

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-02

**Re: Application of Antrim Wind Energy, LLC
for a Certificate of Site and Facility**

December 1, 2015

ORDER ACCEPTING APPLICATION

I. Introduction

On October 2, 2015, Antrim Wind Energy, LLC (Antrim Wind), filed an Application for a Certificate of Site and Facility (Application) with the Site Evaluation Committee (Committee). Antrim Wind seeks the issuance of a Certificate of Site and Facility approving the siting, construction, and operation of a 28.8 MW electrical generation facility consisting of nine Siemens SWT-3.2-113 direct drive wind turbines and associated civil and electrical infrastructure. The entire project will be located in the northwest portion of the Town of Antrim.

On October 20, 2015, pursuant to RSA 162-H:4-a, the Chairman of the Committee appointed a Subcommittee in this docket.

On November 18, 2015, the Subcommittee reviewed the Application and determined that it contained sufficient information for the Subcommittee to carry out the purposes of RSA 162-H. This Order memorializes that determination.

II. Description of the Project

Antrim Wind proposes to site, construct, and operate 9 Siemens SWT-3.2-113 direct drive wind turbines capable of generating 3.2 MW for a total nameplate capacity of 28.8 MW (Project.) *See* Application, at 19, 27. The Project is proposed to be located in the Town of Antrim on the Tuttle Hill ridgeline spanning southwestward to the northeastern slope of Willard

Mountain. *Id.* at 5. The Project will be constructed primarily on the ridgeline that starts approximately 0.75 miles south of NH Route 9 and runs south-west, for approximately 2 miles.

Id. The Project will be located in the rural conservation zoning district on private lands owned by six landowners and leased by Antrim Wind. *Id.* at 5-6.

Each turbine that the Applicant seeks to install will consist of (i) a tower; (ii) a nacelle; and (iii) a rotor with three blades. *Id.* at 19, 27. The towers for turbines 1-8 will each be 92.5 meters tall and the tower for turbine 9 will be 79.5 meters tall. *Id.* Each rotor will be 113 meters in diameter. *Id.* The total turbine height from foundation to blade tip will be as follows: (i) turbines 1-8 – 488.8 feet; and (ii) turbine 9 – 446.2 feet. *Id.*

The Project will also include turbine pads, gravel roadways, electrical substations, a permanent meteorological tower, and support buildings. *Id.* at 19-21. The meteorological tower will be a 100-meter tall free-standing lattice tower that will be located on the ridge between turbines #2 and #3. *Id.* at 20.

The Project will require construction of a main access road and two spur roads required for access to individual turbines. The main access road will consist of two segments: (i) 0.7 miles segment connecting Route 9 with turbine #1; and (ii) 2.3 miles segment from turbine #1 to the ridge and along the ridge. *Id.* at 20. The spur roads will be 0.4 and 0.14 miles long. *Id.* at 20-21. All surface roads associated with the Project will be restored so that they will be 16 feet wide upon completion of the Project. *Id.* at 21.

A joint collector system, interconnection substation, and a 3,000 square feet operation and maintenance building will be constructed as a part of the Project. *Id.* at 21. The collector system electrical and fiber communications cables will be buried by the roadside along the ridgeline and will transition to pole mounted above ground installations where the access road

meets the ridgeline. *Id.* The collector and interconnection substation will be located immediately to the north of the PSNH L163 line. *Id.* The substation will deliver the power from the turbines to the grid. *Id. Id.* at 30. The substation yard will consist of (i) 100 feet by 111 feet collection yard that will contain a transformer and a 16-foot by 12-foot control house; and (ii) 172 feet by 186 feet interconnection yard that will contain a three-breaker ring bus and a 20-foot by 24-foot control house. *Id.*

III. State Agency Responses

Pursuant to RSA 162-H:7, IV, state agencies having permitting or other regulatory authority were notified of the filing of the Application and asked to conduct a preliminary review to ascertain if the Application contained sufficient information for the agency's purposes.

A. New Hampshire Division of Historic Resources

The New Hampshire Division of Historic Resources (NHDHR) responded on October 30, 2015. NHDHR indicated that the Application contained sufficient information for NHDHR's decision making. NHDHR advised the Subcommittee that it is involved in consultations addressing the Project under Section 106 of the National Historic Preservation Act of 1966 with the United States Army Corps of Engineers (USACE). The consultation has been ongoing since October 5, 2011. NHDHR further advised the Subcommittee that all phases of the archeological study have been completed and approved and above-ground resources have been fully identified. NHDHR informed the Subcommittee that there is a disagreement between NHDHR and the USACE as to the impact of the Project on the White Birch Point Historic District. NHDHR advised the Subcommittee that the Section 106 consultation process is ongoing and it is anticipated that the identified disagreement will be resolved as a part of such process.

B. Department of Transportation

On November 3, 2015, The Department of Transportation informed the Subcommittee that the Application contained sufficient information for the permitting needs of that agency.

