

April 27, 2018

Mr. Collis Adams
Wetlands Bureau Administrator
29 Hazen Drive Concord
PO Box 95
Concord, NH 03302-0095

**Re: Seacoast Reliability Project - SEC Docket 2015-04
Request for Corrections, Clarifications and Discussion
NHDES Permit Conditions issued 2/28/2018**

Dear Collis;

Public Service of New Hampshire d/b/a Eversource Energy ("Eversource") has received and reviewed the final permit conditions letter issued by the Department of Environmental Services ("Department" or "DES") for the Seacoast Reliability Project ("SRP") on February 28, 2018. Eversource has identified a number of technical and administrative issues in the letter that we would like to discuss with the Department in order to proceed with coordination and compliance with the permit conditions.

The topics we would like to address are as follows:

- Permit conditions for which Eversource requests clarification or modification
- DES comments on proposed monitoring plans previously submitted as part of the Application and its supporting and supplemental materials
- Corrections to the permit condition letter with respect to document references and impact areas (Highlighted in Attachment A)

A table summarizing the various plans and actions items that Eversource believes requires the Department's review and approval is provided as Attachment B. Eversource also seeks to establish a firm schedule with the Department for review of the numerous final monitoring plans required in the permit conditions to avoid schedule delays.

Our more substantial questions and comments on permit conditions are as follows:

1. Recommendation – Evaluation of horizontal directional drilling (HDD) method for installing cable under Little Bay

Eversource is preparing a detailed review of the HDD alternative which will address the details requested by DES.

2. 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.

Conducting a jet plow trial run adds significant cost and potential schedule delays to the project. If required by the Site Evaluation Committee (SEC), however, we request the stipulation that the trial run be conducted 90 days prior to the cable installation be modified to allow the trial to be conducted closer to the cable installation. 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.

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.”

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.

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...

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.

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.

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.

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...

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.

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.

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

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.

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.

WET-49. Existing Cable Removal Remedial Response Plan: At least ninety (90) days prior to in-water 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.

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.

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.

Eversource seeks clarification on the basis for the 5 day requirement. This requirement may cause unnecessary schedule delays.

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.

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.

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.

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.”

WET-64 and 65. Preliminary plans of the living shoreline and salt marsh restoration shall be submitted and approved by NHDES and ACOE... 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.

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. 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.

WET-71 through 81. [Conditions pertaining to the Town of Newington 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. The acquisition and monitoring of this conservation easement project will be the responsibility of the Town of Newington, not Eversource.

Eversource understands that you have been assigned as the lead person to coordinate and resolve the permit conditions review. We look forward to meeting with you and other DES staff on May 2 at 1:00, to discuss the key issues, identify how to move forward and establish a schedule for review.

Sincerely,

Eversource Energy



Kurt I. Nelson
Sr. Licensing and Permitting Specialist

APPENDIX A.

Requested Text Corrections to DES Final Conditions

***All the DES numbers here are from the Original DES Permit APP from the Original SEC Filing

SEACOAST RELIABILITY PROJECT, NHSEC DOCKET # 2015-04
WETLANDS BUREAU
2018 FINAL DECISION

All New Numbers from Supp 2 Docs 5/8 - Little Bay Impax & Rev DES Permit Form

APPROVAL WITH THE FOLLOWING CONDITIONS:

PROJECT DESCRIPTION:

Dredge and fill a total of 643,358 square feet (14.7 acres) of wetlands, surface waters, and upland tidal buffer zone, including 637,188 square feet of temporary impacts for installation of timber access mats and stream crossings in freshwater wetlands (342,816 square feet), excavation within the upland buffer zone (21,166 square feet), and hand trenching and jet plowing to install a submarine cable in the Little Bay estuary (273,206 square feet); 6,176 square feet of total permanent impacts for transmission structure installation in freshwater wetlands (823 square feet) and upland tidal buffer zone (11 square feet), and placement of concrete mattresses over shallow cable installation in Little Bay (5,336 square feet); for construction of a new 12.9 mile 115v transmission line within the existing ROW and designated cable crossing, extending from Madbury Substation, through the towns of Durham and Newington, to the substation in Portsmouth.

