

15 May 2016 email from Serita Frey, DCC Chair, and Kate Hartnett, DCC

TO: Craig D. Rennie [craig.ennie@des.nh.gov](mailto:craig.ennie@des.nh.gov)

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[pamela.monroe@sec.nh.gov](mailto:pamela.monroe@sec.nh.gov)

**Re: Wetland File No. SEC-2-15-02817, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy, and Comments on Wetlands Permit Application and Wetlands Permit Application for Northern Pass, DES File No. 2015-2830 and SEC Docket No. 2015-06**

Dear DES staff:

On this May 15th deadline for NHDES to provide the Site Evaluation Committee (SEC) an interim report on your progress in reviewing the Wetlands and Alteration of Terrain permit applications, Deerfield Conservation Commission would like to once again highlight information previously submitted regarding both the Wetlands Permit process and a long and documented history of wetland violations by PSNH/Eversource in Deerfield, and it appears from other comments and photos, elsewhere.

**(1) WETLAND APPLICATION PROCESS:**

From DCC letter of 16 November, 2015 to Martin P. Honigberg, Chair, NHSEC: “...On October 15, 2015, the Town of Deerfield, as had many other affected towns in New Hampshire, received notification of the *Wetlands Permit Application* filed on behalf of Eversource Energy Service Corp. for its Northern Pass Transmission (NPT) project.....Although the application was, in part, intended for review by the Town of Deerfield, the accompanying documentation covers the entire length of the project from the Canadian border to Deerfield, and defies any ability to coherently review the impacts related to the Town of Deerfield specifically; certainly not in the time frame allotted to the Deerfield Conservation Commission by the RSA. ....Given the complexity of the impacts in Deerfield, including its 7.5 miles of corridor and proposed substation expansion, as well as the volunteer nature of its commission, the Deerfield Conservation Commission strongly objects to the process of notification used, the onerous documentation provided, and the inadequate timeline for response afforded by the standard permitting process. We ask that Deerfield-specific data be supplied, and the time to respond be extended. We understand that a number of conservation commissions have contacted the NH Association of Conservation Commissions (NHACC) with similar concerns, and therefore additionally request that the SEC work with the NHACC to find a more viable way of obtaining conservation commission input.”

**(2) WETLANDS REVIEW:**

DCC does not understand, given the chorus of similar experiences within Deerfield and from other Towns in the corridor brought out by this proposal, how NHDES can seriously consider any promises for wetland protection offered by Eversource/Northern Pass in this process. The documentation of

construction and maintenance related erosion and sedimentation, occurring consistently and over years, is long and growing.

Specifically, from DCC letter of 22 Jan 2016 to William Thomas, NHDES Wetland Permitting Supervisor, SEC Chair Honigberg, et al.:

“...DCC provides the following perspectives and questions on the process to date and going forward, including during and after construction, and for ongoing Operations & Maintenance:

- 1) **USE LOCAL KNOWLEDGE:** Given the mutual goal of minimizing wetlands, soils, and habitat impacts, both expected and incidental from support activities, how can local knowledge and expertise most effectively and fairly be incorporated into the review process?
- 2) **ENSURE SCIENTIFIC CONSISTENCY:** With the mostly volunteer nature of local Conservation Commissions, how can DES, SEC, and others ensure scientific consistency in evaluating Northern Pass resource impacts across, as well as within, all 30+ Towns and unincorporated places? The Town of Bethlehem’s commissioned *Assessment of Transmission Line Proposal on Natural Resources within the northern half of Bethlehem, New Hampshire, December 2015, Summary Report* identifies some of these issues, in just one Town.
- 3) **PRACTICE SHOULD MEET PROMISES:** There is a documented poor track record from previous PSNH/Eversource projects in the corridor (LRAC 9 Nov 15 letter; Berglund memo and photos 10 Jan 2016). We support both the conclusion in the Town of Bethlehem’s *Assessment Report* (Dec 2015) to provide careful monitoring by a qualified biologist (or ecologist), and the Lamprey River Advisory Committee’s (LRAC) request that a qualified inspection agent be hired to maintain daily field presence and file daily reports to NHDES during any field work. The goal is to ensure that Best Management Practices are installed and maintained throughout construction (9 Nov 15 letter, p2, point 8). Professionals should be hired at the applicant’s expense, but be independent of the applicant. Ms. Hartnett understands from Mr. Tinus that there has been such oversight practice by PSNH in the past. However, in Deerfield, our documented experience has been that it has not been effective.
- 4) **GUARANTEE POST CONSTRUCTION PERFORMANCE:** Some financial mechanism, such as a performance bond, or letter of credit, should be provided at applicant expense, to cover any costs incurred to mitigate and/or correct outstanding post construction oversights, including successful revegetation with native, non-invasive species, good water quality, and no erosion, for least 3 to 5 growing seasons (per Bethlehem report conclusion, and LRAC 9 Nov 15 letter)...

