



The State of New Hampshire  
**Department of Environmental Services**

**Robert R. Scott, Commissioner**



August 31, 2018

(Distributed electronically)

Patricia M. Weathersby  
Presiding Officer  
New Hampshire Site Evaluation Committee  
21 South Fruit Street, Suite 10  
Concord, NH 03301

Re: Application of Public Service Company of New Hampshire (d/b/a Eversource Energy ) for  
Seacoast Reliability Project  
NH Site Evaluation Committee (SEC) Docket No. 2015-04  
Response to 8/10/18 SEC Request for Agency Response

Dear Ms. Weathersby:

Thank you for your letter of August 10, 2018 regarding the application submitted by the Public Service Company of New Hampshire d/b/a Eversource Energy (Applicant) for the Seacoast Reliability Project (SRP), Site Evaluation Committee (SEC) Docket No. 2015-04 and your request for additional information from the New Hampshire Department of Environmental Services (NHDES). The letter is in response to your request.

Your letter of August 10<sup>th</sup> included Supplemental Testimony filed by the Applicant on July 27, 2018 that included a letter dated April 27, 2018 from the Applicant to NHDES with specific concerns and requested corrections, clarifications and discussion of NHDES' permit conditions submitted to the SEC on February 28, 2018. In specific, the Applicant stated in their Supplemental Testimony (page 11), that they are concerned with following numbered conditions in their April 27, 2018 letter: WET-20, WET-25, WET-41, WET-42, WET-43, WET-44, WET-45, WET-46, WET-47, 24 WET-49, WET-58, WET-59, WET-60, WET-61, WET-64 & 65, and WET- 71 through 81. The Supplemental Testimony also states that the Applicant is currently working with NHDES technical staff to review those conditions (page 11) and that they hope to resolve its concerns with NHDES (page 10). However, should the concerns not be resolved, the Applicant has requested that the SEC review the proposed conditions and only require the Applicant to comply with those conditions that are demonstrated to be necessary based on the factual information in the record and the testimony of the witnesses presented at the final adjudicative hearings (page 10).

From your August 10<sup>th</sup> letter, we understand the SEC has not determined what, if any, conditions it intends to impose. However, due to the Applicant's pending request that the SEC consider imposing different conditions or refrain from imposing some of NHDES' recommended conditions, and in recognition of RSA 162-H:7-a.I(e), your letter of August 10<sup>th</sup> requests:

1. That NHDES identify concerns expressed by the Applicant that have been satisfied from NHDES' standpoint;
2. That NHDES advise the SEC whether the Applicant's proposal for the items that remain unresolved conform with the laws and rules applicable to the project; and

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3. That NHDES inform the SEC whether the Applicant's proposals for resolution of its concerns are appropriate in light of NHDES' statutory responsibilities.

Our responses to the previously mentioned concerns are provided below. We have also provided responses to the attached letter received from the Applicant on August 17, 2018, which is an update to the Applicant's April 27, 2018 letter requesting permit modifications and corrections, as well as responses to the attached emails dated August 24, 2018 and August 28, 2018 from Normandeau Associates regarding conditions WET-44 and WET 68.

For your convenience, we have copied each of the concerns and requests from the Applicant's letters of April 27, 2018 and August 17, 2018, and emails of August 24, 2018 and August 28, 2018 to NHDES. Each concern/request is followed by our response (in italics).

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**(from 8/17/18 letter)**

**Recommendation – Jet plow trial run**

Eversource understands that the purpose of the trial jet plow run is for information gathering and determining the potential for appropriate process modification and /or mitigation for the final cable installation using jet plow construction in Little Bay.

We have committed to conducting a trial run within 21 days prior to the cable installation. See Supplemental Pre-Filed Testimony of Kenneth Bowes and David Plante at page 3 (July 27, 2018). We respectfully request that DES concur with this commitment. Conducting a jet plow trial run adds significant cost and potential schedule delays to the project. Conducting the trial 90 days prior to the cable installation would require working in the spring months which conflicts with time of year restrictions for aquatic species. Conducting the trial 90 days prior to the installation would also require an additional mobilization by the cable installation contractor which incurs significant costs of approximately \$1.5 million for the project and ultimately the rate payers.

Conducting the trial within 21 days is typical of jet plow projects. See Supplemental Pre-Filed Testimony of Payson Whitney at pages 10 to 12 (July 2, 2018) (jet plow trial runs are "typically performed about a week or two before the start of the submarine cable installation and last for one or two days" to "assure that the trial will use the same equipment and personnel that will be used for the cable installation, provides a trial during the same seasonal conditions as the installation, and allows vessel crews to familiarize themselves with similar tidal, current, and navigational conditions as will be experienced during the installation"). This will allow for a single mobilization and provide DES with sufficient time for DES to review and respond to the monitoring results.

