and denied the plaintiff's request for a stay and injunction to prevent the project from moving forward.

The average cost of building a wind farm in 2006, according to the 2007 Annual Report on U.S. Wind Power issued by the U.S. Department of Energy, ran about \$1,480 per kilowatt of capacity, putting the cost of building a 30-watt wind project at about \$44.4 million.

Copleman, spokesman for Iberdrola Renewables, declined to release an estimate on the projected cost of the project, saying the company considers that information proprietary.

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• Citation (aglc Style)

Scott Stafford, Berkshire Eagle Staff, 'Turbine venture defeats detractors', *Berkshire Eagle, The* (online), 13 Feb 2009 https://infoweb.newsbank.com/apps/news/document-view?p=WORLDNEWS&docref=news/1265A7900E1938F0



Steadily chipping away at environmental protection

January 24, 2009 | Daily Hampshire Gazette [30 Day Embargo] (Northampton, MA) Author: THE DAILY HAMPSHIRE GAZETTE; Staff Writer | Section: Opinion | 511 Words OpenURL Link

Environmental laws are hard won, especially those that do not directly benefit human safety or health. They are hacked out inch by inch by citizen complaint against a jungle of opposition and indifference. From my observation, no governmental body ever got up in the morning determined to preserve wetlands or rare species. Even the U.S. Supreme Court looks down its nose at wetlands protection.

Nevertheless these grassroots laws, once established, become popular with the general public. Those who wish their demise therefore clothe their wolfish efforts in the sheep's clothing of virtue. Right now, virtue in the environmental movement is embodied in the concept of fighting climate change, so we can expect - and are already seeing - high-minded attempts to weaken environmental protection in the name of saving the environment.

The Green Communities Act passed last summer is proving a prolific source of these efforts. Among other things, it established the Mass. Energy Facilities Siting Commission. The commission held its first meeting early in December where Ian Bowles, secretary of the Executive Office of Energy and the Environment (in that order), defined its role as "changing the landscape for siting renewable projects" in the state.

The group considered:

- · Whether current laws facilitate renewable energy facilities siting.
- · Whether current laws favor fossil fuel plants.
- · Whether there should be "as of right" siting for renewable energy development in industrial zones.

Predictably, the outcome of the discussion that followed, according to the minutes, was that the state and local permit processes are problematic, lengthy and unpredictable; that local ordinances and bylaws are a major roadblock; and that "one stop shopping" is essential to streamlining the siting.

This meeting, and these conclusions, are clearly related to two controversial projects facing local resistance: the Hoosac wind project and the Russell biomass plant. Never mind that the wind project was held up, not because of the turbines but because the road built to transport them violated the wetlands act; and the biomass plant vastly overestimates our available supply of clean wood waste, will use more water than the Westfield River can really afford, and will burden the town with truck traffic that offended even the Energy Department. No more of that sort of roadblock, folks. You can bet that the state's Onestop Shop will not involve any tiresome Environmental Impact Reports from the MEPA office. And the "as of right" provision would open up undeveloped "industrial" areas with a lot of wetlands fiddle-dee-dee as EOEEA and DEP cooperate in making "comprehensive changes to existing policies" that will also probably make it OK to site energy projects on protected "Article 97" lands.

While the auto companies and everyone else get till 2020 to get their acts together, apparently Massachusetts cannot afford the time and effort to assure that its renewable energy projects will not harm the environment, pollute the air and water, and consume open space in the second most densely developed state in the nation.

EOEEA needs to get back to its roots and protect the environment.

Alexandra Dawson writes a monthly column about environmental and conservation issues.

• Citation (aglc Style)

THE DAILY HAMPSHIRE GAZETTE, Staff Writer, 'Steadily chipping away at environmental protection', *Daily Hampshire Gazette* (online), 24 Jan 2009 https://infoweb.newsbank.com/apps/news/document-view?
p=WORLDNEWS&docref=news/125EF6CEAC510820>



Patrick unveils big wind push for Mass.

January 18, 2009 | Westerly Sun, The (RI)
Author: Steve LeBlancAssociated Press Writer | Section: News | 615 Words
Page: A21
OpenURL Link

New England money & business

Patrick unveils big wind push for Mass.

BOSTON - Wind turbines would increasingly dot the Massachusetts landscape under a plan unveiled by Gov. Deval Patrick last week to ramp up the state's reliance on wind power over the next dozen years.

