

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
SEC Docket 2009 – 02
Laidlaw Berlin BioPower, LLC

PETITION TO INTERVENE

New Hampshire Sierra Club, NHSC, pursuant to RSA 541 – A:32 and Site 202.11 respectfully petitions to intervene in the captioned docket.

MEMORANDUM IN SUPPORT OF PETITION

NHSC is a Chapter of the Sierra Club and is a voluntary, non – profit organization with over 4,000 New Hampshire members and 420 members and supporters who live in Coos County, the location of applicant’s proposed facility. The mission of the Sierra Club and it’s thousands of members in New Hampshire is to

“[E]xplore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth’s ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out those objectives.”

2. NHSC and its members living in the geographical surround of the applicants proposed plant have grave concerns about the sustainability of applicant’s forest management plan and the impacts of the probable failure of the forest management plan. The NHSC will demand that the applicant demonstrate that:

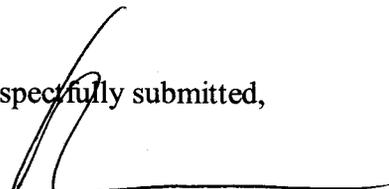
- a. It will not rely upon ecologically destructive clear-cutting, in-wood chipping where excessive amounts of biomass are removed from the land, and will not convert to non-native species which undermine native biodiversity;
- b. It will not generate biomass energy production on any land which relies upon logging activities that are unsustainable, or will jeopardize fully functioning forest ecosystems;
- c. It will not generate biomass energy fuel production which interferes with ongoing restoration of ecosystems with native plants and animals, or the reestablishment or protection of biological corridors to link isolated forest stands;
- d. It will minimize energy use through conservation and efficiency, and that sustainable, renewable energy resources be utilized for human needs.

3. The interest of justice and the orderly and prompt conduct of the proceedings will not be impaired by granting the New Hampshire Sierra Club Petition of Intervention. NHSC will bring its carefully measured policy and expertise to this docket. Sierra Club policy on siting energy facilities requires that NHSC oppose facilities which do not fully protect air and water quality. NHSC believes that biomass projects can be sustainable if the projects do not risk soil and forest health, the State and applicant commit to preservation, restoration, and conservation of natural resources.

Wherefore, New Hampshire Sierra Club requests that the Site Evaluation Committee grant this Petition to Intervene.

3/4/10

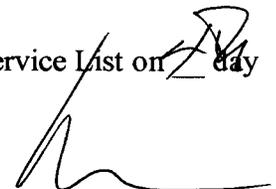
Respectfully submitted,


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Certificate of Service

I certify that a copy of this Petition to Intervene was mailed to the Service List on 2 day of March, 2010 by ordinary mail, postage pre-paid.


Arthur B. Cunningham