

## **News & Events around Wind in Vermont This Week and Next Week:**

*This email contains many of the news articles from the last few days (not even all of the last week, there are so many). In putting together this compilation, I found a Fox 44 TV news piece I hadn't seen before, and a blog from Canada that is an excellent summary of recent events.*

1. Continuation of Court Hearing, GMP vs. the Nelsons, Tuesday, Oct. 25, 10 a.m., Orleans Superior Court, Newport

2. Protest at Sheffield wind site (article below), begin convening at 10 a.m., official ceremony requires RSVP, goes from 11 to 1 and includes lunch.

<http://www.marketwatch.com/story/vermont-governor-shumlin-to-join-first-wind-at-ribbon-cutting-ceremony-to-commemorate-completion-of-sheffield-wind-project-2011-10-19>

3. Call the Governor. (802) 828-3333. When people complain about the Sheffield project, tell them to call the governor. When people ask what they can do about Lowell, tell them to call the governor. We have heard that so many people are calling the governor, they have had to dedicate one person to handle all the calls. Keep it coming.

4. The protest taking place on the Lowell Mountains in Vermont is getting noticed by people who have previously not paid any attention to wind issues, and it is spreading outside of Vermont, partly thanks to this blog post (full text below) by Seven Days <http://7d.blogs.com/blurt/2011/10/occupy-lowell-mountain-now-blogging-from-the-blasting-zone.html> about the blog of the Mountain people <http://lowellmountainsnews.wordpress.com/>. The people writing the Mountain Talk blog are producing a work of art. If you haven't

taken a look yet, you'll probably find you'll be checking it for updates every day.

5. Carol Irons began a hunger strike recently protesting the Lowell wind project, and she has received her first news coverage, below.

6. Got a letter to the editor bursting to come out? Here's a listing of where and how to submit your letter: <http://energizevermont.org/write-letters/>

7. Photos of construction of "Granite Reliable"

<http://www.brookfieldpower.com/granitewind> 3 MW x 33 turbine wind project in Coos County, NH:

[http://www.vce.org/Sentinel 10.12.11 pg 1and20.pdf](http://www.vce.org/Sentinel%2010.12.11%20pg1and20.pdf). Here's an interesting piece about the project and its connection to Occupy Wall Street:

<http://pajamasmedia.com/tatler/2011/10/13/greens-occupy-wall-street-indeed/>

-----  
A discussion yesterday between John Dillon and Steve Zind on VPR's Vermont Edition about the Lowell wind project and the court case.

[http://www.vpr.net/news\\_detail/92320/](http://www.vpr.net/news_detail/92320/) Also there's a discussion about Sen. Illuzzi's petition re: the GMP/CVPS merger and Beth Robinson's appointment to the VSC.

-----  
Vermont This Week last night featured Ken Picard of Seven Days discussing the Lowell wind project and court issues, it's about midway through and airs again Sunday morning. The discussion begins 10 to 15 minutes into the program. For months, the Lowell wind story has usually been a few brief comments at the end, and then last week it came after the first 15 minutes. This is the first time it's been within the first 15 minutes: <http://www.vpt.org/show/4840>

-----  
Matt's report on his discussion yesterday with Ethan Ready of the USFS about the Deerfield Wind project. Matt called because previously the USFS said a decision would be released Aug. 20, then they said Oct. 20, and now here's the answer:

Just got a call back -- they have compiled the "thousand-odd" comments, analyzing to make sure there are no glaring issues that present themselves through that process that need to be reviewed, then there will be a final EIS with a ROD "in the near future" -- optimistic that by the end of December will have a decision and all the information for the final analysis -- "then we will see where we go from there".

What of the Presidents listing? I asked -- he was vague, but basically said they would follow the process as outlined by the federal regs, it wouldn't have an impact. (He found out about the listing by a Google alert.)