Compensatory mitigation for permanent and US Army Corps of Engineers wetland impacts consists of a one-time payment of \$349,834.26 dollars into the Aquatic Resource Mitigation Fund ("ARM") based on the impacts determined to date. The funds may be designated to a project in the Town of Durham for a living shoreline and salt marsh restoration effort at Wagon Hill Farm, and to a project in the Town of Newington for conservation of a 10 acre parcel near Knight's Brook.

PROJECT SPECIFIC CONDITIONS:

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.
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 NHDES 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.
3. At least sixty (60) days prior to the start of construction, final diversion and dewatering plans shall be provided for the crossing of College Brook for NHDES review and approval.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

607,777 SF

598,307 SF

307,154 SF

269,987 SF

9470 SF

8,681 SF

778 SF

Kv

From Supp 2 Doc 5 - Little Bay Impax Report

From Supp 1 - Doc 1

55. Cable Depths and As-Builts: To the maximum extent practicable, the maximum jet plow and hand-jetting 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 NHDES within sixty (60 days) following completion of cable installation. If directed by NHDES, as-built information for the portion of cables installed by jet plow (not hand-jetting) shall be provided to NHDES after each individual cable installation and prior to the next cable installation.
56. Silt Curtains: To the maximum extent practicable, silt curtains shall be used to minimize turbidity during installation of the underground cables in the Little Bay Estuary. As a minimum, silt curtains shall be installed when divers hand-jet the cables on the west side of Little Bay and along approximately 311 feet (of the total 541 feet) of cable that is to be hand jetted on the east side of the estuary. At least ninety (90) days prior to removal of the silt curtains, the Applicant shall consult with and receive NHDES approval of, a plan to remove the silt curtains in a manner that will minimize turbidity associated with resuspension of the sediment deposited within the silt curtains due to hand-jetting. Monitoring to determine the effectiveness of the plan shall comply with the Water Quality Monitoring and Adaptive Management Plan (condition 45).
57. Water-lift devices to assist the diver operated hand-jetting of sediment in Little Bay shall not be used.
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).
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.
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.

SALT MARSH AND SHORELINE RESTORATION

61. The salt marsh vegetation shall be removed with at least 18 inches of peat as large as practicable to be set aside, right side up, in a windrow to be protected to ensure replacement and support existing functions .
62. After the utility line is installed in the trench, the blocks of soil are to be placed back with exceptional care being taken to reestablish the same surface and underlying marsh.
63. Final estimates of the area of salt marsh to be restored and linear feet of shoreline shall be provided for review and approval by NHDES and ACOE.
64. Preliminary plans of the living shoreline and salt marsh restoration shall be submitted and approved by NHDES and ACOE.

not feasible. Fringe marsh has 6" or less of peat underlain by cobble and ledge

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 NHDES and the ACOE to evaluate the project.
66. Seed mix used within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.

WETLANDS MITIGATION

From Supp 2 - Doc 5

67. The approval is not valid until NHDES 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.
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.
69. The final mitigation payment as determined during final design and SEC permitting process would be made to NHDES to be held in an account specific to each project. Payment shall be provided to NHDES after SEC approval, upon determination of final impact amounts, and prior to construction.
70. Any funds remaining after the Durham and Newington projects are completed shall revert to the ARM fund for use in the next ARM Fund competitive grant round.
71. This permit is contingent upon the execution of conservation easement on 10 acres of land in Newington as depicted on plans and ~~submitted to NHDES on October 18, 2016.~~ cite more recent doc - Amendment 1, App 34a, App C., dated March 29, 2017 Normandeau Associates as received by NHDES on October 18, 2016.
72. The draft deed for the conservation parcel proposed in Newington shall be reviewed and approved by NHDES and the ACOE prior to approval and shall only be conducted specifically for the conservation parcel proposed in Newington. ~~The deed must follow a forest management plan and shall only be conducted specifically for the conservation parcel proposed in Newington.~~ cite more recent doc - Amendment 1, App 34a, App C., dated March 29, 2017 must follow a forest management plan and shall only be conducted specifically for the conservation parcel proposed in Newington.
73. The conservation parcel proposed in Newington shall have a minimum of a 100 foot no-cut buffer adjacent to aquatic resources and there shall be no increase in agriculture on the property. If these measures cannot be achieved the funds will revert to the ARM Fund for issuance during a future competitive grant round.
74. The conservation parcel proposed in Newington shall be protected through a conservation easement to the Town of Newington within 240 days of the issuance of the SEC certificate.
75. Following permit issuance and prior to recording of the conservation deed, the natural resources existing on the conservation parcel proposed in Newington shall not be removed, disturbed, or altered without prior written approval of NHDES and the easement holder.
76. The conservation deed to be placed on the conservation parcel proposed in Newington shall be written to run with the land, and both existing and future property owners shall be subject to the terms of the restrictions.
77. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for conservation parcel proposed in Newington. A copy of the recording from the County Registry of Deeds Office shall be submitted to NHDES prior to the start of construction.
78. The Applicant shall prepare a final baseline documentation report that summarizes existing conditions within the conservation area. Said report shall contain photographic documentation of

