The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

November 10, 2016

Pamela G. Monroe, Administrator
NH Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Application of Public Service Co. of NH (d/b/a Eversource Energy) for Seacoast Reliability Project
NH Site Evaluation Committee Docket No. 2015-04

Dear Ms. Monroe:

Please find enclosed the NH Department of Environmental Services (NHDES) progress report that outlines draft permit conditions and additional data requirements needed to make a final decision for the Alteration of Terrain permit, Wetland permit, and the 401 Water Quality Certificate for New Hampshire Site Evaluation Committee Docket No. 2015-04. Final permit decisions and conditions will be issued to the Site Evaluation Committee no later than February 8, 2017.

If you have any questions, please contact me at 271-2951 or email at: Rene.Pelletier@des.nh.gov

Sincerely,

for Rene Pelletier, PG
Assistant Director
Water Division

cc: Michael J. Iacopino, Counsel NHSEC
Brian Buonamano, Asst. Attorney General, NH Department of Justice
Thomas S. Burack, Commissioner, NHDES
Clark Freise, Asst. Commissioner, NHDES
Eugene J. Forbes, Water Division Director, NHDES

ALTERATION OF TERRAIN NOVEMBER 10, 2016 PROGRESS REPORT

ADDITIONAL DATA REQUIREMENTS: None

PROJECT SPECIFIC CONDITIONS *(DRAFT)*:

1. Activities shall not cause or contribute to any violations of the surface water quality standards established in Administrative Rule Env-Wq 1700.
2. Revised plans shall be submitted for an amendment approval prior to any changes in construction details or sequences. The NHDES must be notified in writing within ten days of a change in ownership.
3. The NHDES must be notified in writing prior to the start of construction and upon completion of construction. Forms are available at: http://des.nh.gov/organization/divisions/water/aot/categories/forms.htm.
4. All activities shall comply with the plans and information provided with the Alteration of Terrain application submitted as part of the application to the New Hampshire Site Evaluation Committee, dated April 12, 2016, and the conditions provided below. Any proposed modifications which may affect surface water quality or quantity, shall receive NHDES approval prior to implementation.
5. All activities shall comply with the following documents regarding Best Management Practices (BMP):
   - *Best Management Practices for Utility Maintenance In and Adjacent to Wetlands and Waterbodies in New Hampshire* . New Hampshire Department of Resources and Economic Development. Interim January 2010
   - *The National Grid Guidance Document (EG-303NE)*
   - *Construction Notes,* dated March 2016,as contained in the Alteration of Terrain Permit Application submitted as part of the application to the Site Evaluation Committee (Appendix 16).
6. No construction activities shall occur on the project after expiration of the approval unless the approval has been extended by the New Hampshire Energy Facility Site Evaluation Committee (SEC).
7. The Applicant shall identify to NHDES all marshalling yards, laydown areas, and off-right-of-way accessways not currently identified for review prior to their construction.
8. The Applicant shall comply with requirements of the EPA NPDES Construction General Permit (CGP) including, but not limited to, preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and inspection, maintenance and reporting of construction activity. A copy of the SWPPP and/or construction inspection and maintenance logs shall be provided to NHDES within seven days (or other timeframe acceptable to NHDES) of receiving a request from NHDES.
9. Concrete and concrete washout water shall be managed in accordance with Section 4.2 of the *National Grid Guidance Document (EG-303NE).*\
10. Removal of vegetation within 50 feet of all surface waters (including wetlands) shall be minimized to the maximum extent practicable to reduce the potential for erosion and

deposition of material into the surface waters, to protect rare, threatened and endangered species and habitats and to minimize the potential for increases in water temperature increases that could be harmful to aquatic life. Limits of clearing will be clearly marked in the field prior to construction to prevent inadvertent excursion of clearing beyond what is necessary.

