

Orr&Reno

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May 10, 2022

Via Email

Kerry D. Barnsley, Presiding Officer
New Hampshire Site Evaluation Committee
c/o New Hampshire Public Utilities Commission
21 South Fruit St., Suite 10
Concord, NH 03301-2429

Re: SEC Docket No. 2021-05, New Hampshire Transmission, LLC, Seabrook Capacitor Bank Project – Issuance of Shoreland Impact Permit

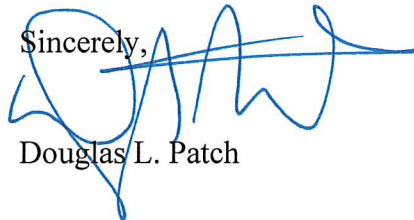
Dear Presiding Officer Barnsley:

On April 1, 2022 New Hampshire Transmission, LLC (“NHT”) submitted a Petition and Application in the above-captioned docket. On April 12, 2022, the Chairman of the New Hampshire Site Evaluation Committee (“SEC”) appointed a subcommittee in this docket and on April 22, 2022 issued an order designating the Presiding Officer of the subcommittee. We are writing to advise the SEC subcommittee that the New Hampshire Department of Environmental Services has issued a Shoreland Impact Permit for this Project. A copy of that permit is enclosed.

We believe the issuance of this permit supports our arguments for an exemption from the SEC Certificate requirements as spelled out in the Petition and authorized by RSA 162-H:4, IV. The Facility that is central to this Project is needed to ensure the safety and reliability of the high voltage electric transmission grid and was selected as a project to address a reliability issue identified by the independent, non-profit regional electric transmission organization in New England, ISO-NE. We respectfully reiterate our request that the SEC take action on this Petition as soon as possible so that NHT can stay on track in meeting the ISO-NE schedule.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance.

Sincerely,



Douglas L. Patch

DLP/eac
Attachment
cc (via email): Service List in SEC Docket No. 2021-05



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

SHORELAND IMPACT PERMIT 2022-00829 PAGE 1 OF 2

NOTE CONDITIONS

PERMITTEE: NEW HAMPSHIRE TRANSMISSION LLC
C/O RICHARD ALLEN
700 UNIVERSE BLVD
JUNO BEACH FL 33408

PROJECT LOCATION: 626 LAFAYETTE RD, SEABROOK TAX MAP 11 LOT 2

WATERBODY: BROWNS RIVER

APPROVAL DATE: MAY 04, 2022

EXPIRATION DATE: MAY 04, 2027

Shoreland Permit Application 2022-00829 has been found to meet or exceed the requirements of RSA 483-B as required per RSA 483-B:6, II. The New Hampshire Department of Environmental Services (NHDES) hereby issues this Shoreland Impact Permit with conditions pursuant to RSA 483-B:6, II.

PERMIT DESCRIPTION: Impact 24,578 square feet of protected shoreland in order to construct a capacitor bank, switches, busswork, control house, aboveground electric lines, and other appurtenant infrastructure.

Impervious Surface Percentage Approved: Reduced to 4.6%

Natural Woodland Area Required per RSA 483-B:9, V, (b): 310,290 square feet

THE FOLLOWING PROJECT-SPECIFIC CONDITIONS HAVE BEEN APPLIED TO THE PERMIT PURSUANT TO ENV-WQ 1406.15(c):

1. All work shall be in accordance with plans by TRC Companies, Inc. dated February 13, 2022 and received by the New Hampshire Department of Environmental Services (NHDES) on April 4, 2022 pursuant to Env-Wq 1406.15(f).
2. Orange construction fencing shall be installed at the limits of the temporary impact area as shown on the approved plans prior to the start of work and shall be maintained throughout the project in order to prevent accidental encroachment into areas in which impacts have not been approved, as required per Rule Env-Wq 1406.20(e).
3. Pursuant to RSA 483-B:9, V(b)(2), no native vegetation shall be removed from within the Natural Woodland Buffer located between 50 and 150 feet landward of the reference line.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized as required per Rule Env-Wq 1406.20(a).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters as required per Rule Env-Wq 1406.20(b).
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, 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 as required pursuant to RSA 483-B:9, V(d) Erosion and Siltation, (1).
7. Any fill used shall be clean sand, gravel, rock, or other suitable material as required per Rule Env-Wq 1406.20(d).
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700 as required per Rule Env-Wq 1406.20(c).
9. This permit shall not preclude NHDES from taking any enforcement or revocation action as authorized pursuant to 483-B:5, I, if NHDES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095

NHDES Main Line: (603) 271-3503 • Subsurface Fax: (603) 271-6683 • Wetlands Fax: (603) 271-6588

TDD Access: Relay NH 1 (800) 735-2964

THE FOLLOWING STANDARD PROJECT CONDITIONS SHALL BE MET PURSUANT TO ENV-WQ 1406.20:

1. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
2. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
3. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Wq 1700.
4. Any fill used shall be clean sand, gravel, rock, or other suitable material.
5. For any project where mechanized equipment will be used, orange construction fence shall be installed prior to the start of work at the limits of the temporary impact area as shown on the approved plans; be maintained throughout the project; and remain in place until all mechanized equipment has been removed from the site.

ANY INDIVIDUAL CONDUCTING WORK UNDER THIS PERMIT IS ADVISED OF THE FOLLOWING:

1. During construction, a copy of this permit should be posted on site in a prominent location visible to inspecting personnel.
2. This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
3. Pursuant to Env-Wq 1406.21, transfer of this permit to a new owner requires notification to, and approval of, the NHDES.
4. This project has been screened for potential impact to **known** occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.

APPROVED:



Eben M. Lewis
Southeast Region Supervisor,
Wetlands Bureau, Land Resources Management
Water Division