

THE NEW HAMPSHIRE SITE EVALUATION COMMITTEE RSA 162-H



Presented to the
Rockingham Planning Commission
April 11, 2018

An Introduction to the Committee
and its Process

STAFF and WEBSITE

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ENERGY FACILITIES



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.

TIMELINE

Event

Timeframe

Pre-Application Public Information Session (in each county where the proposed facility will be located)

At least 30 days before filing an application

Administrator forwards to agencies with jurisdiction

Expedientiously

Preliminary review by Committee

Expedientiously

Designation of a Subcommittee

Expedientiously after application is received

Committee's determination if application is complete and acceptance if complete

Within 60 days of filing of the application

One Public Information Session (in each county where the proposed facility will be located)

Within 45 days after acceptance

One Joint Public Hearing (in each county where the proposed facility will be located) with other agencies

Within 90 days of acceptance

Agency preliminary reports with draft conditions

Within 150 days of acceptance

Agency final decisions

Within 240 days of acceptance

Adjudicative proceedings

After agency final decisions

Decision granting or denying Certificate

Within 365 days of acceptance

ADJUDICATIVE PROCESS

RSA 541-A:31 and Site 200

- **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.

INTERVENTION

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).

COUNSEL FOR THE PUBLIC

RSA 162-H:9

- 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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