

Appendix E. Listening Sessions

In addition to the five Citizen Workshops, OEP hosted three Listening Sessions for those who were unable to participate in a Workshop or wished to provide more general public input on the siting process.

The following pages are OEP's notes from these sessions.

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SB99 Listening Session- Colebrook

December 2, 2013

Meredith Hatfield did a brief presentation about the state's Site Evaluation Committee (SEC) and the SB99 project.

Comments:

- Recommend that you look at the Public Counsel's memo in the Antrim wind case that addressing role of municipalities and the issue of whether they continue to have jurisdiction over land use issues. Consider giving regional planning commissions and/or planning boards a given seat on SEC.
- Aesthetics might be measured by considering the change in property values for properties that will be impacted by a particular process. For example, one fellow had a substantial change in value based on the possibility of a transmission line going through his property, so that could be one way of actually measuring aesthetic impacts.
- There is a perception that the SEC has never said no to any project.
- SEC should have 2 or 3 public reps on the Committee.
- NH doesn't need energy because we're a net exporter, but a lot of transmission lines might go through this area on their way to the NY metropolitan area or southern New England. Why do we have to site projects if other states won't? What happens to the excess energy?
- There are concerns about the timeline for an applicant to let the public know about a project. In the Northern Pass project, the people in the southern part of the state didn't find out about the project as early as those in the north, and missed opportunities to weigh in with the US DOE. The whole state should be notified at once about a project that large.
- Energy facilities are private corporations, no longer public utilities, we're giving them a special process that doesn't go to other entities. Why do we do that?
- After divestiture and restructuring of the energy industry, why should we have a special energy siting process?
- The Antrim was denied based on aesthetics, so shouldn't there be a strong assumption that the public is against this?
- SEC process is very frustrating for citizens, and many feel like they are wasting their time engaging in the process. They also don't feel heard by the SEC.
- Municipal views should carry more weight. When 29 of 32 towns vote against a project, that should be enough to stop it, the state should not even consider it. Citizens do not feel heard.
- These issues are affecting all of Northern New England, and small towns are fighting large corporations who we feel are stealing our resources and ripping us off. We need the SEC to consider what people want and help us. There will be major public backlash if SEC decisions go against clear public opinion.

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- Transmission should be buried whenever possible, including in railroad and road rights-of-way in the state. This would also provide some revenue to the state. There would be very little environmental impacts (such as to wetlands) using railroad beds.
- There is currently pending legislation that would direct projects toward rights-of-way.
- If CT votes to bury their own lines and they vote against their own wind farms, why do we have to be punished and be made to build new energy projects for them?
- Ridge tops seem like the most efficiency places to build wind farms, on our mountains. Why can't they be built in other places, like open plains, in the oceans, etc. even if they have longer payback periods before they turn their big profits? There is a lot of open land out other than mountaintops where they can still produce energy for the region.
- We all need to do more to conserve energy.
- The SEC should consider the past performance of applicants, including how they have handled storms and problems in other places or in other projects.
- The large wind farm up north is too large for the location, and the process happened so fast that people didn't have time to get organized to participate.
- Decommissioning funds need to be big enough when facilities are no longer useful. SEC should require actually funding and not accept letters of credit that won't be worth anything if an entity goes out of business. Do transmission projects have a decommissioning fund? If not, should there be one?
- Can the SEC mandate that projects incorporate most modern technology? There are legislative discussions about trying to drive projects toward better technology and undergrounding.

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SB99 Listening Session- Plymouth

December 17, 2013

Introductory Comments and introductions provided by Meredith Hatfield. She noted comments could also be submitted through email.

Public Comments:

- SEC should have to make a finding of need for projects; SEC website talks about consideration of environment and need but SEC does not make a need finding.
- Need a link between siting decision making process and state energy policy; state needs to develop a stronger energy policy.
- State needs a new siting committee that does not have use of state department head
- Concerned about committee composition, longevity of terms, continuity, who will decide who will serve on committee, is private citizen educated enough to be on committee?
- SEC needs more funding; private citizens who want to participate also need funding from state for studies and compensation; department heads on SEC also need more funding.
- Legislators appear afraid to develop a state energy policy for fear of scaring off businesses.
- NH needs to be better positioned to interact with MA and CT to establish energy equity.
- SB99 Workshop polling was too prescriptive.
- Members of the general public should have been considered stakeholders during the SB99 process.
- The SEC should put property values, personal values, and public first.
- If public need is determined for a particular project then it can be weighed in the SEC decision.
- Public citizens should get better notice of made aware of proposed energy projects.
- Town votes and warrant article decisions should take precedence over an SEC decision.
- Energy policy should require all that high voltage transmission lines must be buried underground on public land (rights of way). Royalties should be paid for access to rights of way.
- Current SEC process is weighted in favor of developer, and public has little meaningful involvement. Public citizens are volunteers and the expectation is they will learn everything about the proposed project in a short amount of time (9 months).
- SEC is too large, too cumbersome.
- State has no comprehensive energy policy – policy is needed to establish project merits.
- In reliability projects, towns affected should have greater say.
- State should develop “energy corridors.”