the easement area that have been taken in the absence of snow cover, and shall be submitted to the NHDES within 240 days of the issuance of the SEC certificate to serve as a baseline for future monitoring of the area.

- 79. The conservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes].
- 80. NHDES shall be notified of the placement of the parcel boundary monuments to coordinate on-site review of their location.
- 81. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of NHDES (including remediation and fines).

INVASIVE PLANTS

- 82. Precautions shall be taken to prevent import or transport of soil or seed stock containing nuisance or invasive species such as Purple Loosestrife, Knotweed, or Phragmites. The contractor responsible for work shall appropriately address invasive species in accordance with the NHDOT "Best Management Practices for Roadside Invasive Plants (2008)".
- 83. To prevent the introduction of invasive plant species to the site, the Applicant's contractor(s) shall clean all soils and vegetation from construction equipment and matting before such equipment is moved to the site.
- 84. The Applicant shall control invasive plant species such as Purple loosestrife (Lythrum salicaria) and Common reed (Phragmites) by measures agreed upon by the NHDES Wetlands Program if any such species is found in the stabilization areas during construction or during the early stages of vegetative establishment.

FINDINGS:

- 1. NHDES recommends granting a waiver of Env-Wt 304.11(b) which limits the timing of work in tidal water between November 15 and March 15 based on support in writing by NH Fish and Game Department (NHFG) staff..
- 2. This project is classified as a wetland project per administrative rule Env-Wt 303.02(c), as wetland impacts are great. **607,777**
- 3. On April 14, 2016, NHDES received a wetlands application (file #2016-00965) that requested 643,358 square feet of wetlands, surface waters, and upland tidal buffer zone impact as part of the 12.9 mile project, of which 6,170 square feet is permanent impact, and 637,188 square feet is temporary.
- 4. The project proposes all work to be within an existing powerline right-of-way (ROW).
- 5. NHDES finds the need for the proposed impacts has been demonstrated by the Applicant per administrative rule Env-Wt 303.02, as described and detailed in the application. **9,470**
- 6. NHDES finds that the project is necessary to provide a parallel path to enhance the existing 115kV loop between the Deerfield and Scobie Pond Substations in order to address reliability concerns in the New Hampshire seacoast region, which has been identified by the Independent System Operator-New England (ISO-NE). **598,307**
- 7. The Applicant, working with ISO-NE, conducted a Needs Assessment study ("Needs Assessment") finding that the New Hampshire seacoast region requires additional transmission capacity to support the reliable delivery of electric power to meet the region's current demand and future increased demand.

Outdated numbers
(correct for Apr 12
application)