11. The Applicant shall minimize use of all pesticides to the maximum extent practicable and shall comply with all applicable state, federal and local laws and regulations regarding application of pesticides, including, but not limited to, Pes 1001.01 and 1001.02. If requested by NHDES, the Applicant shall provide NHDES with a list of pesticides applied, the name of the applicator and their NH pesticide license or permit number within 30 days of receiving the request.
12. This permit does not relieve the Applicant from the obligation to obtain other local, state or federal permits that may be required (e.g., from US EPA, US Army Corps of Engineers, etc.). Projects disturbing over 1 acre may require a federal stormwater permit from EPA. Information regarding this permitting process can be obtained at: http://des.nh.gov/organization/divisions/water/stormwater/construction.htm.
13. The smallest practical area shall be disturbed during construction activities.
14. The Applicant shall employ the services of an environmental monitor ("Monitor"). The Monitor shall be a Certified Professional in Erosion and Sediment Control or a Professional Engineer licensed in the State of New Hampshire and shall be employed to inspect the site from the start of alteration of terrain activities until the alteration of terrain activities are completed and the site is considered stable.
15. During this period, the Monitor shall inspect the subject site at least once a week, and if possible, during any ½ inch or greater rain event (i.e. ½ inch of precipitation or more within a 24 hour period). If unable to be present during such a storm, the Monitor shall inspect the site within 24 hours of this event.
16. The inspections shall be for the purposes of determining compliance with the permit. The Monitor shall submit a written report to the NHDES within 24 hours of the inspections. The reports shall describe, at a minimum, whether the project is being constructed in accordance with the approved sequence, shall identify any deviation from the conditions of this permit and the approved plans, and identify any other noted deficiencies.
17. The Monitor shall provide technical assistance and recommendations to the Contractor on the appropriate Best Management Practices for Erosion and Sediment Controls required to meet the requirements of RSA 485-A:17 and all applicable NHDES permit conditions.
18. Within 24 hours of each inspection, the Monitor shall submit a report to NHDES via email (to Ridgely.Mauck@des.nh.gov).
19. Unless otherwise authorized by NHDES, the Applicant shall keep a sufficient quantity of erosion control supplies on the site at all times during construction to facilitate an expeditious (i.e., within 24 hour) response to any construction related erosion issues on the site.

WETLANDS BUREAU NOVEMBER 10, 2016 PROGRESS REPORT

ADDITIONAL DATA REQUIREMENTS:
In order for the New Hampshire Department of Environmental Services (NHDES or DES) to render a decision on your application, the information requested below must be addressed in full. NHDES will make a final determination based upon the information provided in your response.

1. Normandeau Associates has informed DES that contaminant sediment sampling and testing was conducted within the submarine cable crossing corridor located in Little Bay during the week of 9/19/2016. Please provide the results of this testing, as well as the potential impact of the results on natural resources identified as occurring or potentially occurring within Little Bay, and any remedial or protective actions to be taken as a result of this information.
2. Review of the Environmental Maps finds that the proposed impacts within Newington stream crossings identified as NS14 and NS107, and wetlands identified as NW12, NW17, NW34 are proposed to occur in Town of Newington wetlands designated as Prime, pursuant to RSA 482-A:15; therefore, please address the additional application criteria for projects proposed within designated prime wetlands as described in Part Env-Wt 703 Permit Process.
3. Review of the plans and application materials regarding constructing timber mat bridges over waterbodies does not adequately address how sediment, plant material, and/or other organic matter will be removed prior to machinery traversing these structures over NHDES jurisdiction, or when mats are transferred to new locations. Please provide clarification to ensure no water quality violations occur.
4. Review of the Environmental Maps finds that insufficient detail is presented for clear understanding and assessment of impacts for the following stream crossings, tree clearing, or tidal buffer zone areas. Please provide standard drawn plans for items 5a-f below. Please provide both plan and elevation views, to done at engineering scale of 1" = 50' or similar, for review.
   a. installation of timber mat bridges at locations DS92, DS60, DS 46, DS8, NS14, NS107
   b. installation of culvert crossing and mat installation at DS74
   c. dewatering and diversion of stream at College Brook
   d. tree clearing access appears to go through the stream at location D61, 61a, 61b – please clarify
   e. installation of the in-ground cable access vaults in the upland tidal buffer zone on both the east and west shores of Little Bay
   f. "Wetlands and Streams" sheet 4 shows the line crossing Pickering Brook, but this is not carried on to Environmental Map 23. Please clarify and provide detail of any associated means of stream crossing.
5. Review finds that the RSA 483-B Shoreland submission was not presented accurately. Please revise the Shoreland submission to reflect only the regulated work within the area beginning at a point 100' landward from the highest observable tide line ("HOTL") to 250' landward of HOTL, rather than including work from 0' to 250' from HOTL as presented. Work within the first 0' to 100' from highest observable tide is regulated by RSA 482-A Fill and Dredge in Wetlands, as tidal buffer zone, and has also been applied for within the wetlands application, and will be reviewed herein. Please return to DES any documents which may have been sent to the Applicant as a result of this inadvertent overlap.