*NHDES Response: In our letter of February 28, 2018 to the SEC, NHDES recommended the following:*

*"...Following implementation of the approved plan, we recommend that the Applicant submit a report summarizing the jet plow trial that addresses the objectives above (including all monitoring results) to NHDES and the SEC at least 90 days prior to proposed cable installation.*

*If results of the trial run indicate that NH surface water quality standards will not likely be attained during cable installation, or if results indicate that the model did not reasonably predict the suspended solids plume, the report should include recommendations regarding how these issues can be abated.*

*NHDES would then review this information and provide its recommendations to the Applicant and the SEC. Cable installation in Little Bay by jet plowing would not be allowed to proceed until authorized by the SEC."*

*A period of "at least 90 days" was selected to provide ample time for NHDES to review the jet plow trial summary report, to discuss and finalize the report with the Applicant, provide a recommendation to the SEC and for the SEC to make a decision. NHDES understands the Applicant's concerns with conducting the trial run at least 90 days prior to scheduled cable installation, however, NHDES is concerned with the time it will have for review if the jet plow run is conducted within 21 days of the scheduled cable installation date. NHDES has discussed this with the Applicant who has stated they will provide the jet plow summary report to NHDES at least 14 days prior to the scheduled cable installation date. Therefore, to address the concerns raised by the Applicant, the Applicant's request to conduct the jet plow trial within 21 days of the scheduled cable installation date is acceptable to NHDES provided NHDES receives a complete trial run summary report for review at least 14 days prior to scheduled start of submarine cable installation in Little Bay.*

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**(from 8/17/18 letter)**

**General Conditions 1. All work shall be in accordance with plans dated September 14, 2017, submitted as part of the application to the New Hampshire Site Evaluation Committee on April 14, 2016 and supplemental information dated September 15, 2017 and received by the NH Department of Environmental Services (NHDES) on April 14, 2016 and September 15, 2017.**

We request that the plan set dated July 25, 2018 that was submitted with the latest supplement (dated July 27, 2018) be referenced.

*NHDES Response: NHDES concurs with the request.*

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**(from 8/17/18 letter)**

**AOT-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 NH DES approval prior to implementation.**

We request the condition be modified to reference the most recent plan set submitted July 27, 2018.

*NHDES Response: NHDES concurs with the request.*

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(from 8/17/18 letter)

**WET-1** All work shall be in accordance with plans dated September 14, 2017, submitted as part of the application to the New Hampshire Site Evaluation Committee on April 14, 2016 and supplemental information dated September 15, 2017 and received by the NH Department of Environmental Services (NHDES) on April 14, 2016 and September 15, 2017.

We request this condition be modified to read. "All work shall be in accordance with the environmental plan set dated July 25, 2018, submitted as part of ....supplemental information submitted July 27, 2018.

*NHDES Response: NHDES concurs with the request.*

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(from 8/17/18 letter)

**WET-2.** At least thirty (30) days prior to the start of construction, the Applicant shall conduct a training program for construction staff, contractors, sub-contractors, environmental inspectors, the independent environmental monitor, and NH DES staff. The training program shall include, but not limited to, spill prevention and cleanup responses, a review and description of the allowable environmental conditions and methods to be implemented during construction, and contingency plans that will be implemented in the event that environmental conditions are exceeded.

We request that this condition be modified to read: "Not more than thirty (30) days prior to the start of construction..."

*NHDES Response: NHDES concurs with the request.*

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(from 8/17/18 letter)

**WET-11.** 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.

In the event that there may be a construction need to remove a pole butt, we request this condition be modified as follows: "Unless authorized by NHDES, 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."

*NHDES Response: NHDES concurs with the request.*

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(from 8/17/18 letter)

**WET-17.** Filter fabric shall be installed under temporary wetland fill areas to isolate fill from the natural hydric soils.

We request that this condition be modified as follows: "Filter fabric shall be installed under temporary wetland fill areas to isolate temporary earthen fill from the natural hydric soils. Filter fabric, silt socks and/or straw wattle material shall be used in conjunction with timber mats in areas where surface waters are crossed.

*NHDES Response: NHDES concurs with the request with the edits noted below (strikethroughs and new text are in bold font).*

*"Filter fabric shall be installed under temporary wetland fill areas to isolate temporary earthen fill from the natural hydric soils. Filter fabric, silt socks and/or straw wattle material shall be used in conjunction with timber mats in areas where ~~surface waters~~ **wetlands** are crossed."*

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**(from 4/27/18 and 8/17/18 letters)**

**WET-20. All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only.**

There are sometimes instances where equipment cannot be feasibly moved (such as drilling equipment) from wetlands prior to fueling. In such instances spill containment measures are taken. We request that this condition be written as follows:

"All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only. When equipment cannot practicably be moved away from a wetland, refueling in a wetland can be allowed if secondary containment is provided in accordance with the guidance in DES Fact Sheet WD-DWGW 22-6, dated 2010, and all other practices described in that Fact Sheet are complied with."