-----  
**Other news coverage of the court hearing and other wind-related news:**

Farmer Stands Tall Against GMP: <http://vimeo.com/30951028>  
<http://www.wptz.com/news/29548156/detail.html>  
<http://www.wcax.com/story/15744395/judge-orders-protesters-to-stay-away-from-lowell-blasting>  
<http://vtdigger.org/2011/10/19/lindholm-the-green-mountain-power-state/>  
<http://vtdigger.org/2011/10/19/encamped-lowell-mountain-protesters-await-court-action-gmp-intervention/>  
<http://www.7dvt.com/2011occupy-lowell-mountain-despite-court-order-opponents-camp-near-gmp-blasting-zone>  
<http://www.7dvt.com/2011letters-editor-39>  
<http://www.wcax.com/story/15724859/lowell-wind-project-fight-continues-in-court-woods>

-----  
<http://7d.blogs.com/blurt/2011/10/northeast-kingdom-woman-on-hunger-strike-to-protest-lowell-mountain-wind-project.html>

# Albany Woman Launches Hunger Strike to Protest Lowell Mountain Wind Project

POSTED BY KEN PICARD ON OCTOBER 21, 2011 AT 01:29 PM  
IN ENERGY, ENVIRONMENT, NEWS, POLITICS, SOCIAL ACTION, VERMONT | PERMALINK

## UPDATED BELOW

A 71-year-old Albany woman has entered the second week of a hunger strike launched to protest what she calls the permanent destruction of the Lowell Mountain range in the name of industrial wind development.

Carol Irons, a retired mental health case worker whose home faces Lowell Mountain, began her hunger strike on October 13 and is consuming only water and juice. She says she's prepared to continue her fast "for as long as it takes" to stop the project. She insists her concerns have far less to do with the visual impact of the 21-turbine wind project than the effects on wildlife, public health and the environment. As someone with Abenaki heritage, Irons says it's crucial that Vermonters adhere to the Native American principle that all our decisions first consider the impact on seven generations of our descendants.

In May, **Green Mountain Power** got the green light from state regulators to start construction on a 63-megawatt-rated wind farm. The \$163 million Kingdom Community Wind project was supported by about three-quarters of voters in the nearby town of Lowell. However, many people on the eastern

side of the mountain range oppose the project for a variety of reasons, including the damage being done to the mountain in order to erect the turbines and service road.

Those opponents include a **group of protesters** camped on land owned by the project's most vocal critics, Shirley and Don Nelson.

Yesterday, an Orleans County Superior Court judge upheld a temporary restraining order, obtained last week by GMP, that directs the campers to leave GMP's blasting zone for one hour before and after blasting is scheduled to occur.

Irons says that she's not strong enough to make the 40-minute hike up the Nelsons' property to join the mountaintop demonstrators, so this is her way of voicing her outrage.

"I can't go up the mountain and run around. My legs just won't hold up," she says. "But we've all got to do what we can to get this stopped. I'm just feeling extremely strongly about this, and this is all I can do.

"If you do a little digging, you'll see that GMP made a major contribution to Gov. Shumlin's campaign, and as soon as he took office, he announced publicly that he was for this project," Irons adds. "This is a big international corporation paying money to a politician and they get their way made clear."

Irons admits she's occasionally grown weak and lightheaded during her nine-day fast and says she sometimes has to stop her activities, which include stacking firewood and working in the garden. Nevertheless, she's consulted a health care

professional about her fast and says she feels surprisingly strong.

"When I feel hungry, all I have to do is think about that mountain and what's going on and I feel fine," Irons adds.

Recognizing that she may not continue to be up for granting interviews and explaining her actions, Irons issued the following written statement to explain her hunger strike:

*It is time!*

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

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

*It is time to recognize the money trail. A significant campaign contribution for Shumlin...A one-sided and expedited hearing process to rush permits to the Green Mountain Power Corporation...A delaying and ignoring of conditions attached to permits, thereby rendering them meaningless...A*

*PR campaign which distorts the reality of industrial Big Wind, which is not green.*

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

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

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

*Big Industrial Wind is NOT Green Wind.*

*These mountains and valleys are old, very old. They are the wrinkles of Mother Earth. The waters of the mountains feed the rivers of the valleys, nurturing the life in a great circle. To the east of the Lowell Mountains, waters grow the Black River which flows north into the south bay of Lake Memphremagog. To the west of the Lowell Mountains, the waters become the rising of the Mississquoi River, which flows north, then west to the Long Lake called Champlain.*