And, “...In the interest of improving on past performance, starting now, DCC suggests:

- 1) Make Town specific GIS data available to all. That would allow searches within and between towns.
- 2) Provide project plan sets, maps, and drawings with transparent impact area overlays so that underlying resources can be seen.
- 3) Ensure that each key for plan sets and maps has consistent and complete symbols listed, and that match lines match.
- 4) Provide an effective mechanism that gives equal outreach and useful technical support to all Conservation Commissions or other involved local entities in all 31 towns.
- 5) Provide a reasonable response time for local input after items (1)-(4) are completed.”

DCC has not received any acknowledgement or reply to its input on either issue.

### **3) APPLICATION COMPLETENESS:**

Deerfield shares the concern addressed by the Counsel for the Public, and that, from the testimony presented to the SEC on March 14 BY Cheryl Jensen, Co-Chair Bethlehem CC voiced below:

“...In brief, a major concern is over whether this application is truly complete, especially because temporary impacts from the staging areas, laydown areas and temporary access roads are not being accounted for in the applications now before you. The applications you are now reviewing are just one small part of this project so I don't understand, and I'm not the only one, how these applications could have been declared complete.”

DCC understands that this 15 May 16 deadline applies to Wetlands and AoT applications. DCC has other concerns regarding Shoreline practices, sent separately today.

DCC respectfully requests that we be apprised of any additional information submitted to NHDES with regard to this permit.

DCC intends to seek additional information as part of the SEC process. DCC also reserves the right to comment further at a later date.

Thank you for your efforts to provide an informed and fair consideration of this proposed unprecedentedly complex project.

Serita Frey, Chair, Deerfield Conservation Commission  
Katherine Hartnett, Deerfield Conservation Commission

CC: Judy Marshall, DCC  
Jeanne Menard, Deerfield Public Liaison  
Fred McGarry, BOS rep  
Cheryl Jensen, Co Chair, Bethlehem Conservation Commission  
Carol Andrews, NHACC  
Peter Roth, Counsel for the Public  
Pamela Monroe, Administrator

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[craig.rennie@des.nh.gov](mailto:craig.rennie@des.nh.gov)

**Re: Shoreland Practices, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy, SEC Docket No. 2015-06**

Dear Ms Forst:

The Deerfield Conservation Commission (DCC) is working overtime to keep up with the pace of comments on the proposed project. We forward to you a copy of the Lamprey Rivers Advisory Committee letter on Shoreland issues, and poor design creating new issues, in Deerfield (attached).

We also reference a recent email from Charlotte Crane, Part of the Webster Family Intervenors and the Southern Nonabutters Group of Intervenors, below, along with the photos she provided:

Sent: Thursday, May 12, 2016 10:11 AM

To: '[tpappas@primer.com](mailto:tpappas@primer.com)' <[tpappas@primer.com](mailto:tpappas@primer.com)>; 'Roth, Peter' <[Peter.Roth@doj.nh.gov](mailto:Peter.Roth@doj.nh.gov)>

Cc: '[wabbott@forestsociety.org](mailto:wabbott@forestsociety.org)' <[wabbott@forestsociety.org](mailto:wabbott@forestsociety.org)>; '[hmstamp@metrocast.net](mailto:hmstamp@metrocast.net)' <[hmstamp@metrocast.net](mailto:hmstamp@metrocast.net)>; '[lrpc@lakesrpc.org](mailto:lrpc@lakesrpc.org)' <[lrpc@lakesrpc.org](mailto:lrpc@lakesrpc.org)>

Subject: Northern Pass Retention of Experts INCLUSION OF RIVER EROSION??

