



October 3, 2012

NH Site Evaluation Committee  
NH Dept. of Environmental Services  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

***RE: Request for Motion for Declaratory Ruling  
Jericho Mountain Wind Project  
Berlin, NH***

Dear Committee Members:

This letter is being submitted by Atlantic Design Engineers, Inc. on behalf of Jericho Power LLC, as a request for Motion for Declaratory Ruling pursuant to New Hampshire Code of Administrative Rules, Site 203.01 relative to the proposed Jericho Mountain Wind Project in Berlin, NH.

Jericho Power LLC has proposed the construction of a wind energy facility on private land in Berlin, NH on the western slope of what is known as Jericho Mountain. Although the exact size, make and model of the wind turbines to be constructed has not yet been determined, it is anticipated that there will be up to three (3) turbines and the proposed project will have a rated capacity of between 4.95 and 8.55 megawatts (MW). Final sizing will depend on the results of the ISO New England and Public Service of New Hampshire electrical interconnection study which was initially applied for in May 2012. An aerial site plan and USGS map of the project location have been provided along with this letter for a better understanding of the proposed project.

The project has been previously approved to erect up to 4 turbines at heights of up to 400 feet by the local governing bodies in the City of Berlin with no objections or appeals. The project proponents are presently working with the City to conform and amend these local approvals for the final proposed configuration. Initial discussions with the City Planner, Pamela LaFlamme, have been favorable. In addition the project proponents are currently in the process of obtaining an Alteration of Terrain permit from NH Department of Environmental Services (DES), a driveway permit from the NH Dept. of Transportation (DOT), approval from the NH Division of Historical Resources (DHR), and a Surplus Land Review approval of an easement for access to the site through the abutting Jericho Mountain State Park. A determination has been received from the Federal Aviation Administration (FAA) that the project will not interfere with air traffic in the area. The FAA determination may be updated when final sizing and locations are determined after the interconnection study results are obtained. The project has been designed to minimize land clearing and it is anticipated that no wetlands will be disturbed by construction of the project. The closest residences are over one mile away.

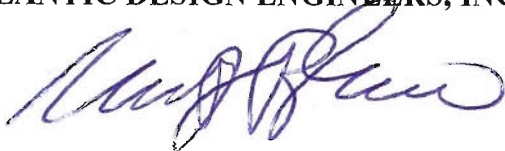
We understand that the SEC has jurisdiction over renewable energy facilities greater than 30 MW pursuant to RSA 162-H and also has the authority to exercise jurisdiction over any project, even as low as 5.0 MW for renewable energy facilities. This project does not meet the minimum requirements for required evaluation by the committee, as it is under the 30 MW rated capacity. However, it may be above the minimum 5 MW threshold should the committee decide “on its own motion” that review of the project is warranted.

It is our opinion that this project can be successfully permitted through each of the required local and state departments without the need for a consolidated review and permitting approach through the SEC, as this project is relatively small, has minimal impacts in comparison to other wind turbine projects in the region and as shown in Attachment A, meets the intent of all of the SEC Wind Power Siting Guidelines.

We would ask for your concurrence with our opinion and respectfully request that the SEC issue a Declaratory Ruling indicating that SEC review of the proposed Jericho Mountain Wind Project would not be required.

Sincerely,

**ATLANTIC DESIGN ENGINEERS, INC.**

A handwritten signature in blue ink, appearing to read 'Richard Tabaczynski'.

Richard Tabaczynski, P.E.  
Vice President

CC: Jericho Wind LLC

ATTACHMENT A  
COMPLIANCE WITH WIND POWER SITING GUIDELINES (MAY 2007)

The Jericho Mountain Wind Project siting design and layout was established during an extensive local review and permitting process with the City of Berlin, NH in 2009, which involved the receipt of a Special Exemption and a Height Variance from the Zoning Board of Adjustment (ZBA), and Site Plan approval from the Planning Board. In addition, the project was previously developed with three small wind turbines on the site.