Patrick said he wants the state to be producing 2,000 megawatts of wind electricity annually by 2020, enough to power 800,000 homes - or about 10 percent of the state's current energy needs.

The state has just nine major wind turbines now, producing less than seven megawatts of power annually.

There are another 300 turbines in various planning and permitting stages, including the proposal by Cape Wind Associates to build 130 windmills across 25 miles of federal waters in Nantucket Sound - enough to generate an estimated 420 megawatts of power.

Patrick pointed to recent successes in helping jump-start the state's solar power industry, including the popularity of a state rebate program designed to encourage homeowners to install solar panels on their homes "Now is the time to turn to wind power," Patrick said.

Patrick pointed to what he called "the abundant wind resource we have off our coast" and said local communities are increasingly interested in building their own turbines to ease energy costs. He also said that increasing reliance on wind power will lure businesses and jobs to the state and help make Massachusetts a leader in clean energy technology. The state has already been selected by the U.S. Department of Energy for one of two wind turbine testing centers.

But wind power has come under fire from those who say the long, spindlyarmed turbines mar the landscape and can harm migrating birds.

Critics of the Cape Wind project, including Sen. Edward Kennedy, have battled for years to try to block the project, in part by saying its location in Nantucket Sound will ruin views off of Cape Cod.

But supporters say that wind turbines are inevitable as the state - and country - weans itself off carbon-emitting fossil fuels.

"If you look at the environmental impact of coal-fired power plants and think about all the kids who have asthma and the trade-off of getting accustomed to a new landscape for clean energy, the vast majority of Massachusetts residents are ready for that," said Environmental Affairs Secretary Ian Bowles.

Bowles said that wind turbines only make sense where there is a lot of wind - on top of hills, along ridge lines, or near the shore. To reach Patrick's goal of 2,000 megawatts, he said, would require between 1,000 and 3,000 turbines, depending on their size.

"The reality is that three-quarters of Massachusetts is never going to be appropriate for wind development," he said.

To give the industry a boost, lawmakers included in the state's new Green Communities Act a mandate that energy companies in Massachusetts buy an increasing percentage of their power from renewable sources, such as wind, solar and biofuels.

It also requires energy companies enter into long-term contracts with green energy companies, making it easier for those companies to get the business loans they need to grow.

Like solar power, wind appears to be taking off. About 50 cities and towns have expressed interest in installing turbines. Falmouth is already building two.

Other proposed projects in the "wind pipeline," include: • Patriot Wind, Buzzards Bay (120 turbines; 300 megawatts) • Hoosac Wind, Monroe (20 turbines; 30 megawatts) • Berkshire Wind, Hancock (10 turbines; 15 megawatts) • Bog Wind, Wareham (9 turbines; 15 megawatts) • Minuteman Wind, Savoy (5 turbines; 12.5 megawatts) • Hull Offshore (4 turbines; 12 megawatts) If all the projects are eventually built, they would produce 800 megawatts of power, more than a third of the 2,000 megawatt total proposed by Patrick.

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• Citation (aglc Style)

Steve LeBlancAssociated Press Writer, 'Patrick unveils big wind push for Mass.', *Westerly Sun, The* (online), 18 Jan 2009 A21 https://infoweb.newsbank.com/apps/news/document-view?p=WORLDNEWS&docref=news/125CD3639E6DBFC8



Freeing up wind

January 16, 2009 | Berkshire Eagle, The (Pittsfield, MA) Author: Editorial | Section: Editorials | 284 Words OpenURL Link

Friday, January 16 Governor Deval L. Patrick has set the bar extremely high for development of wind power in the state, but an excess of ambition is preferable to timidity. Increased development of wind power has potential economic and environmental benefits, both of which will be magnified if the state can position itself on the cutting edge of this promising technology.

The governor Tuesday established a goal of 2,000 megawatts of wind-power capacity by 2020, enough to supply electricity to 800,000 homes. The more energy is generated by wind, the less need there will be on the grid for coal, oil and other forms of energy that pollute the land, water and atmosphere.

There are only nine wind turbines operating in the state generating 6.6 megawatts, so much will have to be accomplished in the next 11 years for the governor's goal to be reached. Realistically, much of this wind energy will be generated where wind is most plentiful, off the state's Atlantic coast. Projects like Cape Wind, still working its way through a laborious appeal process, will be crucial.

