

To: Executive Council

CC: Governor Margaret Hassan
Senator Robert Odell
Representative Amanda Merrill

From: Eric Werme
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Date: 2014 Sep 26

Subject: On the appointments of Senator Odell and Representative Merrill to the new SEC

1. Overview

The Site Evaluation Committee (SEC) has been redefined by SB245 of 2014. Among the changes, members of the public now have seats at the SEC for two fulltime positions (one must be a lawyer) and one alternate (to serve if a full time member has a conflict). These positions were added in response to a concern that the SEC was unduly influenced by system developers who deal with the SEC on each project while residents of the impacted towns were unaware of the importance of the SEC review and that the SEC does no outreach to towns or residents.

2. Governor Hassan is asking the Executive Council to violate SB 245.

Governor Hassen has nominated Senator Odell to the non-lawyer full time position, and Representative Merrill to the alternate position. As of the day after the nomination, both candidates were listed in the legislative roster as current legislators. I sent Email to Senator Odell pointing out that his term ends on December 1st (I've since decided it runs to Decemeber 3rd, the first Wednesday of December), and asked him to confirm that he will resign from the legislature before the confirmation hearing. I cc'd Governor Hassan and Senate President Chuck Morse to ensure they know of my concern.

I have yet to receive a reply. I request that members of the Executive Council obey the law and refuse to confirm any legislators appointed to seats reserved for the public.

3. These appointments are not consistent with the intent of the law.

As I mentioned before, the public positions are meant to give residents of impacted towns a voice in the siting process. They are not meant for state legislators to transition from writing and voting on the law to implementing the law. Representative Merrill shepherded the law through the Science, Technology, and Energy committee. While I am uncertain how she may act as a SEC member, this is not the sort of background envisioned for a public member of the SEC.

The same applies to Senator Odell, but his record on wind turbine siting is in stark opposition to the intent of the law. Senator Odell strongly lobbied for the wind project in Lempster.

In an op-ed piece he wrote for the Monadnock Transcript, <http://www.ledgertranscript.com/home/5429390-95/column-senate-debate-over-wind-moratorium-white-hot>, he wrote:

I have to say I smile a bit when a lobbyist or citizen comes to me complaining about new wind projects. Some of these people were the same ones that were so enthusiastic about wind power when the first commercial wind farm was proposed, approved and built in Lempster. I could be more caustic but back in those days the conversation was about the value of having renewable energy production, and wind power offered just that.

I submit that the experience with Groton Wind is a more accurate interpretation. That was planned and passed SEC review with very little input from the public. Once completed, even many people who supported renewable energy were distressed with the sight and sound of the project. This led to the formation of NH Wind Watch which has stopped the construction of two more projects in the Newfound Lake/Mt Cardigan area.

He went on to note:

The state is committed to having 25 percent of our energy come from renewable sources by 2025. That will be a tough goal to meet in any event but eliminating renewable options could make it impossible to reach.

This is not really an SEC issue, but a legislative issue, though the SEC's charter requires it considers environmental issues. People are finding out that some options, like wind and solar, will require an impossible number of installations to meet the goal. Odell's stand here is that the state's interests outweigh the public's property rights and interests. The old SEC, perhaps unfairly, had a reputation for exactly that. To appoint a public member who brings this point of view to the new SEC insults the intent of the law.

I wrote Senator Odell about his resignation from the senate on September 20th. So far I have not received a reply. I would expect that a public member of the SEC would at least be willing to answer Email from the public. This does not bode well for public representation.

4. Conclusion

While I think the Executive Council should at least insist that both Representative Merrill and Senator Odell resign before you approve their appointments, I think you should not approve Senator Odell's appointment at all. He is not the right person for the job.

Sincerely,

Eric Werme