*NHDES Response: NHDES concurs with the request with the edits noted below (strikethroughs and new text are in bold font).*

*"All refueling of equipment shall occur outside of surface waters or wetlands during construction. Machinery shall be staged and refueled in upland areas only. When equipment cannot practicably be moved away from a wetland **or surface water**, refueling ~~in a wetland~~ can be allowed if secondary containment is provided in accordance with the guidance in DES Fact Sheet WD-DWGW 22-6, dated 2010, and all other practices described in that Fact Sheet are complied with. **This is particularly critical for refueling that may be done from barges or other waterborne vessels.**"*

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**(from 4/27/18 and 8/17/18 letters)**

**WET-25 Any further alteration impact areas for the project beyond the application materials received September, 2017, that are subject to RSA 482-A jurisdiction will require a new application and further permitting.**

RSA 482-A:3 XIV(e) allows for changes to the proposed or previously approved acreage of the permitted

fill or dredge area as long as the change is not a significant amendment (i.e. a change of less than 20 percent). Linear projects the size of SRP often require minor modifications in impact areas. Eversource believes that the submittal of an entirely new application for a minor modification places an unnecessary hardship on the Applicant. We request that the Department modify this condition and revert to the standard under the statute RSA 482-A:3 XIV(e) as well as prior practice before the SEC. See e.g., Merrimack Valley Reliability Project, Docket 2015-05.

*NHDES Response: NHDES disagrees and has explained to the Applicant that this change requirement does not apply to changes made at the request of NHDES. The Applicant indicated their concurrence based upon this clarification.*

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**(from 4/27/18 and 8/17/18 letters)**

**WET-41. Eelgrass Survey: To assess the impact of work associated with laying cable in Little Bay on eelgrass, the Applicant shall conduct an eelgrass survey in the Little Bay estuary the summer before construction commences and approximately one year after work is completed. At least ninety (90) days prior to the scheduled date for conducting the pre-construction survey, the Applicant shall submit a plan...**

(from 4/27/18 letter): Eversource concurs with conducting an eelgrass survey during the summer before construction (now scheduled for 2019), similar to that conducted in 2014. If no eelgrass is found during the pre-construction survey, Eversource should not be required to conduct a survey the year after construction. As requested by DES, the survey will be consistent with PREP eelgrass surveys, but will be more detailed than they typically perform.

(from 8/17/18 letter): We request that this condition be modified as follows:

“Eelgrass Survey: To assess the impact of work associated with laying cable in Little Bay on eelgrass, the Applicant shall conduct an eelgrass survey in the Little Bay estuary the summer before construction commences ~~and approximately one year after work is completed~~. At least ninety (90) days prior to the scheduled date for conducting the pre-construction survey, the Applicant shall submit a plan describing

- how, when and where the survey will be conducted;
- how results will be assessed to determine impact on eelgrass;
- how and when results will be reported to NHDES;
- mitigation measures that will be implemented based on eelgrass impacts and recovery; and
- when the data will be input electronically into the NHDES Environmental Monitoring Database.

The Applicant shall then implement the approved plan. To the maximum extent practicable, the methodology for conducting the survey shall be consistent with recent surveys conducted for the Piscataqua River Estuaries Program (PREP). Results of the pre-construction survey shall be submitted to NH DES no less than thirty (30) days prior to the scheduled cable installation date and shall be approved by NHDES prior to cable installation in Little Bay. **Eversource will also propose a post-construction survey to be approved by NHDES. Modifications to this condition may be allowed at the discretion of NHDES.**”

*NHDES Response: The Applicant and NHDES have discussed this condition and it is our understanding that the Applicant will be submitting a revised plan for NHDES review and approval. NHDES does not concur with all of the Applicant's proposed revisions but does recommend the following revisions (in bold text) to provide NHDES with some flexibility to modify this condition if deemed necessary. NHDES will notify the SEC when the plan has been approved by NHDES.*

*"Eelgrass Survey: To assess the impact of work associated with laying cable in Little Bay on eelgrass, the Applicant shall conduct an eelgrass survey in the Little Bay estuary the summer before construction commences and , **if directed by NHDES**, approximately one year after work is completed. At least ninety (90) days prior to the scheduled date for conducting the pre-construction survey, the Applicant shall submit a plan describing*

- how, when and where the survey will be conducted;*
- how results will be assessed to determine impact on eelgrass;*
- how and when results will be reported to NHDES;*
- mitigation measures that will be implemented based on eelgrass impacts and recovery; and*
- when the data will be input electronically into the NHDES Environmental Monitoring Database.*