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- RPS goal of 25% by 2025 must be thoughtfully implemented without impacting integrity or beauty of NH.
- Legislature should restore a “need” based determination and the “need” must be in NH.
- NH RECs should be sold in NH and must stay in NH to meet our 2025 goals.
- The state should establish a mandatory time lapse between serving on the SEC committee and being hired by an energy company who appears before the SEC.
- If a wind developer believes that there will be no impact to neighbors and that property values will not change, the developer should provide a property guarantee.
- SEC should develop a process for oversight of construction and post construction periods to address problems.
- SEC originally formed as a process to facilitate energy development, but needs to change to address new technology and new siting tactics. Process must be more flexible.
- Companies that can pay \$150 million for a facility can certainly pay a filing fee to the SEC to cover its costs and to help cover costs for citizens to participate.
- SEC should only allow applications to be filed every other year; not first come, first served. This will give the committee more time and more room on agenda.
- Concerned about 2014 – between now and when new laws or rules are put in place.
- Tom Burack said SEC is not sustainable. What happens when Northern Pass and Wild Meadows apply? The SEC should put a hold on all new applications.
- For interveners the SEC process is a long and difficult process (can be as long as 4 years). It is broken and must be fixed.
- SEC projects impact everybody. When it is in your back yard, others will feel differently.
- After application approval, where is the level of enforcement? Enforcement is too slow to happen. Developers must do what they promised or severe and quick ramifications needed.
- Wind farms impact views, and causing lighting impacts that can run viewsheds. They affect health and property values. They can ruin a home.
- Wild meadows project will impact 6000 acres, with turbines 450 feet tall
- SEC process is slow; maybe SEC is in sympathy with energy projects.
- The “MET” Tower Law trumps local participation. Once you have a MET tower the project is basically a done deal.
- The Groton project is a mess – fire marshal has intervened due to safety issues.
- There is a big rush to get federal tax credits that will drive more projects in NH, so the SEC should put a moratorium in place.
- Once developers have 5% of its investment project (business), then project is considered a done deal.

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- SEC membership – state department heads don't have time to serve on committee and also have conflicts of interest.
- DRED – 3 people on SEC and DRED also has legal responsibility to defend conservation easements. How can DRED do both?
- Encourage OEP to think outside the box – create a new structure for SEC. State agencies play a role but should not sit as judge and jury. Take public members. Have well informed members to make well informed decisions.
- Municipal role in process – SEC overrides local zoning. Local communities should have appointed members to committee.
- Needs analysis should be required – is energy needed?
- Is the trade-off worth making? (Benefits of power vs. all other costs – environmental, view, health, etc.). SEC should be empowered to make this judgment.
- Need different process for private project vs. public need project (reliability).
- Appropriate alternatives – technologies and routes; undergrounding should be considered by the SEC.
- Projects should not be viewed in isolation – look at cumulative impacts, property values, tourism, views
- Already have Hydro Quebec line in NH that is not being used to its full capacity. Why should a new transmission line be built before existing line is fully utilized?
- Northern Pass, according to Northern Utilities, needs to meet 3 criteria: environmentally sound, profitable and acceptable to community. It fails the latter and should be rejected.
- NH small businesses (largest employers in the state) are hurt by energy development, as are local property values. Properties around Newfound Lake have already been impacted. Potential buyers ask if wind turbines can be seen from the property.
- Lights on the turbines are intrusive.
- Northern Pass says that it will create 1200 jobs, but once the wire is strung the jobs go away. Most jobs are imported for other states. Jobs are not for locals.
- Tourism is critical to small business growth and generates important revenue for NH.
- SEC needs a clear mandate; SEC needs mission and goals.
- SEC is too large, too many state agencies involved.
- Regional economic impact of project is not considered and should be. SEC should have an economist.
- Citizen quality of life – should be first priority; need should be last.
- Counsel for public cannot help individuals and therefore can't represent the public.
- Utilities whine & complain about rule changes because the current process works for them.

