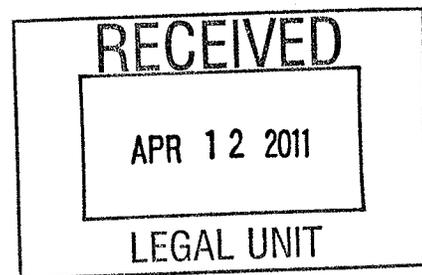


THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2011 – 02

Re: Antrim Wind Energy, LLC



PETITION FOR INTERVENTION
BY AUDUBON SOCIETY OF NEW HAMPSHIRE

NOW COMES the Petitioner, the Audubon Society of New Hampshire (“ASNH”), by its undersigned representative, and respectfully petitions the New Hampshire Site Evaluation Committee (“the SEC” or “the Committee”) to grant it leave to intervene in these proceedings pursuant to NH Code of Administrative Rules, Site 202.11 and RSA 541-A:32. In support of its petition, ASNH states as follows:

1 ASNH is a New Hampshire voluntary corporation having a place of business at 84 Silk Farm Road, Concord, NH 03301 (Telephone 603-224-9909). It is also a registered charity pursuant to §501 (c)(3) of the Internal Revenue Code. The undersigned representative is the President of the organization, and is not an attorney. The Board of Trustees authorized the President to represent the organization in this matter though a unanimous vote on 6 April 2011.

2 This Petition is filed in response to a petition filed by Antrim Wind Energy LLC on or about March 21 requesting the Committee to take jurisdiction over a wind energy proposal (“the Proposal”) under which it wishes to site a wind energy project in the westerly part of Antrim, NH (“the Proposal Site”). At this stage, the Proposal is not definitive but merely suggests what Antrim Wind Energy wants to do.

3 ASNH is, among other things, a conservation land trust. Its mission statement declares that ASNH “is dedicated to the protection of New Hampshire’s environment for wildlife and for people.”

4 ASNH is a direct abutter of the Proposal Site, and its largest fee-owned property, the dePierrefeu-Willard Pond Wildlife Sanctuary, a 1,650-acre wildlife sanctuary in Antrim, is immediately adjacent to the Proposal Site. In addition, another 1,000 acres abutting the sanctuary are protected by ASNH through conservation easements. ASNH further secured a Forest Legacy Grant that added 1,700 abutting acres to this unfragmented block of conserved land. Audubon's Willard Pond Wildlife Sanctuary is managed primarily for wildlife habitat, with environmental education, passive recreation, and forest management among its additional uses. ASNH respectfully submits that it has a legitimate interest in participating in these proceedings to safeguard the foregoing interests.

5 The more than 4,000 acres of protected lands described above, together with the Project Area, provide important habitat for wide-ranging wildlife species, including bobcat, moose, and black bear. On information and belief, the Proposal may have a direct impact on the use of Willard Pond Sanctuary by the wildlife it was acquired to protect, owing to human activity associated with operations and maintenance, forest fragmentation effects, and potential noise interference. ASNH respectfully submits that it has a legitimate interest in participating in these proceedings to effectuate its stewardship of Willard Pond sanctuary.

6 ASNH recognizes that increased use of environmentally sound renewable energy resources is a positive development, but believes that siting, construction and operation of renewable energy facilities must be undertaken with a full understanding of potential

consequences to other natural resource interests and that such facilities should be sited, constructed and operated so as to avoid or mitigate adverse consequences.

7 In this connection, we note that the Proposal Site has repeatedly been identified as an area of particular conservation interest, largely because it is at the core of an unfragmented forest block which is unusually large for the area.¹ This is not the place to make this point exhaustively, but we believe that it is appropriate to identify the relevance of the special environmental concerns which are at the heart of the SEC's remit. (RSA 162-H:1). The significance of this unusual feature has been recognized at many levels:

- a. Locally, it is noteworthy that most of the Proposal Site is within the Antrim Rural Conservation Zone, an area which restricts development in favor of the preservation of the rural character of Antrim and of the conservation values of the area. This zoning was adopted by Town Meeting in the late 1980's and continues to date.²
- b. Regionally, the Quabbin to Cardigan Partnership, a bi-state coalition of twenty-eight conservation organizations and agencies in Massachusetts and New Hampshire, has identified certain priority conservation areas. About 80% of the Proposal Site falls within a "core conservation area" and another 17% qualifies as "supporting landscape" to that core area.
- c. The NH Wildlife Action Plan, developed by the NH Fish and Game Department with the assistance of numerous partner agencies, organizations,

¹ Thus, this land was so identified by Southwest Region Planning Commission in its Natural Resources Inventory (2003). In a study of the New England Region, The Nature Conservancy designated the area as one of a number of significant Forest Matrix Blocks.

² This designation has been supported more recently, as well. See *Antrim Open Space Conservation Plan (2006)* adopted by Town Meeting in March 2006; *Antrim Master Plan (2009)*, part III.

and institutions, and which was formally approved by the US Fish and Wildlife Service in 2006, identifies approximately 54% of the project area as highest ranked habitat in the State, and approximately 7% as highest ranked habitat in the ecological region.

8 For the avoidance of doubt, ASNH wishes to state that it should not be identified as “for” the Proposal or “against” the Proposal. It is “for” a full development of the facts and “for” a decision based on science, but has yet to reach any conclusion whether to support, support in part, or oppose the Proposal, once it is fully defined.

9 Since this proceeding is in its infancy, ASNH participation as intervenor is unlikely to cause any delay or disruption.

SUMMARY

10 For the foregoing reasons, ASNH asks leave to intervene pursuant to Site 202.11(b) on the following grounds:

- a. This Petition will be served and submitted within the time limits set out in the rule;
- b. This Petition states facts demonstrating that ASNH has substantial interests which might be affected by the proceeding; and
- c. We believe that granting this Petition would serve the interest of justice.

Request for Relief

WHEREFORE, ASNH respectfully requests that the SEC issue an order granting its petition for intervention and granting such other and further relief as it deems appropriate.

Respectfully submitted,

Audubon Society of New Hampshire

By 
Michael J. Bartlett, President
Audubon Society of New Hampshire
84 Silk Farm Road
Concord, New Hampshire 03301-8206
e-mail: MBartlett@NHAudubon.org
Tel: (603) 224-9909

Certificate of Service

I hereby certify that, on the date written below, I caused the within Petition for Intervention to be served by electronic mail or by US Mail, postage prepaid, as provided in NH Administrative Code, Site 202.07, to the persons on the attached list.

4/12/11
Date


Michael J. Bartlett

Service List

Site Evaluation Committee (Original + 18 copies)

Site Evaluation Committee
New Hampshire Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095

Counsel for the SEC

Michael J Iacopino, Esq.
Brennan, Caron, Lenehan & Iacopino
85 Brook Street
Manchester, NH 03104

Petitioners

Town of Antrim
PO Box 517
Antrim, NH 03440

Orr & Reno
One Eagle Square
PO Box 3550
Concord, NH 03302-3550
c/o Susan S Geiger, Esq.

Intervenors

Stephen Froling, Esq
Corporate Counsel
Harris Center for Conservation Education
83 King's Highway
Hancock, NH 03449