

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2014-02**

**Application of New England Power Company d/b/a National Grid for  
Certificate of Site and Facility for Construction of a New 230kV Tap Line in Littleton,  
New Hampshire**

**ORDER AND  
CERTIFICATE OF SITE AND FACILITY WITH CONDITIONS**

**August 29, 2014**

WHEREAS, New England Power Company d/b/a National Grid (“Applicant”) has filed an Application for a Certificate of Site and Facility (“Application”) to site, construct and operate a new 230kV tap transmission line (“Facility”) in the Town of Littleton, Grafton County;

Whereas, the Facility is proposed to be located in an existing right-of-way adjacent to other transmission lines and the Littleton Substation located at 266 Foster Hill Road, Littleton (“Site”);

Whereas, the Site proposed for the Facility is primarily zoned Rural with the northern most portion of the site zoned as Commercial III and comprises forested land located immediately to the west of an existing right-of-way that is currently occupied by three other transmission lines;

Whereas, the new tap transmission line designated as the C203 tap line is proposed to be a 230kV line spanning from the existing C203 transmission line to the proposed bus structure inside the Littleton Substation and being approximately 1,160 feet (0.2 miles) in length and consisting of 4 wooden pole transmission structures including a 35-foot, 3-pole terminal dead end structure, 2 H-frame suspension structures at 70 and 80-feet tall, respectively, and 1 guyed 80-foot H-frame dead end structure;

Whereas, the Subcommittee held a public meeting and public adjudicative hearings regarding the Application including a Public Information Hearing pursuant to RSA 162-H:10, on April 7, 2014, in Littleton, Grafton County, and an adjudicative proceeding held on June 26, 2014, at Concord, New Hampshire, to hear evidence and take stipulations regarding the Application;

Whereas, the Subcommittee considered available alternatives and fully reviewed the environmental impact of the Site and all other relevant factors bearing on whether the objectives of RSA 162-H would be best served by the issuance of a Certificate of Site and Facility (“Certificate”);

Whereas, the Subcommittee finds that, subject to the conditions contained herein and contained in the Decision Granting a Certificate of Site and Facility with Conditions (“Decision”) issued concurrently herewith, the Applicant has adequate financial, technical and managerial capability

to ensure construction and operation of the Project and continuing compliance with the terms and conditions of the Certificate;

Whereas, the Subcommittee finds that subject to the conditions herein, the Facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies;

Whereas, the Subcommittee finds that, subject to the conditions herein, the Facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety; and

Whereas, on this date, the Subcommittee has issued its Decision Granting a Certificate of Site and Facility with Conditions.

NOW THEREFORE, it is ORDERED that the Application of New England Power Company d/b/a National Grid as amended to include a document entitled "Stipulated Facts and Requested Findings of New England Power Company d/b/a National Grid and Counsel for the Public" filed on or about June 20, 2014 to site, construct, or operate the Facility is approved; and it is,

Further Ordered that the Facility shall be sited, constructed and operated in accordance with the Application as so amended and with the conditions contained in the Decision and this Certificate; and it is,

Further Ordered that this Certificate is not transferable to any other person or entity without the prior written approval of the Site Evaluation Committee; and it is,

Further Ordered that the Applicant shall immediately notify the Site Evaluation Committee of any proposed change in ownership of the Site or the Facility or any proposed change in ownership or ownership structure of the Applicant and shall seek approval for such changes; and it is,

Further Ordered that the Wetlands Permit as recommended by the New Hampshire Department of Environmental Services shall issue and this Certificate is conditional upon compliance with all conditions of the Wetlands Permit which is appended hereto as Appendix I.