*The Applicant shall then implement the approved plan . To the maximum extent practicable, the methodology for conducting the survey shall be consistent with recent surveys conducted for the Piscataqua River Estuaries Program (PREP). Results of the pre-construction survey shall be submitted to NHDES no less than thirty (30) days prior to the scheduled cable installation date and shall be approved by NHDES prior to cable installation in Little Bay. A report comparing the pre to post- construction survey results shall be submitted to NHDES for approval no more than ninety (90) days after the post-construction survey is completed. **Modifications to this condition may be allowed at the discretion of NHDES.**"*

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**(from 4/27/18 letter)**

**WET-42. Benthic Habitat Monitoring: At least sixty (60) days prior to the start of construction in Little Bay, the Applicant shall obtain NHDES and NHFGD approval of a Benthic Habitat Monitoring Plan (BHMP)...**

Eversource submitted a benthic habitat monitoring plan in the Revised Environmental Monitoring Plan for Little Bay submitted to the Department on September 19, 2017. Eversource seeks clarification as to whether the proposed pre- and post-construction benthic habitat monitoring plan is acceptable to DES. Eversource also requires guidance from the Department on inputting data into the NHDES Environmental Monitoring Database.

*NHDES Response: The Applicant and NHDES have discussed this condition and it is our understanding that the Applicant will be submitting a revised plan for NHDES review and approval. NHDES will notify the SEC when the plan has been approved by NHDES.*

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(from 4/27/18 letter)

**WET-43. Benthic Infaunal Community Plan: To assess the impact of work associated with laying cable in Little Bay on the benthic infaunal community, the Applicant shall conduct pre and post construction monitoring of the benthic infaunal community in the Little Bay estuary...**

Eversource provided a benthic infaunal monitoring plan in the Revised Environmental Monitoring Plan for Little Bay submitted to the Department on September 19, 2017. Eversource seeks clarification as to whether that monitoring plan is acceptable to DES.

*NHDES Response: The Applicant and NHDES have discussed this condition and it is our understanding that the Applicant will be submitting a revised plan for NHDES review and approval. NHDES will notify the SEC when the plan has been approved by NHDES.*

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(from 4/27/18 letter and 8/17/18 email)

**WET-44. Mixing Zone Plan: At least sixty (60) days prior to the start of construction in Little Bay, the Applicant shall submit a mixing zone request to the NHDES Watershed Management Bureau for approval...**

(from 4/27/18 letter): Eversource has proposed a mixing zone as part of the Revised Environmental Monitoring Plan that was submitted to the Department on September 19, 2017. Eversource seeks comments from DES on the specifics of that monitoring plan relative to those listed in this permit condition.

(from 8/17/18 letter): There are two aquaculture sites in close proximity to the SRP that are likely to not be actively harvested during construction. Based on discussions with the licensees, we anticipate that Bay Point Oyster (License#1) will be empty, and that Nick Brown (license #38) will either relocate his shellstock out of his license area or to the far northern end of his site. We ask that the last line in Condition 44 be changed to "The mixing zone shall not include any portion of an aquaculture site that contains oysters."

*NHDES Response: The Applicant and NHDES have discussed this condition and it is our understanding that the Applicant will be submitting a revised plan for NHDES review and approval. NHDES will notify the SEC when the plan has been approved by NHDES.*

*With regards to revising condition 44 as requested by the Applicant, NHDES generally concurs since it is consistent with the intent to protect the aquaculture product (i.e., oysters, etc.) from jet plow associated activities in Little Bay. NHDES therefore recommends that condition 44 be revised to read as follows (strikethroughs and new text are in bold font). "Unless otherwise authorized by NHDES" was added to allow for situations such as the owner of an aquaculture site being willing to have the mixing zone overlap the area where aquaculture product is in the water. In such cases, NHDES would require written evidence and would allow the mixing zone to extend into the aquaculture site where product is in the water.*



*"Mixing Zone Plan: At least sixty (60) days prior to the start of construction in Little Bay, the Applicant shall submit a mixing zone request to the NHDES Watershed Management Bureau for approval that includes a description and map showing the proposed mixing zone in Little Bay, justification for the proposed limits of the mixing zone and documentation demonstrating that the proposed mixing zone complies with the minimum criteria in administrative rules Env-Wq 1707.02. The mixing zone shall be established for all jet plow and hand-jetting activities. Prior to submitting the proposed mixing zone request, the Applicant shall determine if there are any new aquaculture operations in Little Bay. **Unless otherwise authorized by NHDES, the mixing zone shall not include any ~~existing aquaculture operations~~ portion of an aquaculture site that has aquaculture product (i.e., oysters, etc.) in the water during and up to 24 hours following jet plow and hand-jetting activities.**"*

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(from 4/27/18 letter)

**WET-45. Water Quality Monitoring and Adaptive Management Plan:** At least ninety (90) days prior to in-water work in Little Bay, the Applicant shall submit to the NH DES Watershed Management Bureau for approval, a Water Quality Monitoring and Adaptive Management Plan for work in Little Bay...

