

STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE

MINUTES – Finalized June 17, 2021

SUBJECT: Investigation of Antrim Wind Energy Facility

DATE OF PUBLIC MEETING: April 20, 2021

LOCATION OF PUBLIC MEETING: Virtual meeting held via Zoom

The following Subcommittee members were present as confirmed through roll-call:

Jonathan Evans (Presiding Officer) – NH Dept. Of Transportation

George Kassas – Public Member

John Duclos – NH Dept. of Environmental Services

Individuals Appearing before the Subcommittee:

J.D. Lavallee –Site Evaluation Committee counsel, NH Dept. of Justice

Presiding Officer Jonathan Evans called the public meeting to order upon the successful log in of all three subcommittee members and after observing multiple members of the public had access to the meeting.

J. Evans began by providing the following opening statement:

Good afternoon. We are here today for a public meeting of the Site Evaluation Subcommittee established in docket 2021-02. This meeting is being held by remote access due to COVID-19 concerns. Because of that, I'm required to make certain findings before we proceed.

As the presiding officer of this subcommittee, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order No. 12, pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are utilizing the Zoom platform for this electronic meeting. All members of the subcommittee have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously view and listen to this meeting as it occurs.

We previously gave notice to the public of the necessary information for accessing the meeting in the meeting notice that was issued yesterday. The notice was posted in compliance with the State's Right-to-Know law and distributed to all individuals who are on the SEC's public meeting distribution list. If anybody has a problem accessing this meeting, please call (603) 271-2431. In the event the public is unable to access the meeting, it will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

The following agenda items were addressed:

1. Housekeeping:

The subcommittee members and counsel announced their presence and confirmed their remote participation in locations where no other individuals were present. J. Evans noted that the meeting was being recorded. He also advised the public accessing the meeting that as this was a planning meeting; public comments and questions would not be taken or observed during this meeting.

2. Introductions of subcommittee members:

J. Evans moved onto the next item on the agenda which was a brief introduction of each of the committee members. J. Evans noted that he was the Air & Noise program manager for the NH Department of Transportation (NHDOT). The Air & Noise Program Manager is responsible for the development and maintenance of the NHDOT's policies and procedures for addressing transportation related air quality and noise impact and abatement assessment. This position is also responsible for conducting and/or overseeing the preparation of all of the NHDOT's air quality and noise impact and abatement assessments. He noted that he is also responsible for addressing all noise complaints which are received by NHDOT. He noted that he has been in the capacity for about 16 years.

G. Kassas introduced himself indicating that he has been a full Site Evaluation Committee (SEC) member for about 2 years. He indicated that his background is in the telecommunications and software development sector. He currently runs his own business development/technology innovation company which focuses on telecommunications, software analytics, and artificial intelligence.

J. Duclos introduced himself indicating that he has been with the NH Department of Environmental Services (NHDES) for 41 years. He is the Administrator of the Hazardous Waste Management Bureau that is responsible for the development of the State's laws, rules, and regulations related to hazardous waste and contamination. The Bureau is also responsible for conducting investigations which can result in administrative, civil, and criminal enforcement actions. The Bureau is tasked with ensuring the State regulations are compliant with and at least as stringent as the Federal regulations. For the last 11 months he has served as the Administrator of the NHDES Commissioner's Office and for the last 10 months has been assigned the duties and responsibilities of the vacant Assistant Commissioner position which has recently been filled.

3. Introduction of Subcommittee counsel:

J. Evans noted that while this is a three-person subcommittee, the members also have the assistance of counsel and asked J.D. Lavalley to introduce himself. J. Lavalley introduced himself as an Assistant Attorney General for the NH Department of Justice with primary

responsibility for advising the Public Utilities Commission as well as the full Site Evaluation Committee (SEC). He offered that while the SEC typically operates via adjudicative proceedings, the Subcommittee has been tasked with conducting a non-adjudicative investigation. He advised that his role is to assist the subcommittee in complying with the law while conducting the investigation.

4. Discussion of Investigative Plan:

J. Evans provided a draft investigative plan which he had put together and went through each of the elements of the draft plan.

J. Duclos indicated that he agreed that it was important for the Subcommittee to review the Decision and Order granting the application for Certificate of Site and Facility as well as the Order and Certificate of Site and Facility with Conditions. He also agreed it would be helpful for the committee to obtain an expert who specializes in wind turbine sound.

G. Kassas stated he would like clarification of what the December 31, 2021 deadline means. He agreed he would like help in determining the benchmark and standards that would be used throughout the course of this investigation. He suggested the American National Standards Institute (ANSI) may already have standards which could be utilized.

J. Duclos offered that there isn't a start date noted in the order indicating which complaints the Subcommittee would be starting with. G. Kassas also indicated concern over what would happen if a complaint came in nearing late December 2021. J. Evans noted that the way he interpreted the order was that all complaints up to and including those received on December 31, 2021 would be evaluated. J. Evans agreed that once the Subcommittee worked its way down to the complaint investigation phase of the plan, the Subcommittee would need to determine the beginning date of the complaints that the Subcommittee would be addressing.

J. Lavallee suggested the Subcommittee could write a letter to the Chairwoman of the full Committee asking for clarification on the various aspects of the Order as well as a request to modify any deadlines which were included in the Order.

The Subcommittee then discussed the timing of the letter to the Chairwoman as it related to the investigative plan. The Subcommittee then suggested a couple of modifications to the plan under bullet 3 which were made.

G. Kassas moved to adopt the investigative plan as modified. Second: J. Duclos. A roll call vote was conducted: J. Evans, yes; J. Duclos, yes; and G. Kassas, yes. Unanimous. **MOTION PASSED.**

5. Discussion of April 9, 2021 Letter from Barry Needleman

Discussion moved to the letter dated April 9, 2021 from Barry Needleman to Commissioner Sheehan as Presiding Officer of the Subcommittee. J. Evans noted the letter basically suggested that more time was necessary to properly execute the items in the order, particularly pertaining to

the April 23, 2021 deadline. The Subcommittee agreed they basically had come to the same conclusion already and Mr. Needleman's letter could be addressed by adopting the investigative plan and providing the plan to Chairwoman Martin along with a request to modify the schedule in the order. Upon receipt of a response from Chairwoman Martin, the Subcommittee would then provide a written response to Mr. Needleman.

The Subcommittee discussed the details of what the letter to Chairwoman Martin would involve as well as whether or not the letter should be drafted and then reviewed at another meeting by the Subcommittee or if the Presiding Officer could simply write the letter and send it to the Chairwoman on Subcommittee's behalf. The Subcommittee was in agreement that the letter could be written by the Presiding Officer and then sent to the Chairwoman on behalf of the Subcommittee. It was agreed that the letter would include the request to extend the April 23, 2021 charge 1 deadline and request the new deadline for charge 1 recommendations be as expeditiously as possible. It was also agreed that the letter would include a request to the Chairwoman to obtain the services of an expert as well as provide guidance on the process of obtaining the expert.

J. Evans moved to allow the Presiding Officer to send this letter on behalf of the committee. Second: J. Duclos. A roll call vote was conducted: J. Evans, yes; J. Duclos, yes; and G. Kassas, yes. Unanimous. **MOTION PASSED.**

6. Next Meeting Date

It was agreed that a date for the next meeting would not be set until after receiving a response from Chairwoman Martin to the Subcommittee's letter. It was agreed the Subcommittee would continue to work through the initial stages of the investigative plan, reviewing and reading the necessary materials, while awaiting the response from the Chairwoman.

All those present agreed to adjourn the meeting at approximately 3:00 PM.