



April 3, 2012

Ms Amy L Ignatius, Vice Chairman  
NH Site Evaluation Committee  
c/o Ms Jane Murray  
NH Department of Environmental Services  
Executive Secretary ~ Legal Unit  
29 Hazen Drive  
Concord, NH 03302-0095

**Ref: Site Evaluation Committee – Docket 2012-1 – Antrim Wind Energy**

Dear Ms Ignatius

I enclose, for filing, an original and nine copies of the following documents:

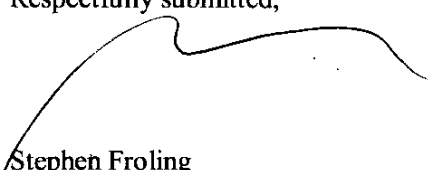
- 1 Notice of Appearance; and
- 2 Petition for Intervention by Harris Center for Conservation Education.

An electronic copy is being sent simultaneously to Ms Murray.

Since you have not yet published a service list, I understand that Ms Murray will serve copies on interested parties electronically on my behalf.

Thank you for your help.

Respectfully submitted,

  
Stephen Froling  
Corporate Counsel

THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

Docket No. 2012 – 01

**Re: Antrim Wind Energy, LLC**

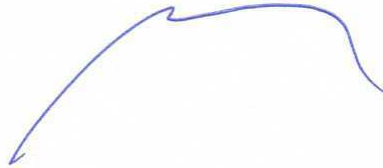
**Appearance**

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 a certificate of site and facility relating to a proposed wind-power project 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,



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Stephen Froling  
Corporate Counsel  
Harris Center for Conservation Education  
83 King’s Highway  
Hancock, NH 03449  
E-mail: [stephenfroling@cs.com](mailto:stephenfroling@cs.com)  
Tel: (603) 525 3851 or 525 3394  
Fax: (603) 525 3395

Dated: April 3, 2012

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 and by US Mail, postage prepaid, upon the Site Evaluation Committee as provided in NH Administrative Code, Site 202.07 and that the Site Evaluation Committee will serve necessary parties electronically.

A handwritten signature in blue ink, appearing to read "Stephen Froling", written over a horizontal line.

Dated: April 3, 2012

\_\_\_\_\_  
Stephen Froling

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

Docket No. 2012 – 01

**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 January 31, 2012, seeking a certificate of site and facility relating to a wind energy proposal (“the Proposal”) under which AWE wishes to site a wind energy project in the western part of Antrim, NH. (“the Proposal Site”).

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 AWE brought an earlier proceeding (SEC Docket 2011-2) in which it sought an  
order from the SEC asserting jurisdiction over a proposal for a wind energy facility of less  
than 30 megawatts. HCCE successfully sought to intervene in that earlier proceeding.  
(Petition dated April 12, 2011; Order dated May 6, 2011, pages 5-6).

5 HCCE’s petition here essentially restates its earlier interests, but also asserts a new  
interest which may be affected by these proceedings in that HCCE now has a legal right  
and obligation, in certain circumstances, to acquire conservation easements over 685 acres,  
more or less, including a substantial portion of the Proposal Site and abutting property.  
Details are given in paragraph 8, below

6 HCCE is not a direct abutter of the Proposal Site but owns nearby land and has  
other interests in land in an eight-town area<sup>1</sup>, 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

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<sup>1</sup> That is, Antrim, Greenfield, Hancock, Harrisville, Nelson, Peterborough, Stoddard and Windsor.

respectfully submits that it has a legitimate interest in participating in these proceedings to safeguard the foregoing interests.

7 HCCE further holds conservation easements on land owned by others. In the eight town area described above, its holdings amount to slightly more 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 radius<sup>2</sup>. 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, 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.

8 On January 11, 2012, HCCE entered into agreements with AWE and four landowners pursuant to which HCCE has both the right and the obligation, in certain circumstances, to acquire conservation easements over portions of the Proposal Site and certain abutting property amounting, in total, to 685 acres, more or less. Under these agreements, AWE and the affected landowners reserved the right to proceed with a wind facility project – if permits are obtained here – but accepted other conservation restrictions on the affected land. HCCE thus has a direct legal interest in the Proposal Site and surrounding area which may be affected by these proceedings.

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<sup>2</sup> 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.

9 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.

10 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.<sup>3</sup> 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 but continues to date.<sup>4</sup> 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

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<sup>3</sup> 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.

<sup>4</sup> 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.

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.

11 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.

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

#### SUMMARY

13 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;
- 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,

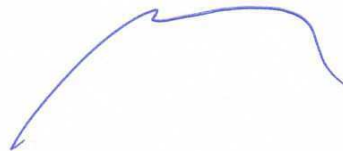
HARRIS CENTER FOR CONSERVATION EDUCATION



By \_\_\_\_\_  
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Certificate of Service

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Dated: April 3, 2012

Stephen Froling