Eversource provided a Water Quality Monitoring Plan that includes adaptive management, as part of the Revised Environmental Monitoring Plan that was submitted to the Department on September 19, 2017. Eversource seeks comments from DES on the specifics of that monitoring plan relative to those listed in this permit condition.

*NHDES Response: The Applicant and NHDES have discussed this condition and it is our understanding that the Applicant will be submitting a revised plan for NHDES review and approval. NHDES will notify the SEC when the plan has been approved by NHDES.*

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(from 4/27/18 and 8/17/18 letters)

**WET-46. NHDES Shellfish Program Monitoring and Reporting Requirements.**

(from 4/27/18 letter): The condition as proposed is problematic because it is difficult to provide a scientifically valid assessment of potential impacts from the jet plow process with shellfish tissue testing. Also, the requirement to sample shellfish tissue for analytes that were demonstrated to be below NOAA ER-L screening values in our (and EPA's) comprehensive sediment analyses places an unwarranted burden on the applicant. We propose to work with DES to identify their specific concerns underlying Condition 46, and to select reasonable methods for addressing them.

(from 8/17/18 letter): To allow for agreed upon modifications to the shellfish monitoring plan we request that conditions 46b1 through 46b5 be qualified with the following: "Unless otherwise authorized by NHDES..." (On 8/24/18, Normandeau Associates advised that the 46b1 through b5 refer to the following sections in condition 46:

46b - Plan to assess shellfish tissue

- 46b1- Species to be tested
- 46b2 – Location of testing sites
- 46b3 – Timing of sample collection
- 46b4 – Constituents for tissue analysis
- 46b5 – Field and laboratory methods and protocols).

*NHDES Response: The Applicant and NHDES have discussed this condition and it is our understanding that the Applicant will be submitting a revised plan for NHDES review and approval. NHDES will notify the SEC when the plan has been approved by NHDES.*

*With regards to the request to revise condition WET-46 , NHDES concurs as it allows for some flexibility as the plan develops. NHDES, however, recommends that condition WET-46 be revised to read as follows (strikethroughs and new text are in bold font), which accomplishes what was intended by the Applicant:*

*“Plan to Assess Shellfish Tissue Before and After Little Bay Cable Crossing: At least six months prior to the start of jet plowing activities (or other time frame acceptable to NHDES) the Applicant shall submit a plan to the NHDES Shellfish Program for approval for assessing molluscan shellfish tissue concentrations of selected chemical contaminants before and after the project. The Applicant shall then implement the approved plan. **Unless otherwise authorized by NHDES, the plan shall include provisions for the following : ....”***

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**(from 4/27/18 letter)**

**WET-47. Mitigation: If violations of surface water quality standards (Env-Wq 1700) occur that are associated with the proposed Activity, the Applicant shall, if directed by NHDES, submit a mitigation plan to NH DES for approval within sixty (60) days of being notified. The Applicant shall then implement the approved plan.**

Eversource proposes to develop a mitigation plan to be approved by the Department prior to the start of work in Little Bay that is structured to compensate for impacts based on the type and severity of a potential water quality violation.

*NHDES Response: The Applicant and NHDES have discussed this condition and it is our understanding that the Applicant will submit a mitigation plan if directed by NHDES in accordance with this condition but not prior to the start of work in Little Bay as proposed in the Applicant’s letter of April 27, 2018.*

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**(from 4/27/18 letter)**

**WET-49. Existing Cable Removal Remedial Response Plan: At least ninety (90) days prior to inwater work in Little Bay, the Applicant shall submit an emergency remedial response plan to address the potential disintegration of the existing cable upon removal from the benthic substrate of Little Bay, to NHDES for approval....**

Eversource submitted an Existing Cable Removal Plan to the Department on June 30, 2017. Eversource

seeks comments from DES on the specifics of that monitoring plan.

*NHDES Response: NHDES finds the Existing Cable Removal Plan submitted to NHDES on June 30, 2017 adequately addresses WET – 49.*

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(from 8/17/18 letter)

**WET-50. Training:** At least thirty (30) days prior to the scheduled start of cable installation in Little Bay, the Applicant shall conduct a training program for construction staff, contractors, sub-contractors, environmental inspectors, the independent environmental monitor, and NH DES staff. The training program shall include, but not limited to, a review of the cable installation methods, spill prevention and cleanup responses, allowable environmental conditions and measures (i.e., contingency plans) that will be implemented in the event that environmental conditions are exceeded.

We request that this condition be modified to read: "Not more than thirty (30) days prior to the start of construction..."

