

NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

Docket No. 2015-08

Application of Tennessee Gas Pipeline, LLC, for a Certificate of Site and Facility for the Construction of Northeast Energy Direct Project

Motion of the Town of Fitzwilliam, New Hampshire, Town of Rindge, New Hampshire and the Town of Pelham, New Hampshire, to Retain Expert to Ensure That Applicant Tennessee Gas Pipeline, LLC Fully Complies with the Clean Water Act (33 USC, Chapter 26, Subchapter IV)

STANDING

The historic Town of Fitzwilliam is a town of 2,396 people located in Cheshire County. The historic Town of Rindge, New Hampshire is a Town of 6,014 people located in Cheshire County. The historic Town of Pelham, New Hampshire, is a Town of 12,897 people located in Hillsborough County. The Towns' people and visitors enjoy the history, character and aesthetics of the Towns and wish to preserve the priceless characteristics unique to each Town. The Towns also enjoy abundant water resources; surface waters, lakes, ponds, rivers, streams and wetlands. The Town is blessed with clean surface water and drinking water aquifers. The Towns have conserved lands for the protection of wildlife habitat, recreation and forest products.

The Towns will be traversed by the Alternative Route as proposed in the Tennessee Gas Pipeline Company, LLC, (TGP) December 8, 2014, Supplemental Filing-Adoption of Alternative Route as Part of Proposed Route (Wright, New York to Dracut, Massachusetts Pipeline Segment, (the Project) before the Federal Energy Regulatory Commission in Docket No. CP 16-21-000. The Town will be directly, substantially and adversely impacted by the construction, operation and maintenance of this pipeline.

The Towns have particular concern that the integrity of its clean and abundant surface waters and wetlands will be adversely and permanently impacted by the construction, excavation and blasting required by the project.

BACKGROUND

The Towns wish to retain the professional services of Rick Van de Poll, Ph.D., Ecosystem Management Consultants, 30 North Sandwich Road, Sandwich Road, Center Sandwich, NH 03227 to assess the threat of the project to its waters; to advise regarding the impacts of the project; to review and monitor New Hampshire and federal permitting processes that involve enforcement of the Clean Water Act, including, but not limited to, the water quality certification required by Section 401 of the Clean Water Act (CWA), wetland permitting and mitigation required by Section 404 of the Clean Water Act and the relevant RSA Chapters of Title L: Water Management and Protection;

and, to provide expert testimony in such permitting processes and before this Committee. (Dr. Van de Poll's curriculum vitae are attached hereto as Exhibit A).

The principal steps of Dr. Van de Poll's engagement will include, but not necessarily be limited to, the following:

1. Assess the pre-construction baseline of wetland location, extent, cover types and functions;
2. Verify the accuracy of the TGP mapped spatial locations of proposed wetlands impacts;
3. Verify the accuracy of the TGP impact classification, e.g., temporary versus permanent;
4. Assess the impacts to wetlands function;
5. Assess the suitability of the TGP proposed avoidance and minimization of wetlands impacts as required by the CWA and RSA Title L;
6. Review the efficacy of and monitor the required federal and state permitting processes, including the completeness of the required applications, data compilations and summaries, investigations and fact conclusions necessary to ensure compliance with the CWA and RSA Title L.

Dr. Van de Pol charges \$85 per hour for his services.

MOTION

The Towns of Fitzwilliam, Rindge and Pelham, in accordance with RSA 162-H: 10, IV, respectfully move the Site Evaluation Committee for an order requiring the applicant TGP to pay for the services of Dr. Van de Poll. Dr. Van de Poll's expertise and work will enable the Committee to perform the duties required of it by RSA 162-H: 4.

Respectfully submitted,

Arthur B. Cunningham

Attorney for the Town of Fitzwilliam

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No.18301

Certificate of Service

I certify that this document was served in accordance with the Rules of the Site Evaluation Committee.

Arthur B. Cunningham

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Center Sandwich, NH 03227

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603-284-6851(W)
rickvdp@gmail.com

CURRENT EMPLOYMENT:

Principal, Ecosystem Management Consultants of New England, LLC (since 1988)

EDUCATIONAL EXPERIENCE:

1996: **(Ph.D.)** The Union Institute - Cincinnati, OH Specialization: Natural Resource Management; Dissertation: "Natural and Cultural Resource Inventories: A Guide to Comprehensive (Level III) Methods for Private Landowners in New England"

1985-86: **(MST)** Antioch New England Graduate School - Keene, NH Emphasis: Environmental Science; Natural Resource Inventory; Conservation Biology

1984-85: **(MS in part)** San Francisco State University - San Francisco, CA Emphasis: Mycology and Lichenology

1974-77: **(BA)** The Evergreen State College - Olympia, WA Emphasis: Outdoor Education and Counseling.

