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January 10, 2019

**VIA ELECTRONIC MAIL & HAND-DELIVERY**

New Hampshire Site Evaluation Committee  
Pamela G. Monroe, Administrator  
21 South Fruit Street, Suite 10  
Concord, NH 03301

**Re: NH Site Evaluation Committee Docket No. 2015-02:  
In Re: Antrim Wind Energy, LLC Certificate of Site and Facility – Motion to  
Modify Certificate of Site and Facility**

Dear Ms. Monroe:

Please find enclosed for filing in the above-captioned matter, an original and one copy of Antrim Wind Energy, LLC's Motion to Modify Certificate of Site and Facility. In addition, please find enclosed for filing a check for \$3,600.00. Pursuant to RSA 162-H:8-a, II(d)(5), Antrim Wind Energy, LLC ("AWE") respectfully requests the appointment of a 3-member subcommittee to review this Motion.

In addition, AWE has already begun construction on this Project consistent with its Certificate of Site and Facility. In order to maintain the current construction schedule, work on the PSNH line in the wetlands addressed in this Motion must begin as close to March 25, 2019 as possible.

In order to accommodate this schedule, or at a minimum limit delay, AWE requests that, to the extent possible, the Committee expedite its review of this Motion. The proposed modification is minimal and does not require extensive analysis of a wide range of issues.

We have provided members of the distribution list with electronic copies of this Motion, pending addition of the document to the Committee's website.


Pamela G. Monroe, Administrator

January 10, 2019

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Thank you for your assistance and consideration in this matter. Please contact me directly should you have any questions.

Sincerely,

  
for:  
Barry Needleman

BN:rs3

Enclosure

cc: Distribution List

**THE STATE OF NEW HAMPSHIRE**

**SITE EVALUATION COMMITTEE**

**Docket No. ~~2015-02~~ 2019-01**

**In Re: ANTRIM WIND ENERGY, LLC  
CERTIFICATE OF SITE AND FACILITY**

**ANTRIM WIND ENERGY, LLC MOTION TO MODIFY  
CERTIFICATE OF SITE AND FACILITY**

Antrim Wind Energy, LLC ("AWE") by and through its attorneys, McLane Middleton, Professional Association, respectfully submits the following Motion to Modify its Certificate of Site and Facility in the above-captioned docket and requests the appointment of a three-member subcommittee under RSA 162-H:4-a for review and approval of the requested modification. In support of this Motion, AWE states as follows:

**I. Introduction**

On March 17, 2017, the New Hampshire Site Evaluation Committee ("SEC" or "Committee") issued its Decision and Order Granting Certificate of Site and Facility with Conditions ("Decision") to Antrim Wind Energy, LLC. The Decision authorized AWE to site, construct, and operate a renewable energy facility consisting of: (1) nine (9) Siemens wind turbines, each with a nameplate generating capacity of 3.2 MW for a total nameplate capacity of 28.8 MW; (2) a collector substation and a Public Service Company of New Hampshire ("PSNH") interconnection substation; (3) a 2,500 sq. ft. operations and maintenance building; (4) a 100-meter tall free standing meteorological tower located on the ridge between turbines 2 and 3; (5) a 90-foot monopole radar tower near turbine 4 to support the aircraft detection lighting system; (6) underground and overhead electrical collection and supply wires; (7) approximately

3.55 miles of new gravel surface access roads; and (8) an approximately 3-acre laydown yard located approximately 0.5 miles west of the main Project entrance.

The Certificate approved the issuance of all permits and/or certificates recommended by the New Hampshire Department of Environmental Services (“DES”). *Order and Certificate of Site and Facility*, p. 3 (March 17, 2017). The Certificate further authorizes DES “to specify the use of any appropriate technique, methodology, practice or procedure approved by the Subcommittee within the Certificate...to effectuate conditions of the Certificate [and] the Wetlands Permit.” *Id.* The Wetlands Permit, included as part of the Certificate, authorizes (a) the dredge and fill of 9,121 square feet of palustrine wetlands, (b) the dredge and fill of 156 square feet within an intermittent stream, and (c) the temporary impact of 60 square feet within a perennial stream to construct the energy facility. More specifically, the Wetlands Permit submitted by AWE sought approval for 708 square feet of permanent wetland impacts to wetland AN-31 for grading associated with the new PSNH substation pad cut and fill and installation of a transmission tap line between the new PSNH substation and existing transmission line, which included three wooden transmission pole structure and guys. *See Application for Certificate of Site and Facility*, Docket No. 2015-02, Appendix 2a, Exhibit 5, p. 9. These permanent impacts were approved by DES.

As the Antrim Project progressed from the design and permitting phase to the pre-construction, site-preparation, and construction phase, AWE and PSNH determined, as part of the required means and methods of construction of the interconnection line from the existing PSNH 115 kV line to the new PSNH substation and the collector station, that timber matting will be required to be used for access and as a work pad for the equipment that will be necessary to install the transmission structures. The timber matting would be placed in wetlands adjacent to

the PSNH substation, which were delineated in the original Application and Project materials as AN-31 and AN-32 on Plan Sheet C-1. The new temporary impacts proposed to Wetland AN-31 are approximately 9,896 square feet and to Wetland AN-32 are approximately 104 square feet. These type of temporary wetland impacts for work on power lines in transmission corridors are very common and uncontroversial. Timber mats are recommended and often are required by resource agencies as best management practices for work in wetlands. Use of timber mats will minimize impacts to wetland soils and vegetation as they prevent rutting, disruption to the soil horizons, and destruction of perennial vegetation roots. Because any impact to the wetlands will be temporary, it is not a material change in the Project nor will it have an unreasonable adverse effect on water quality as demonstrated in the attached testimony of Dana Valleau. See Attachment A.

