

THE NEW HAMPSHIRE SITE EVALUATION COMMITTEE



AN INTRODUCTION TO THE
COMMITTEE AND ITS PROCESS

Site Evaluation Committee Website

WWW.NHSEC.NH.GOV

PAMELA.MONROE@SEC.NH.GOV

271-2435

PURPOSE OF RSA 162-H

- **Balance the benefits and impacts** of site selection on the welfare of the population, private property, the location and growth of industry, the economic growth of the state, the environment of the state, historic sites, aesthetics, air and water quality, natural resources and public health and safety;
- **Avoid undue delay** in the construction of new facilities;
- Full and timely consideration of **environmental consequences**;
- Full and complete **public disclosure**;
- Ensure that the construction and operation of energy facilities is treated as a **significant aspect of land use planning** in which all environmental, economic and technical issues are resolved in an integrated fashion.



Statewide Planning Board for Energy Projects

- Designed to integrate the various permitting processes as well as environmental, economic and technical issues.
- Pre-empts local authority and ordinances.
- The “supermarket theory” or “one stop” theory of permitting.

The Committee Today

Position	Person
PUC Commissioner, Chair	Martin P. Honigberg, Chair
DES Commissioner	Thomas S. Burack, Vice Chair
PUC Commissioner	Robert Scott
PUC Commissioner	Kathryn M. Bailey
DOT Commissioner	Victoria Sheehan
DRED Commissioner	Jeffrey Rose
Cultural Resources Commissioner or Director Div. of Historical Resources	Van McCloud or Elizabeth Muzzey
Public Member	
Public Member	Patricia Weathersby, Esq.
Alternate Public Member	Rachel E.D. Whitaker

Northern Pass Subcommittee

Martin Honigberg
PUC Commissioner
Chairman and Presiding Officer

Craig Wright
Department of Environmental Services, Air Resources Division Director
Sitting for Department of Environmental Services, Commissioner Thomas Burack

Kathryn Bailey
Commissioner
Public Utilities Commission

Christopher Way
Division of Economic Development Director
Sitting for Dept. of Resources and Economic Development, Commissioner Jeffrey Rose

William Oldenburg
Assistant Director Project Development
Sitting for Department of Transportation, Commissioner Victoria Sheehan

Patricia Weathersby, Esq.
Public Member

Rachel E.D. Whitaker
Alternate Public Member

COUNSEL FOR THE PUBLIC

RSA 162-H:9

- **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**
- **Northern Pass Docket: Senior Assistant Attorney General, Peter C.L. Roth**

Contact info: 271-1270, peter.roth@doj.nh.gov

Before an Application is Filed

- *Independent System Operator (ISO)*
- *Environmental and Resource Studies*
- *Early pre-permitting meetings with relevant state and federal agencies, e.g., DES, F&G, USFW, USACE, PUC, DOT etc . . .*
- *Regional Planning Commission*
- *Municipalities*
- *Transmission companies*
- *Power Purchase Agreements*
- *Financing*
- *Eligibility for tax credits etc. . .*
- *Pre-Filing Public Information Sessions in Each County*

Requirements of an Application (1)

An application must contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law and shall include completed application forms for each agency. RSA 162-H:7, IV.

An Application shall also include the following:

Requirements of an Application (2)

RSA 162-H:7, V (a)-(h)

- (a) Describe in reasonable detail the type and size of each major part of the proposed facility.**
- (b) Identify both the preferred choice and any other choices for the site of each major part of the proposed facility.**
- (c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.**
- (d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems**
- (e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.**
- (f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each community in which the facility is proposed to be located.**
- (g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.**
- (h) Provide such additional information as the committee may require to carry out the purposes of this chapter. NH Admin. Rules, Site 301**

New Administrative Rules

- ▶ Adopted and effective as of December 16, 2015
- ▶ Available on the Committee website at:
<http://www.nhsec.nh.gov/rules/index.htm>
- ▶ Site 300 – Requirements for Applications
- ▶ RSA 162-H:10, VII, pending applications subject to the new rules and the applicant shall be afforded a reasonable opportunity to comply.
- ▶ Administrative letter sent on 12/18/15, requesting that by 1/22/16, the applicant advise whether additional information is required and if so, the time needed to supplement the application.

SEC TIME FRAMES

Event	Timeframe
Pre-Application Public Information Session (in each county)	At least 30 days before filing
Chair forwards to agencies with jurisdiction	Expediently
Preliminary review by Committee	Expediently
Committee's determination if application is complete and acceptance if complete	Within 60 days of filing <i>(Northern Pass: 12/18/15)</i>
Designation of a Subcommittee	Upon acceptance of application
One Public Information Session (in each county)	Within 45 days after acceptance of application <i>(Northern Pass: 1/11/16, 1/13/16, 1/14/16, 1/20/16, 1/21/16)</i>
One Joint Public Hearing (in each county) with other agencies	Within 90 days of acceptance of application <i>(Northern Pass: Must complete by 3/17/16 – TBD)</i>
Agency preliminary reports with draft conditions	Within 150 days of acceptance of application <i>(Northern Pass: 5/16/16)</i>
Agency final decisions	Within 240 days of acceptance of application <i>(Northern Pass: 8/15/16)</i>
Adjudicative proceedings on the merits	After agency final decisions <i>(Northern Pass: To Be Scheduled)</i>
Decision granting or denying Certificate	Within 365 days of acceptance of application <i>(Northern Pass: 12/19/16)</i>

PUBLIC PARTICIPATION (1)

1. Counsel for the Public
 - (603) 271-3658 (Attorney General's Office)
2. Pre-Filing Public Information Sessions: one in each county at least 30 days before filing. RSA 162-H:10, I.
3. Post-Filing Public Information Sessions: one in each county within 45 days of acceptance of the application. RSA 162-H:10, I-a.
4. Post-Filing Joint Public Hearing: one in each county within 90 days of acceptance of the application. RSA 162-H:10, I-c.

PUBLIC PARTICIPATION (2)

5. Written Public Comment

- Accepted throughout the pendency of all proceedings
- Committee must consider and weigh information and reports from the public.

PUBLIC PARTICIPATION (3)

6. Intervention in adjudicative proceeding

- Rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding. NH CODE OF ADMINISTRATIVE RULES, SITE 202.11.
- Interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention. NH CODE OF ADMINISTRATIVE RULES, SITE 202.11.

NORTHERN PASS

MOTIONS TO INTERVENE SHALL BE FILED BY FEBRUARY 5, 2016

Standards

RSA 162-H:16, IV

- ▶ Due consideration of relevant information regarding potential siting or routes of a proposed facility;
- ▶ Due consideration of significant impacts and benefits;
- ▶ Will the issuance of a certificate serve the objectives of RSA 162-H?

Findings Re: Proposed Site and Facility

RSA 162-H:16, IV (a)-(e)

- Applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.
- Will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.
- Will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.
- Issuance of a certificate will serve the public interest.

Site Evaluation Committee Website

WWW.NHSEC.NH.GOV

PAMELA.MONROE@SEC.NH.GOV

271-2435