C. Department of Environmental Services

On November 5, 2015, the Subcommittee received a response from the Department of Environmental Services Water Division (DES). DES indicated that it determined that the Applicant's Alteration of Terrain Permit Applications and Individual Subsurface Disposal System Applications were complete and contained sufficient information for technical review.

DES advised the Subcommittee that the Project is expected to be subject to the USACE Section 404 State Programmatic General Permit (SPGP) and the Section 401 Water Quality Certification issued for the SPGP. Based on that expectation, DES determined that the Application is complete. If USACE decides that the project requires an Individual Section 404 Permit (which is not considered likely at this time), the Application will not be complete until the Applicant submits an application for Section 401 Water Quality Certification to the DES Watershed Management Bureau.

DES further determined that the Applicant's Wetland Permit Application was not complete because it lacked a wetland mitigation proposal. On November 5, 2015, the Subcommittee advised the Applicant of the DES determination and requested a supplement to the Application.

By letter dated November 13, 2015, DES modified its completeness determination. DES received clarifying information concerning permanent wetland and stream impacts and determined that mitigation is not required under state regulations. DES did point out that federal

agencies may elect to require mitigation independent of the state requirements. A federal determination requiring mitigation may be based on secondary clearing impacts adjacent to wetlands and streams. Having received the clarifying information DES determined that the Wetland Application is complete and contains sufficient information for technical review.

D. Natural Heritage Bureau

The New Hampshire Natural Heritage Bureau of the Department of Resources and Economic Development's Division of Forest and Lands responded to the Committee's inquiry on November 6, 2015. The Natural Heritage Bureau advised the Subcommittee that it determined that the Application "contained sufficient information . . . to review and consider issuance of conditions regarding rare, threatened and endangered plants and exemplary natural communities."

E. Fire Marshal

On November 10, 2015, The Department of Safety, Office of the Fire Marshal (Fire Marshal) sent a letter to the Subcommittee. The Fire Marshal reports that the Applicant has committed to the installation of fire suppression technology within the nacelle of each turbine as part of the Project's safety plan. In addition the Fire Marshal reports that the Applicant is committed to compliance with DES best practices for blasting during the construction of the project. The Fire Marshal did not report that the Application was incomplete.

No state agency with permitting or other regulatory authority has advised the Subcommittee that the Application is incomplete for permitting or other regulatory purposes

IV. Sufficiency and Acceptance of Application

On November 18, 2015, at a duly noticed public meeting, the Subcommittee voted to accept the Application.

In addition to hearing from state agencies the Subcommittee has an independent obligation to “ascertain if the application contains sufficient information to carry out the purposes” of RSA 162-H. See RSA 162-H:7, II. It is worth noting that this determination is not a determination that the Application deserves the issuance of a Certificate. It is merely a determination that the Application contains sufficient information enabling the Subcommittee to perform the comprehensive review required by RSA 162-H.

RSA 162-H and the Committee’s administrative rules specify the information that is required in order for the Subcommittee to determine that an application is complete. The Committee with the assistance of Counsel to the Committee has reviewed the statute and administrative rules specifying the items that are required to be included in an application. The Antrim Wind Application appears to contain all of the required components for a determination that the Application is complete under by RSA 162-H: 7 and NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES Site 301.

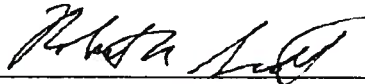
Over the course of time the Subcommittee, the other parties and the state agencies may require additional information from the Applicant. However, a substantive review of the various components of the Application does not reveal any omissions or other impediments to the Subcommittee’s consideration of the Application.

A comprehensive review of the Application reveals that the Applicant has provided all information required by RSA 162-H and by the Site Evaluation Committee rules codified at NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES, Site 301. Based upon the preliminary review of the Application by the Committee as required by RSA 162-H: 7, IV, the Committee finds that the Application contains sufficient information to carry out the purposes of RSA 162-H. The


Application is hereby accepted as of the date set forth below and deemed to seek the issuance of a Certificate of Site and Facility for an energy facility as defined in RSA 162-H:2, VII.

This matter shall proceed in accordance with the procedures set forth at RSA 162-H and all governing administrative rules.

So ordered this 1st day of December, 2015.



Robert Scott, Presiding Officer
Commissioner Public Utilities Commission



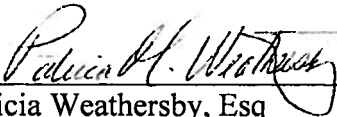
Jeffrey Rose, Commissioner
Dept. of Resources & Economic Development



Richard Boisvert, State Archeologist
Division of Historical Resources



Michael Ladam
Public Utilities Commission



Patricia Weathersby, Esq
Public Member

Roger Hawk, Public Member
Not Present. Did Not Vote.

Eugene Forbes
Department of Environmental Services
Not Present. Did Not Vote.