

October 24, 2012

Via Hand Delivery
Ms. Jane Murray, Secretary
New Hampshire Site Evaluation Committee
New Hampshire Department of Environmental Services
P.O. Box 95
29 Hazen Drive
Concord, NH 03302-0095

**Re: Docket No. 2012-001 Application of Antrim Wind Energy, LLC for a
Certificate of Site and Facility for a Renewable Energy Facility**

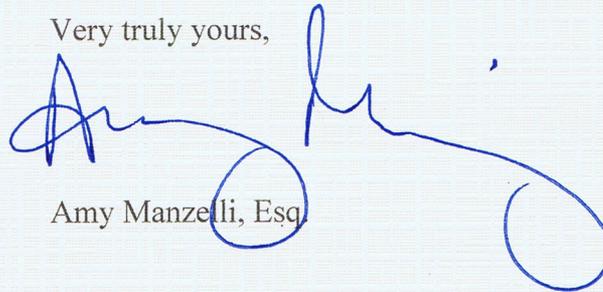
Dear Ms. Murray,

Enclosed please find for filing in this matter the original and fifteen (15) copies of the following:

1. My appearance as counsel for the Audubon Society of New Hampshire;
2. Motion of The Audubon Society of New Hampshire for Late Entry of "First Supplemental Pre-Filed Direct Testimony of Paul Nickerson on Behalf of the Audubon Society of New Hampshire"; and
3. First Supplemental Pre-Filed Direct Testimony of Paul Nickerson on Behalf of the Audubon Society of New Hampshire.

Please contact me with any questions or further needs.

Very truly yours,



Amy Manzelli, Esq.

Cc: Service List
Encl.



THE STATE OF NEW HAMPSHIRE

**BEFORE THE
SITE EVALUATION COMMITTEE**

DOCKET NO. 2012-01

APPLICATION OF ANTRIM WIND ENERGY, LLC
FOR A CERTIFICATE OF SITE AND FACILITY

**FIRST SUPPLEMENTAL PRE-FILED DIRECT TESTIMONY OF
PAUL NICKERSON
ON BEHALF OF THE AUDUBON SOCIETY OF NEW HAMPSHIRE**

Qualifications of Paul Nickerson

Q. Please state your name and address.

A. Paul Nickerson, and my address is 7 Sparhawk Drive, Londonderry, NH 03053. My qualifications to comment on the Antrim Wind Energy application to the Site Evaluation Committee have not changed from my July 31, 2012 pre-filed testimony as a New Hampshire Audubon-designated witness.

Purpose of Testimony

Q. What is the purpose of this testimony?

A. I wish to provide comment regarding the land conservation plan mentioned in the Antrim Wind Energy (AWE) application.

Q. What is that conservation plan?

A. As presented in the AWE application filed January 31, 2012, page 12, "Antrim Wind Energy will be providing substantial conservation benefits by permanently conserving 685 acres in and around the Project area." That initiative is mentioned in similar language on pages 40, 53, 71, 94 and 99 of the AWE application. The 685 acres represent 37% of the 1,850 acres initially leased by AWE.

The method of land conservation is by means of conservation easements negotiated with owners of four of the seven properties leased by AWE for the Project. The total acres leased is 1,850. These easements were filed with the SEC on June 4, 2012 as "Redacted Conservation Easements." The easements will be held and enforced by The Harris Center for Conservation Education, a land trust located in Hancock, NH. Conservation easements are one of the most common means of legally binding, permanent land conservation in New Hampshire. They must be held by a qualified organization that is legally bound to enforce the development restrictions.

Q. What comments do you have on the AWE-negotiated land conservation plan?

A. Conservation easements vary greatly in the degree of actual protection of natural resources. Some are "Forever Wild" easements that prohibit all future development on a property. Forever Wild easements typically are chosen to protect sensitive or exemplary wildlife habitat or plant communities. In some cases they prohibit trails and commercial logging. Other conservation easements allow limited development, often specifying the extent and location of development on a property.

The four individual easements as negotiated by AWE all allow future residential development on the ridgeline.

Each easement in the Reserved Rights sections reserves the right to build a house with ancillary buildings (garage, barn). While there are restrictions on the additive size of the various building footprints, there are no limits to buildings ancillary to forestry, agriculture, and passive recreation.

There are no siting restrictions for where the houses can be built. Given site preparation and leveling for the turbine pads and access roads, future residential development is likely to be on those locations, high and visible on the ridgeline.

There are no restrictions or guidelines on forestry practices. Most conservation easements today require that forestry be done following a forestry management plan approved by the holder of the conservation easement, in this case The Harris Center for Conservation Education. A restriction against clear-cutting on the ridgeline and steep slopes would be one logical restriction, both for good forestry practices and to maintain vegetative screening of residential developments.

Q. Does New Hampshire Audubon share your concern about the level of development allowed by the conservation easements?

A. At its September 11, 2012 meeting, New Hampshire Audubon's Sanctuaries and Land Management Committee approved the following motion:

Motion: David Ries [Committee chair] with Paul Nickerson [Board chair] second.

The Sanctuaries and Land Management Committee has determined that the Antrim Wind Energy (AWE) "Conservation Plan" that places conservation easements on four of the seven leased properties is inadequate for the following reasons:

*The ridgeline falls within the New Hampshire Wildlife Action Plan's **Highest Ranked Wildlife Habitat by Ecological Region** and therefore merits "forever wild" protection;*

All four conservation easements allow future residential development on the ridgeline;

AWE project site development including access road and turbine pads increases the likelihood of residential development on the highest, most visible locations after the life of the project;

The AWE project area falls within the largely unfragmented "Supersanctuary" of protected lands and will—despite the Conservation Plan—encourage permanent habitat fragmentation and visual impacts beyond the life of the project.

The motion passed unanimously.

Q. What do you believe would be an adequate plan to guarantee that the Project impacts are not permanent?

A. New Hampshire Audubon stands in strong opposition to permitting the Project.

In the event the Project is approved, I agree with the Sanctuaries Committee and respectfully urge that the Site Evaluation Committee require, as a condition of permitting the Project, that a "Forever Wild" conservation easement be placed on the ridgeline.

Q. Does this conclude your comments on the Antrim Wind Energy land conservation plan?

A. Yes, this concludes my comments on the AWE land conservation plan.