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Please reply to: Concord Office

VIA HAND DELIVERY

January 7, 2014

Mr. Rene Pelletier
Assistant Water Division Director
NH Department of Environmental Services
P.O. Box 95
29 Hazen Drive
Concord, New Hampshire 03302-0095

**RE: Atlantic Wind, LLC
Wetlands and Alteration of Terrain Permit Applications**

Dear Rene:

On December 12, 2013, Atlantic Wind, LLC ("Atlantic Wind"), owner and developer of the Wild Meadows Wind Project ("Project"), filed an application with the Site Evaluation Committee ("SEC") to develop a 75.9 megawatt (MW) wind energy facility consisting of 23 wind turbines of 3.3 MW each, and associated access and interconnection infrastructure. The wind turbines are to be situated along the ridgelines in Alexandria and Danbury, New Hampshire. The ridgelines upon which the turbines are proposed to be constructed overlook Newfound Lake, the third largest lake in New Hampshire, a major New Hampshire tourist attraction, and home to hundreds of full-time and seasonal residents.

In addition to the SEC application, Atlantic Wind also filed applications for a wetland permit and an alteration of terrain permit, which presumably your Division staff is currently reviewing for completeness.

We write on behalf of our client, the Wild Meadow Legal Fund, a citizens group that has serious concerns about the proposed project and its impacts to the Newfound Lake region, to alert you to the fact that both these permit applications are incomplete because Atlantic Wind has failed to demonstrate that it has the requisite site control over lands required for the development of the interconnection transmission line and substation.

As you are aware, under the SEC regulations, Atlantic Wind must "satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms." RSA 162-H:7, IV; *see also* Site 301.03(d)(2) (requiring a complete application to include "Documentation that demonstrates compliance with the application requirements of [each agency having jurisdiction].").

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Demonstrating site control over every aspect of the Project is a requirement for the Alteration of Terrain Permit, Env-Wq 1503.08(1), and for the Wetlands Permit, Wetlands Permit Application Form at § 3. In both of those permit applications, Atlantic Wind identifies the interconnection transmission line and substation, including identifying the individual parcels on which those Project elements lie. *See* Wetlands Permit Application, Design Sheet C 1.2 and C 9.1, Alteration of Terrain Permit Application, Table of Tax Map Parcels, and Lease Documents.

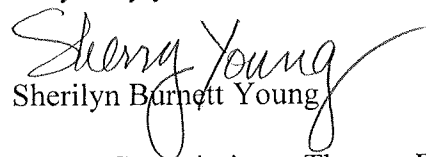
However, in neither the Wetlands nor the Alteration of Terrain permit applications does Atlantic Wind demonstrate that it holds a property interest in *all* the lands required for the interconnection transmission line and substation. Indeed, as noted above, both applications indicate the opposite – that Atlantic Wind does not hold all the necessary land rights. Wetlands Permit Application, Sheet C 1.2, Alteration of Terrain Permit Application, Table of Tax Map Parcels, and Lease Documents. For example, Atlantic Wind's Alteration of Terrain Permit application identifies twelve lots that comprise the Project site, owned by seven different land owners. However, lease documents included with that application demonstrate that Atlantic Wind only holds leases with two land owners that together give it rights to five of the twelve Project parcels.

Insofar as the Wetlands and Alteration of Terrain permits require an application to demonstrate site control over the entire Project area, meeting that requirement is incorporated into the SEC's completeness determination under Site 301.03(d)(2). By failing to meet the requirements for a complete Wetlands and Alteration of Terrain permit application, Atlantic Wind's Application to the SEC must also be deemed incomplete.

We have this date also filed the appropriate filings with Commissioner Amy Ignatius regarding the SEC determination of completeness, but wanted to write directly to you as well since it is your Division that determines the completeness of the Wetlands and Alteration of Terrain permit applications.

Accordingly, we respectfully request that the DES determine that these two applications are not complete for the reasons as outlined above.

Very truly yours,


Sherilyn Burnett Young

cc: Commissioner Thomas Burack
Barry Needleman, Esquire
Michael Iacopino, Esquire
Patrick Taylor, Esquire