Berkshire mountaintops must a play role, however. There are three projects in various stages, with the Hoosac Wind Project, which proposes 11 turbines in Florida and Monroe, far too representative of what befalls wind projects in this state. Turbine proposals must meet environmental standards, but opponents have used the appeal process to tie the Hoosac project in bureaucratic knots for nearly five years. A state commission now reviewing laws related to wind turbines must recommend a consistent, uniform system for approving and regulating such projects that factors in environmental concerns without creating insurmountable obstacles and allowing for endless appeals. Failing this, the state will miss a great opportunity.

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• Citation (aglc Style)

Editorial, 'Freeing up wind', *Berkshire Eagle, The* (online), 16 Jan 2009 https://infoweb.newsbank.com/apps/news/document-view? p=WORLDNEWS&docref=news/125C1A59ADA6AD10>



Patrick sets 'huge' wind power goal

January 14, 2009 | Berkshire Eagle, The (Pittsfield, MA) Author: Scott Stafford, Berkshire Eagle Staff| Section: Headlines | 963 Words OpenURL Link

Wednesday, January 14 Gov. Deval L. Patrick on Tuesday called for a major increase in wind power in Massachusetts, a movement that could be a boon for Berkshire businesses that have already been pursuing turbines.

Patrick set a goal on Tuesday of 2,000 megawatts of wind-power capacity by 2020, enough to supply electricity to 800,000 homes.

"We have already made a commitment to reaching 250 megawatts of solar power in Massachusetts by 2017, and we are moving toward that goal," Patrick said in a written statement. "Now is the time to turn to wind power, where we should reach even higher."

But reaching that goal will be difficult. There are currently only nine wind turbines operating in Massachusetts, a capacity of 6.6 megawatts; Patrick's goal will require more than 1,300 additional turbines. While there are more than 300 in the pipeline, many will fail to clear planning and permitting hurdles and will never be built.

Some industry participants say Patrick's goal is very ambitious, possibly even unrealistic, but add that an aggressive stance is good for the green energy industry and for the consumer.

"We're not even remotely close to that — it is a huge goal," said Tyler Fairbank, CEO of EOS Ventures, a renewable energy development firm based in Hancock. "That being said, I love big, audacious goals, but setting the goal is one thing. Putting together the instruments to help achieve that goal is entirely different. If that's what his intent is, then it's a good thing."

As part of the initiative, statewide permitting and siting procedures are to be standardized and streamlined, which both developers and conservation advocates maintain will be important for the future success of wind energy.

"Our concern has always been siting," said Narain Schroeder, director of land conservation for the Berkshire Natural Resources Council. "We don't believe it's appropriate to develop areas that are dedicated conservation lands, including state forests, wildlife management areas or public watersheds. These lands already serve an important public purpose and development of these lands conflicts with the primary public purpose for which the land was acquired."

He noted that the resources council applauds the governor for his commitment to land conservation and renewable energy, but added that there should be a consistent, statewide siting plan for locating wind turbine projects "so that we in the Berkshires are treated no differently than areas on the Cape in terms of review." He added that extensive pre-construction surveys should always be a part of the siting procedure and funds need to be available for the cost of decommissioning a wind project.

Recent legislation created a commission to review current energy siting laws and propose changes. That commission is expected to make recommendations this spring.

"Basically permitting and zoning is left up to local rule, and that changes, sometimes street-by-street," Fairbank said. "There is no uniformity to the regulatory process that we as developers have to walk through. Streamlining the regulatory process to align with that big goal is really important."

State officials will also be identifying new ways to make wind power economically feasible, which developers says is

essential to growing the industry.

"One of the biggest challenges to a project like this is economic," Fairbank said. "State subsidy is a critical piece of it by making grants available. There is already some good infrastructure. Can it be enhanced? Sure. My sense is there are going to have to be some significant enhancements to the program to reach this goal."

Patrick administration officials note that 2,000 megawatts of wind energy would meet an estimated 10 percent of the state's current electricity demand and reduce greenhouse gas emissions by 3.1 million tons, or roughly 12 percent of emissions from power plants today.

Because the demand for power in New England continues to increase, but there are no new sources of power in development, the cost of power is likely to continue to rise. But if this goal is reached, and 2,000 megawatts of power is flowing into the grid, the supply of power will increase significantly and the pressure on the retail price could ease, Fairbank noted.