April 12 is the date
of the app and
when we delivered

8. The Applicant's Needs Assessment found that there were violations of the transmission system criteria in the seacoast area under certain potential system operating conditions. As a result, a Solution Study was conducted to identify potential solutions to correct the violations.
9. The Applicant's Solution Study provided solution alternatives, one of which included the Madbury to Portsmouth project. The Madbury to Portsmouth project was selected by ISO-NE as the preferred alternative solution, consistent with regional transmission planning standards as the lowest cost and best alternative.
10. The Applicant indicates their application and plan is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per administrative rule Env-Wt 302.03(a)(2), and with Conditions ("NHDES Permit Conditions") and are listed in greater detail as follows:
 - a) Permanent impacts to freshwater wetlands are minor (823 square feet) and have been avoided or minimized where possible. 778SF
 - b) Temporary impacts to surface freshwater are associated with temporary access across freshwater wetlands to the work sites along the existing ROW.
 - c) The majority of small streams will be temporarily bridged with timber matting and temporary culverts necessary in only two locations.
 - d) Construction Best Management Practices (BMP's), on-site monitoring and restoration of temporarily impacted areas will be employed. 8681 SF
 - e) Permanent impacts to estuarine wetlands (5,336 square feet) have been avoided or minimized where possible. The impacts associated with the placement of the concrete mattresses are limited to surficial protection measures that are required by the National Electrical Safety Code for submarine cables that cannot be buried to the required depth due to bedrock or other limiting material.
 - f) Impacts to estuarine wetlands are restricted to an existing cable crossing corridor which has been utilized in the past and contains de-energized cables that are obsolete.
11. The Applicant has provided the type, classification, and function and value of the impacted wetlands as required by Env-Wt 302.04(a)(3) and Env-Wt 302.04(a)(17).
12. The Applicant has characterized the type of wetlands to be impacted as: freshwater wetlands (49%) associated with the project are combinations of palustrine scrub-shrub and emergent with other combinations of scrub-shrub, emergent, forested, and open water. Estuarine wetlands associated with the project are primarily intertidal flat, subtidal, saltmarsh, and rocky shore. The Applicant indicates the functions and values of the impacted wetlands will not have an adverse impact by employing construction BMP's, on-site monitoring, and restoration of temporarily impacted wetlands.
13. On November 10, 2016, and after NHDES review of the proposed project, additional information was requested in the form a written Progress Report to the Site Evaluation Committee (SEC), in which several comments specifically requested that the Applicant provide additional information to clarify the project and further avoid and minimize wetland and surface water impacts.
14. The Applicant provided partial responses to the NHDES Progress Report on January 11, 2017 and June 30, 2017.
15. On March 29, 2017, the Applicant requested an amendment to the wetlands application to modify the project in four ways: (a) siting an additional 2,680 square feet of the project underground across the Darius Frink Farm in the Newington Center Historic District and in the Hannah Lane residential neighborhood; (b) altering the route for the underground design in Newington through Gundalow


- Landing; (c) relocating the site of the underground-to-overhead transition structure in Newington and; (d) altering segments of the overhead design to accommodate concerns raised by the NH Department of Transportation, residents, and town officials.
16. On August 1, 2017, and after NHDES review of the Applicant's responses of January 11, 2017 and June 30, 2017, additional information was requested in the form a written Progress Report to the Site Evaluation Committee (SEC), in which several comments specifically requested that the Applicant provide additional information to clarify the project and further avoid and minimize wetland and **607,777** water impacts.
 17. On ~~September 15, 2017~~, the Applicant provided responses to the NH **September 19, 2017** August 1, 2017.
 18. Based on the latest revised plans submitted on September 15, 2017, the Applicant **9,470** stinging 643,358 square feet of wetland impact as part of the project, of which 6,170 square feet is permanent wetland impact, and 637,188 square feet is considered temporary wetland impact that will be restored upon completion.
 19. The Applicant has coordinated directly with the Natural Heritage Bureau (NHB) regarding impacts to plant communities from **598,307** project, and the Applicant will directly coordinate with the NHB prior to and during construction to minimize other potential impacts to sensitive plant species and exemplary natural communities. Additional coordination and review and approval as required by NHDES Permit Conditions are intended to address the requirements of Env-Wt 302.04(5) and (7)e.
 20. The Applicant has coordinated directly with the NH Fish and Game Department (NHFGD) regarding impacts to sensitive species and habitats from the proposed project, and the Applicant will directly coordinate with the NHFGD prior to and during construction to minimize other potential impacts to sensitive species and habitats. Additional coordination, review and approval as required by NHDES Permit Conditions are intended to address the requirements of Env-Wt 302.04(a)(7).
 21. The Applicant has provides support with plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project and through NHDES Permit Conditions.
 22. All temporary wetland impact areas will be stabilized and restored once construction is completed in each section, and in accordance with the Temporary Impacts Restoration Plan as described in Section 3.3.6 of the Natural Resource Impact Assessment dated March 2017 and Salt Marsh Protection and Restoration Plan plans dated June 30, 2017. NHDES understands that the temporary nature of the surface areas to be impacted and these areas will be fully addressed through plan and approved associated permit conditions addressing Env-Wt 302.04(a)(6).
 23. The Applicant will coordinate with the U.S. Coast Guard, Pease Development Authority-Division of Ports and Harbors and NH Marine Patrol to ensure that a Notice to Mariners is issued to minimize impacts on public commerce, navigation, recreation and the extent to which the project interferes with or obstructs public rights of passage or access to address the requirements of Env-Wt 302.04(a)(8) and Env-Wt 302.04(a)(10).
 24. Per Env-Wt 501.01(c), abutter notification is not required for projects within ROW's.
 25. All work is within the Applicant's existing ROW which convey the right to construct and replace transmission lines in support of the reliability of the transmission system. The majority of the wetland impacts are temporary and restored upon completion of work and Best Management Practices ("BMP's") will be employed throughout construction to minimize the impact upon abutters

