THE NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
RSA 162-H

Presented to the
Rockingham Planning Commission
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An Introduction to the Committee and its Process
STAFF and WEBSITE

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ENERGY FACILITY DEFINED
RSA 162-H:2 and Site 102.19

- **Renewable Energy Facility Generating Greater than 30 MW**
  - Wind
  - Biomass
  - Solar
  - Hydroelectric
  - Tidal
  - Ocean thermal

- **Electric Transmission Lines**
  - New >100 kV and >10 miles in length and no existing transmission line
  - New >200 kV

- **Energy Transmission Pipelines**

- **Electric Generating Stations**
PURPOSE
RSA 162-H:1

- Balance the impacts and benefits of new energy facilities.
- Avoid undue delay in the construction of new energy facilities.
- Full and timely consideration of environmental consequences.
- Full and complete public disclosure.
- Treat the construction and operation of energy facilities as a significant aspect of land use planning.
STATEWIDE PLANNING BOARD FOR ENERGY FACILITIES

- Designed to integrate the various state agency permitting processes as well as environmental, economic and technical issues.

- Pre-empts local authority and ordinances, but required to give due consideration to the views of municipal and regional planning commissions and municipal governing bodies. See RSA 162-H:16, IV(b).
COMMITTEE MEMBERS
RSA 162-H:3

Martin P. Honigberg, Chair
Robert R. Scott, Vice Chair
Michael S. Giaimo
Kathryn M. Bailey
Victoria Sheehan
Taylor Caswell
Jeffrey Rose
Patricia M. Weathersby, Esq.
Susan V. Duprey, Esq.
Rachel E. Dandeneau

PUC Commissioner Chair
DES Commissioner
PUC Commissioner
PUC Commissioner
DOT Commissioner
DBEA Commissioner
DNCR Commissioner
Public Member
Public Member
Alternate Public Member
Subcommittees

- Consist of no fewer than 7 members and must include the two public members:
  - The 5 agency members can designate a senior administrative employee or a staff attorney.
- May be established to consider and make decisions on applications for certificates and petitions of jurisdiction.
- Five members of the Subcommittee constitutes a quorum.
<table>
<thead>
<tr>
<th>Event</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>Pre-Application Public Information Session (in each county where the proposed facility will be located)</td>
<td>At least 30 days before filing an application</td>
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<td>Administrator forwards to agencies with jurisdiction</td>
<td>Expeditiously</td>
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<td>Preliminary review by Committee</td>
<td>Expeditiously</td>
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<td>Designation of a Subcommittee</td>
<td>Expeditiously after application is received</td>
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<td>Committee’s determination if application is complete and acceptance if complete</td>
<td>Within 60 days of filing of the application</td>
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<td>One Public Information Session (in each county where the proposed facility will be located)</td>
<td>Within 45 days after acceptance</td>
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<td>One Joint Public Hearing (in each county where the proposed facility will be located) with other agencies</td>
<td>Within 90 days of acceptance</td>
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<td>Agency preliminary reports with draft conditions</td>
<td>Within 150 days of acceptance</td>
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<td>Agency final decisions</td>
<td>Within 240 days of acceptance</td>
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<td>Adjudicative proceedings</td>
<td>After agency final decisions</td>
</tr>
<tr>
<td>Decision granting or denying Certificate</td>
<td>Within 365 days of acceptance</td>
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Contested case

- Presentation of evidence and argument on all issues.
- Similar to a court proceeding.

Appeal of the decision is to the NH Supreme Court. See RSA 541.
OPPORTUNITIES FOR PUBLIC PARTICIPATION

- **Pre-Filing Public Information Sessions:** one in each county at least 30 days before filing. RSA 162-H:10, I.

- **Post-Filing Public Information Sessions:** one in each county within 45 days of acceptance of the application. RSA 162-H:10, I-a.

- **Post-Filing Public Hearing:** one in each county within 90 days of acceptance of the application. RSA 162-H:10, I-c.

- **Written Public Comments:** are accepted throughout the proceedings and are reviewed by the Subcommittee and posted to the website.
ROLE OF MUNICIPALITIES AND REGIONAL PLANNING ORGANIZATIONS

- Due consideration to views of municipal and regional planning commissions and governing bodies.
- Consider the extent to which the siting, construction, and operation of the proposed facility will affect land use, employment, and the economy of the region.
INTRODUCTION
RSA 541-A:32 and Site 202.11

- A petition for intervention can be filed in any docket.
- Intervention shall be granted if:
  - Submitted in writing;
  - The petitioner’s rights, duties, privileges, immunities, or other substantial interests might be affected by the proceeding; and
  - Interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.
- Intervention can be limited (i.e. specific issues).
Assistant Attorney General Appointed by the Attorney General.

 Represents the “public” in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy.

 All rights, responsibilities and privileges of an attorney representing a party in a formal action.

 Can engage consultants and legal counsel and the applicant pays the cost.
CRITERIA and FINDINGS
RSA 162-H:16, IV

- Adequate financial, technical, and managerial capability;
- Will not unduly interfere with the orderly development of the region;
  - Due consideration given to the views of municipal and regional planning commissions and municipal governing bodies.
CRITERIA and FINDINGS
RSA 162-H:16, IV

Will not have an unreasonable adverse effect on:
- Aesthetics;
- Historic Sites;
- Air and Water Quality;
- The Natural Environment;
- Public Health and Safety; and

Issuance of a certificate will serve the public interest.
SITE EVALUATION COMMITTEE CONTACT INFORMATION

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