Dear Mr. Pappas:

It is unclear from the description in your email of May 11 regarding the hiring of experts whether the engagement of Arrowwood (reproduced below) includes issues regarding water flow, erosion, bank maintenance and water quality, rather than being limited to wildlife habitat.

I am most directly concerned about bank maintenance and erosion along the Pemigewasset in the area from Ashland south. This includes the site at which the existing PSNH right-of-way crosses the Squam River at essentially the place at which the Squam River flows into the Pemigewasset, and the several places at which the right-of-way approaches or crosses the Pemigewasset at points where the banks can be both steep and regularly shifting. As suggested by the attached photographs of the banks of the Pemigewasset at the current crossing sites (contained in a filing made by Pemigewasset River Local Advisory Council to the DES), these matters will deserve considerable coverage.

I assume that others more familiar with the affected areas in the northern part of the state will also want access to expert analysis of issues relating to water flows themselves, not just the more general effects on the living environment in which they occur.

I hope this can be clarified promptly, and an expanded or additional engagement secured in a timely way if necessary.

Thank you for your attention. Charlotte Crane

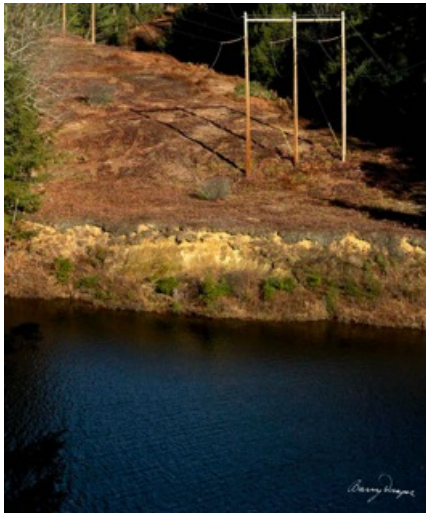
Jeanne Menard" <[Jeanne@paradeproperties.net](mailto:Jeanne@paradeproperties.net)>,  
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Sharon Meeker, Lamprey Rivers Advisory Committee  
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Encl:

- LRAC Shoreland letter, 9 Nov 15
- photos of Pemigewasset River ROW erosion and sedimentation, Bridgewater, Ashland, New Hampton

## Images along the Pemigewasset River

Bridgewater/Ashland 11/9/15



Northern Pass Access road - Brook Rd., New Hampton 1/10/16

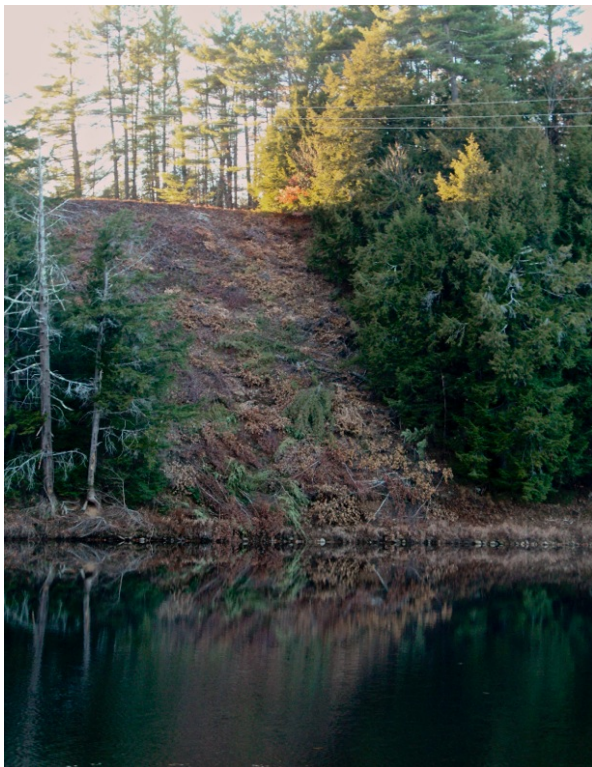




Ashland to Bridgewater across from the Ashland side



Ashland side looking to Bridgewater



Bridgewater ROW erosion seen from Ashland





**Lamprey Rivers  
Advisory Committee**  
c/o 203 Wadleigh Falls Road  
Lee, NH 03861  
[www.lampreyriver.org](http://www.lampreyriver.org)