*You cannot clearcut, bulldoze, then blast off the mountain tops without polluting, or even destroying, these life-giving waters. Clean waters are the lifeblood of Mother Earth, and her lifeblood*

*is necessary for all life, including the two-leggeds, the swimmers, the four-leggeds, the wingeds, and the creepy-crawlers.*

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

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

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

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

*It is time!*



- Carol Irons, Northeast Kingdom resident

*Photo courtesy of Steve Wright*

**\*\*UPDATE\*\***

Green Mountain Power spokeswoman Dorothy Schnure sent an email to clarify that GMP did not donate to Gov. Peter Shumlin's campaign (and doesn't donate to any political campaigns). Green Mountain Power CEO Mary Powell did chair Shumlin's inaugural committee, which raised funds for the Vermont National Guard.

-----  
<http://caledonianrecord.com/main.asp?SectionID=1&SubSectionID=145&ArticleID=69647&TM=30760.04>

10/22/2011

## **Closed Court Means No Restraining Order**

NEWPORT CITY -- A judge's signed order late Thursday stating that Green Mountain Power can use she to deal with protesters at the Lowell wind project has not reached the desk of either the Orleans County local Vermont State Police force.

And without that order, no law enforcement official can act, Orleans County Sheriff Kirk Martin said Friday. Neither Martin nor VPS Lt. Kirk Cooper of the Derby state police barracks can react to the judge's order from the court. The order was not sent out because the court system was closed Friday for a statewide furlough. Martin said he learned about the judge's order like everyone else in the area -- by reading and listening to the news. "We are not going to give them any authority to go up on the Lowell ridgeline and arrest anyone, he said.

"We are at a standstill," Martin said late Friday afternoon. "Nothing can happen until we get our paperwork." More protesters were in place Friday, refusing to move out of the blast safety zone, and that limited bl. Cooper and Martin were aware that protesters were camping on the edge of the Lowell wind project on the property of opponents Don and Shirley Nelson. And Martin said he knew that there had been a restraining order of some kind, but acting on it are two different things, he said.

On Oct. 14, Judge Martin Maley issued a temporary restraining order, telling the Nelsons to stop encroaching within a 1,000-foot safety zone on their property near where workers are blasting rock at one of the projects. Maley said they were improperly interfering with the GMP wind project.

The Nelsons originally had welcomed the protesters, but by Monday had put up a sign at the court's order on the property. Since then, protesters have entered the Nelson property high on the eastern side of the property, near a farmhouse in the valley below.

On Thursday at a hearing about the restraining order, Maley didn't have enough time to hear all the arguments. Maley extended the temporary restraining order for another 10 days and specifically include the protesters in the order. But without court staff on duty Friday to process the order through official channels, the order was not served on the agencies.

In this copy obtained by The Record, Maley said:

"It is hereby further ordered that all persons on the land of Donald and Shirley Nelson must stay 1,000 feet from the property with the project property of Green Mountain Power for two hours before the scheduled blasting.

"The Orleans County Sheriff and the Vermont State Police are authorized and directed to arrest and remove persons within 1,000 feet of that boundary within the specified period."

Maley also continued the hearing to Tuesday in Orleans Superior Court -- Civil Division, where he is also supporting the Nelsons' argument that they own part of the ridgeline where a handful of the 21 turbines are located. The Nelsons want a restraining order of their own to stop work on the project until the property dispute is resolved. GMP officials contacted the sheriff's department Friday about the temporary restraining order, the sheriff said. Martin said he spoke to the president of the Vermont Sheriff's Association to arrange for extra manpower for the restraining order. He also said he sought legal advice.

Martin also said that he expects both he and Cooper will attend Tuesday's continuation of the hearing. Meanwhile, GMP contractors continued Friday to work at the wind project site.

This week, workers opened up the access road right to the top of the ridge and began work clearing the first wind turbine site, turbine No. 7. Blasting in preparation for the pad for the turbine was limited in scope because protesters were within the 1,000-foot safety zone.

Work continued to fully build up the access road. GMP officials said as many as 100 people were at work on the site. GMP spokeswoman Dorothy Schnure said late Friday that there were six protesters within the 1,000-foot safety zone when warned that a blast was scheduled Friday afternoon. They did not move along when read the judge's order, she said.