1971-72: **(BA in part)** Middlebury College - Middlebury, VT

ACADEMIC POSITIONS:

2003 – 2009: Adjunct Faculty, Plymouth State University, Plymouth, NH Courses developed and taught: Freshwater Biology Seminar, Summer Science Institute in Freshwater Ecology, Mycology, Wetlands (Graduate Division)

1985 - 2001: Associate / Core Faculty, Antioch University New England, Keene, NH. Courses offered: Wetlands Flora, Wetlands Delineation, Natural Resource Inventory, New England Flora, Mycology, Lichenology, Non-flowering Plants, Alpine Flora, Coastal Ecology, Tropical Ecology, Desert Ecology, Ecology of the Pacific Northwest, Tropical Ecology of the Galapagos and the Central Andes.

1990 – July, 2001: Director, Field Studies Program, Antioch New England Graduate School, Keene, NH. Oversee and administer off-campus Field Ecology courses: Agroecology of the Italian Alps, Galapagos Ecology, Tropical Ecology (Costa Rica), Coral Reef Ecology (Caribbean), Wolf Ecology (MN), Desert Ecology (US/MEX), Ecology of the Pacific Northwest (WA), Coastal Birds (MA), Coastal Ecology (ME, MA), Pine Barrens Ecology (NJ), Marine Ecology (ME).

CONSULTING POSITIONS:

1988 - present: Principal, Ecosystem Management Consultants of New England, LLC, Center Sandwich, NH. Oversee operation of small environmental consulting firm that provides natural resource inventories, wildlife assessments, and land use planning for the public and private sector. Conduct wetland delineations & evaluations; draft ordinances, provide written and oral testimony on municipal issues; supervise employees in research and education; teach environmental education

2005 – present: Environmental Education Director, Otter Brook Farm, Peterborough, NH. Conduct research and coordinate environmental education activities for two middle schools, one high school Envirothon team, and one pres-school. Work with Harris Center for Conservation Education in coordinating in-class & field activities.

2009 – present: Land Steward Monitor, Sweet Water Trust, Sheffield, MA. Conducting annual monitoring of 12,000-acre Shingle Shanty Preserve & Research Station (Adirondacks, NY), and 1400-acre West Mountain Preserve (VT)

2002 – 2004: Academic Consultant, Plymouth State College, Plymouth, NH. Provided planning assistance in the development of the Center for the Environment; organized science faculty contributions, advised on curriculum development; initiated and taught an annual, one-week science camp for teachers 2003 - 2005

1990 – August, 2001: Director, Antioch New England Environmental Studies Contracts, Keene, NH. Conducted community service projects for the Environmental Studies Department in environmental education and natural resource inventory & management. Administered contracts, hired and supervised students, wrote reports

SELECTED CONTRACT EXPERIENCE:

***2015 – present: Town of Fitzwilliam Prime Wetlands Protection Project** – completed API mapping of all contiguous wetland in and adjacent to Fitzwilliam; provided point-rank assessment of 114 wetland evaluation units; currently completing NH Method assessment of highest value sites for consideration at prime wetlands under RSA 482-A:15

*** 2014 – present: Municipal Wetlands Consulting for proposed NED Pipeline** - providing pipeline information workshops through NHACC for affected towns in southern NH; working directly with four towns along proposed ROW by mapping wetlands , assessing wetland function, identifying vernal pools, and helping prepare mitigation plans

- * **2014 – present: Society for the Protection of NH Forests Balsams Project** - providing ecological assessment support for proposed Balsams Ski Area Expansion; identification of suitable mitigation sites, old growth areas, recreational use areas; also conducting Rapid Ecological Assessment of 5400-acre easement area

- * **2014 – present: Mount Sunapee Resort West Bowl Expansion** – working for Mount Sunapee Resort in assessing old growth and exemplary natural community presence in proposed West Bowl expansion area; providing testimony at hearings and written reports in support of expanded conservation-mitigation for minimal ski area impacts