and fully addressed through plan and approved associated permit conditions addressing Env-Wt 302.04(a)(11).

26. The Applicant prepared a Visual Assessment ("VA") dated October 7, 2016 which demonstrated that the project will not have an unreasonably adverse effect on aesthetics to address the requirements of Env-Wt 302.04(a)(9).
27. The Applicant has demonstrated that the project will benefit the health, safety, and well-being of the general public by improving the existing network of electrical delivery system in seacoast New Hampshire to address the requirements of Env-Wt 302.04(a)(12). The project will facilitate the transfer of power through the seacoast region to ensure the availability of sufficient electricity during high demand periods, which frequently occurs during the summer months.
28. Pursuant to RSA 482-A:11,IV, the associated prime wetlands permitting process is waived, for projects occurring within designated prime wetland located in Newington. The Applicant has demonstrated that the project represents primarily temporary wetland disturbance and minimal permanent impact for necessary installation of a public utility and will not affect the functions and values of the prime wetlands. Temporary impacts to the prime wetlands will be restored to original condition upon completion of work.
29. Compensatory mitigation for wetland impacts may include the preservation of approximately 10 acres of land on a 13 acre parcel on Old Post Road (Map 17/Lot 15) that borders an existing conservation parcel and encompasses a section of Knights Brook Prime Wetland. Compensation for impacts in the Salmon Falls-Piscataqua service area includes a payment into the Aquatic Resource Mitigation (ARM) Fund of \$349,834.26. The funds may be designated to the Town of Newington for conservation of the 10 acre parcel near Knight's Brook, as described above, and a project in the Town of Durham for a living shoreline and salt marsh restoration effort at Wagon Hill Farm.
30. The mitigation package described above also accounts for all secondary wetland impacts (e.g. clearing upland buffer adjacent to wetlands), as determined and required by the Army Corps of Engineers.
31. Overall, NHDES has determined that the proposed mitigation plan meets the intent of the Mitigation Rules of Chapter 800.
32. Public hearings will be held by the New Hampshire SEC to allow citizens the opportunity to comment on the overall project.
33. The New Hampshire SEC has jurisdiction over the entire project and therefore will ultimately decide if the project is approved or denied.
34. NHDES' decision is issued in letter form and upon approval by the NH SEC, and receipt of the ARM fund payment, the NHDES shall issue a posting permit in accordance with Rule Env-Wt 803.08(f).
35. The payment into the ARM fund shall be deposited in the NHDES fund for the "Salmon Falls-Piscataqua Rivers" watershed per RSA 482-A:29.
36. The surface waters (including wetlands) affected by the Activity, are surface waters under Env-Wq 1702.44 and are therefore subject to New Hampshire Surface Water Quality Standards (Env-Wq 1700).