GMP contractors did a limited blast because they were in the safety zone, she said.

"We are really disappointed," Schnure said. "We had hoped they would obey the judge's order."

Protesters have been taking turns manning the tent camp, climbing a steep road and muddy path to reach the turbines. They have been going by pseudonyms, like Muskrat and Mrs. Muskrat, rather than revealing their names to the public. The area over the past week since the protest began to have an impact on the wind project and the judge's order. Many have roots in the area, have hunted or hiked and camped on Lowell Mountain. They say they want to stop the wind development.

The protesters hope that they will be able to slow down the construction enough to stop it.

GMP officials said the wind project would go forward, regardless of delays. But they said the protests would delay the project. Charles Pughe, project manager for GMP, told the court that the delay of five and half weeks, if the protesters stay in the blast safety zone, would push the start of electricity generation at the site past the end of 2012.

That would mean that GMP would not earn \$47 million in federal production tax credits over the first 10 years. The credits would be passed on in the form of lower rates to ratepayers, Pughe told the court on Thursday.

-----  
<http://7d.blogs.com/blurt/2011/10/occupy-lowell-mountain-now-blogging-from-the-blasting-zone.html>

# Occupy Lowell Mountain Launches Blog From The Blasting Zone

POSTED BY KEN PICARD ON OCTOBER 19, 2011 AT 12:07 PM IN CURRENT AFFAIRS, ENERGY, ENVIRONMENT, NEWS, SOCIAL ACTION, VERMONT | PERMALINK

Talk about your daily blasts: Protesters making a last-ditch effort to halt construction of Green Mountain Power's Kingdom Community Wind Project on Lowell Mountain have launched a daily blog, called "**Mountain Talk**," to spread the word about their ongoing "tent-in" and invite newcomers to join them.

As reported in my story this week, "**Occupy Lowell Mountain? Despite Court Order, Opponents Camp Near GMP Blasting Zone**," opponents of the 21-turbine, \$163 million wind project in the Northeast Kingdom have set up a round-the-clock encampment on land owned by the project's most vocal critics, Don and Shirley Nelson. The protesters, who have permission from the Nelsons, are set up within GMP's blasting zone and say they're prepared to stay on the mountain all winter, if necessary, in order to prevent the project from moving forward.

Last week, GMP offered to buy the Nelsons' property at their initial asking price of \$1.25 million — the land has been for sale for about a decade — but also threatened the couple with a \$1 million lawsuit if the campers don't leave the blast zone and delay construction. The Nelsons said no, then upped their asking price to \$2.25 million.

Says Don Nelson, 69, "If they're gonna sue me for \$1 million, I'm gonna add a million to the price tag. It's high-stakes poker, and I don't intend to sell out to the enemy if I can help it."

---

<http://canadianblogs.net/john-laforet-vermont-wind-farm-site-meets-occupation-of-its-own>

# John Laforet: Vermont Wind Farm Site Meets Occupation of Its Own

Published On 22 Oct 2011 By **John Laforet**. Under **World News**.

---

On Sept. 28 2011, while Occupy Wall Street entered its **second week** of high-profile coverage for their occupation of Zuccotti Park in Lower Manhattan, an occupation of a very different kind began taking place in Lowell, VT. Those occupying the 'blast zone' on Lowell Mountain, have adopted code names to protect themselves legally and have been chronicling the experience on a blog called **Mountain Talk**.

Concerned citizens have worked together to oppose the **Canadian-owned** Green Mountain Power's (GMP) **bid to clear-cut and blast** 134 acres of ridge top to install 21 industrial wind turbines in this environmentally-sensitive area. There are also real concerns about the impact this project could have on the \$1.4 billion dollars of tourism Vermont's famous Green Mountains draw to the state. Residents **fought** every **administrative** approval granted to GMP, **challenged** their approvals all the way to the **Supreme Court of Vermont** and failed to gain the legal remedy they sought.

Left with no other options, residents began a **legal occupation of private property** that falls within the blast zone (where flying rocks could be expected to land during the planned blasting should rocks cross the

property line). Vermont's Attorney General William Sorrell has made it clear state authorities are **powerless to intervene** on behalf of GMP; "There is no criminal violation that comes readily to mind," **he said**.