In addition, he said, building turbines means local manufacturing, construction and engineering jogs. "So from an economic development perspective, it has great implications."

But there are only so many places with enough wind to make a wind turbine practical, and only a few of those are in the higher altitudes of Western Massachusetts. State officials expect the bulk of the 1,300 wind turbines to end up off the coast in state waters.

So officials are working to develop a plan for siting wind projects on oceanic sites.

A state comprehensive ocean management plan is expected by the end of 2009 to identify appropriate locations in state waters. Another study of potential sites on state-owned land is due Feb. 1.

"With the growing interest in wind turbines we see in communities across the commonwealth, and the abundant wind resource we have off our coast, wind power is going to be a centerpiece of the clean energy economy we are creating for Massachusetts," Patrick said.

At a glance ...

There is one wind turbine operating in the Berkshires — a 1.5 megawatt turbine at the Jiminy Peak Ski Resort in Hancock. There are three wind energy projects in development:

The Berkshire Wind Project: A 10-turbine, 15-megawatt project on Brodie Mountain in Hancock; owned by the Massachusetts Municipal Wholesale Electric Co. and likely to start construction this year with a goal of operating by the end of 2010.

Hoosac Wind Project: Twenty, 1.5 megawatt turbines, would include 11 turbines on Bakke Mountain in Florida and nine on Crum Hill in Monroe. Has a generating capacity of 30 megawatts, enough electricity to power 10,000 households. Originally scheduled for completion in 2007, project has been stalled by legal challenges since 2004.

Minuteman Wind Project: Five, 2.5-megawatt wind turbines on West Hill in Savoy; construction target of 2010. (c) 2009 The Berkshire Eagle. All rights reserved. Reproduced with the permission of Media NewsGroup, Inc. by NewsBank, Inc.

• Citation (aglc Style)

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At a glance...

January 14, 2009 | Berkshire Eagle, The (Pittsfield, MA) Author: City| Section: Headlines | 136 Words OpenURL Link

Wednesday, January 14 There is one wind turbine operating in the Berkshires — a 1.5 megawatt turbine at the Jiminy Peak Ski Resort in Hancock. There are three wind energy projects in development:

The Berkshire Wind Project: A 10-turbine, 15-megawatt project on Brodie Mountain in Hancock; owned by the Massachusetts Municipal Wholesale Electric Co. and likely to start construction this year with a goal of operating by the end of 2010.

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Minuteman Wind Project: Five, 2.5-megawatt wind turbines on West Hill in Savoy; construction target of 2010.

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• Citation (aglc Style)

City, 'At a glance...', *Berkshire Eagle, The* (online), 14 Jan 2009 https://infoweb.newsbank.com/apps/news/document-view? p=WORLDNEWS&docref=news/125BC582898EDE70>



Council will preserve Hoosac range ridge

November 4, 2008 | North Adams Transcript (MA) Author: Jennifer Huberdeau, North Adams Transcript | Section: Local | 465 Words OpenURL Link

Tuesday, November 4 NORTH ADAMS -- A ridge line in the Hoosac Mountain Range that local developer Michael A. Deep had once proposed for a windmill project has been preserved indefinitely by the Berkshire Natural Resources Council.

The council purchased 256 acres in the eastern higher elevations of the city from Deep and West Shaft Realty Trust on Oct. 30 for \$190,000, giving the nonprofit a complete mile of ridge line along the top of the Hoosac Range.

The property is just west of land on the same range in Florida and Monroe where 19 windmills are proposed as part of the long-delayed Hoosac Wind project.

"We are looking to preserve ridge line around the county because these high elevations support a diversity of habitats for animals and plant life and are of great scenic beauty -- all of which are important to us," Tad Ames, council president, said Monday.

He added, "This is a beautiful parcel with rich woods, extraordinary wetlands, dramatic views and abundant wildlife. We will continue to examine all opportunities to preserve ridge lines around the county, including those in the Hoosac Range, in the future."

While not commenting specifically on the natural resources council's position on windmill projects in the county, Ames said, "Berkshire County is very lucky that much of its high-elevation landscape was conserved in the earlier parts of the 20th century. Places like Mount Greylock, Ragged Mountain, Spruce Hill and Monument Mountain are great places to visit, and they are also excellent places for a variety of wildlife -- and they are a joy to look at throughout the year. We are thrilled to be adding the Hoosac Range to this list, little by little."