It is our opinion that the project meets all of the guidelines listed in the “Proposed Wind Power Siting Guidelines” (May 29, 2007). The criteria for the General Guidelines for Appropriately Sited Projects are listed below:

- *Have substantial support from the local community.*
  - No appeals or petitions were filed with any local or state board or agency with respect to the proposed project during the local permitting process or after the necessary permits were granted by the City of Berlin.
- *Provide positive economic benefits to the local community.*
  - The City of Berlin will receive tax revenue from the project each year, and will be adding to their renewable energy portfolio.
- *Are compatible with local land use plans and regulations.*
  - The proposed project has already received a Site Plan Approval and Special Exception for an Energy Project from the Planning Board and ZBA in the City of Berlin, NH and has also received a Height Variance from the ZBA to allow the project.
- *Avoid or minimize degradation of the quality of life for local residents.*
  - No appeals or petitions were filed with any local or state board or agency with respect to the proposed project during the local permitting process or after the necessary permits were granted by the City of Berlin. The closest residences are over one mile away.
- *Maximize the amount of power generated for the given level of impact.*
  - Final turbine selection for the project will be based on a balance of turbine cost, energy efficiency, and the maximum generated power output.
- *Avoid or minimize disturbance of populations of or habitat for rare plant and animal species.*
  - The site of the proposed project was partially cleared previously as part of a logging operation and we have maximized the amount of work in these cleared areas to the greatest extent possible. It is not anticipated that the project will have a major impact on any natural habitat or wildlife on site. The NH Natural Heritage database check did not reveal any recorded occurrences for sensitive species near the project area.
- *Avoid areas that create a high risk of mortality to birds and bats.*
  - General avian impact assessments prepared for the much larger Granite Reliable Windpark, also located within Coos County, approximately 17 miles to the north of the proposed Jericho site, found that:

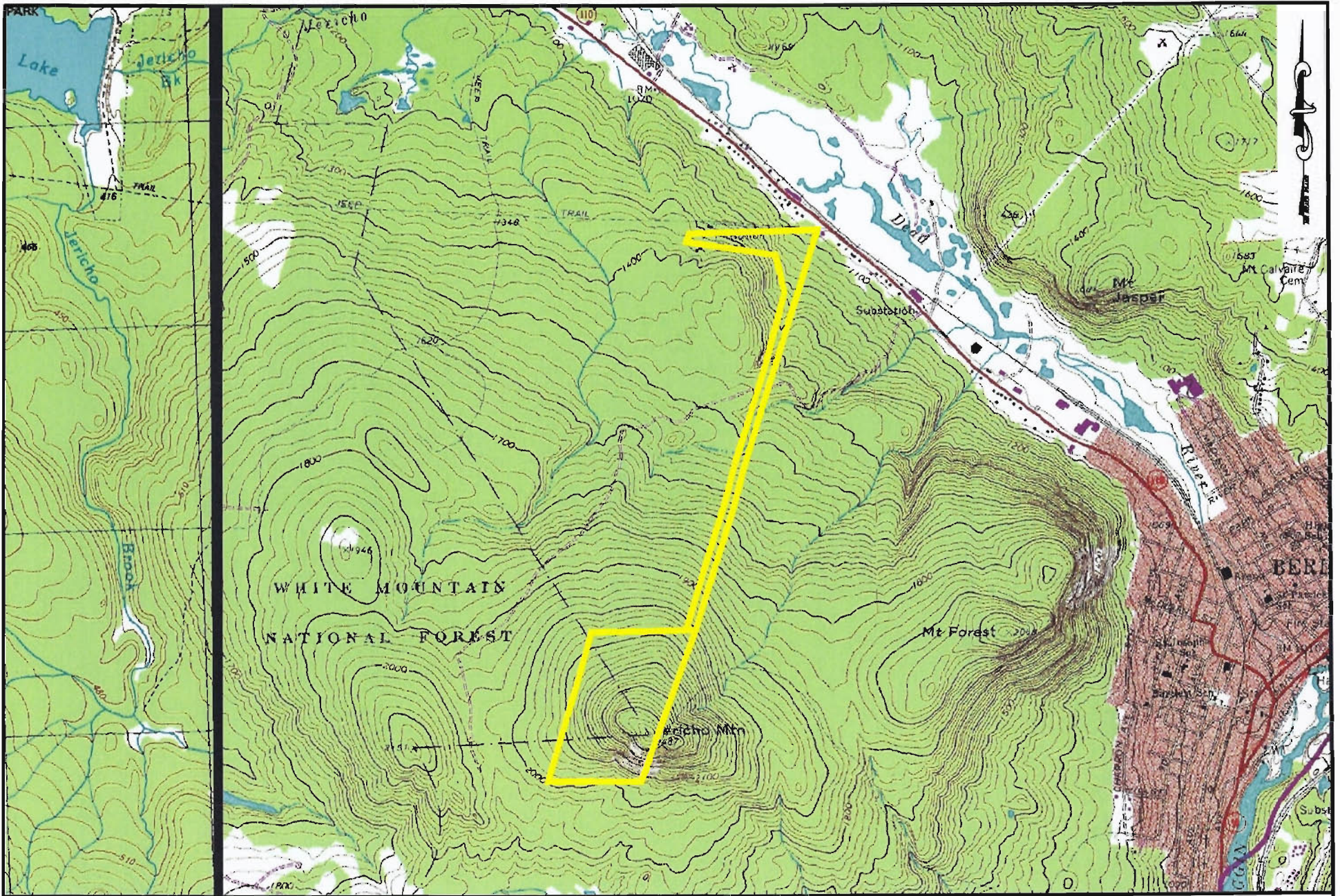
- “Locally breeding birds are likely to habituate quickly to the presence of wind turbines, and the risk of mortality from collision with turbines is minimal.” (Foss, C., Ph.D. and Deming, L., M.S. (2007). *Breeding Bird Study for Proposed Granite reliable Windpark, Coos County, New Hampshire*. Pg. 1)
- “According to these studies and testimony given at the NH SEC technical sessions, there are few bats present in the area where the towers would be built.” The report goes on to say that “Migrating passerines fly past the area during annual migrations, and some fly at heights that create a risk of collision with wind turbines, but the survey results suggest that the project area is not a concentrated flyway for these birds.” (Environmental Assessment, 404(b) (1) Evaluation, and Finding of No Significant Impact; Granite Reliable Power Permit Application #NAE 2008-410; Pg. 20)