6. Review finds that with respect to the wetland impacts on Designated Rivers, comments have not been received from either the Oyster River Local Advisory Committee ("LAC") or the Lamprey River LAC. If such comments have been provided to the Applicant please forward to DES for review.
7. Review finds only one comment from NOAA National Marine Fisheries ("NMFS"). NMFS staff recently communicated to DES that the project has not had NMFS review at this time. NMFS is a commenting agency with respect to the NHPGP. Within this the federal/state partnership DES relies on NMFS to provide comment on potential concerns on Essential Fish Habitat impacts, time of year restrictions, additional analysis of sediment contaminant testing results, and additional evaluation of the effects of the turbidity plume. Please provide materials to Mike Johnson - Mike R Johnson - NOAA Federal mike.r.johnson@noaa.gov , for review and comment to DES.
8. DES did not receive comments from any of the four municipal conservation commissions, who have statutory ability to comment on wetlands applications pursuant to RSA 482-A. If any Conservation Commission comments have been received by the Applicant, please provide to DES for review.

DRAFT PERMIT CONDITIONS:

PROJECT DESCRIPTION:

Dredge and fill a total of 643,358 square feet (14.7 acres) of wetlands, surface waters, and upland tidal buffer zone, including 637,188 square feet of temporary impacts for installation of timber access mats and stream crossings in freshwater wetlands (342,816 square feet), excavation within the upland tidal buffer zone (21,166 square feet), and hand trenching and jet plowing to install a submarine cable in the Little Bay estuary (273,206 square feet); 6,170 square feet of total permanent impacts for transmission structure installation in freshwater wetlands (823 square feet) and upland tidal buffer zone (11 square feet), and placement of concrete mattresses over shallow cable installation in Little Bay (5,336 square feet); for construction of a new 12.9 mile 115v transmission line within the existing ROW and designated cable crossing, extending from Madbury Substation, through the towns of Durham and Newington, to the substation in Portsmouth.

Compensatory mitigation for permanent and US Army Corps of Engineers wetland impacts consists of a one-time payment of $318,450.38 dollars into the Aquatic Resource Mitigation Fund ("ARM") based on the impacts determined to date. The funds may be designated to a project in the Town of Durham for a living shoreline and salt marsh restoration effort at Wagon Hill Farm, and to a project in the Town of Newington for conservation of a 10 acre parcel near Knight's Brook.

PROJECT SPECIFIC CONDITIONS *(DRAFT)*:

1. All work shall be in accordance with plans dated 1/28/2016 and [date of additional plans and materials requested herein], submitted as part of the application to the New Hampshire Site Evaluation Committee on April 14, 2016 and received by the NH Department of Environmental Services (NHDES) on April 14, 2016, and [receipt date of additional plans and materials requested herein].

