

STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE

MINUTES – Finalized June 17, 2021

SUBJECT: Investigation of Antrim Wind Energy Facility

DATE OF PUBLIC MEETING: May 21, 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:

Michael Haley –Site Evaluation Committee counsel, NH Dept. of Justice

John-Mark Turner – Subcommittee investigatory counsel, Sheehan Phinney Bass & Green

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

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 last week (05/12/2021). 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 subcommittee members and counsel announced their presence and confirmed their remote participation in locations where no other individuals were present.

The following agenda items were addressed:

1. May 6 Email from Rep. Michael Vose regarding Aircraft Detection Lighting System ("ADLS") upgrade work.
 - a. Whether to accept the May 6 Email as a Complaint warranting investigation.

J. Evans offered that he was of the opinion that this was a complaint that should be addressed by the subcommittee in accordance with the Site Evaluation Committee's (SEC) orders. J. Duclos offered that he supported considering this a complaint worth discussing. G. Kassas motioned to consider the May 6 Email from Rep. Michael Vose to be considered a complaint that would be investigated by the subcommittee. G. Kassas moved to consider the May 6 Email from Rep. Vose a complaint that should be investigated by the Subcommittee. Second: J. Evans. A roll call vote was conducted: J. Evans, yes; J. Duclos, yes; and G. Kassas, yes. Unanimous. **MOTION PASSED.**

- b. Whether the upgrade work violates the facility's Certificate or the SEC rules and what, if any, actions the subcommittee will recommend that the SEC take in the event that a violation has occurred.

J. Evans offered that in reviewing the information that was available, particularly that provided by Antrim Wind it is apparent that that the temporary shutdown is the result of Antrim Wind trying to address the issues brought up by the public related to the ADLS system turning the lights on too frequently. He noted that it appears that in order to do this maintenance the system needs to be shut down and as a result, in order to comply with Federal Aviation Administration (FAA) regulations, the lights need to stay on until the ADLS system is once again fully operational. He suggested that the Subcommittee could encourage Antrim Wind to conduct the ADLS upgrades as expeditiously as possible.

G. Kassas offered that he agreed with the statements of J. Evans that maintenance of any technology is part of normal operation.

J. Duclos offered that the Certificate of Site and Facility does not offer much on the operating standards for aircraft lighting and that the ADLS system was presented by the applicant as a means to limit the lighting from their facility. He noted that at the time of the application, the FAA did not have standards for the use of ADLS for wind farm facilities. He also acknowledged the challenges of

implementing the first ADLS wind farm application in the challenging New England conditions and that a complex system such as this is likely to have some initial bugs that need to be fixed in order to operate properly and protect life and property. He offered that he felt the facility was in compliance with the certificate and that performing these upgrades is the right thing to do.

Discussion ensued that while keeping the lights on during finite maintenance efforts such as this does not appear to be a violation of the certificate, the Subcommittee should continue to monitor the operation of the ADLS system as its investigations continue.

G. Kassas suggested that facility owner consider how it might notify the public and other stakeholders of future maintenance operations to the ADLS system. Further discussion ensued about how to handle the committee's best management practice recommendations to the facility operator. It was agreed that the Subcommittee's recommendation to the full SEC should be limited to addressing the Subcommittee's charges and any recommendations on best management practices would simply be documented in the meeting minutes and recording as part of the public record.

J. Duclos noted that there was a letter from what appeared to be the ADLS system designer, Terma North America Inc. dated May 17, 2021 that mentioned a flight test. He encouraged the facility to test the ADLS system with actual flights. J. Evans noted that the results of such a test would also be helpful as the subcommittee moved forward with its investigations into some of the other ADLS complaints. He encouraged the facility to provide the results of such testing when the subcommittee is considering the details of those complaints.

J. Evans motioned to recommend to the full committee that there is no violation of the Certificate and that the subcommittee is recommending that no enforcement action be taken. Second: J. Duclos. A roll call vote was conducted: J. Evans, yes; J. Duclos, yes; and G. Kassas, yes. Unanimous. **MOTION PASSED.**

Discussion ensued on including the reasons why the Subcommittee was recommending there was no violation of the certificate and that no enforcement action be taken. J. Duclos suggested that the facility needs to and has been meeting the current FAA Advisory Circular for Obstruction Marking and Lighting that requires that if for some reason the ADLS system needs to be shut down, the lights need to stay on. He went on to explain that he felt the facility was trying to get the ADLS system operating properly for the betterment of all stakeholders.

J. Duclos motioned that the Subcommittee allow J. Evans, the Presiding Officer, to write a letter to the full SEC that states that the Subcommittee reviewed the complaint by Rep. Vose, looked at the Certificate of Site and Facility, identified the two ADLS requirements that are in the Certificate and that the Subcommittee believes that there has been no violation of the certificate and that no enforcement

action is recommended. Second: J. Evans. A roll call vote was conducted: J. Evans, yes; J. Duclos, yes; and G. Kassas, yes. Unanimous. **MOTION PASSED.**

2. Discussion of Investigative Plan:

J. Evans identified that as a result of comments received since the last meeting, it was apparent that the Subcommittee's investigative plan needed to include some additional opportunities for both written and verbal public comment. As a result, several draft changes were made to the Subcommittee's investigative plan which were sent to the Subcommittee for review in advance of the meeting. The subcommittee spent some time going through the elements of the draft plan which identified additional opportunities for public comment. J. Duclos suggested it could be beneficial to conduct a site visit while the subcommittee was considering the sound measurement and analysis methodologies in Charge 1 as well as in advance of the complaint investigations in Charge 2. After some discussion, the Subcommittee clarified it would conduct any site visit during Step 4 of its Plan.

It was agreed that while some of the timelines identified in the plan were aggressive, the Subcommittee would do its best to meet these deadlines. The Subcommittee also agreed that this plan should remain a living document and that if at any time it appeared that additional time or efforts were necessary to properly address any of the charges; they would consider additional revisions to the plan.

J. Evans motioned to adopt the May 21, 2021 investigative plan. Second: G. Kassas. A roll call vote was conducted: J. Evans, yes; G. Kassas, yes; and J. Duclos, yes. Unanimous. **MOTION PASSED.**

3. Other Items:

The Subcommittee acknowledged that updated orders from the full SEC were provided by Chairwoman Martin on May 20, 2021. These updated orders provided clarity on original SEC orders and addressed several questions posed by the Subcommittee subsequent to the April 20, 2021 meeting. The Subcommittee concluded that the updated orders were fairly clear that it has been charged with investigating any and all complaints, an extension beyond December 31, 2021 would be allowed if necessary, and that an extension of the deadline for Charge 1 was granted but that the committee should focus on the NH laws, rules and the facilities certificate.

All those present agreed to adjourn the meeting at approximately 12:10 PM.