Ames said the newly acquired land complements the council's other land holdings in the area, which includes an adjacent 340 acres just north of Spruce Hill in Savoy Mountain State Forest. The organization purchased 195 acres, in two parcels off East Mountain Road, from the bankrupt Adelphia Cable Co. for \$195,000 in September 2007. An additional 145 acres was purchased from J.W. Kelly Enterprises Inc. for \$84,000 that December.

In September, Ames and the resources council appealed to residents in North County, asking them to help support both the acquisition of the North Adams land and associated closing costs.

"We fell short of our goal by \$65,000, but we thought that it wasn't that bad of a shortfall," Ames said. "Thanks to the support of many new and old friends in Northern Berkshire and all over the county, we can now guarantee a conservation future for this part of the mountain."

He said the group will work with the state Department of Conservation and Recreation to develop improved trail access to the land, which is open to the public for hiking, bird-watching and other outdoor activities. Motorized vehicles are prohibited.

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• Citation (aglc Style)

Jennifer Huberdeau, North Adams Transcript, 'Council will preserve Hoosac range ridge', *North Adams Transcript* (online), 4 Nov 2008 https://infoweb.newsbank.com/apps/news/document-view?p=WORLDNEWS&docref=news/12445DF22CBAE5B0



Let there be wind, already

May 25, 2008 | Berkshire Eagle, The (Pittsfield, MA) Author: Lauren R. Stevens | Section: Other Opinions | 540 Words OpenURL Link

Monday, May 26 STAMFORD, VT.

May 26, 2020

In an unusual legal maneuver, opponents of the construction of the Hoosac Wind turbines, having exhausted all terrestrial adjudication, yesterday appealed previous rulings to God. Through a spokesperson, God today called upon the so-called Group of Ten to "move on."

The Group consists of some potential neighbors of the wind farm and a regional organization, Green Berkshires. The turbines, proposed by PPM, would generate enough electricity for 9,000 homes.

The winged spokesperson delivered the message at a hastily convened news briefing this morning at the Western Summit of the Mohawk Trail, close to the proposed site. He or she said that after 16 years of challenging the efforts of a developer to install 20 wind turbines atop Bakke Mountain in Florida and Crum Hill in Monroe, it was time for the opponents "to relax." According to the spokesperson, who was not only anonymous but androgynous, "in the view from above, the world is a pretty dirty place, and we believe that reliance on wind energy can improve the situation."

The Group of Ten first challenged the Massachusetts Department of Environmental Protection's ruling allowing road access to the proposed building site in 2004. They were successful in getting an administrative magistrate to reverse that in 2007. A few months later the state's DEP Commissioner overruled the advisory finding of the magistrate, but the Group immediately appealed to the Suffolk Superior Court. From there the matter went to the Massachusetts Appeals Court.

Following their defeat there in 2009, the Group appealed to the U.S. Supreme Court, which ruled against them in 2011. It took the World Court, in The Hague, until a month ago to hear the matter. That negative decision led the Group to try for heavenly intervention. The response, although not what they wanted, came quickly.

According to the spokesperson, "God regards wind as a natural phenomenon with spiritual overtones; whereas global climate change threatens the world as it was created. Although of course God likes the Berkshire ridge lines just as they were made, a few more towers added to the development already there won't amount to much in the big picture and will contribute to global solutions.

"Wind energy is renewable, nonpolluting and free, once the capital costs of the turbines are met. God promises that the wind will continue to blow long after supplies of oil, gas and even coal run out.

"Just what kind of a world it will be blowing upon depends a lot on what people do now," the spokesperson added. "From heaven we see increasing pollution resulting from people's continual misuse of the resources made available to them. People appropriately look out for their self-interest, as a strategy for maintaining the species, but they were also created with sufficient intelligence and altruism to figure out how improve their own lives with those of their fellow creatures on the earth.

"Many major environmental ills plague the earth," according to the spokesperson. "Hoosac Wind isn't one of them."

When asked after the briefing what moves were left, a representative of the Group of Ten asked the spokesperson if there were someone else up there she could talk to.

At least, that's how it looks from Stamford, Vermont.

A writer and environmentalist, Lauren R. Stevens is a regular Eagle contributor.