2. The approval is not valid until NHDES receives payment of $318,450.38 dollars into the Aquatic Resource Mitigation Fund ("ARM") which total may be revised during final design and the SEC permitting process. The final payment amount shall be confirmed by DES and the one-time payment received within 120 days of the SEC decision.
3. A NH Certified Wetland Scientist or similarly qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction and after one full growing season.
4. Prior to construction the Applicant shall notify and coordinate with NH Natural Heritage Bureau ("NHB") and NH Fish & Game Department ("NHFGD") to the satisfaction of the agencies, to establish protocols for encounters with any rare, threatened, or endangered species during the project, and shall submit the protocols to DES. Applicant shall then implement the approved protocols.
5. NHB and NHFGD shall be notified in writing immediately upon encountering any rare, threatened, or endangered species that are found within the project area during construction.
6. A NH Certified Wetland Scientist or similarly qualified professional shall walk the areas of proposed activity and the wetland impact areas, in particular, prior to construction to survey for any rare, threatened, or endangered species, and prior to ground disturbance each day to check timber mats for basking turtles and snakes. Animals shall be safely relocated if found by the qualified professional. Contractors shall avoid moving or disturbing any of the species.
7. Transmission structures to be removed shall be cut at ground level and removed rather than pulled from the ground or foundation, to minimize impacts to surrounding habitat.
8. 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.
9. Any erosion control matting used shall be wildlife friendly. No welded plastic webbing, netting, or other similar form shall be used in erosion/siltation controls to avoid entrapment of snakes and other wildlife within the project area.
10. Prior to the start of construction, final diversion and dewatering plans shall be provided for the crossing of College Brook for DES review and approval.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Temporary culverts, water diversion, and access matting shall be removed immediately upon conclusion of pole and wire installation work unless further authorization to remain for a stated purpose is reviewed and approved by DES.
13. All dredged and excavated material and construction-related debris shall be placed outside of the areas subject to RSA 482-A. Any spoil material deposited within 250 feet of any surface water shall comply with RSA-483-B.
14. All temporary wetland and stream bank impact areas shall have at least 75% successful establishment of wetlands vegetation (or where applicable appropriate stream bank vegetation) after one full growing season, or it shall be replanted and re-established in a manner satisfactory to the NHDES Wetlands Bureau.

15. Extreme precautions shall be taken within riparian areas to prevent unnecessary removal of vegetation during construction. Cleared area within riparian buffers shall not be stumped or grubbed and ground disturbances shall be limited to those associated with logger equipment. Additionally, low growing native shrubs and other species common within riparian buffers shall not be removed and shall remain as thermal barriers to streams.
16. The proposed temporary stream crossings shall span the natural stream channel and not impede stream flows.
17. Mulch used within any wetland/stream bank restoration areas shall be natural straw or equivalent non-toxic, non-seed-bearing organic material.
18. Seed mix used within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.
19. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT *Best Management Practices for Roadside Invasive Plants* (2008).
20. To prevent the introduction of invasive plant species to the site, the applicant's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site.
21. The applicant shall control invasive plant species such as Purple loosestrife (Lythrum salicaria) and Common reed (Phragmites) by measures agreed upon by the NHDES Wetlands Program if any such species is found in the stabilization areas during construction or during the early stages of vegetative establishment.
22. Within three days of final grading or temporary suspension of work, 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.
23. Use of construction equipment shall adhere to the best management practices ("BMP's") described in *Best Management Practices for Fueling and Maintenance of Excavation and Earthmoving Equipment (WDDWGB226).*
24. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
25. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.
26. Faulty equipment shall be repaired immediately prior to entering areas that are subject to RSA 482-A jurisdiction.
27. The applicant's contractor shall maintain appropriate oil/diesel fuel spill kits on site that are readily accessible at all times during construction, and shall train each operator in the use of the kits.
28. The contractor responsible for completion of the work shall use techniques described in the *New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).*
29. Erosion control measures shall further adhere to the requirements to NH Department of Resources and Economic Development's *Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire (Interim January 2010).*