Since then, approximately a dozen visitors at any one time have taken up residence camping on the ridge top on land owned by Don and Shirley Nelson. **Don Nelson defends** the move by saying, "Those campers are friends, neighbours from all over the state. I've always had my land open and they asked if they could go up there and camp and that's what they're doing."

GMP has **changed it's initial position**, which had previously been that they were currently blasting and clear-cutting the other side of the mountain and this conflict wouldn't come to a head until the winter and has made two significant moves last week to attempt to solve the impasse.

Last Monday GMP offered the Nelsons their full public asking price **\$1.25 million to sell** their land to GMP.

Shortly after Nelsons received **a legal notice from GMP** threatening them of potential time delay-related liabilities of approximately a million dollars as a result of the ongoing occupation. The Nelsons responded to their potential changing financial needs by increasing their asking price by the one million dollars they now had reason to believe there were to be sued for. GMP responded by pulling the offer to purchase their farm, and occupiers continue their camping adventure within the majestic beauty of Vermont's Green Mountains.

GMP's position on whether the occupiers were an issue or not has changed as well, with the company stating last Thursday they could use **blasting mats** to prevent the potential of crushing people on neighbouring properties with flying boulders, before winning **a court order** last Friday to require the Nelsons' guests to stay at least 1,000 feet back from the blast zone while GMP blows up portions of the mountain. Concerned citizens have stated they will not be leaving the mountain, and have received **civil disobedience training** the Monday following the court order.

Further complicating GMP's position is a stop work order issued by the State of Vermont on the side of the mountain currently being clear-cut and blasted, where GMP experienced a problem more common to mountaintop removal coal mining operations, sedimentary runoffs that have an adverse environmental impact. According to David Mears, the commissioner of the Department of Environmental Conservation, "These were **fairly serious violations** of the storm water permit..."

This isn't the first environmentally-focused blockade or occupation against the irresponsible practices of the wind industry. In July 2011, **six activists were arrested** in Denmark after a 10-day blockade aimed at preventing clear-cutting to make way for an industrial wind research centre. Construction of industrial wind turbines on New Hampshire's Kibby Mountains also met civil disobedient resistance when **50 members of Earth**

**First!** protested and some chained themselves to a truck carrying a massive blade to the construction site, halting operations for the day. In 2009, a British **sit-in lasted 19 days** at a soon-to-be closed Vestas wind turbine blade factory on the Isle of Wright.

The Lowell Mountains occupation has created an interesting legal situation by deadlocking competing legal rights and interests. It serves as a lesson to all Vermonters that democracy and defiance is alive and well in their famed Green Mountains, and for now, so is the environmentally sensitive habitat that occupiers are seeking to protect.

[http://www.vpr.net/news\\_detail/92317/](http://www.vpr.net/news_detail/92317/)

---

## **Judge Reaffirms Restraining Order In Lowell Mountain Case**

Friday, 10/21/11 7:04am

**John Dillon**

(Host) Protesters challenging construction of a wind project in the Northeast Kingdom town of Lowell must stay 1,000 feet away from a blasting zone or risk being found in contempt of court.

That's according to a restraining order that was re-affirmed yesterday by Orleans Superior Court Judge Martin Maley.

Maley told Green Mountain Power that it can contact sheriffs if it needs to have his order enforced and the protesters removed.

*(Maley) "They're clearly doing that in contravention of the order. And whether or not there has to be the sheriff sent out there to have them physically removed while this order is still in place, that's what is going to have to be done."*

(Host) Maley's order is aimed at the dozen or so people who are occupying private property near where GMP is using explosives to remove rock and ledge for a road along the ridgeline.

The judge says the people have to move away from the blasting zone one hour before and one hour after blasting is to occur.

*(Maley) "It is indeed a court order and it sounds to the court that it's being violated. I'm not saying the defendant's violating it. But these third parties are there and are making a mockery, making a mockery of the order. And the court's not going to stand for that, at least not while the matter is pending."*

(Host) The judge made his decision at the end of a three-hour hearing in Newport.