*Protecting the rivers that connect our fourteen communities*

Barrington, Brentwood, Candia, Deerfield, Durham, Epping,  
Exeter, Fremont, Lee, Newfields, Newmarket, Northwood,  
Nottingham, Raymond

Craig Day  
NHDES Shoreland Bureau  
PO Box 95  
Concord, NH 03302-0095  
November 9, 2015

Re: Shoreland Application for Northern Pass Transmission Project, Deerfield, NH  
proponent: Eversource Energy Service Corporation  
agent: Normandeau Associates  
File #: unknown

Dear Mr. Day:

The above-referenced project is within the quarter mile corridor of the Lamprey River and is, therefore, subject to review by the Lamprey Rivers Advisory Committee (LRAC) according to NHRSA 483. The project application was received by the LRAC and sent to the Project Review Subcommittee for review. Upon final review, we offer the following comments:

1. Document reviewed was a Shoreland Permit Application for the crossing of the Lamprey River in Deerfield, dated 10/13/2015, and Supporting Narrative Report prepared by Normandeau Associates.
2. The proponent wishes to construct a new transmission line from the Canadian border in Pittsburg to a major substation in Deerfield and also to upgrade several towers on an existing transmission line from the Deerfield station to Londonderry, NH. The route directly crosses the Lamprey River in Deerfield, near the intersection of Nottingham Road and Mountain Road.
3. The application indicates extensive inventory of environmental resources within the existing right-of-way in the vicinity of the Lamprey River crossing.
4. Within the shoreland area, the proponent wishes to relocate an existing monopole-supported line toward the centerline of the easement and then construct the new

Northern Pass line on lattice-type towers along the southeasterly edge of the right of way. One existing monopole tower will be relocated within the shoreland, one new lattice-type tower will be added within the shoreland on the southeastern side of the river, and one temporary access pad will be placed over a wetland on the northwestern side of the river. It will be necessary to clear 5478 square feet of trees within the right of way and within the shoreland to provide clearance for the new line. Tree stumps will be left in place except where structure excavation is needed. Shrubs and herbaceous vegetation will be left undisturbed whenever possible.

5. The access road on the northwest side of the river will follow the same route used about a year ago for other work in the right of way. We conducted a field review of this access route on 10/29/2015 and noted deterioration of the steep slope just upgradient of the first proposed tower location work area. Erosion has occurred, resulting in the recent formation of a silt delta in the work area. Additional traffic over this steep slope will certainly result in more erosion, which could soon affect the downgradient wetland in the shoreland. The steep slope should be properly stabilized before further traffic is admitted and totally restored after completion of construction. Hydroseeding or a similar treatment should be applied to the steep slope to promote revegetation as a final treatment. A gate should be installed adjacent to Mountain Road to keep unauthorized vehicles out of the area following completion of construction.
6. We note that the proposed locations for the two towers on the southeast side of the river are very close to the 250-foot limit of the shoreland. It would seem expedient to relocate these two towers, as well as the associated work pad, beyond the shoreland limit, which would considerably simplify this application. Additionally, we are concerned about the narrative work description contained under section 3.0 of the supplemental data. The specific design of the tower footings seems to be undetermined, resulting in our inability to judge the exact impacts within the shoreland area. More refined information should be presented and agreed upon before a permit is issued.

Thank you for the opportunity to comment on this project.

Respectfully,

Todd Piskovitz  
Project Review Subcommittee chair

cc: Tracie Sales, NHDES  
Deerfield Conservation Commission, Planning Board  
Normandeau Associates