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Taking the wind out

May 6, 2008 | Berkshire Eagle, The (Pittsfield, MA) Author: Editorial | Section: Editorials | 506 Words OpenURL Link

Tuesday, May 06 Environmental regulations, like all regulations, don't exist in a vacuum. They can be used for good or ill. If they are used to endlessly bog down a beneficial environmental project that doesn't meet an arbitrary "green" standard, they are being used counter to their intended purpose. That is the case with the long-stalled plan to build 20 wind turbines in Florida and Monroe.

The cleanup of the Housatonic River south of Pittsfield is so complex, the ramifications of the eventual strategy so far-reaching, that the process by definition must be cautious, no matter how frustrating to all parties. In the case of a proposal as cut and dried as the Hoosac Wind Project, however, the four years and counting delay is inexcusable. It doesn't speak well of the state's regulatory process that it can be so easily misused.

Half of that four-year delay came because the plan sat collecting dust for two years in the office of the state administrative magistrate, where it ended up after the ostensibly pro-environment groups opposed to the wind project appealed a wetlands permit granted by the state Department of Environmental Project. After the magistrate finally got around to overturning the permit, the DEP overruled that opinion based on new standards established for the protection of wetlands in the construction of roads needed for the building of the windmills. Project opponents have now gone to court seeking an injunction to stop construction from getting under way.

It is apparent that opponents hope to delay the project until PPM, the company behind it, gives up either out of frustration or because of rising costs. The strategy may work because the cost of building a wind farm went up \$6.6 million in 2006, according to statistics on wind power from the U.S. Department of Energy. Based on those rough numbers, the project's cost increased by about \$12 million during the two years the proposal sat on a desk in the office of the administrative magistrate.

The Patrick administration has made advancing renewable energy sources and cutting down on a needlessly cumbersome regulatory process that discourages enterprising businesses two if its priorities, and the hindrance of the Hoosac Wind Project stands in opposition to both. Whatever it can do to untangle the PPM application would be welcome.

We are encouraged that the Minuteman Wind Project calling for the construction of five wind turbines in Savoy is proceeding apace. In light of what has gone on in Florida and Monroe, the town and project advocates have tried to anticipate and address objections, which unfortunately offers no protection against nuisance lawsuits designed to bind the project in red tape.

Wind projects are part of the solution to America's addiction to energy sources that are bankrupting car owners and businesses and polluting the countryside and atmosphere. Berkshire County has an opportunity to be at the forefront of the maturing of wind as an energy source. It is unfortunate that environmental regulations designed to protect the environment are being misused to stall projects that will contribute to that worthy cause.

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Florida, Monroe wind turbine project slows

May 5, 2008 | Berkshire Eagle, The (Pittsfield, MA) Author: Scott Stafford, Berkshire Eagle Staff| Section: Headlines Top Story| 1168 Words OpenURL Link

Monday, May 05 FLORIDA — While Massachusetts Gov. Deval L. Patrick continues to push for more renewable energy and conservation efforts, a plan to build 20 wind turbines in Florida and Monroe is stymied by a protracted legal challenge from environmentalists.

The so-called "Group of Ten" has, since 2004, been challenging a Massachusetts Department of Environmental Protection permit allowing road construction across 12 streams on the way to the turbine sites on Bakke Mountain in Florida and Crum Hill in Monroe.

The proposed turbines would generate 1.5 megawatts of power, for a total of 30 megawatts, enough to supply electricity to 9,000 homes on the power grid.

"We want to be sure that the state's environmental regulations are properly enforced," said John C. Bartenstein, the attorney representing neighboring opponents and another organization, Green Berkshires.

"The delays have been unfortunate," said Paul Copleman, spokesman for PPM, the company that owns the Hoosac Wind Project. "But we still feel that the site remains an excellent location for a lot of different reasons."

The legal path carved by the dogged opponents to this project is long and has resulted in more than four years of delays. In the meantime, the estimated costs of the project have grown by millions of dollars.

Between 2005 and 2006, the average cost of building a wind farm rose \$220 per kilowatt of capacity, according to the 2007 Annual Report on U.S. Wind Power issued by the U.S. Department of Energy. The estimated average cost of building a 30-megawatt wind project, therefore, increased by about \$6.6 million in one year, to \$44.4 million, at \$1,480 per kilowatt of capacity in 2006.

Florida town officials are becoming increasingly frustrated with the seemingly endless delays, said Christine Dobbert, town administrator.

"Everybody is very frustrated," she said. "The hope was that (the wind turbines) would have gone up a year ago. Our biggest fear is that (PPM Energy) will pull out because the cost has gone up so much. The Selectmen have done everything they can to help this move forward."