GMP sued retired farmers Don and Shirley Nelson, whose land adjoins the site of the wind project. The Nelsons' land has been used for demonstrations against the project.

Lawyers for the two sides argued over a disputed property line and who was responsible for the project slipping behind schedule.

The judge continued the hearing, but he said his order will remain in effect for 10 days.

-----  
<http://caledonianrecord.com/main.asp?SectionID=1&SubSectionID=145&ArticleID=69576&TM=30390.61>

10/21/2011

## **Judge To GMP:Use Sheriff To Stop Protesters**



**Robin Smith**  
**Staff Writer**

NEWPORT CITY -- Judge Martin Maley on Thursday told Green Mountain Power to use sheriff's deputies to arrest protesters at the edge of the Lowell wind project if they interfere with blasting.

Maley, speaking in Orleans Superior Court -- Civil Division, extended the temporary restraining order he issued last week on behalf of GMP for another 10 days. He modified it to target protesters who are trying to stop the blasting and the wind project by standing in a safety zone of 1,000 feet while on neighboring property owned by Don and Shirley Nelson. The protesters, Maley said, "are making a mockery of the order. The court is not going to stand for that."

The Nelsons welcomed the protesters at a temporary camp on their property at the edge of the wind project. But they stopped once Maley issued the temporary restraining order Friday. The Nelsons and their attorneys were in court Thursday to argue against the temporary restraining order against them and the campers. They also filed a demand for a temporary restraining order of their own to stop GMP from blasting on property that they say they own. They have argued outside of court for more than a year that the property line is in dispute. This was the first time that they pressed the case in court.

Maley said he would hear as early as Tuesday more testimony about the Nelsons' request for relief and their claim to the property on which some of the 21 turbines at the Lowell wind site would be erected.

Maley said that it is up to GMP to ask law enforcement officers to read the temporary restraining order to protesters and to bring sufficient manpower to move them. He refused to order that the protesters stay away from the 1,000-foot safety zone at all times, a request from GMP's lead attorney Jeffrey Behm.

Behm asked that the judge require the Nelsons to post their land.

Maley said he would not impose that on the Nelsons but said GMP could do it.

He told GMP officials to use the order to move the protesters. "Try the status quo. Get those people out cool down," Maley said, although he added that he wasn't sure things would.

The courtroom was filled with about 20 people supporting the Nelsons.

+ clic

**Don  
Jare  
Cour  
fight  
and t  
attorn**

+ clic

**Don  
Cou  
fight  
stop  
blas  
Green**

### **Civil Disobedience**

For weeks now, friends of the Nelsons and opponents of the wind project have taken turns holding a vigil at the Nelsons' farm near where turbine No. 7 will be erected.

At first, the Nelsons welcomed the campers, as they waged their years-long battle against GMP and the project. Last week they rejected a \$1.25 million offer by GMP to purchase their farm in the eastern lee of the ridge. The protest cost \$1 million when GMP said it would sue over the protest.

The campers have continued to show up at the ridgeline, and have planned for the protest.

The Chronicle reported this week that about 50 people met Monday evening to learn about civil disobedience and how to handle enforcement officers if confronted.

GMP secured the temporary restraining order Friday in advance of anticipated blasting at the turbine site. On Wednesday afternoon and Thursday, GMP employees and contractors called the Nelsons in the morning to discuss the blasting. Then GMP officials testified that they walked over and warned the protesters in person. But the protesters refused to leave. As a result, blasting was limited, said Stephen Blaisdell of Maine Drilling and Blasting. If the protest continues, it could slow construction by five and a half weeks.

That delay, GMP project manager Charles Pughe testified, would mean the project would not be complete by the end of the year, a loss of \$47 million in federal production tax credits -- a savings intended to reduce electricity rates for the state. But GMP will go forward with the wind project with or without the tax credits, he said.

Nelson attorney Scott McGee disputed that, saying GMP has adapted to delays because of a longer-than-expected construction and because of the stop-work order because of incomplete erosion controls.

### **Counterclaim**

Nelsons' attorneys say the Nelsons own the property where turbines are planned.

GMP argues that they could have sued a long time ago and should have sued wind project property owners. Nelson attorneys had barely begun to put witnesses on the stand when time ran out Thursday afternoon. Nelson on the stand. "They are property owners. They have rights here."

