



The Senate of the State of New Hampshire

107 North Main Street, Room 302, Concord, N.H. 03301-4951

JEB BRADLEY
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November 6, 2015

Martin P. Honigberg, Chair
NH Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

Dear Chairman Honigberg,

I am writing to offer clarification of the letter I co-signed with other Legislators on October 27 (see enclosure). Also, as way of background, I had a large role in drafting SB-245, HB 1602, HB 570, and HB 614, all of which made changes to RSA 162-H. As such, I want to offer the following additional comments on the Site Evaluation Committee proposed rules.

In reviewing the October 27 letter and RSA 162-H, I wish to offer the following clarification on the legislative history regarding the term "cumulative impact" as found in RSA 162-H:10-a Wind Energy Systems. To the best of my knowledge, in reviewing RSA 162-H, the term "cumulative impact" only appears in the section RSA 162-H:10-a Wind Energy Systems.

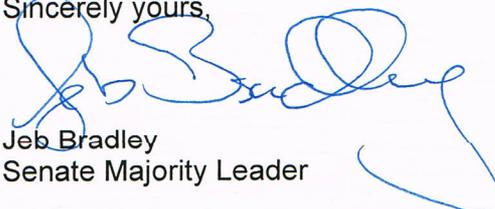
The term "cumulative impact" does not appear in RSA-162-H:1 Declaration of Purpose; RSA 162-H:10-b Siting of High Pressure Gas Pipelines; Rulemaking; Intervention; or RSA 162-H:16 Findings and Certificate Issuance. Further, it should be noted that RSA 162-H:10-b Siting of High Pressure Gas Pipelines was written in the 2015 Legislative Session after RSA 162-H:10-a Wind Energy Systems had passed in the 2014 Legislative Session. The term "cumulative impact" was not included in the language of RSA 162-H:10-b Siting of High Pressure Gas Pipelines.

Given this legislative history, it would therefore be appropriate, in my opinion, that cumulative impacts only apply in SEC Rules to any proposed wind energy systems.

Going back to the debate about SB-245, I advocated for a public interest standard to be included in RSA 162-H. The public interest is now part of the law and appears in the purpose statement (RSA 162-H:1) and the permitting section RSA 162-H:16. I continue to believe it is critically important that a public interest standard be maintained when reviewing applications before the Site Evaluation Committee. Clearly, there is some controversy with the rules on this issue, and I note the response of the JLCAR attorneys. My suggestion would be to have the rules restate exactly the language from the statute that public interest (RSA 162-H:16-IV-e) is a new finding, in addition to the findings required by RSA 162-H:16-IV-a,b, and c. Restating that language in rules would reflect the legislative history, ensure a public interest standard, and prevent any other standard that the Legislature did not adopt. I hope that is helpful for resolving this issue.

Thank you very much for your consideration and for all of your hard work.

Sincerely yours,



Jeb Bradley
Senate Majority Leader

Encl.



The Senate of the State of New Hampshire

107 North Main Street, Concord, N.H. 03301-4951

October 27, 2015

Martin P. Honigberg, Chair
NH Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

Dear Chairman Honigberg:

This letter is written to ask the Site Evaluation Committee to reaffirm the Administrative Rule package recently presented to the Joint Legislative Committee on Administrative Rules. While there may be cause to make some modifications of a technical nature, please defend the core objectives of the rules as you have presented them.

As original co-sponsors of SB 245, we are particularly concerned with efforts to undermine the new proposed rule that guides the SEC on how it reaches the new finding required in SB 245 that an energy facility project serve the public interest. The requirement that the SEC make an affirmative public interest finding is the heart and soul of SB 245. It is why we introduced the legislation. The new proposed rule Site 301.16 makes clear to all potential stakeholders what considerations the SEC should use as a foundation in reaching this finding. None of the provisions of this proposed rule are intended to individually or collectively disqualify a project; rather, Site 301.16 creates a clear expectation for all as to how the SEC does its job in assessing whether the public interest is served by a proposed project. This is part of balancing the health of the environment with the generation and delivery of energy—the core purpose of the statute establishing the SEC (RSA 162-H).

We are also concerned that JLCAR has suggested in its preliminary objections that the proposed rule regarding cumulative impacts, Site 301.149(g), is inconsistent with the legislative intent. Another core objective of SB 245 was to assure the public that the SEC would, at the very least, consider the cumulative impacts one or more projects in a region would have on the environment in that region. We strongly encourage you to retain the language of this proposed rule when you respond to JLCAR's preliminary objection.

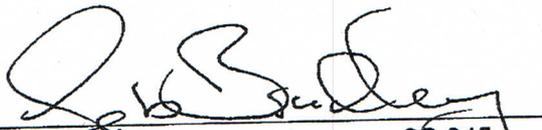
We believe that the SEC has done a good job in preparing the rules recently submitted to JLCAR. We don't believe JLCAR appreciates the full history behind the introduction and enactment of SB 99 and SB 245. We hope this letter will assist you in defending the rules as you have proposed them on these two issues.

Sincerely,

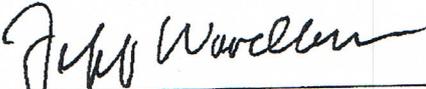
Senator Jeanie Forrester

Senator Jeanie Forrester, Sponsor, SB 245

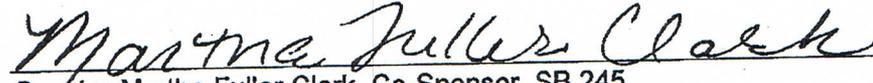
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Senator Jeb Bradley, Co-Sponsor, SB 245



Senator Jeff Woodburn, Co-Sponsor, SB 245



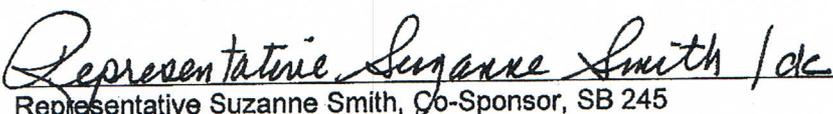
Senator Martha Fuller Clark, Co-Sponsor, SB 245



Representative Herbert Vadney, Co-Sponsor, SB 245



Representative Rick Ladd, Co-Sponsor, SB 245



Representative Suzanne Smith, Co-Sponsor, SB 245



Representative Susan Ford, Co-Sponsor, SB 245



Representative Gene Chandler, Co-Sponsor, SB 245

cc: Members of the Joint Legislative Committee on Administrative Rules