*NHDES Response: NHDES concurs and recommends that condition WET 50 be revised as follows (strikethroughs and new text are in bold font):*

*"Training: ~~At least~~ **Not more than** thirty (30) days prior to the scheduled start of ~~cable installation~~ **construction** in Little Bay, the Applicant shall conduct a training program for construction staff, contractors, sub-contractors, environmental inspectors, the independent environmental monitor, and NHDES staff. The training program shall include, but not limited to, a review of the cable installation methods, spill prevention and cleanup responses, allowable environmental conditions and measures (i.e., contingency plans) that will be implemented in the event that environmental conditions are exceeded."*

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(from 8/17/18 letter)

**WET-54. Wind:** Beginning at least twelve (12) hours prior to planned cable installation activities, the independent environmental monitor shall monitor the latest National Weather Service weather forecast for Great Bay/ Adams Point. If sustained wind speeds in excess of fifteen (15) mph are forecast, the environmental monitor shall, based upon predicted and observed conditions within Little Bay, and in conjunction with NH DES, decide if cable installation should be allowed to commence.

Request that the wind speed in this condition be increased to 20 mph per experience of ESS Group, Inc. See Supplemental Pre-Filed Testimony of Payson Whitney and Matthew Ladewig at page 7 (July 20, 2018). As described in the Supplemental Pre-Filed Testimony submitted by ESS, "using the Beaufort Wind Scale, a 15 mph wind is a moderate breeze that results in small waves, which is fairly common even on nice weather days." Id. "A wind speed of 20 mph (a fresh breeze on the Beaufort Wind Scale that results in moderate waves) may be a more appropriate threshold." Id. We concur with ESS's conclusions.

*NHDES Response: The Applicant and NHDES have discussed this condition. NHDES recommends no change to this condition as it allows work to occur in Little Bay at wind speeds higher than 15 mph, if, based on predicted and observed conditions in Little Bay, the environmental monitor and NHDES concur.*

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(from 8/17/18 letter)

**WET-55. Cable Depths and As-Builts:** To the maximum extent practicable, the maximum jet plow and handjetting trench depths shall be in accordance with the Document 1 of the supplemental information filed with the Site Evaluation Committee on June 30, 2017 titled "Revised Modeling Sediment Dispersion from Cable Burial for Seacoast Reliability Project, Upper Little Bay, New Hampshire, June 2017. Of the approximate 4265 total feet of cable to be buried under Little Bay, no more than approximately 2431 feet shall be buried with a maximum of 5 feet of cover and the remaining cable shall be buried with a maximum of 3.5 feet of cover. As-Builts (including plan and profiles) showing the actual depths and locations of the cable as well as the location of concrete mattresses shall be provided to NH DES within sixty (60 days) following completion of cable installation. If directed by NH DES, as-built information for the portion of cables installed by jet plow (not hand-jetting) shall be provided to NH DES after each individual cable installation and prior to the next cable installation.

We request this condition be revised as follows: "To the maximum extent practicable, the maximum jet plow and handjetting trench depths shall be in accordance with the depths defined in the design drawings submitted July 27, 2018, and in conjunction with the Document 1 of the supplemental information filed with the Site Evaluation Committee on June 30, 2017 titled "Revised Modeling Sediment Dispersion from Cable Burial for Seacoast Reliability Project, Upper Little Bay, New Hampshire, June 2017. As-Builts (including plan and profiles) showing the actual depths and locations of the cable as well as the location of concrete mattresses shall be provided to NH DES within sixty (60 days) following completion of cable installation. If directed by NH DES, as-built information for the portion of cables installed by jet plow (not hand-jetting) shall be provided to NH DES after each individual cable installation and prior to the next cable installation."

*NHDES Response: The Applicant's proposed revisions to WET-55 are acceptable to NHDES.*

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(from 8/17/18 letter)

**WET-58. Timing of Hand-Jetting and Jet Plowing:** Unless otherwise authorized by NHDES, and to limit the combined impacts of construction activities on Little Bay water quality, hand-jetting shall not be conducted for the period beginning six hours before and ending six hours after jet plow cable installation or within six hours of turbidity criterion exceedances at the mixing zone boundary in the vicinity of the hand-jetting operation(s).

Eversource seeks clarification from the Department as to the intended purpose of this condition. The Applicant will be bound by the water quality criteria regardless of source.

*NHDES Response: The Applicant and NHDES have discussed this condition . The purpose of this condition is to reduce the potential combined effects of jet plowing and hand-jetting on water quality and aquatic organisms in order to provide some additional assurance that water quality standards will be met. The condition was purposely prefaced with "Unless otherwise authorized by NHDES..." so that NHDES can make adjustments to this condition, if appropriate, based on water quality in Little Bay.*

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**(from 4/27/18 and 8/17/18 letters)**

**WET-59. Minimum Time Between Cable Installations: After a cable is buried by jet plowing, installation of the next cable by jet plowing shall not commence for at least five (5) days.**

(from 4/27/18 letter): Eversource seeks clarification on the basis for the 5 day requirement. This requirement may cause unnecessary schedule delays.

(from 4/27/18 letter): We request that this condition be modified as follows: "Minimum Time Between Cable Installations: Unless authorized by NHDES, after a cable is buried by jet plowing, installation of the next cable by jet plowing shall not commence for at least five (5) days."

