

State of New Hampshire
Site Evaluation Committee

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August 18, 2023

Via Electronic Mail Only

Daniel C. Goldner
Chairman
Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

RE: Docket No. 2021-02, Investigations of Complaints Regarding Antrim Wind Energy Facility

Dear Chairman Goldner,

In your June 23, 2023 order you directed the Subcommittee to undertake additional investigatory activities and make recommended dispositions. You also directed the Subcommittee to recommend proposed administrative rules.

The Subcommittee was formed because the Committee “currently lacks an administrator.” See April 2, 2021 Order Appointing Subcommittee at 1. Now that the Committee has an administrator, I request that the Subcommittee’s charges under the June 23, 2023 Order be transferred to the Administrator and the Subcommittee be dissolved.

I believe the Administrator would more efficiently carry out the directed work than the Subcommittee. I also believe giving the Administrator the responsibility for investigations is more consistent with the spirit of the statute and the Committee’s administrative rules, both of which give the Committee the ability to designate the Administrator for investigatory functions. See RSA 162-H:12, I; Site 302.01(a), (b). The rules also expressly vest the Administrator with certain investigatory functions. See Site 301.18(h)(i) (“Validation of noise complaints submitted to the committee shall require field sound surveys, except as determined by the administrator to be unwarranted . . .”). Last, I believe the historical practice of the Committee was typically to designate the Administrator for investigations rather than forming Subcommittees for that purpose.

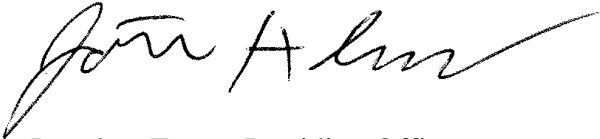
I request that you or the Committee as appropriate

- (1) Dissolve the Subcommittee;
- (2) Designate the Administrator to carry out Charge 1 of the June 23, 2023 Order; and

- (3) Rescind Charge 2 since, it is my understanding, investigations will in future be conducted by staff from the Department of Energy.

I would also request that the deadlines in your June 23, 2023 be changed so that accountings of complaints and recommended dispositions be finished by November 1, 2023, The additional time will allow for a thorough accounting as well as development of protocols for determining whether communications with the Committee should be deemed complaints.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Evans", with a long, sweeping flourish extending to the right.

Jonathan Evans, Presiding Officer
Site Evaluation Subcommittee in Docket No. 2021-02
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cc: Michael Fitzgerald, NHDES (via e-mail)
Tom Eaton (via e-mail)
Mark Dell'Orfano, NHDOJ (via e-mail)
John-Mark Turner (via e-mail)