Further Ordered that the Department of Environmental Services is hereby delegated the authority to determine the appropriate technique, methodology, practice or procedure to be employed with regard to the refueling of equipment within the wetlands area and the Applicant shall abide thereby; and it is,

Further Ordered that the Applicant shall comport with all requirements of the United States Army Corps of Engineers statewide programmatic general permit pertaining to the discharge of dredged or fill material into navigable waters; and it is,

Further Ordered that in the event that it is determined that the Facility, as proposed, requires an individual water quality certification pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344), the Applicant shall make an Application to the Department of Environmental Services for the issuance of such permit and shall copy the Site Evaluation Committee with that Application; and it is,

Further Ordered that the Applicant shall file with the Site Evaluation Committee, a copy of its Notice of Intent under the Environmental Protection Agency's National Pollutant Discharge Elimination System general construction permit; and it is,

Further Ordered that an environmental field and/or construction storm water pollution prevention plan providing specific details on the types of erosion control measures together with inspection and maintenance provisions will be prepared and filed with the Water Division of the Department of Environmental Services at least 14 days prior to construction of the Facility; and it is,

Further Ordered that during the construction period wooden swamp mats will be used in saturated soil areas and a qualified environmental monitor will monitor the construction activity and inspect the condition and effectiveness of erosion control measures. Specified erosion control measures will include permanent stabilization measures to restore disturbed soils to stabilized conditions; and it is,

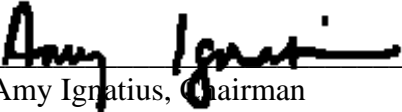
Further Ordered that the Department of Environmental Services is delegated the authority to specify the use of any technique, methodology, practice or procedure as may be necessary to effectuate the provisions of this Certificate pertaining to air and water quality. However, any action to enforce the provisions of the Certificate must be brought before the Site Evaluation Committee; and it is,

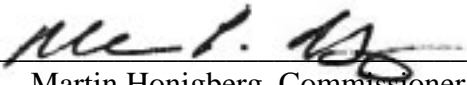
Further Ordered that in the event that new information or evidence of a historic site, or historic archeological resources, are found during excavation or construction of the Facility, the Applicant shall immediately report such findings to the New Hampshire Division of Historical Resources and the Site Evaluation Committee; and it is,

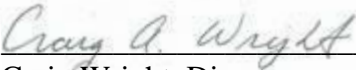
Further Ordered that, if during construction or thereafter any historical resources, archeological resources or below-ground historical resources are discovered or affected as a result of the siting, construction or operation of the Facility, the New Hampshire Division of Historic Resources shall be notified immediately and shall determine the need for appropriate evaluative studies, determinations of national register eligibility, and mitigation measures (re-design, resource protection, or data recovery) as required by State or Federal law and regulations. If construction plans change, notification to and consultation with the New Hampshire Division of Historical Resources shall be required. If any member of the public raises new concerns about the effect on historic resources, notification to and consultation with the New Hampshire Division of Historical Resources shall be required. The New Hampshire Division of Historical Resources is hereby authorized to specify the use of any appropriate technique, methodology, practice or procedure associated with historical resources affected by the Facility, including the authority to approve modifications to such practices and procedures as may become necessary; and it is,

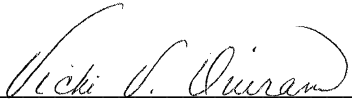
Further Ordered that all conditions contained in this Order and Certificate and in the Decision shall remain in full force and effect unless otherwise ordered by the Site Evaluation Committee.


So Ordered by the Site Evaluation Committee this 29<sup>th</sup> day of August, 2014:

  
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Amy Ignatius, Chairman  
Public Utilities Commission

  
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Martin Honigberg, Commissioner  
Public Utilities Commission

  
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Craig Wright, Director  
Air Resources Division  
Dept. of Environmental Services

  
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Vicki V. Quiram, Assistant Commissioner,  
Dept. of Environmental Services

  
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Kathryn M. Bailey, P.E., Staff Engineer  
Public Utilities Commission

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Craig Green, Administrator,  
Department of Transportation

  
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Brandy Chambers, Administrator,  
Office of Energy & Planning

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Philip Bryce, Director  
Div. of Parks and Recreation  
Dept. of Resources & Economic Dev.

**APPENDIX I**

**Department of Environmental Services**  
**Final Decision and Conditions**  
**June 12, 2014**



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](mailto: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.

**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.