

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

Docket No. 2014 – 05

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 representatives, 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 and a tax exempt charity under §501 (c)(3) of the Internal Revenue Code with a place of business at 84 Silk Farm Road, Concord, NH 03301 (Telephone 603-224-9909).
2. This Petition is filed in response to a petition filed by Antrim Wind Energy LLC (“AWE”) on or about November 26, 2014 seeking the SEC’s acceptance of jurisdiction with respect to a less than 30 megawatt wind energy project (the “Proposal”) proposed to be sited in western part of Antrim, New Hampshire (the “Proposed Site”) (Docket 2014-05).
3. ASNH is, among other things, a conservation land trust. Its mission statement declares that ASNH “is to protect and enhance New Hampshire’s natural environment for wildlife and for people.”

4. AWE filed a petition with the Committee in 2011 (SEC Docket No. 2011-2) in which it successfully sought that the Committee accept jurisdiction over the Proposal. ASNH successfully sought to intervene in the earlier proceeding.

5. ASNH is a direct abutter of the Proposed Site; its largest fee-owned property, the dePierrefeu-Willard Pond Wildlife Sanctuary, a 1,659-acre wildlife sanctuary in Antrim and Hancock, New Hampshire (the "Sanctuary"), is immediately adjacent to the Proposed Site. In addition, ASNH protects another 1,126 acres abutting the sanctuary, which are subject to conservation easements granted to ASNH.

6. The Sanctuary was created in 1967 with the generous donation by Elsa Tudor dePierrefeu to the National Audubon Society of 650 acres of lands and a caretaker's cabin on the shore of Willard Pond, with the condition that the land be maintained as a wildlife sanctuary. Soon thereafter, the National Audubon Society transferred the property to ASNH. Over the next 44 years, with generous contributions of lands and conservation easements by members of Ms. dePierrefeu's family and others, as well as purchases of lands and conservation easements by ASNH with the financial support of its members and the public, a federal Forest Legacy grant, and the assistance of the Harris Center for Conservation Education (the "Harris Center"), the lands protected by ASNH in and around the Sanctuary have grown to a total of 2,785 acres. ASNH has also assisted the Harris Center in the protection of some of the lands described in (10) below.

7. The Sanctuary is managed primarily for wildlife habitat, with environmental education, passive recreation by the public, including fishing, canoeing, hiking and observing nature, and forest management among its additional uses.

8. The Sanctuary is accessible only from a gravel road. Wholly within the Sanctuary's borders is the 96 acre Willard Pond, which, as a "great pond," is owned by the State of New Hampshire. The pond may be enjoyed for fishing, canoeing, kayaking, and boating (electric motors only) and provides breeding habitat for Common Loons among other wildlife. The pond offers scenic views of surrounding hills, including the Proposed Site, and a quiet setting for viewing, hearing and otherwise enjoying the natural environment.

9. The Sanctuary also includes Bald Mountain (elevation 2,030 feet) and Goodhue Hill (elevation 1,620 feet), which are accessible by foot from Sanctuary trails. Bald Mountain offers scenic panoramas, including views of Mt. Kearsarge, Mt. Washington, Robb Mountain, the Mink Hills and Lowe State Forest, Craney Hill (Pat's Peak), the southern Lakes Region's hills, the Ossipee Range, the Pawtuckaway Range, the Proposed Site, Mt. Monadnock, the nearer hills in Hancock (Mt.'s Thumb and Skatutakee), Nubanusit Lake and the Wapack Ridge (North Pack Monadnock to Mt. Wachusett in Massachusetts). Goodhue Hill also provides scenic panoramas, including views of Mt. Kearsarge, Mt. Cardigan, a partial view of Mt. Sunapee, Mt. Monadnock, Pack Monadnock, Mt. Wachusett in Massachusetts and the Proposed Site.

10. The Sanctuary's importance as wildlife habitat and a recreation area is enhanced because the Sanctuary and other conserved and wild lands surrounding it form a large unfragmented block of wildlands. In addition to the Proposed Site, the Sanctuary abuts the 73-acre Hosmer Wildlife Management Area (which also abuts the Proposed Site) managed by the New Hampshire Fish and Game Department (NHFG) and, to its south in Hancock, the 475-acre Carpenter Marsh Wildlife Management Area managed by NHFG.

Other protected lands within three miles of the Proposed Site include, upon information or belief, 1,950 acres of lands owned by the Harris Center, another 4,650 acres of lands subject to conservation easements held by the Harris Center (excluding lands proposed to be protected by agreement between AWE and the Harris Center), the 613-acre Loveren's Mill Cedar Swamp Preserve protected by The Nature Conservancy, and the 5,000 acre Peirce Reservation of the Society for the Protection of New Hampshire Forests in Stoddard and Windsor.

11. The more than 2,785 acres of lands protected by ASNH described above, together with the Proposed Site and the lands protected by other conservation organizations described above, provide important habitat for wide-ranging wildlife species, including bobcat, moose, and black bear and a diversity of species of forest and water birds, including Hermit and Wood Thrushes, numerous species of warblers, Barred and Saw-Whet Owls, Belted Kingfisher, Spotted Sandpiper and the State-threatened Common Loon, which nests on Willard Pond. The Bald Eagle, also State-threatened, nests on Nubanusit Lake and is frequently observed at Willard Pond Wildlife Sanctuary throughout the year. Over the course of a year more than 100 species of birds can be viewed at the Sanctuary. For all of these reasons the Sanctuary constitutes an important conservation property for the region and the State of New Hampshire.

12. The Proposal's intrusion into views from the Sanctuary and its noise will also adversely affect the public's use and enjoyment of the Sanctuary.

13. 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.

14. In carrying out its mission of protection of the natural environment in New Hampshire, ASNH has adopted a wind power policy pursuant to which it intends to review applications of New Hampshire wind power projects for their impact on wildlife and the environment, and therefore has an interest in this Proposal that is separate from the impact on properties protected by ASNH.

15. In this connection, we note that the Proposed 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. 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:

16. Locally, it is noteworthy that most of the Proposed 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. 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.

17. Regionally, the Quabbin to Cardigan Partnership, a bi-state coalition of twenty-eight conservation organizations and agencies in Massachusetts and New Hampshire, has identified priority conservation areas over a large landscape area extending from north-central Massachusetts through western New Hampshire to the White

Mountains. A major portion of the Proposed Site falls within a “core conservation area” and another portion qualifies as “supporting landscape” to that core area.

18. The NH Wildlife Action Plan, which was developed by the NH Fish and Game Department with the assistance of numerous partner agencies, organizations, and institutions, and which was formally approved by the US Fish and Wildlife Service in 2006, identifies a significant portion of the Proposed Site as highest ranked habitat in the State, and another portion as highest ranked habitat in the ecological region.

19. ASNH was granted intervenor status in Docket No. 2012-05, In re Antrim Wind Energy, LLC.

SUMMARY

20. For the foregoing reasons, ASNH seeks intervention 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) As set forth in this Petition, ASNH has substantial rights, interests and duties that are affected by the proceeding; and
- (c) 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: _____

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Certificate of Service

I hereby certify that, on this 12 day of January, 2015 I have caused the the within Petition for Intervention to be served by electronic mail as provided in NH Administrative Code, Site 202.07 to the persons named on the attached list.

Name:

Service List

Site Evaluation Committee

Site Evaluation Committee
21 South Fruit Street, Suite 10
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