30. Rock blasting shall adhere to *Rock Blasting and Water Quality Measures That Can Be Taken To Protect Water Quality and Mitigate Impacts (NHDES, Kernan, 2010)*
31. Tree clearing, vegetation removal, and associated access shall additionally adhere to *Best Management Practices for Forestry: Protecting NH's Water Quality (UNH Cooperative Extension, date pending).*
32. Prior to construction, project specific BMP's described on page 6-17 of the wetlands application shall be developed in coordination with NHB and NHFG and submitted to DES for review and approval, and implementation, for the following activities:
    a. construction mat use in areas identified as sensitive
    b. ground-based construction techniques and use of smaller, lighter, or low ground pressure equipment for sensitive areas
    c. fenced exclusion zones and wildlife survey areas
    d. on-site construction monitoring for protection of resources.
33. To the maximum extent practicable, silt curtains shall be used to minimize turbidity during installation of the underground cables in the Little Bay Estuary. As a minimum, silt curtains shall be installed when divers hand-jet the cables on the west side of Little Bay and along approximately 370 feet (of the total 600 feet) of cable that is to be hand jetted on the east side of the estuary.
34. The Applicant shall conduct an eelgrass survey in the Little Bay estuary the summer before construction commences and unless otherwise authorized by DES, the approximately one year after construction is completed. Prior to conducting the survey, the Applicant shall submit a plan describing how the survey will be conducted, to DES for approval. The Applicant shall then implement the approved plan.
35. Prior to construction, the Applicant shall submit a mixing zone request to the DES Watershed Management Bureau for approval that includes a description and map showing the proposed mixing zone, justification for the proposed limits of the mixing zone and documentation demonstrating that the proposed mixing zone complies with the minimum criteria in Env-Wq 1707.02.
36. Prior to construction, the Applicant shall submit a water quality monitoring plan to the NHDES Watershed Management Bureau for approval that describes how turbidity will be monitored and reported in the Little Bay estuary during construction of the underground cables. The plan shall include, but not be limited to, a description of the equipment to be used (including meter accuracy), how and when sampling will be conducted, quality assurance/quality control provisions, the latitude and longitude of sampling stations, a plan showing the location of proposed sampling stations, how data will be reported and provisions for inputting data electronically into the DES Environmental Monitoring Database. The Applicant shall then implement the approved plan.
37. Prior to construction, the Applicant shall coordinate with NHB, NHFGD, NMFS, and US Fish and Wildlife Service ("USFWS") to produce a report which examines time of year restrictions for all rare, threatened, endangered, or EFH species found to be associated with the project, and which provides the best resource protection timing requirements practicable as agreed to by the agencies to the agencies satisfaction, in consideration of the construction temperature, logistics, and desired schedule for this project. This report shall be submitted to DES for approval. Applicant shall then implement the approved timing restrictions.
38. Prior to construction the Applicant shall obtain DES and NHFGD approval of a Benthic Infaunal Community Monitoring Plan, a draft of which is included in Appendix D of the

Applicant's application for Water Quality Certification. The purpose of the plan is to document the recovery of the infaunal community to demonstrate there is no long term degradation and that the benthic community within the area of disturbance is functioning the same as that outside the disturbance. Data shall be provided in a format that can be input electronically into the NHDES Environmental Monitoring Database. The Applicant shall then implement the approved plan.

39. Prior to construction, the Applicant shall obtain DES and NHFGD approval of a Benthic Habitat Monitoring Plan (BHMP), a draft of which (called the Bathymetric Monitoring plan) is included in Appendix D of the Applicant's application for Water Quality Certification. The purpose of the plan is to determine if substrate conditions (topography and grain size distribution) in the Little Bay estuary in the vicinity of the proposed underground cables were significantly altered during construction. The plan shall include, but not be limited to, details regarding the method, accuracy and extent of the bathymetric survey, when the study will be conducted, the locations and methods for sampling and analyzing grain size distribution, how the data will be assessed, how data will be reported and provisions for inputting the data electronically into the DES Environmental Monitoring Database. The Applicant shall then implement the approved plan.
40. Prior to the placement of concrete mattresses in Little Bay, the Applicant shall coordinate with the NH Division of Ports and Harbors ("DPH") and/or the NH Department of Safety Marine Patrol ("Marine Patrol"), to determine if the placement of the mattresses creates a navigational hazard which will require navigational marker(s). If navigational markers are required, then the applicant shall comply with any request to install such markers that the DPH or Marine Patrol requires.
41. Prior to construction of the submarine cable crossing in Little Bay, the Applicant shall coordinate with the DES Waste Management Division Spill Response and Complaint Investigation Section ("SRCIS") to identify a specific staff contact representative for both DES and the Applicant. The Applicant's representative shall notify the DES contact upon each commencement of work and upon completion of work involving cable installation, so that cable installation does not impede DES oil spill incident command emergency response capability, and to avoid the interaction of an incident or its response with active cable installation resulting in greater environmental impact than the cable installation on its own would ordinarily produce.
42. Prior to construction of the submarine cable crossing, the Applicant shall develop an emergency remedial response plan to address the potential disintegration of the existing cable upon removal from the benthic substrate of Little Bay, to be submitted to DES for review and approval. This plan shall apply in the event that the existing cable is so deteriorated that it, in part or in whole, disintegrates upon removal resulting in loose debris in the water column and/or debris scattered or embedded in the substrate. The plan shall identify remedial actions necessary to be taken to contain the cable debris, and actions required to remove this debris or structure from the tidal resource including, but not limited to, dredging or other disturbance. The plan shall include specific means of controlling turbidity, and means of removal and transport of debris to shore. In no instance is it expected that any debris will remain in the substrate or be allowed to migrate away from the removal location as a result of the cable removal. The Applicant shall implement the approved plan if cable failure occurs resulting in any