SEACOAST RELIABILITY PROJECT, NHSEC DOCKET # 2015-04
SHORELAND PROTECTION PROGRAM
FEBRUARY 28, 2018 FINAL DECISION

RECOMMEND APPROVAL WITH THE PERMIT CONDITIONS INCLUDED WITH THE ENCLOSED 7 PAGE LETTER FROM NHDES TO THE NHSEC DATED NOVEMBER 30, 2016.



Should reference
new plans and
permit application
from Applicant's
01/11/17 response
to DES's 11/30/16
data request.

Little Bay - Newington

SHORELAND IMPACT PERMIT 2016-00968

Permittee: Public Service of New Hampshire
c/o Kurt Nelson
13 Legends Drive
Hooksett, NH 03106

Project Location: 44 Gundalow Landing, Newington
Newington Tax Map/Lot No. 22 / 5

Waterbody: Little Bay

6,078 SF per SRP
response to DES
Data Request
1/11/17

This is from the
original filing/permit

DATE: 05/12/2016

EXPIRATION DATE: 05/12/2021

Based upon review of the above referenced application, in accordance with RSA 483-B, a Shoreland Impact Permit was issued. This permit shall not be considered valid unless signed as specified below.

PERMIT DESCRIPTION: Impact 15,918 sq. ft. within the protected Shoreland in order to run transmission lines within a right-of-way. The project includes the removal of trees and trenching.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by Normandeau Associates dated January 7, 2016 and received by the NH Department of Environmental Services (DES) on April 14, 2016.
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 per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than .7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. 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.
6. 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.
7. 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-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

Oyster River - Durham

SHORELAND IMPACT PERMIT 2016-00969

Permittee: Public Service of New Hampshire
c/o Kurt Nelson
13 Legends Drive
Hooksett, NH 03106

Project Location: Main Street, Durham
Durham Tax Map/Lot No. 12 / 7-2

Waterbody: Oyster River

This is from the original filing but no changes at Oyster River crossing

APPROVAL DATE: 05/12/2016 **EXPIRATION DATE:** 05/12/2021

Based upon review of the above referenced application, in accordance with RSA 483-B, a Shoreland Impact Permit was issued. This permit shall not be considered valid unless signed as specified below.

PERMIT DESCRIPTION: Impact 29,943 sq. ft. within the protected Shoreland in order to run 12.9 miles of overhead, underground, and underwater components within a right-of-way.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by Normandeau Associates dated January 7, 2016 and received by the NH Department of Environmental Services (DES) on April 14, 2016.
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 per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than .4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. 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.
6. 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.
7. 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-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

Little Bay - Durham

SHORELAND IMPACT PERMIT 2016-00970

Permittee: Public Service of New Hampshire
c/o Kurt Nelson
13 Legends Dr.
Hooksett, NH 03106

Project Location: 295 Durham Point Road, Durham
Durham Tax Map/Lot No. 20 / 12-1

Waterbody: Little Bay

This is from the original filing

DATE: 05/12/2016

EXPIRATION DATE: 05/12/2021

Based upon review of the above referenced application, in accordance with RSA 483-B, a Shoreland Impact Permit was issued. This permit shall not be considered valid unless specified below.

17,311 SF per SRP response to DES data request 1/11/17

PERMIT DESCRIPTION: Impact 28,271 sq. ft. within the protected Shoreland in or run 12.9 miles of overhead, underground, and underwater components within a right-of-way.

THIS APPROVAL IS SUBJECT TO THE FOLLOWING PROJECT SPECIFIC CONDITIONS:

1. All work shall be in accordance with plans by Normandeau Associates dated January 7, 2016 and received by the NH Department of Environmental Services (DES) on April 14, 2016.
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 per RSA 483-B:9, V, (a), (2), (D), (iv).
3. No more than 5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. 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.
6. 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.
7. 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-Ws 1700 or successor rules in Env-Wq 1700.

