



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

FINAL DECISION AND CONDITIONS

June 12, 2014

Amy Ignatius, Vice Chairman
NH Energy Facilities Site Evaluation Committee
Public Utilities Commission
21 South Fruit St., Suite 10
Concord, NH 03301

Re: Application of New England Power d/b/a National Grid
Site Evaluation Committee No. 2014-02

Dear Vice Chair Ignatius:

This letter is to notify you that the DES Water Division staff have completed their technical review of the application and have made a final decision. DES recommends approval of the application with the conditions that are enclosed with this letter. The following is a list of the program permit numbers assigned to this project:

1. Wetland Permit No. 2014-00407
2. Water Quality Certification (WQC) No. 2012-404P-002

It appears that this project is covered by the Clean Water Act Section 404 general permit (i.e., the State Programmatic General Permit). If, however, the US Army Corps of Engineers should decide that this Activity requires an Individual Section 404 permit, DES will need to issue a separate 401 WQC for the individual Section 404 permit.

This concludes the Division's review of the project which we hope will assist the SEC to complete its project evaluation process and render a final decision. If you have any questions, please contact me at 271-2951 or email at: Rene.Pelletier@des.nh.gov

Sincerely,

Rene Pelletier, Assistant Director
Water Division

cc: Michael J. Iacopino
Jane Murray, Secretary, SEC
Vicki Quiram, Assistant Commissioner
Gene Forbes, Director, Water Division
David Keddell, ACOE
Mark Kern, EPA
Peter Walker, VHB Inc.

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WETLANDS BUREAU FINAL DECISION
JUNE 12, 2014

RECOMMEND APPROVAL WITH THE FOLLOWING PERMIT CONDITIONS:

PROJECT DESCRIPTION:

Permanently impact 64 square feet of palustrine forested and scrub-shrub wetlands to construct a 0.2 mile long tap line from an existing overhead transmission line to the Littleton Substation. In addition, temporarily impact 46,805 square feet of wetlands for timber matting and equipment access to construct the new pole structures. As required by the US Army Corps of Engineers mitigation guidance, the applicant is proposing to mitigate the clearing and forest conversion impacts by making a one-time payment of \$43,916.01 into the Aquatic Resource Mitigation (ARM) Fund in lieu of other mitigation options.

PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc. dated January 16, 2014, as received by the NH Department of Environmental Services (DES) on February 12, 2014.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This approval is contingent on receipt by DES of a one-time payment of \$43,916.01 to the DES Aquatic Resource Mitigation (ARM) Fund, "Middle Connecticut River" watershed account. The payment shall be received by DES within 120 days of the date of the final NH Site Evaluation Committee's (SEC) approval or the application will be denied.
4. This approval is contingent upon the restoration of 46,805 square feet of temporarily impacted wetlands in accordance with plans received by DES on February 12, 2014.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands.

13. Wetland areas that are temporarily impacted shall be regraded to original contours following completion of work.

14. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are completed in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

15. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.

16. A post-construction report documenting the status of the completed project with photographs of the restored wetlands shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

401 Water Quality Certification Condition:

17. The DES Watershed Management Bureau understands that the proposed Activity will be covered by the Clean Water Act Section 404 general permit [i.e., the State Programmatic General Permit (PGP)] issued by the U.S. Army Corps of Engineers (ACOE) in 2012. On August 2, 2012, DES issued a Water Quality Certification (WQC) # 2012-404P-002 for the PGP. Therefore, WQC # 2012-404P-002 applies to the proposed Activity provided it is covered by the PGP. A copy of WQC # 2012-404P-002 is available at <http://des.nh.gov/organization/divisions/water/wmb/section401/documents/final-wqc2012-404p002.pdf>. If, however, the ACOE should decide that this Activity requires an Individual Section 404 permit, DES will need to issue a separate 401 WQC for the individual Section 404 permit. If this was necessary, DES envisions the conditions in the WQC would be similar to those in WQC #2012-404P-002 mentioned above.

FINDINGS:

1. This project is considered a Major Project per NH Administrative Rule Env-Wt 303.02(c), as the total wetland impacts (permanent and temporary) are greater than 20,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
6. As required by the US Army Corps of Engineers mitigation guidance, the payment calculated for the proposed clearing and forest conversion impacts equals \$43,916.01.
7. The Department decision is issued in letter form and upon approval by the NH Site Evaluation Committee (SEC), and receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Rule Env-Wt 803.08(f).

8. The payment into the ARM fund shall be deposited in the DES fund for the “Middle Connecticut River” watershed per RSA 482-A:29.
9. Public hearing is not required with the finding that the project will not impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Rule Env-Wt 101.96.