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- Same is true for property owners (they do not like change) – expect views to stay the same; when view changes, life changes.
- Need – if we don't need project then it should not be built.
- CT has moratorium on wind; CT is buying RECs from NH. If CT has a moratorium, then so should NH.
- Citizens must stay vigilant – very few citizens participate.
- Government will not protect you; only citizens can protect themselves but must be vigilant and be out there. Be involved.
- Agency rules and regulations – thousands of pages, yet we do not have a comprehensive energy plan (U.S. probably doesn't have one either).
- Tax dollars pay subsidies to support wind developers (money goes to foreign companies).
- Government let us down too many times; do not trust them.
- Small scale hydro does not qualify for RECs; this cuts out a viable small-scale source in NH.
- Energy consumption increasing, coal/oil is evil, gas attacked, nuclear – no, therefore, left with solar and wind – hard to be against these technologies (green).
- NIMBY – doesn't hold a lot of weight in energy decisions – built airports, dams, etc. in the past for the public good.
- How does SEC make decision? There is always collateral damage.
- Energy facilities are not appropriate in every location.
- Old NH industries are not here anymore – NH is a tourist state; therefore should not build wind farms near scenic overlooks or lakes or other areas.
- Look at tax revenue – what do wind farm companies bring in, balance with “view” issues.
- Job creation – not real.
- MA is actually taking down wind farms but they need energy.
- NH cannot be collateral damage for the common good of the region.
- We need a “before and after” rendition of a project before it is developed.
- This is not just NIMBYism – NH has a heritage landscape legacy that must be protected.
- Our views are the essence of NH; therefore we should recognize the value of our land.
- Once view is gone, it is gone forever.
- Need specific criteria and findings based on the fact that it is in the best interest of public to preserve iconic landscape.
- Local control process – right now in place only for oil refinery – recognizes that host communities should have a say.

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- SEC siting process should take into account new technology (place lines underground – not visible and more secure).
- Even those who live 20 miles away from a wind farm still have negative impacts on property values – projects affect large group of people.
- SEC needs better public notice process – people did not know projects were happening.
- Information is not being given and not being posted on websites (by wind companies).
- The 5% necessary for a viable project is spent before people even know about project.
- SEC must consider proximity to other power plants.
- Taxes – Groton promised tax revenue; property valuation actually went up .
- Can't replace residence taxes with business taxes.
- Expenses go up; therefore taxes same the same.
- Need to force transparency (5% rule can be met with phantom companies in Delaware).
- SEC must be in more of a watch dog position, needs to bring in AG's office on enforcement issues.
- OEP and the SEC should review the ISO New England 2030 Power System Study; it shows NH is becoming the power resource for southern New England.

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SB99 Lebanon Listening Session

12/11/13

- The 30MW threshold seems like a bit of a loophole were a wind developer could come in just under 30 and intimidate a small community.
- NH needs to work on a process to get us through the transition to renewable energy and elimination of fossil fuels. Because they are not continuous, there will be storage requirements. To minimize the overall system cost, NH may want to get an engineering estimate of the mix of energy types that would minimize the need for storage, because storage will likely be the most expensive part of the system, and it has high losses.
- Why haven't we been seeing more small scale types of windmills? NH needs more distributed generation.
- There is increasing increase in repurposing old mills for small hydro, most projects are under the SEC jurisdiction threshold of 30MW.
- We need to include electricity required for electric vehicles, which is going to increase the need.
- Siting criteria must consider the nexus between the impacts on the areas where energy facilities are being sited and the end users; it's a lot to ask for NH to change our landscapes in order to do something for the rest of the region that to us appears unnecessary.
- Regional issues are complex but we need to do a better job explaining them.
- As a citizen concerned about the environment & climate change, support the siting of certain types of energy, but it's clear that these things carry significant impacts. Need much more linkage with an overall energy plan, and not just let utilities be making the decisions in order to make money.
- NH needs to be more deliberate and do better planning, and looking out to the future to see what the mix is going to be and how it will change. Also need to increase our in-state resources, geothermal, wood. The energy plan needs to look holistically at all types of energy and consider what it's going to look like in the future. There will still be a need to site some controversial things, but the public may have an easier time with things that appear necessary.
- Need better linkage between the local need for energy and siting. Locals need to see and understand benefits if we have to site facilities.
- Climate change is the most important thing we're facing right now, so we need to move to less fossil fuel, and that means developing local and renewable energy.
- Some SEC criteria for decision making, such as unreasonable impact on aesthetics, etc. are very mushy terms, as is aesthetics. I don't know how you could review a project on that criteria.
- Even though we're an net exporter of electricity, we spend more dollars out of state on energy. We need to develop local sources, reduce waste.
- When we flip a switch, we get electricity because other people had their homes destroyed and mountaintops destroyed for the coal. We benefit from other people's sacrifices, and we need to carry some of the burden so that we don't want to let somebody else carry the burden for us.
- The SEC feels like a rubber stamp. The feeling is that someone is coming in and making decisions for our town and we're not really getting a say. We voted against a project and got a town