*NHDES Response: The Applicant and NHDES have discussed this condition. The purpose of this condition was to provide some recovery time for the aquatic habitat and organisms between jet plow cable installations. According to the "Revised Modeling Sediment Dispersion from Cable Burial for Seacoast Reliability Project, Upper Little Bay, New Hampshire " prepared by RPS for Normandeau Associates, dated June 27, 2017, "The current schedule to embed each cable by jet plowing plans for a 5 to 7-day interval between installations". Based on this, it was our understanding that a 5-day interval between jet plow cable installations would not negatively impact the schedule for cable installation. Although a "rest" period of at least 5 days is preferred, NHDES understands that there may be situations (such as unexpected delays due to unsuitable weather) when less of a rest period should be allowed so that the project may stay on schedule. NHDES therefore recommends that condition WET 50 be revised as follows so that NHDES can make adjustments to this condition if needed (strikethroughs and new text are in bold font):*

*" Minimum Time Between Cable Installations: **Unless otherwise authorized by NHDES, After a cable is buried by jet plowing, installation of the next cable by jet plowing shall not commence for at least five (5) days.** "*

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**(from 4/17/18 and 8/17/18 letters)**

**WET-60. Screen on Jet Plow Intake: The end of the jet plow intake pipe shall be equipped with a screen with openings no greater than ¼-inch in diameter.**

(from 4/27/18 letter): Eversource seeks clarification from the Department as to the intended purpose of this condition. Entrainment is not a risk to larger or mobile organisms and screen openings of this size will not prevent entrainment of sessile or larval organisms. Screens of any sort represent a further technical challenge during the jet plow process in shallow waters.

(from 8/17/18 letter): Based on clarification that we received from our contractor, we request that this condition be struck. Two-inch-mesh screens are typically used to prevent coarse debris from entering the pump. Screens smaller than 2 inches present mechanical challenges in shallow water such as will be encountered in Little Bay.

*NHDES Response: The Applicant and NHDES have discussed this condition. The purpose of this condition was to minimize entrainment and impingement of aquatic organisms. The ¼-inch diameter screen opening size was from the following excerpt from page 15 of September 15, 2017 document titled "Eversource Energy Seacoast Reliability Project, Response to NHDES "Issues of Concern" From Their SEC Letter Dated August 1, 2017":*

*"The original impact assessment describes the relatively minor volume of the water needed for pumping is, relative to Little Bay, – on the order of 0.2% of upper Little Bay for the three cables combined (Natural Resources Impact Assessment, Appendix 34, Section 5.5). While early lifestages of a number of molluscan shellfish, crustacean and fish species may be present during installation and may be subject to entrainment, egg and larval abundances of these species are typically lower during September and October than during other parts of the year (Jury et al. 1994), therefore minimizing impacts. Durocher Marine uses a ¼-inch screen to prevent large debris from getting pulled into the pump. A finer screening system is not feasible for this project, as it is large in size and needs a minimum of 5 feet of water depth to operate. There is insufficient water depth on the tidal flats for a portion of the crossing, and Durocher is concerned of the risk of cavitation adversely affecting the pumps feeding the water jets."*

*Based on the above, NHDES understood that a ¼ -inch screen would be used for this project. The Applicant has since responded that this may add an additional burden on the contractor. NHDES has discussed this with the New Hampshire Fish and Game Department (NHFGD) who indicated that a screen with 2-inch openings is acceptable. NHDES therefore recommends that condition WET 60 be revised as follows (strikethroughs and new text are in bold font):*

*" Screen on Jet Plow Intake: The end of the jet plow intake pipe shall be equipped with a screen with openings no greater than ~~¼-inch~~ **2 inches** in diameter."*

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**(from 4/27/18 and 8/17/18 letters)**

**WET-61. The salt marsh vegetation shall be removed with at least 18 inches of soil intact in blocks as large as practicable to be set aside, right side up, in a windrow to be protected from desiccation to ensure replacement and support existing functions.**

(from 4/27/18 letter): The existing salt marsh is not underlain by 18 inches of soil. It is fringe marsh with shallow peat that is approximately 0 inches to 1 foot deep over rock and cobble. Eversource requests that Condition 61 be modified to state "The salt marsh vegetation shall be removed to the maximum depth allowable by the substrates, and under the direction of the Environmental Monitor. The blocks

will be as large as practicable to be set aside, right side up, in a windrow to be protected from desiccation to ensure replacement and support existing functions."

(from 8/17/18 letter): We request that this condition be modified as follows: "The salt marsh vegetation shall be removed to the maximum depth allowable by the substrates, and under the direction of the Environmental Monitor. The blocks will be as large as practicable to be set aside, right side up, and protected from desiccation to ensure successful replacement and to support existing functions."