impacts greater than that ordinarily anticipated by the cable removal as described in the wetlands application. Impacts ordinarily anticipated from intact cable removal, or cut sectional removal, would be limited to the turbidity from sediment disturbance accounted for in the application.

43. Prior to construction of the submarine cable crossing, 14 days in advance of the commencement of cable installation work within the inter-tidal and sub-tidal zones, the Applicant shall notify the aquaculture licensees with operations in the vicinity to provide advanced notice for any potential operational actions the licensees may need to take.
44. Prior to construction of the submarine cable crossing, the Applicant shall check the weather forecast for the area, shall maintain a written weather log, and shall not proceed with jet plowing for cable installation if the forecast predicts a storm event, which, in combination with tidal influences shall exacerbate the sediment turbidity plume beyond that predicted in the turbidity plume modelling presented in the application.
45. Prior to conducting dewatering activities in the vicinity of the Pease International Tradeport [i.e., the former Pease Air Force Base (Pease)], the Applicant shall consult with Pease and NHDES to determine if groundwater has been contaminated by perfluorinated compounds (e.g., PFOA, PFOS) to levels which would require special treatment. Should special treatment be necessary, the Applicant shall only dispose of groundwater from dewatering activities in the affected area by methods approved by NHDES.
46. The Applicant shall retain an environmental monitor to assure compliance with permit conditions during and after construction activities, including one year of post-construction corridor monitoring after one full growing season and preparation of appropriate compliance reports for submittal to NHDES. The monitoring shall include a site inspection, vegetation cover estimates in restored freshwater wetlands, salt marsh, and uplands, including tidal buffer zone and protected shoreland, by species in random plots, photographs, and wildlife observations. Areas with less than 80% cover at the end of the growing season will require additional seed or other appropriate enhancements. Areas with erosion shall be repaired immediately. Invasive species shall be removed from restoration areas and disposed of in a manner and location to preclude their survival and spread. A monitoring report shall be submitted to NHDES by November 1 of the year following construction impacts.
47. The mitigation package may include the designation of mitigation funds to the Towns of Durham and Newington. The preliminary payment amounts equal $224,217.15 and $79,152.49 respectively. The two projects will provide benefit to tidal and non-tidal resources and the combination of funds going to these efforts meet the requirements of RSA 482-A:28.
48. The final mitigation payment as determined during final design and SEC permitting process would be made to DES to be held in an account specific to each project. Payment shall be provided to DES after SEC approval, upon determination of final impact amounts, and prior to construction.
49. Final estimates of the area of salt marsh to be restored and linear feet of shoreline shall be provided for review and approval by DES and Army Corps.
50. Preliminary plans of the living shoreline and salt marsh restoration shall be submitted and approved by DES and Army Corps.
51. The living shoreline and salt marsh restoration shall be monitored for a minimum five (5) years. Performance standards to evaluate the project shall be established and approved by DES and the Corps.