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ordinance passed, but it didn't seem to matter. Money hungry companies are coming in, they get subsidies, the state has 25x25, they're preying on towns that don't have the money to fight projects.

- I think towns should get to vote on projects, it should be a democratic process. SEC stacked with former developers, conflicts of interest.
- There's work that could be done on alternatives—alternatives now might be efficiency & distributed generation, not just another route. Especially for transmission, there could be more of a role for evaluating alternatives in a broader sense prior to the SEC process.
- SEC needs more resources. Part of this is the political problem of NH trying to do things on the cheap.
- State should focus on small scale solar to increase energy independence.
- Wind is generally the least-cost energy form if you take away all subsidies, because all of the investment is up-front, there's no on-going fuel costs.
- Europe has a lot of solar and wind. Turbines are accepted and actually look beautiful. Some people think that ski areas are uglier than wind turbines. Turbines can be beautiful.
- These issues are really about competing interests; it would be really great if we could move the SEC to seeing its role as not just evaluating things that come in, but as part of the implementation of a state Energy Plan.
- The SEC could be a tool for incentivizing the development of adequate energy production & storage and ensure that the sites are being located where communities are interested in having them.
- The SECs process could include some hierarchy of interests and some hierarchy of stakeholders. If there's too much deference given to towns, e.g. veto power, we could end up not being able to site things that serve a crucial state need. There must be a balance between towns having a say and an overall state need.
- Notification of projects should be broad, and the role of municipalities should be improved and increased. SEC should take into consideration things that have happened at the community level - there has to be a way for municipalities to have a greater role without giving them a position that would allow them to stand in the way and be completely obstructionist.
- A Certificate of Need should require projects to meet criteria in state energy plan and criteria for appropriate sites. In the absence of clear criteria, leaves the SEC open to criticism and accusations of dishonesty.
- Current language, as was pointed out, is very ambiguous. Rulemaking process will be very important.
- An application fee would be very important to help fund some staff. We need to be able to help good projects get through.
- We need to improve the process—if people feel good about the process, they are less likely to fight the outcome, even if they disagree with it. Needs to be fair.

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- The OCA might be able to play a Consumer Information role—explain how to intervene, how to get on the service list. Help people who want to be involved figure out the process, without representing them.
- In NH municipal law, communities can require conceptual review of all projects. A lot of expense and angst could be avoided and better solutions developed if these types of reviews were required by the SEC. Notices could happen similar to the way Notice of Regional Impacts do (again, that's a statutory requirement.)
- NH does a lot of good planning work, and we need to take into consideration the Wildlife Action Plan. The Northern Forest is a globally important resource. We have to weigh the importance of encouraging a local economy (biomass).
- We need to consider the issues of habitat fragmentation, take that into account when siting. These issues should be in a hierarchy of criteria.
- Visit the Lempster wind farm, you will see that the majority of people didn't like it at first, but when they started to see the positive economic impact and got educated about what it was, the local people supported it. There really wasn't a lot of noise, it was a very mind-opening experience. People need to get out there and see for themselves. People's natural reaction to the unknown is fear and panic.
- FAA lighting requirements—there is ongoing changes surrounding the requirements, new strategy is to only require the outermost turbines to have them to reduce lighting impacts.
- Siting rules need to be extremely clear. Developers need to engage local government early & often, and maybe that needs to be a stated criteria. A pre-application process could be useful.