- * **2014 – present: City of Lebanon Wildlife Corridor Analysis** - conducting Phase II, site specific assessment of major wildlife crossing areas in City; performing track intercept tallies and habitat suitability analyses to assist City in designing ‘Green Infrastructure’ approach to planning and zoning

- * **2013 – present: Northwood Area Land Management Collaborative** – conducted “current condition summary” of 2646 acres of land in Northwood and Deerfield, NH for public-private collaborative of 18 landowners; prepared background documents for ecosystem-based management plan to assist landowners in joint stewardship of critical upper Lamprey River watershed area; currently assisting in outreach and presentations regarding the project

- * **2013 – 2014: Springfield Wetlands Project** – completed comprehensive mapping of wetlands in town of Springfield; assisted with revisions to the existing wetlands ordinance; identified 161 probable vernal pools & provided guidance on recognizing vernal pools; provided wetland education at regional high school; currently providing rapid evaluation of major wetland complexes
[http://www.uvlsrc.org/project/Springfield Community Planning Grant Wetlands Project_128/](http://www.uvlsrc.org/project/Springfield_Community_Planning_Grant_Wetlands_Project_128/)

- * **2011 – present: Ossipee Mountain Preserve Ecological Monitoring** – completed baseline documentation reports on two expansion tracts in Ossipee Mountains for Lakes Region Conservation Trust; currently conducting 10-year interval monitoring of wildlife and natural communities on entire 3,400 acre preserve

- * **2013 – 2014: Squam Uplands Rapid Ecological Assessment** – completed 9-month assessment of 1465 acres in uplands region NW of Squam Lake for Squam Lakes Conservation Society; coordinated project review, completed BDR’s, wrote case statement for expansion of conservation focus area

- * **2011 – 2013: Grantham Wetland Inventory & Assessment Project** – completed comprehensive aerial and roadside survey of all wetlands in Grantham, NH, as well as revised NH Method evaluation of 54 significant wetlands; coordinated 22 town volunteers and conservation commission members; prepared and presented final

report; testified at several town hearings regarding proposed prime wetlands
http://www.granthamnh.net/index.asp?SEC=5B98A9B7-9736-4FF5-92CF-F634A2CDEE54&DE=6E82493A-7674-49CB-AFBF-A6543631F155&Type=B_BASIC

- * **2011 – 2016: Town of Center Harbor, NH Prime Wetlands Mapping Update** - utilized NRI completed in 2011 to update prime wetlands mapping for six prime wetlands; presented at Town hearings and assisted in registering wetland with state of NH
<http://www.centerharbornh.org/primewet2012.pdf>; currently assisting with rewrite and passage of Water Resources Ordinance
- * **2011 – 2013: Twin Pines Housing Trust Rivermere Affordable Housing Project** – Assisted TPHT to obtain grant assistance through the Northern New England Housing Investment Fund by providing wetlands and shorelands permitting guidance in Lebanon, NH; performed delineation & site assessment for project; completed storm damage assessment and assisted with restoration plan
- * **2010 – 2012: Wildwood Property NRI & Management Plan, Dublin, NH** – completed 20-year monitoring of natural resources at 1400-acre property; updated comprehensive, compartment-based management plan for private landowner
- * **2010 – 2011: Pleasant Mountain Preserve EA, Bridgton & Denmark, ME** - completed comprehensive ecological assessment of wildlife, rare plants, and ecological communities on 1500-acre Phase I property and 736-acre Phase II (pending sale) property of the Loon Echo Land Trust; found one new and one state historic rare plant for Maine; documented 28 occurrences of 16 rare plants on mountain
- * **2010 – 2011: Hebron Town Forest NRI & Management Plan, Hebron, NH** – conducted rapid ecological assessment of 453-acre public property; presented findings to town; worked with town forester to compile management plan
- * **2009 – present: Wetlands Restoration & Conservation Project, Webster Lake, NH** – completed 850-acre conservation easement on four parcels through Wetlands Reserve Program (NRCS); currently coordinating flood storage and aquatic life passage restoration on all properties to improve WQ of impaired Webster Lake
- * **2009 – 2011: Town of Meredith Prime & Designated Wetlands Project** – remapped prime and proposed designated wetlands in town, and coordinated passage of town-wide ordinance to approve modified prime & designated wetlands
http://www.meredithnh.org/Joomla/images/stories/Community_Development/Wetland_Zoning_Amendment/WetlandsMapRVP.pdf
- * **2009 – 2011: Town of Center Harbor, NH Natural Resources Inventory** - mapped and described major natural resources of town; completed aerial photo mapping of all

wetlands; assessed and submitted documentation on six prime wetlands to state; wrote NR Chapter of master plan; submitted final report for town
<http://www.centerharbornh.org/wetlandsmap2012.pdf>

