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September 18, 2015

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N.H. Public Utilities Commission

21 South Fruit Street, Suite 10

Concord, NH 03301

TREASURER
CHRISTOPHER ROGERS, C.P.A.
FRANCESTOWN

Sent by email to David Wiesner

Re: N.H. Site Evaluation Committee Rulemaking, Docket No. 2014-04

SECRETARY
SUSAN BOOTH
CANTERBURY

Dear Chairman Honigberg and members of the committee:

IMMEDIATE PAST CHAIR
KENNETH VISCARELLO
MANCHESTER

The N.H. Preservation Alliance appreciates the important progress toward the goal of improving the Site Evaluation Committee (SEC) process and your consideration of our comments from March 23, 2015.

DAVID CHOATE
RYE

At this step, we have several areas of questions and concerns, but will confine our recommendations to two areas of N.H. Administrative Rules, chapters Site 100-300, relative to historic properties to clarify certain items and improve consistency and timing. We understand that you are still sorting through many stakeholder's concerns and suggestions.

FRANK LEMAY
CHICHESTER

NICHOLAS MITCHELL
WARNER

JAYME SIMOES
CONCORD

The Preservation Alliance is a statewide non-profit historic preservation group. We have active projects and deep networks across New Hampshire. Much of our work relates to directing investment in ways that balances growth with the protection and revitalization of special places and landscapes that make our state a good place to live, work and visit.

HUNTER ULF, AIA
HANOVER

LINDA UPHAM-BORNSTEIN, PH.D.
LANCASTER

BENJAMIN WILSON
HOPKINTON

As mentioned earlier, we have experienced a substantial increase in calls for assistance with concerns about addressing potential impacts on historic resources from energy project proposals over the last few years. These constituents are owners of historic properties, citizens concerned about scenic and historic landscapes, and representatives of private and public sector groups like heritage commissions, historical societies, and groups involved in community and economic development.

EXECUTIVE DIRECTOR
JENNIFER GOODMAN

NEW HAMPSHIRE PRESERVATION ALLIANCE

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Chairman Martin Honigberg
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Our recommendations are included as tracked changes to excerpts from the Annotated Draft Final Proposal 8-27-15 document, with our rationale in italics.

Site 301.06 Effects on Historic Sites

301.06(c) Finding by the division of historical resources of the department of cultural resources and, if applicable, the lead federal agency, of no historic properties affected, no adverse effect, or adverse effect to historic properties., ~~if determined at the time of application.~~

This change makes this section consistent with other areas of the rules; impacts in other areas such as public safety and aesthetics are required at the time of application, for example. Having the findings information in a timely manner makes the subsequent application of the “unreasonable” standard possible.

Site 301.14 Criteria Relative to Findings of Unreasonable Adverse Effects

(b) In determining whether a proposed energy facility will have an unreasonable adverse effect on historic sites, the committee shall consider:

(1) ~~Whether the application has identified a~~ All of the historic sites and archaeological resources potentially affected by the proposed facility and any anticipated potential adverse effects on such sites and resources, in consultation with the New Hampshire division of historical resources of the department of cultural resources, and if applicable, the federal lead agency;

The deleted phrase adds unnecessary ambiguity. At this stage in the SEC’s work, the SEC will be considering historic resources, effects on those resources and the other considerations outlined in this section.

Please contact me if you have any questions, and thank you for your work to improve the SEC rule-making process.

Sincerely,



Jennifer Goodman
Executive Director