



January 14, 2015

New Hampshire Site Evaluation Committee
c/o Ms Jane Murray
NH Department of Environmental Science
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Ref: Antrim Wind Energy – Docket 2014-05

Dear Ms Murray

Please find enclosed an original and 18 copies of:

- 1 my appearance in the captioned docket on behalf of the Harris Center for Conservation Education; and
- 2 the Harris Center's petition for intervention.

Sincerely,



Stephen Froling
Corporate Counsel
(603) 525 3851

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2014 – 05

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 November 26, 2014, seeking a ruling that the NH Site Evaluation Committee will assert discretionary jurisdiction to hear its proposed petition for 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, conservation research, and programs that encourage active participation in the great outdoors.”

4 AWE has brought two earlier proceedings (SEC Docket 2011-2 and SEC Docket 2012-1) in which it sought, firstly, an order from the SEC asserting jurisdiction over a proposal for a wind energy facility of less than 30 megawatts and, secondly, a certificate of site and facility for a project in excess of 30 megawatts. HCCE successfully sought to intervene in both of those earlier proceedings. (Order dated May 6, 2011, pages 5-6; Order dated May 18, 2012, page 8).

5 HCCE’s petition here essentially restates its earlier interests, but also asserts a new interest which may be affected by these proceedings

6 *Legal Interest in the Proposal Site:* In 2012, HCCE entered into agreements with AWE and five landowners, four of whose land is under lease to AWE for the Project and the fifth whose land is subject to a noise easement. Pursuant to those agreements, 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 800+ acres, more or less. Under those 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.

7 *HCCE Now Also Owns Abutting Property:* In September 2014, HCCE acquired Antrim Tax Map 240, Lot 12, a 185 tract in Antrim which abuts the AWE Proposal Site on its southeast corner, that is, between the Proposal Site and the Willard Pond Preserve. *See* deed from Girl Scouts of the Green and White Mountains, Hillsborough County Registry of Deeds, Book 8694, page 928 (Sept 25, 2014). HCCE is thus now an abutter. On information and belief, the Proposal may affect HCCE's use and enjoyment of this property.

8 *Ownership of Nearby Land:* HCCE also owns nearby land and has other interests in land in an eight-town area¹, 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 2,135 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, nearly 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 respectfully submits that it has a legitimate interest in participating in these proceedings to safeguard the foregoing interests.

9 *Easements on Nearby Land:* 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

¹ That is, Antrim, Greenfield, Hancock, Harrisville, Nelson, Peterborough, Stoddard and Windsor.

additional 4,650 acres, all or part of which are within the same three (3) mile radius². 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.

10 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.

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.

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:

² 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.

- 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 
Stephen Froling, Corporate Counsel
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Hancock, NH 03449
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Tel: (603) 525 3851 or 525-3394
Fax: (603) 525-3395

Dated: January 14, 2015

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 or by US Mail, postage prepaid, as provided in NH Administrative Code, Site 202.07, to the persons on the attached list.

Dated: January 14, 2015



Stephen Froling

Service List

Site Evaluation Committee (Original + 18 copies)
Site Evaluation Committee
c/o Ms Jane Murray
New Hampshire Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095

Counsel for the SEC
Michael J Iacopino, Esq.
Brennan, Caron, Lenehan & Iacopino
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Petitioners
Town of Antrim
PO Box 517
Antrim, NH 03440

Wes Enman
16 Pierce Lake Road
Antrim, NH 03440

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THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

Docket No. 2014 – 05

Re: Antrim Wind Energy, LLC

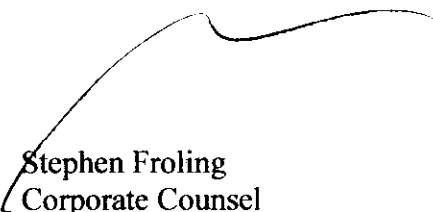
Appearance

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 that the New Hampshire Site Evaluation Committee assert jurisdiction over a wind energy facility proposed by AWE for a site located 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,



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

Dated: January 14, 2015

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Stephen Froling

Dated: January 14, 2015

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Counsel for the SEC

Michael J Iacopino, Esq.

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Petitioners

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