SEACOAST RELIABILITY PROJECT
LIST OF PLANS AND NHDES REVIEW/APPROVAL STATUS

Appendix B. Status and Review Schedule for SRP Work Plans and Actions needed to comply with DES Final Conditions

Condition	Specific Requirement	Plan/Action	Date Submitted	Conditioned Review Period	NHDES Review Completion Date
WET-32	Protocol for encounters with RTE species	Best Management Practices and Construction Plan for Protected Wildlife and Plants	6/30/2017	60 days prior to construction	
WET-35	Project specific BMPs (matting, exclusion zones, etc.)				
WET-36	Time of year restriction				
WET-37	Coordinate with NHDES Waste Management SRCIS- identify staff contacts for project and NHDES for notification of work start and stop in Little Bay	N/A	pending	60 days prior to work in Little Bay	
WET-38	Submit Soil and Groundwater Management Plan	Soil and Groundwater Management Plan (Newington Area and Frink Farm)	pending	90 days prior to dewatering near Pease	
WET-40	Retain independent environmental monitor for Little Bay	N/A	pending	60 days prior to installing cable in Little Bay	
WET-41	Prepare eel grass survey plan	Natural Resource Existing Conditions Report (Appendix 7)	4/12/2016	90 days prior to conducting survey	
	Conduct survey summer before construction commences			1 year prior to construction	
	Submit results of survey to NHDES			30 days prior to installing cable	
	Conduct survey 1 year after completion			approx 1 year after cable install	
	Submit pre and post comparison report			90 days following post construction monitoring	
WET-42	Submit Benthic Habitat Monitoring Plan	Revised Environmental Monitoring Plan for Little Bay	6/30/2017	60 days prior to construction in Little Bay	
WET-43	Prepare Benthic Infaunal Community Plan	Natural Resource Existing Conditions Report	04/12/2016	90 days prior to conducting preconstruction survey	
	Submit pre-construction monitoring results	Revised Environmental Monitoring Plan for Little Bay	06/30/2017	30 days prior to installing cable	
	Conduct post construction monitoring		september 2020 within 90 days of post construction monitoring		
	Submit post-construction monitoring results				
WET-44	Submit mixing zone plan	Revised Environmental Monitoring Plan for Little Bay	6/30/2017	60 days prior to construction in Little Bay	
WET-45	Water Quality Monitoring and Adaptive Management Plan	Revised Environmental Monitoring Plan for Little Bay	6/30/2017	90 days prior to inwater work	
WET-46a	Notification to NHDES Shellfish Program of jet plow schedule	Notification	pending	14 days prior to start of cable installation	
WET-46b1	Prepare and submit Shellfish Tissue Sampling Plan		pending	6 months prior to jet plow	
WET-46b3	Pre construction shellfish tissue sample collection		pending	1-2 weeks prior to cable installation	
	Post construction shellfish tissue sample collection		pending	1 week after all dredging activities	
WET-47	Surface Water Quality Violation Mitigation Plan		pending	60 days from violation	

SEACOAST RELIABILITY PROJECT
LIST OF PLANS AND NHDES REVIEW/APPROVAL STATUS

Condition	Specific Requirement	Plan/Action	Date Submitted	Conditioned Review Period	NHDES Review Completion Date
WET-48	Spill Prevention and Cleanup Plan		pending	90 days prior to in water work	
WET-49	Existing Cable Removal Remedial Response Plan	Existing Cable Removal Plan	6/30/2017	90 days prior to in water work	
WET-50	Training program		pending	30 days prior to start of cable installation	
WET-51	Aquaculturist Notification	Notification	pending	14 days prior to start of cable installation	
WET-52	Notification to NH Div Ports and Harbors and/or NH Dept Safety Marine Patrol		pending	prior to placement of mattresses	
WET-53	Check weather forecast		pending	7 days prior to cable installation	
WET-54	Wind monitoring		pending	12 hours prior to cable installation	
WET-55	Submit cable crossing as-built to NHDES		pending	60 days from completion	
WET-56	Submit plan for removal of silt curtains		pending	90 days prior to removal of silt curtains	
WET-64	Submit salt marsh restoration plan to NHDES/ACOE for approval	Salt Marsh Protection and Restoration Plan	6/30/2017	No timeline given	
WET-67	Payment to ARM Fund or Durham Newington projects		pending	within 120 days of SEC Certificate	
WET-74	Finalize Newington conservation parcel conservation easement		pending	within 240 days of SEC Certificate	
WET-78	Prepare final baseline documentation report for conservation area		pending	within 240 days of SEC Certificate	