- * **2008 – 2010: City of Lebanon Natural Resources Inventory Phase II** – mapped and assessed all wetlands, documented wildlife species & corridors, determined high-value co-occurrence areas, assessed steep slopes, presented findings to the City [<http://planning.lebnh.net/home/documents/nri>]; currently assisting with wildlife corridor analysis to integrate with City's 'green infrastructure'
- * **2008 – 2009: Town of Hanover Mink Brook Highlands Assessment** – conducted NRI assessment of 650-acre area that is currently subject to development proposals; performed 4-season wildlife and natural communities assessment, mapped wetlands
- * **2007 – 2009: Effingham Wildlife Action Plan Implementation Project** – conducted comprehensive review of wildlife and wildlife habitats in Effingham, updated Wildlife Action Plan at local level, and coordinated conservation of significant wildlife habitat in Effingham; conducted intensive sampling for critically imperiled species of mammals, birds, reptiles, fishes, amphibians, dragonflies & damselflies, and moths in selected wetland and upland habitats. Presented final report and assisted Conservation Commission with education outreach & conservation.
- * **2007 – 2009: Meredith Natural Resource Inventory – Phase II** – conducted field-based survey of high-value co-occurrence areas established during Phase I NRI; completed 40% field-based, 60% office-based mapping of 7 prime wetlands; assessed wildlife habitat and identified wildlife corridors in town; wrote/presented reports
<http://www.meredithnh.org/Joomla/index.php/planning-documents/natural-resources-inventory>
- * **2006 – 2008: Squam Range Ecological Inventory and Conservation Planning** – wrote 3 grant proposals and received funding for 2-year EA in 20,000-acre area north of Squam Lake; worked with Plymouth State University graduate students and the Squam Lakes Conservation Society to monitor permanent plots, conduct primary research on threatened species, identify significant ecological areas, and make recommendations for management and conservation of land resources.
- * **2005 – 2007: Effingham Wetlands Protection Project** – wrote proposal and received 'Moose Plate' grant to map 90% of the wetlands in Effingham using 1998 digital aerial photographs and field surveys, identifying them by cover class, and assessing them in the field using the 'N.H. Method.' Project included the creation of a strategic wetland conservation plan for the Town
- * **2003 – 2006: Town of Meredith Natural Resource Inventory – Phase I** - conducted comprehensive GIS map review and 'windshield survey' of town's natural resources,

completed API of all wetlands, developed GIS 'co-occurrence' overlays and attribute assessment model; Phase II – conducting field verification of NRI data.

- * **2003 – 2005: Bear Pond Natural Area NRI** – served on team of scientists that researched the natural resource attributes of a 925-acre property in Canaan, N.H., for the Mascoma Watershed Conservation Committee. Performed the plant, mammal, and fungi inventory portion of the project.
- * **2003 – 2004: Lake Umbagog National Wildlife Refuge** - conducted biological assessment of macro-invertebrates of 19,000-acre refuge for the U.S. Fish & Wildlife Service, assessed effects of annual drawdown of 8900-acre lake, and provided assistance in the development of the Comprehensive Conservation Plan.
- * **2002 – 2004: Castle-in-the-Clouds Bio-Inventory** – performed a comprehensive inventory and assessment of the 5600-acre Castle property in Moultonborough and Tuftonboro, NH for the Lakes Region Conservation Trust; identified old growth areas, rare & endangered species, plus flora and fauna for management purposes.
- * **2001 – 2002: Squam Lakes Watershed Bio-Inventory** – conducted first year of long-term monitoring project in the 41,000-acre Squam Lakes area of central NH; compiled data base and annotated review of existing literature; prepared long-term ecological monitoring plan for 35 permanent plots, completed comprehensive assessment of plants, animals, water quality, and ecosystems for Squam Lakes Association.
- * **2001 – 2002: Remick Museum Ecological Inventory** – completed a comprehensive natural resource inventory of the 410-acre Remick Museum properties in Tamworth, N.H. Wrote management plan and nature trail guide for 2.5-mile nature trail. Assisted Farm staff in managing land and offering educational workshops.
- * **2001 – 2002: Holt Pond Preserve Rapid Ecological Assessment** – conducted a GIS and field survey of the 400+ acre Holt Pond Preserve in Bridgton, Maine for the Lakes Environmental Association (LEA). Established monitoring plots, wetland assessment, species accounts, and educational materials for outreach efforts of LEA.
- * **2000 – 2001 Nelson Priority Conservation Plan** – Prepared GIS review of all natural and cultural resource attributes of the 14,452-acre town; drafted attribute assessment model based on LCIP & LCHIP criteria; assessed 38 parcels within high quality ecological areas; advised on conservation initiatives for selected parcels.
- * **1999 – 2000: Amherst Wetlands Assessment** – Completed 'NH Method' evaluation of all wetlands > 1 acre in Amherst, NH; trained 28 volunteers, supervised 4 Antioch interns; prepared and presented summary analysis for nominating prime wetlands through the NH DES Wetlands Bureau; assisted Town in preparing ordinance revision