Maley said he had not heard anything in three hours of testimony to significantly change his original decision against the Nelsons and the protesters.

He said he had to balance property rights with the need to keep on schedule in a costly, difficult construction project.

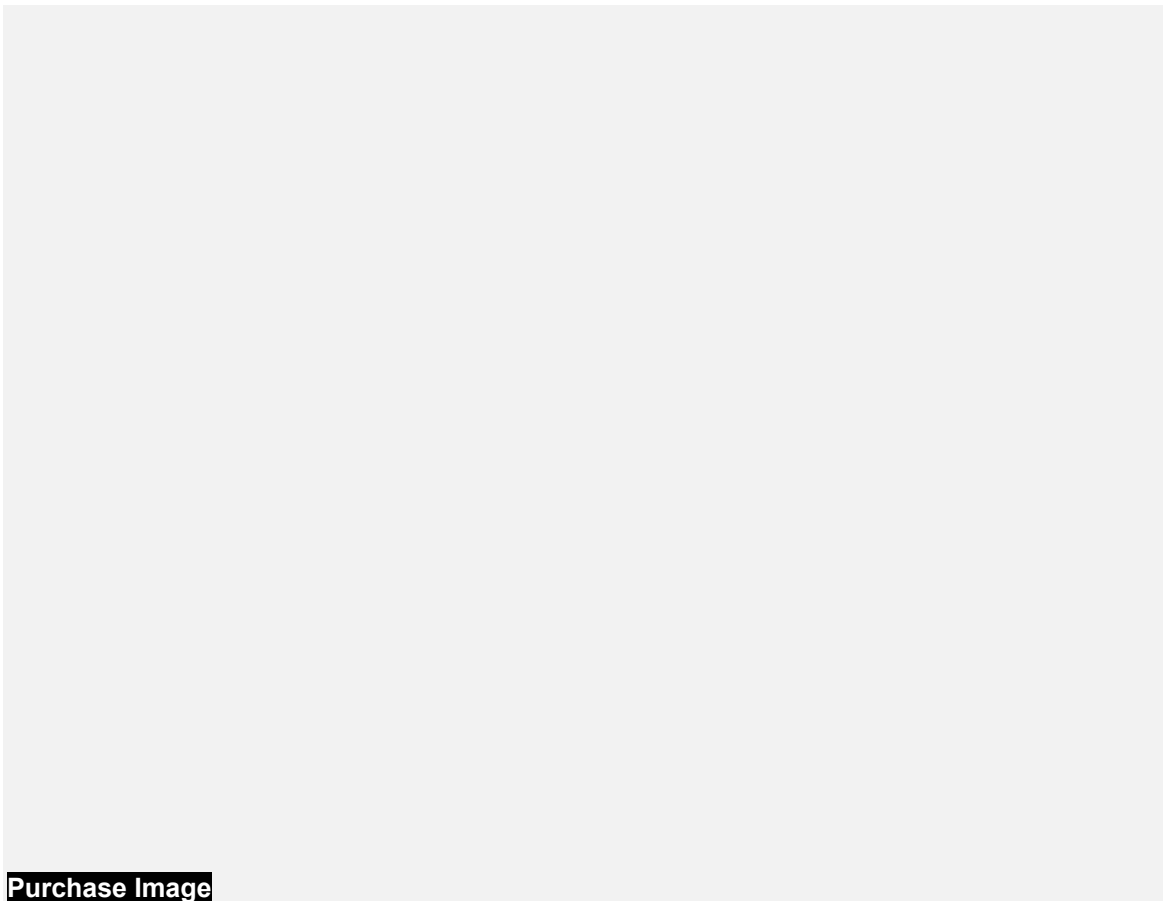
-----  
<http://www.burlingtonfreepress.com/article/20111021/NEWS02/111020036/Judge-orders-campers-away-from-blasting-Lowell-?odyssey=mod|newswell|text|FRONTPAGE|s>

## **Judge orders campers away from blasting in Lowell**

11:38 PM, Oct. 20, 2011 |

45 Comments

---



**Purchase Image**

Don and Shirley Nelson oppose Green Mountain Power Corp.'s plans to put 21 wind turbines atop the ridge behind their home in Lowell. The couple has allowed opponents to camp on their property in an area deemed too close to blasting

Written by  
**Terri Hallenbeck**

- 
- FILED UNDER
  - [News](#)
  - [Local News](#)

NEWPORT — A judge ruled late Thursday that visitors camping out on land in Lowell near where Green Mountain Power Corp. is blasting rock to make room for a 21-turbine

wind project have to stay clear of the blasting, at least until another court hearing is held.