The permanent wetlands impacts associated with the construction of the utility structures have already been permitted. As noted in the original Application, “[t]he final design of the interconnection substation will be performed by PSNH but will be located within the footprint shown on civil design plans...and will be contained within the permitted footprint and elevations contained in this Application.” *Application for Certificate of Site and Facility*, Docket No. 2015-02, p. 21 (further discussion of the electrical interconnection is included in the application at p. 45-47). Drawings of the proposed substation and collector station were also included in the original application as Appendix 7f.

This motion asks that the Committee modify the Certificate to reflect an increase in the facility’s temporary wetland impacts from 60 square feet to 10,060 square feet. Aside from the use of the timber matting, all other aspects of the PSNH interconnection were included as part of the initial Application and incorporated into the Certificate issued by the Committee.

Contemporaneously with this Motion, AWE is submitting with DES a separate wetlands permit application for the additional 10,000 square feet of temporary wetlands impacts associated with the use of timber matting within wetlands AN-31 and AN-32. See Attachment B.

Under RSA 162-H:4-a, III, the SEC Chairperson may establish a subcommittee of three (3) members, consisting of two agency members and one public member to conduct this proceeding. AWE respectfully requests that the SEC Chair appoint a three-member subcommittee to review this Motion to Modify. In addition, in light of the fact that construction has already commenced and is ongoing, and approval of this modification is necessary in order to avoid delay in the construction schedule, AWE respectfully requests that the three-member subcommittee review this Motion as expeditiously as possible. Subject to approval of this modification, Eversource intends to begin work in the wetland area in question in this Motion as close to March 25, 2019 as possible. Expedited review of this Motion will assist in ensuring that construction delays are limited to the extent practicable.

## **II. Standard of Review**

In SEC Docket No. 2011-01, *Motion of Berlin Station, LLC for Amendment of the Certificate of Site and Facility*, the Committee applied the following standard when reviewing a motion to amend or modify a certificate. “If the proposed changes do not undermine the initial findings of the Committee, then that would favor granting the Motion. And, if the proposed amendments are determined...to be reasonable, that would also favor the granting of the Motion to Amend.” Transcript of Public Meeting, January 10, 2013, p. 74. Accordingly, the Committee must determine whether its original findings under RSA 162-H:16 are affected by the modifications. For the reasons set forth below and in the attached pre-filed testimony of Dana Valleau, the Certificate modification standard is met in this case.

### III. Analysis

The proposed modification does not affect the Committee's findings relating to aesthetics, historic sites, air quality, the natural environment, or public health and safety. With respect to water quality, the Committee found that "[c]onsidering the findings and recommendations of DES...the Subcommittee finds that the Project will not have an unreasonable adverse effect on water quality." *Decision and Order Granting Certificate of Site and Facility*, Docket 2015-02, p. 129. The issuance of an additional permit, which would involve only temporary impacts, would not alter the underlying DES conclusions in any way and therefore, by extension, should not alter the Subcommittee's original conclusions on this topic.

As noted above, AWE has filed contemporaneously an application for the additional 10,000 square feet of temporary wetlands impacts. Even with this additional temporary impact, the overall impact from the Project on water quality is limited and will certainly not present any cause for the Committee to alter the original conclusion that the project will not have an unreasonable adverse effect on water quality or the natural environment. See Attachment B, Exhibit 3. The permanent wetlands impacts associated with the Project remain unchanged and minimal. The Committee's initial findings are not undermined by these additional temporary wetlands impacts associated with the Project as the overall impact from the Project on wetlands remains minimal.

As also noted above, in support of this Motion, AWE is submitting Pre-Filed Testimony of Dana Valleau who was the environmental scientist engaged by AWE to oversee the delineation of jurisdictional wetlands within the Project area and who also provided testimony that this Committee relied on in Docket 2015-02. His testimony supports a finding that the

additional temporary wetlands impacts do not undermine the Committee's initial findings and that these impacts are reasonable.

**IV. Conclusion**

For all of the reasons set forth above, the proposed additional temporary wetlands impacts will not alter any of the findings made by the Subcommittee in support of issuing the Certificate. Accordingly, AWE requests that the Subcommittee modify the Certificate to reflect an increase in the facility's temporary wetland impacts from 60 square feet to 10,060 square feet and incorporate any additional wetlands permit issued by DES in connection with this change into the Certificate.

WHEREFORE, Antrim Wind Energy, LLC respectfully requests that the Committee:

- A. Appoint a three-member subcommittee to review the Motion;
- B. Modify the Certificate to incorporate the changes described above; and
- C. Grant such other and further relief as the Subcommittee deems appropriate.

Respectfully Submitted,

Antrim Wind Energy, LLC

By its attorneys,

McLANE MIDDLETON,  
PROFESSIONAL ASSOCIATION

Dated: January 10, 2019

By: Adam Smith for:  
Barry Needleman, Bar No. 9446  
Rebecca S. Walkley, Bar No. 266258  
11 South Main Street, Suite 500  
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Certificate of Service

I hereby certify that on the 10<sup>th</sup> day of January 2019, 1 original and 1 copy of the foregoing Motion was hand-delivered to the New Hampshire Site Evaluation Committee and an electronic copy was served upon the SEC Distribution List.

Adam Amell for:  
Barry Needleman