Based on these findings for a much larger project on a site in relatively close proximity to the Jericho site, it is our opinion that the Jericho projects avoids sensitive areas that may cause an unacceptably high risk of mortality to birds and bats in the area. However, to confirm this, an on-site bird and bat impact assessment is currently underway.

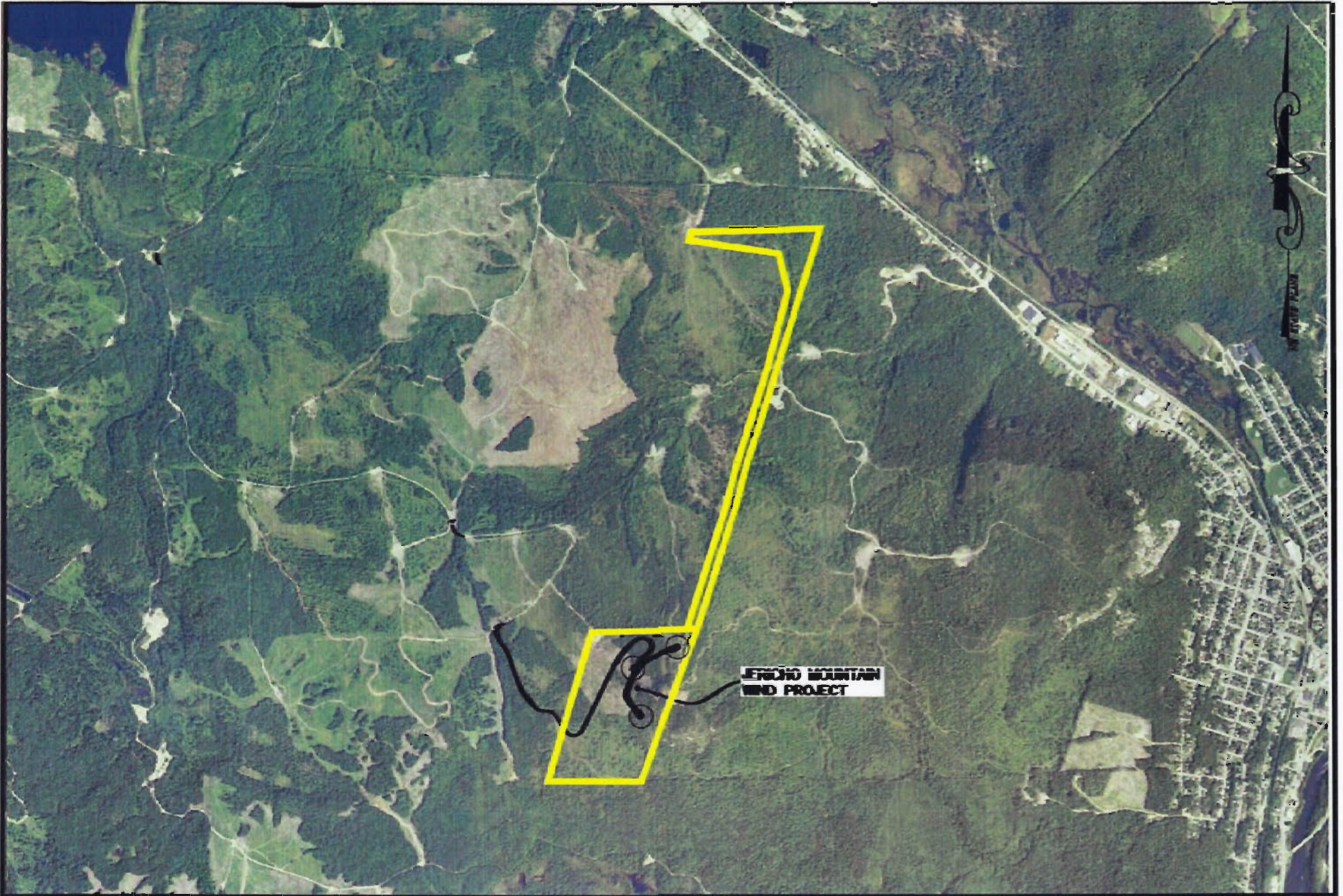
- *Avoid or minimize disturbance of uncommon or high-quality wildlife habitat.*
  - The site of the proposed project was partially cleared previously as part of a logging operation and we have maximized the amount of work in these cleared areas to the greatest extent possible.
- *Avoid or minimize fragmentation of large blocks of natural habitat.*
  - The nature of a wind turbine sites does not create large enclosed or developed areas that would cause any fragmentation of natural habitat.
- *Avoid or minimize disturbance of steep or fragile soils.*
  - The project has been sited and developed in such a manner to reduce the need for significant grading and blasting of steep or fragile soils.
- *Avoid or minimize disturbance of wetlands, streams and riparian areas.*
  - No worked is planned in any flagged wetland, stream, or riparian areas.
- *Avoid or minimize disturbance of areas of high recreational use, especially use that is focused on the natural environment.*
  - This project will add approximately 2.5 miles of recreational use access to the Jericho Mountain State Park with minimal disturbance to the existing trail system.
- *Avoid or minimize degradation of scenic views, especially from areas of recognized high scenic value that depend on the undeveloped natural environment for their appeal.*
  - This project and its associated recreational trails that will be created will provide a scenic overlook of the Jericho Mountain State Park and Jericho Lake that was not previously accessible to the public.

- *Have necessary infrastructure (access roads and transmission lines) on-site, in close proximity, or able to be constructed without undue impacts.*
  - The project site was previously developed with three small wind turbines with an electrical interconnection running north-south along the project property. The Jericho Mountain Wind Project will upgrade and make use of the previously existing utility lines as well as make use of logging roads that make up a portion of the trail system through the Jericho Mountain State Park, thereby eliminating the need for a new access road for project construction.
- *Are located in areas that have been and continue to be altered by human use (e.g., developed or agricultural areas or lands under active timber management).*
  - This project has been sited on private land that a portion of which has been previously cleared, and has not been set aside for any conservation purposes.









**Atlantic**  
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**Aerial Photograph Figure**  
Scale: 1"=2,000'