Judge Martin Maley issued the ruling after more than a three-hour hearing in Orleans Superior Court in Newport.

At issue is whether protesters should be able to set up camp on land abutting where Green Mountain Power is building the turbines. As blasting started this week, up to a dozen people made the hour-long hike on land owned by Don and Shirley Nelson in hopes of delaying construction on the controversial project.

Green Mountain Power won a temporary restraining order early in the week ordering the Nelsons to tell their guests to stay at least 1,000 feet away from blasting. Lawyers for the Nelsons objected, prompting Thursday's hearing.

Maley said he thought it would be inappropriate to require the Nelsons to remove people from their own land, and someone else would have to enforce the order. But the judge declined to throw out the restraining order, choosing instead to modify it and put it in place for 10 days.

It was mostly a win for Green Mountain Power.

Spokeswoman Dorothy Schnure said the company would see about having the Sheriff's Department enforce the order.

Two of the campers, who have declined to identify themselves, said as they left court that it was too early to say whether they would abide by the revised order.

Lawyers for both sides were working with the judge on the wording into the evening, but it was expected to require people to stay at least 1,000 feet away for an hour before and after blasting.

Various issues in contention between the Nelsons and Green Mountain Power remained unsettled when Maley declared the court was out of time for the day. He planned to schedule another hearing for next week. The hearing couldn't continue today because courts are closed as part of the state's cost-cutting measures, Maley noted.

Groups of protesters have convened on land the Nelsons own next to the ridgeline where Green Mountain Power started construction last month. The protesters refused to move at least 1,000 feet away when asked Wednesday and Thursday. No one was reported injured by any debris during the first two days of blasting.

Steven Blaisdell, vice president of Maine Drilling & Blasting, which is doing the blasting work for Green Mountain Power, said his company has never run into a blasting situation

where people refused to move.

He testified his company is expecting to produce 5,000 cubic yards of rock a day by clearing rock off the mountain to make room for a crane path atop the mountain. To make sure no debris would reach the protesters, the crew would have to use less force and more tempering measures, slowing the project by 5.5 weeks and costing more than \$1 million, he said.

Scott McGee, a lawyer representing the Nelsons, presented state fire code regulations that say that a neighbor's permission must be given to permit blasting that will come within 1,000 yards of the neighbors' property.

Blaisdell conceded the Nelsons' permission had not been sought. He said officials didn't believe anyone would be on the difficult-to-reach land. GMP tried to buy the Nelsons' property for \$1.25 million, but the couple turned them down.

Jeffrey Behm, attorney for Green Mountain Power, countered that the law allowed for a blaster without a neighbor's permission to take further precautions.

The Nelsons also contend that GMP is blasting on some of their land. GMP claims the land is owned by Trip Wileland, from whom GMP is leasing it. That part of the case remains

to be settled.

Green Mountain Power hopes to have the turbines in operation by Dec. 3, 2012, in time to receive \$48 million in federal production tax credits.

-----  
<http://newportvermontdailyexpress.com/content/court-keeps-tro-gmp-case>

## Court Keeps TRO in GMP Case

October 20, 2011

BY

LAURA CARPENTER

**10** Attached files | **220KB**

1. [6a00d83451b91969e20153927bbda4970b-250wi.jpeg](#)
2. [69576-0.jpg](#)
3. [cleardot.gif](#)
4. [69576-1.jpg](#)
5. [bilde.jpeg](#)
6. [persbilde.jpeg](#)
7. [10-20-11 tab lowel mtsmall.jpg](#)
8. [69661-0.jpg](#)
9. [cleardot.gif](#)
10. [69661-1.jpg](#)

[View Slideshow](#)[Download All](#)