Dobbert characterized the project as "good for the town financially and good for the environment. It's just a good project."

The town is negotiating with PPM on how much the company will pay the town every year in lieu of taxes.

Next hearing Aug. 7

The legal wrangling on this latest appeal started on July 20, 2007, and the next hearing in the case is set for Aug. 7. A ruling is expected several months after the hearing.

The project, begun in 2004, had its original permit withdrawn in February 2005, when the two groups appealed DEP's wetlands permit to an administrative magistrate.

More than two years later, in May 2007, Administrative Magistrate Natalie S. Monroe ruled against the DEP's permit.

She took issue with the s tandards for defining annual flood level measurements in the construction zone, and she predicted potential damage to protected wetland zones during construction.

She noted that the open-bottom culverts used for roads crossing the streams would threaten vegetation on stream banks.

New roads are needed to transport parts for the 340-foot tall turbines and heavy construction equipment to the ridgelines where foundations will be installed. Eleven turbines would be erected on Bakke Mountain in Florida and another nine on Crum Hill in Monroe.

In June 2007, the acting commissioner of the DEP, Arleen O'Donnell, overruled the magistrate's advisory finding, based on new standards for the protection of stream beds.

Her final ruling cleared the way for a new DEP wetlands permit. But on July 20, the opponents appealed her decision to the Suffolk Superior Court in Boston, alleging that O'Donnell's decision should be overturned.

The defendants in the lawsuit are the DEP and New England Wind LLC, the company set up by PPM to build the turbine project.

Last Oct. 3, the new DEP commissioner, Laurie Burt, issued the final order of conditions, allowing the project to go forward. But the plaintiffs — listed in the pleadings as the Ten Local Citizen Group and the Ten Person Environmental Group and commonly referred to as the Group of Ten — filed for an injunction to prevent construction.

In response, McGregor & Associates, attorneys for New England Wind, wrote to the court that in raising yet another challenge, "the plaintiffs signal again their purpose to delay this important renewable energy project to provide sufficient power for approximately 9,000 homes."

The plaintiff's lawyers deny that their efforts are an attempt to hold up construction.

Both sides in the dispute have foregone arguments regarding the injunction, so long as construction does not take place on the site.

Instead, both parties are focused on the environmentalist's argument that the original magistrate's ruling was supported by law and that the acting commissioner's reversal is not, Bartenstein said.

In seeking a judgment, McGregor & Associates wrote that the "plaintiffs, only some of whom reside in the two towns in which the project will be built, opposed this wind power project throughout the local and state wetlands permitting process where they lost at every turn. They just do not want it built in the Berkshires."

The parties are challenging each other's evidence regarding the mean annual flood levels and the use of openbottom culverts.

At one point, the defendants point out that the open bottom culvert is the least invasive approach to support a road crossing a stream. It's the currently recognized construction standard for doing so, and the plaintiff offers no alternate solution for crossing the stream with less impact, according to the McGregor & Associates.

PPM lawyers maintain that environmental permitting laws give the DEP legal authority to decide "how much (environmental) harm is allowable and how much mitigation is necessary. ... Here the project stayed out of the wetland resources almost completely and so easily meets the standards of DEP."

And even if the plaintiff's claims are taken as true, the pleading concludes, "that does not amount to a legal claim, let alone one of substantial harm to the plaintiffs."

Attorneys for the Group of Ten wrote in a memorandum that "the rights of the public and proper enforcement of the Wetlands Protection Act ... are more than substantial."

Their memorandum continues that if the magistrate correctly found that PPM has not satisfied the requirements for a wetlands permit for this "massive road project," the rejection of that decision by the DEP Acting Commissioner without proper basis in law or fact can hardly be classified as 'insubstantial' or 'harmless error.'

Appeal likely

Observers agree that whichever way the judge rules in his decision after the Aug. 7 hearing, an appeal appears likely.

An appeal would go to the Massachusetts Appeals Court, where a ruling could take nine to 18 months. A further appeal to the Massachusetts Supreme Judicial Court would stand little chance of being heard: An average of one in 10 cases are accepted by that court.

William B. Pardee, Massachusetts assistant attorney general representing the DEP, declined to comment because the litigation is ongoing. Attorneys representing PPM Energy also declined to comment for the same reason.

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