requiring water resource management plans for all proposed impacts in project area (passed 3/12/01)

CERTIFICATIONS

Certified Wetland Scientist #110, State of NH, Joint Board of Natural Scientists
Wetland Delineator Certification – Army Corps of Engineers (1987 Manual)

AUTHORSHIPS (Selected)

Stone, Mitchell, Van de Poll & Rendall. 2011. *Method for Inventory & Evaluating Freshwater Wetlands in New Hampshire (aka the 'NH Method')*. Durham: UNH Cooperative Extension. Updated in 2013, 2015.

Van de Poll, R.D. 2007. "Wetlands" – Chapter V of the *Natural Resource Guidebook*, published by the Green Mountain Conservation Group and Region 9, U.S. EPA

Van de Poll, R.D. 1998. *Natural and Cultural Resource Inventories: a Guide to Comprehensive (Level III) Methods for Private Landowners in New England*. UMI Publishers.

PROFESSIONAL SERVICE - INVITED POSITIONS:

2015 – present: EPA's New England Wetland Buffer Planning Group

2007 – present: NH Method Wetland Assessment Working Group

2007 – present: NH Fish & Game Department Wildlife Action Plan Revision Task Force

2006 – present: Governor-appointed member of Site Selection Committee for Aquatic Resource Mitigation Fund, NHACC representative

1998 - 2008: Governor appointed (Chair) NH Board of Natural Scientists, 2 terms

1998 - 2004: Wetlands Bio-monitoring Assessment Working Group, US Environmental Protection Agency, Region 1.

2003 - 2004: Squam Lakes Natural Science Center Advisory Board

1998 - 2001: Board of Directors, NH Association of Conservation Commissions

1997 - 1998: Deer, Moose & Bear Task Force, NH Fish Game Department

1996 - 1998: Army Corps HGM Wetlands Assessment Work Group

1996 - 2000: Ecological Reserves Steering Committee (NH) of the UNH Cooperative Extension Living Legacy Project, Scientific Advisory Group

PROFESSIONAL SERVICE - VOLUNTEER POSITIONS:

2015 – present: NHANRS Wetland Buffer Scientific Work Group

2013 – present: Squam Lakes Conservation Society Lands Committee

2012 – present: NH Land Trust Coalition, Outreach & Education Committee

2007 – 2014: NH Association of Natural Resource Scientists, Legislative Comm.

2002 – 2010: Board of Directors, Northeast Wilderness Trust (President 2002-2007)

2002 – 2010: Chair, Sandwich Conservation Commission

2001 – present: founder, director of Sandwich Area Mushroom Club
1996 - present: Member, NH Task Force, New England Plant Conservation Program
1991 - present: Board of Trustees, Northeast Mycological Federation
1997 - 2001: Ashuelot River Watershed Association Steering Committee
1992 - 2001: Natural Resources Advisory Comm., SW Reg. Planning Commission, NH
1992 - 2000: Vice-President, New England Chapter, Society of Wetland Scientists
1989 - 1994: Board of Directors, NH Association of Wetland Scientists
1988 - 1998: Chairperson, Town of Sullivan Conservation Commission
1988 - 1998: Co-founder & President, Monadnock Mushroomers Unlimited

LANGUAGES: French (level II written); Spanish (level II dialogue)

REFERENCES: Available on request.