

Dianne Martin
Chairwoman

Robert Scott
Vice-Chair

State of New Hampshire
Site Evaluation Committee

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April 16, 2021

Dear Senator Giuda, Senator Ward, Representative Vose, and Councilor Kenney:

This letter is in response to your letter dated April 13, 2021. Upon receipt, I forwarded your letter to the full Site Evaluation Committee for consideration. Earlier on the same date, Vice-Chair Robert Scott sent the Committee's response to the January 29, 2021 letter from Senator Bradley, Senator Ward, Senator Giuda, and Representative Vose. Since Councilor Kenney did not receive that response, I am including it as an attachment here.

As you know, at its recent meeting, the Committee decided to appoint a subcommittee to investigate the complaints and operations of the Antrim wind energy facility. The Subcommittee's work is required to occur in meetings compliant with the State's Right-to-Know law and both complainants and the respondent will be given an opportunity to address the investigators.

The first charge of the Subcommittee is to: Review the law, administrative rules, the Facility's Certificate, and all other relevant filings related to noise limits and sound measurement methodology. The Committee was concerned that the applicable law, rules and filings be considered by the Subcommittee before proceeding with the investigation of individual complaints. In order to ensure the Subcommittee proceeds expeditiously, an initial report is expected by April 23rd. Nevertheless, the Subcommittee will be provided the additional time and expertise reasonably required to perform that work.

The second charge of the Subcommittee is to: Review and investigate complaints filed through December 31, 2021, regarding Facility operations, to ensure the terms and conditions of the Certificate are being met. The third charge of the Subcommittee is to: Make recommendations to the full Committee regarding the disposition of such complaints.

Lastly, regarding the statutorily required annual training, the Committee has worked with counsel to develop the training program required by RSA 162-H:3, VII. The training is conducted by the Department of Justice. While the trainings are interactive with counsel and have slight variations, each training session is generally conducted according to the following agenda:

Section 1: An Introduction to the Site Evaluation Committee, which covers the history of siting energy facilities, membership of the committee, formation of subcommittees, and compensation and reimbursement;

Section 2: A Primer on Administrative Law, including the procedural requirements for adjudicative proceedings, RSA 91-A compliance (including public meetings and governmental records requests), and ethics (including recusal and gifts); and

Section 3: A Review of RSA Chapter 162-H and the Committee's administrative rules, paying particular attention to the provisions applicable to reviewing and evaluating applications for a certificate of site and facility. This portion of the training includes discussion of PART Site 301, which contains the Committee's adopted rules on sound.

On March 15, 2021, the following Committee members and designees received the mandated training:

- Chairwoman Dianne Martin
- Vice-Chairman Robert Scott
- Commissioner Kate Bailey
- Commissioner Victoria Sheehan
- State Librarian Michael York
- Director Wildolfo Arvelo
- Public Member Susan Duprey
- Public Member George Kassas
- Public Member Robert Baines

On April 8, 2021, additional members received training, including 2 individuals sitting as designees on a subcommittee:

- Public Member Lisa Noe
- Commissioner Sheehan designee - Jonathan Evans
- Commissioner Scott designee - John Duclos

Additional executive branch officials have been trained in case a need for designation arises:

- Rene Pelletier - DES
- Michael Fitzgerald - DES
- Sarah Yuha-Kirn - DES
- Michael Servantes - DOT
- William Oldenburg - DOT

These individuals also received training on April 8, 2021.

Sincerely,

A handwritten signature in black ink that reads "Dianne Martin". The signature is written in a cursive style with a large initial "D".

Dianne Martin
SEC, Chairwoman

Cc: SEC Vice-Chair, Robert Scott
Jon Lavalley, AG Office