*NHDES Response: NHDES agrees with the request with the added stipulation that the vegetation blocks will be watered with **freshwater** during the time they are in a windrow to assure survival of the vegetation.*

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**(from 4/27/18 and 8/17/18 letter)**

**WET-64. Preliminary plans of the living shoreline and salt marsh restoration shall be submitted and approved by NHDES and ACOE.**

(from 4/27/18 letter): Condition 64 applies to the Wagon Hill Farm Mitigation Project. Eversource requests the condition be reworded to stipulate that the Applicant's responsibilities have been met once payment has been made to the ARM Fund.

(from 8/17/18 letter): These conditions pertain to mitigation projects in the Towns of Durham and Newington. Since funds for these projects will be distributed through the ARM Fund at the discretion of the NHDES, we request that these conditions be struck.

*NHDES Response: To clarify, this condition applies to the salt marsh restoration portion of the project and **not** the Wagon Hill Farm living shoreline portion of the project.*

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**(from 4/27/18 and 8/17/18 letters)**

**WET- 65. The living shoreline and salt marsh restoration shall be monitored for a minimum of five (5) years. Performance standards shall be established and approved by NH DES and the ACOE to evaluate the project.**

(from 4/27/18 letter): We request that Condition 65 be deleted. Monitoring of the Wagon Hill Farm Mitigation Project will be the responsibility of the Town of Durham, not Eversource.

(from 8/17/18 letter): We request "living shoreline and" be struck from this condition, as it relates to the Wagon Hill Farm mitigation for the Town of Durham.

*NHDES Response: To clarify, this condition applies to the salt marsh restoration portion of the project and **not** the Wagon Hill Farm living shoreline portion of the project.*

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(from 8/17/18 letter)

**WET-67.** The approval is not valid until NH DES receives payment of \$349,834.26 dollars into the Aquatic Resource Mitigation Fund ("ARM"). The total may be revised during final design and the SEC permitting process. The final payment amount shall be confirmed by NHDES and the one-time payment received within 120 days of the SEC certificate.

See updated dollar amounts on attached PDF.

*NHDES Response: See response to WET-68.*

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(from 8/17/18 letter and 8/28/18 email)

**WET-68.** The mitigation package may include the designation of mitigation funds to the Towns of Durham and Newington. The preliminary payment amounts equal \$213,763.28 and \$120,990.23 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.

(from 8/17/18 letter): See updated dollar amounts on attached PDF.

(from 8/28/18 email): The town of Newington is concerned that specific reference to the Newington conservation easement would be lost if conditions 71-81 are struck. Please consider inserting reference to the towns in condition 68 by inserting after \$213,763.13 "for a living shoreline restoration at Wagon Hill Farm", and after \$120,990.23 "for a conservation easement in Newington".

*NHDES Response: NHDES confirms the payments of \$ 213,763.28 to the town of Durham for salt marsh restoration at Wagon Hill Farm and \$120,990.23 to the town of Newington for a conservation easement in Newington as mitigation requirements for the project. These amounts may be adjusted if final design of the project results in changes to impacts to jurisdictional areas.*

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(from 4/27/18 and 8/17/18 letters)

**WET-71 through 81. [Conditions pertaining to the Town of Newington mitigation project.]**

(from 4/27/18 letter): Eversource requests the condition be reworded to stipulate that the Applicant's responsibilities have been met once payment has been made to the ARM Fund. The acquisition and monitoring of this conservation easement project will be the responsibility of the Town of Newington, not Eversource.

(from 8/17/18 letter): These conditions pertain to mitigation projects in the Towns of Durham and Newington. Since funds for these projects will be distributed through the ARM Fund at the discretion of the NHDES, we request that these conditions be struck.

*NHDES Response: See responses to WET-67 and WET-68.*



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(from 8/17/18 letter)

**SHORE-1 in all 3 shoreland permits. All work shall be done in accordance with plans by Normandeau Associates dated Jan. 7, 2016 and received by the NHDES on April 14, 2016.**

Update dates to reference "as modified in Applicant's January 11, 2017 response to NHDES's data request dated November 30, 2016.

*NHDES Response: NHDES concurs with the requested change.*

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(from 8/17/18 letter)

**SHORE-2. This permit does not authorize the removal of trees or saplings within the waterfront buffer that would result in a tree and sapling point score below the minimum required by RSA 483-B:9, V,(a),(2),(D),(iv)**

Request this be struck.

*NHDES Response: NHDES concurs with the requested change.*

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(from 8/17/18 letter)

**Appendix A. Requested Text Corrections to DES Final Condition**

*NHDES Response: NHDES concurs with the requested text corrections.*

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Should 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 J. Pelletier, PG  
Assistant Director,  
NHDES Water Division

cc: Pamela Monroe, Administrator SEC  
Michael J. Iacopino, Counsel SEC  
Robert R. Scott, Commissioner, NHDES  
Clark Freise, Asst. Commissioner, NHDES

