

April 12, 2011

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

Attn: Jane Murray, Secretary

Ref: Antrim Wind Energy – SEC Docket 2011-2

Dear Ms Murray

Please find enclosed an Original and 18 copies of each of the following documents:

- 1 A notice of my appearance on behalf of the Harris Center for Conservation Education; and
- 2 A Petition for Intervention in the captioned proceeding on its behalf.

I would be pleased to discuss any question you might have in connection with this filing.

Sincerely

Stephen Froling
Corporate Counsel
Harris Center for Conservation Education
Tel: (603) 525 3851
Email: stephenfroling@cs.com

ccs: Michael J Iacopino, Esq [Counsel for the SEC]
Antrim Board of Selectmen
Susan S Geiger, Esq [Counsel for petition^{er} Antrim Wind Energy, LLC]

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2011 – 2

Re: Antrim Wind Energy, LLC

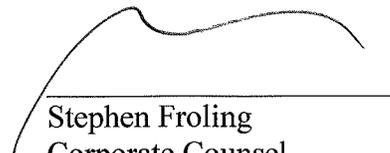
Appearance

Pursuant to NH Admin. Rule Site 202.04, please take notice that the undersigned appears as counsel for Harris Center for Conservation Education “HCCE”), a proposed intervenor, in the captioned matter.

The matter involves a Petition by Antrim Wind Energy, LLC, (“AWE”) requesting that the New Hampshire Site Evaluation Committee assert jurisdiction over a wind energy facility proposed by AWE for a site located in Antrim, NH.

The undersigned, Stephen Froling, is an attorney admitted to practice before the courts of the State of New York and is permitted to represent HCCE in these proceedings as its Corporate Counsel by virtue of New Hampshire Supreme Court Rule 42(10)(c).

Respectfully submitted,



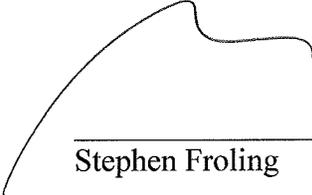
Stephen Froling
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Tel: (603) 525 3851 or 525 3394
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Dated: April 12, 2011

Certificate of Service

I hereby certify that, on the date written below, I caused the within notice of Appearance 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.

Dated: April 12, 2011



Stephen Froling

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.
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Petitioners

Town of Antrim
PO Box 517
Antrim, NH 03440

Orr & Reno
One Eagle Square
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Concord, NH 03302-3550
c/o Susan S Geiger, Esq.
sgeiger@orr-reno.com

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

Docket No. 2011 – 2

Re: Antrim Wind Energy, LLC

PETITION FOR INTERVENTION
BY HARRIS CENTER FOR CONSERVATION EDUCATION

NOW COMES the Petitioner, Harris Center for Conservation Education (“HCCE”), by its undersigned Corporate Counsel, 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, HCCE states as follows:

1 HCCE is a New Hampshire voluntary corporation having a place of business at 83 King’s Highway, Hancock, NH 03449. It is also a registered charity pursuant to §501 (c)(3) of the Internal Revenue Code. The undersigned Corporate Counsel is an attorney admitted to practice in the Courts of the State of New York and is permitted to represent HCCE in these proceedings by virtue of New Hampshire Supreme Court Rule 42(10)(c).

2 This Petition is filed in response to a petition filed by Antrim Wind Energy LLC (“AWE”) 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 western part of Antrim, NH. (“the Proposal Site”). At this stage, the Proposal is not definitive but merely suggests what AWE wants to do.

3 HCCE is, among other things, a conservation land trust. Its mission statement recites that HCCE “is dedicated to promoting understanding and respect for our natural environment through education of all ages, direct protection and exemplary stewardship of the region's natural resources and programs that encourage active participation in the great outdoors.”

4 HCCE is not a direct abutter of the Proposal Site but owns nearby land and has other interests in land in an eight-town area¹, including Antrim. Altogether, HCCE owns or directly manages for conservation purposes about 7,000 acres of land within these eight towns. In particular, it owns more than 1,950 acres within a three (3) mile radius of the center of the Proposal Site. All of this land is managed for, among other purposes, wildlife habitat. In addition, all of this land is open to the public for low-impact recreational and educational purposes. On information and belief, the Proposal may have a direct impact on the use and enjoyment of this land by HCCE and the public for these purposes. HCCE respectfully submits that it has a legitimate interest in participating in these proceedings to safeguard the foregoing interests.

5 HCCE further holds conservation easements on land owned by others. In the eight town area described above, its holdings amount to slightly less than 10,000 acres. In particular, HCCE holds easements on parcels amounting to an additional 4,650 acres, all or part of which are within the same three (3) mile radius². On information and belief, much of this land is within view of structures contemplated by the Proposal and much of the land is within hearing distance. In any event, these holdings share wildlife habitat (including,

¹ That is, Antrim, Greenfield, Hancock, Harrisville, Nelson, Peterborough, Stoddard and Windsor.

² Significant easements are held on land of the Society for the Protection of New Hampshire Forests in Stoddard and Windsor, on land of The Nature Conservancy at Loveren’s Mill in Antrim and on land of Audubon Society of New Hampshire at Willard Pond in Antrim, together with a variety of other owners.

we believe, individual home ranges of bobcats, fishers and moose) with the Proposal Site. In accepting conservation easements, HCCE undertakes a trust affected with a public interest to ensure that the conservation values of the land are safeguarded. HCCE respectfully submits that it has a legitimate interest in participating in these proceedings to safeguard that trustee responsibility.

6 HCCE 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.³ 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

³ 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.

1980's but continues to date.⁴ Recent efforts to modify the uses permitted in this zone were not successful.

- b. Regionally, the Quabbin to Cardigan Partnership, a bi-state coalition of twenty-eight conservation organizations and agencies – many of which are active participants with the SEC - has identified about 81% of the Proposal Site as “core area” and another 17% as “supporting landscape.”

HCCE believes that, because of its concentrated efforts with respect to land conservation in this locality over several decades, it is in a unique position to advocate for these concerns and thereby make a constructive contribution to the siting process.

8 For the avoidance of doubt, HCCE 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 or oppose the Proposal, once it is fully defined.

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

SUMMARY

10 For the foregoing reasons, HCCE 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;⁵

⁴ 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* (2010), part III.

⁵ We note that the two notices published in the Monadnock Ledger on March 29, 2011, contain different deadlines for intervention. HCCE has complied with the earlier of the two.

- b. This Petition states facts demonstrating that HCCE has substantial interests which might be affected by the proceeding; and
- c. We believe that granting this Petition would serve the interest of justice.

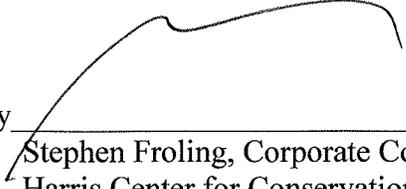
Request for Relief

WHEREFORE, HCCE 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,

HARRIS CENTER FOR CONSERVATION EDUCATION

By

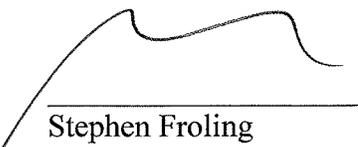


Stephen Froling, Corporate Counsel
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Certificate of Service

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Dated: April 12, 2011



Stephen Froling

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New Hampshire Department of Environmental Services

29 Hazen Drive

Concord, NH 03302-0095

Counsel for the SEC

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