52. The draft deed for the conservation parcel proposed in Newington shall be reviewed and approved by DES and the Corps prior to final approval and recordation. Forestry activities must follow a management plan and if any cutting is done it is conducted specifically for wildlife habitat management.
53. A minimum of a 100 foot no-cut buffer adjacent to aquatic resources shall be maintained and there shall be no increase in agriculture on the property. If these measures cannot be achieved the funds will revert to the ARM Fund for issuance during a future competitive grant round.
54. Any funds remaining after the Durham and Newington projects are completed shall revert to the ARM fund, currently estimated at $15,080.75 for use in the next ARM Fund competitive grant round.
55. The 10 acres of land in Newington shall be protected through a conservation easement to the Town of Newington within 240 days of the issuance of the SEC decision.
56. This permit is contingent upon the execution of conservation easement on 10 acres of land in Newington as depicted on plans and information prepared by Normandeau Associates as received by NHDES on October 18, 2016.
57. Following permit issuance and prior to recording of the conservation deed, the natural resources existing on the 10 acre parcel shall not be removed, disturbed, or altered without prior written approval of NHDES.
58. The conservation deed to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to the terms of the restrictions.
59. The plan noting the conservation area with a copy of the final deed language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the NHDES Wetlands Bureau.
60. A final baseline documentation report shall be prepared that summarizes existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the NHDES to serve as a baseline for future monitoring of the area.
61. The conservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes].
62. The Wetlands Bureau shall be notified of the placement of the parcel boundary monuments to coordinate on-site review of their location.
63. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of NHDES (including remediation and fines).
64. Any further alteration of areas on this property that are subject to RSA 482-A jurisdiction will require a new application and further permitting.

401 WATER QUALITY CERTIFICATION – NOVEMBER 10 , 2016 PROGRESS REPORT

ADDITIONAL DATA REQUIREMENTS:

1. Please provide the results and summary of recent Little Bay sediment quality results.

DRAFT 401 WATER QUALITY CERTIFICATION CONDITIONS:

The proposed Activity[1] involves the discharge of dredge or fill material into surface waters of the U.S. and, therefore, requires a federal Clean Water Act (CWA) Section 404 (33 U.S.C. 1344) permit from the U.S. Army Corps of Engineers (Corps). In accordance with Section 401 of the CWA (33 U.S.C. 1341) and New Hampshire (NH) statute RSA 485-A: 12, III, the Activity therefore requires a Section 401 Water Quality Certification from the NH Department of Environmental Services (NHDES or DES).

On April 12 2016, the Corps indicated that the Section 404 general permit (i.e., the New Hampshire Programmatic General Permit or PGP) applies to the proposed Activity. The Corps issues PGPs every five years; the last PGP was issued in 2012. A 401 Water Quality Certification (WQC # 2012-404P-002) for the current PGP was issued by NHDES on August 2, 2012. WQC # 2012-404P-002 is applicable to all activities covered by the PGP. Since the proposed Activity is covered by the PGP, the Applicant[1] for the proposed Activity must comply with the conditions of WQC #2012-404P-002, which are provided below:

> "E-1. Construction or operation of all projects included under the PGP shall meet NH surface water quality standards.
>
> E-2. Applications for projects included under the PGP shall be subject to DES review to determine whether additional conditions or an individual 401 Certification application is necessary to ensure compliance with surface water quality standards.
>
> E-3. If DES determines that surface water quality standards are being violated by the specific project or there is reasonable potential to expect that water quality standards will be violated if more project specific conditions are not included in the 401 Certification, DES may modify this 401 Certification for the specific project to include additional conditions to ensure compliance with surface water quality standards.
>
> E-4. Construction on any specific project permitted under the PGP shall not commence until all other applicable permits and approvals have been granted, including those permits issued through DES Wetlands Bureau and, if necessary, DES Alteration of Terrain Program.
>
> E-5. All applicable conditions in the NH PGP shall be followed.

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[1] The Applicant is Public Service Company of New Hampshire (PSNH) d/b/a Eversource Energy. The proposed Activity is described in the application submitted to the New Hampshire Site Evaluation Committee on April 12, 2016, which included an application and supplemental information for 401 Water Quality Certification, the Alteration of Terrain Permit and the Wetlands Permit.

> E-6. DES reserves the right to inspect any project permitted under the PGP and the effects of the project on affected surface waters at any time to monitor compliance with the NH surface water quality standards."

NHDES has reviewed the information provided by the Applicant[1] and has determined that compliance with WQC #2012-404P-002 issued in 2012, and the conditions for the Alteration of Terrain and Wetlands ~~permits~~, provides reasonable assurance that construction and operation of the Activity will not violate surface water quality standards[2].

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[2] New Hampshire surface water quality standards are included in statute (RSA 485-A:8) and regulation (Env-Wq 1700).