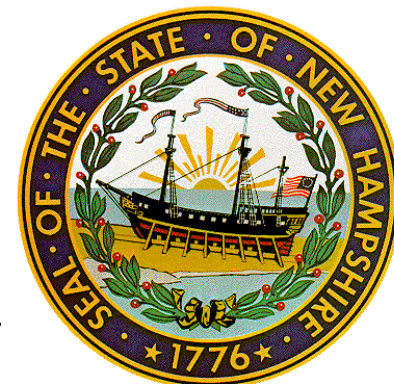


Informing the Development of Energy Siting Criteria in New Hampshire

*April 30th Public Stakeholder Call –
SB99 Pre-Rulemaking Workgroup Status Report*



General Meeting Guidelines

- The 2 hour meeting will be divided up in four sections, with 30 minutes for each working group
- Each group will present for 5 - 7 minutes followed by a discussion period
- We ask that callers be concise with their comments
- Please use “mute”, but do not put the call on “hold”

This call is being recorded



1. » Aesthetics



2. » Orderly Development



3. » Wildlife, Rare Plants, and Natural Communities



4. » Health & Safety

Aesthetics – Key Takeaways

- The most contentious issue: How can (or should) aesthetic impacts to private property be incorporated into the criteria? This is very important to many participants, while others felt that the SEC should (or may be legally required to) limit its consideration to public views. It was noted that the current language of SB245 adds consideration of impacts to private property to the declaration of purpose in 162-H.
- There was broad agreement that the criteria should include a requirement for a Visual Impact Analysis (VIA) for projects for which this is a concern. However, there was disagreement on what should be included in a VIA and how specifically the rules should spell out these requirements. Some felt that the requirement by itself is sufficient and then you “let the experts do their job”.
- Different types of facilities will require different levels of analysis. Factors such as type and size of the facility and landscape context will influence the type of analysis that needs to be done, including the appropriate size of the visual impact analysis zone. How, when in the process, and by whom should this determination be made? Unlike with other resources (e.g. wildlife, water, historic resources) there is no state agency with oversight authority, and thus no one to consult with to determine appropriate aesthetic analysis prior to submitting an application.
- While the principles of scenic analysis and impact evaluation are relatively well-established, more work needs to be done to define these in a way appropriate to rules. There was disagreement on how can (or should) the criteria give better guidance to the SEC as to what constitutes an “unacceptable adverse effect”.

Aesthetics – Key Takeaways

- Much more work needs to be done.
- The unresolved issues are many and difficult to reconcile.
- The group is diverse with widely differing perspectives.
- The early June deadline for draft rules does not allow enough time to resolve the open issues.
- Some say many of the proposed rules are too broad.
- Some say many of the proposed rules are too detailed.
- Some say the proposed rules conflict with the governing statute.
- Some say that the viewshed should be strictly defined; others say that the viewshed should encompass all who can see the project, no matter how distant.
- Some are concerned that the proposed rules will make it impossible to site new energy facilities.
- Others are concerned that the proposed rules will still not provide the protections that are needed to minimize adverse aesthetic impacts.



1. » **Aesthetics**



2. » **Orderly Development**



3. » **Wildlife, Rare Plants, and Natural Communities**



4. » **Health & Safety**

Orderly Development – Key Takeaways

PROCESS GOALS

Task one – focus on reaching agreement on priorities, suggestions, principles.

Task two – focus on translating principles into rules.

SUBSTANTIVE GOALS

Define “Orderly Development” – six proposed definitions submitted so far.

Identify economic studies that applicants should submit. Shulman criteria is referenced in several studies.

Orderly Development – Key Takeaways

NEXT STEPS

- Continue discussion regarding definition of orderly development.
- Flesh out types of studies that applicants should submit.
- Determine whether specific rules can be drafted.



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4. » Health & Safety

Wildlife, Rare Plants, and Natural Communities – Key Takeaways

A working draft of proposed rules was provided to the working group before the meeting. Key takeaways on concepts, not on specific suggested rules, are:

- Definitions and rules should not conflict with those in existing regulatory programs, and in particular with the wetland rule revisions which are on a parallel track.
- No changes were suggested for definitions for wildlife, significant wildlife, significant habitat resource, rare plants, and natural communities.
- Wildlife surveys should follow standard protocols where available, with details for each project determined through consultation with NH F&G, USFWS, and NHHNB. Including specific protocols in the SEC rules may not allow for the necessary flexibility.
- NHF&G will be preparing protocols for pre- and post-construction studies to ensure consistency and transparency.

Wildlife, Rare Plants, and Natural Communities – Key Takeaways

- Existing NHDES permitting programs (Wetland, Shoreland and Alteration of Terrain) adequately define and address wetlands, water, soils, and slopes, and additional SEC rules are not needed.
- There was considerable discussion about the need to clarify roles and responsibilities of state and federal wildlife agencies with respect to decision-making.
- Further discussion of adaptive management, best practical mitigation, and cumulative impacts is needed.
- Some types of disturbance are essential for the survival of certain rare plants, and mitigation can be an appropriate means of reducing adverse impacts in some cases.



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Health & Safety– Key Takeaways

1. Pursue ANSI/ISO standard(s) for conducting baseline noise studies and post-construction compliance monitoring.
2. Standards for addressing limitations of predictive modeling in estimating turbine noise, including low-frequency and infrasonic emissions.
3. Resolving possible disagreements over whether existing standards are correctly being applied.

The four Working Groups will continue to engage in dialogue to develop initial draft siting criteria for the May 16th in-person meeting.



Key CONTACTS



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