

**Amherst Pipeline Taskforce  
Meeting Summary  
Thursday, February 18, 2016**

In attendance: Paul Indeglia, Shannon Chandley, JM Vore, David Beach, John D'Angelo – Selectman, Colleen Mailloux – Community Development Director.

Shannon introduced several guest speakers: Meredith Hatfield - Director of the NH Office of Energy and Planning, Mike Iacopino – Counsel for the Site Evaluation Committee, Pam Monroe – SEC Administrator, State Rep. Suzanne Smith and State Rep. Howard Moffett.

M. Hatfield provided an overview of OEP and its role as an advisory (not regulatory) agency. OEP has a number of energy and planning programs. NH has a much higher usage of delivered/unregulated fuels (i.e. oil, wood, propane) than the national average where 50% heat with natural gas and 38% with electric. This could possibly be attributed to the fact that NH is at the end of the pipeline (low natural gas supply) and because there has been no active efforts towards expanding distribution systems. New England has older infrastructure. The PUC has regulatory authority over electric and natural gas.

M. Hatfield discussed the 2014 State Energy Strategy which included a focus on small scale resources and grid modernization. The strategy is required to be updated every three years. Discussed efficiency and purchasing efficiency in the system. Efficiency is an energy resource. The PUC requires electric and natural gas utilities to submit plans every 2-5 years under the Integrated Resource Plan (IRP) statute – RSA 378:37-40.

Reviewed the requirements of an IRP, efficiency goals, ISO as the grid operator. The office of the consumer advocate is a member of ISO so we do have participation. ISO planning is focused around keeping the lights on, not the source of the energy. ISO has stated that there are pipeline constraints and New England needs additional natural gas for energy generation. Discussed distribution challenges, the need for improved energy efficiency, energy planning, facility siting challenges.

M. Hatfield reviewed other OEP activities including solar education and resources, municipal wastewater efficiency grants, and the OEP annual land use planning conference.

M. Iacopino has served as counsel for the Site Evaluation Committee since 1998. P. Monroe is the SEC Administrator, the only employee of the SEC in a new role that was just created this past fall. She was previously with NHDES. M. Iacopino reviewed the SEC role. It was created to balance the benefits and impacts of projects, avoid undue delay in the review of energy projects. The SEC is required to take municipal input into account. The SEC includes representatives of state agencies (NHDES, NH Fish & Game, PUC, DRED, DOT, etc) as well as public members who are appointed by the Governor. The DOJ appoints counsel for the public for each particular docket before the SEC.

T. Coleman asked if projects like the pipeline are unusual, does SEC typically only evaluate intrastate projects? The last interstate project was reviewed in 1996. The Natural Gas Act could preempt SEC authority, but project proponents have typically submitted for SEC review regardless. The SEC believes that they need to file with SEC. There is currently no application pending with SEC.

M. Iacopino reviewed the SEC timeline. When an application is submitted, SEC has 60 days to determine if the application is complete. Within 45 days of acceptance, additional required information is submitted. Public hearings are held within 90 days of acceptance. Preliminary reports are filed 150 days after acceptance. The agency final determination is 240 days (9 months) after acceptance. The adjudicative hearing is after the final determination and the certificate is filed 365 days after acceptance of the application.

There are opportunities for public participation throughout the process. Municipalities and Regional Planning Commissions are granted intervenor status if they request it.

The group discussed SEC vs. FERC processes. If SEC finds it is not in the interest of the state, but FERC approved a certificate, what would happen? Unclear, would need to be worked out in court system. D. Beach asked if SEC considers that there are other pipeline proposals, perhaps not in NH? Unclear again. Under wind project evaluation, yes, other similar projects are taken into consideration. That is not specified for pipeline projects.

There is a docket open for rulemaking on gas pipelines. P. Monroe and M. Iacopino encouraged the public to review and comment on the proposed rulemaking. SEC has intervened in the FERC process for the NED project to preserve their standing in the project. M. Iacopino stated that the SEC can hire experts, but generally that is done through the Counsel for the Public. Noted that "Counsel for the Public" represented the public good, not individual members of the public. Question was asked if certificates are issued with conditions? Yes, most certificates have a number of conditions attached, which come out of the agency final determination and before the certificate is filed. Some parties may propose specific conditions (i.e. construction methods etc) that they request be included as conditions of the certificate. SEC does not look at alternatives the same way as FERC. In the application, KM must tell SEC what they considered. With FERC process, FERC tells KM what alternatives to consider.

Outstanding question: what LCIP lands are impacted and does eminent domain trump LCIP interest. That has not been resolved yet.

H. Moffett reviewed the Natural Gas Act and FERC process. FERC regulated the interstate transportation of natural gas.

S. Smith discussed her experience with the Northern Pass and public involvement, gaining public momentum and keeping it moving. Keeping the public involved even after a portion of the project was proposed to be buried, even those property owners whose backyards are now not impacted by the project are still continuing to support the property owners who are impacted. She advised keeping the argument focused on what is relevant to the process. The Northern Pass project had 168 intervenors. NH process is transparent with all documents available online.

P. Indeglia stated that the ACC has recommended, and the BOS has agreed, to have a third party environmental review of the pipeline impacts identified in Amherst. KM states that .67 acres of wetland will be impacted. The town has contracted with CEI to review the impacts and the proposed wetland mitigation.

As a follow up to KM request regarding potential projects for wetland mitigation, ACC identified several, 1- acquisition of Hazen land, 2 – Acquisition of parcel off Thornton Ferry I, 3 – constructed wetland off Manhattan Drive / near Witches Brook. The group briefly discussed, will discuss in more detail at next meeting.