

State of New Hampshire  
**Site Evaluation Committee**

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Chair

Robert R. Scott  
Vice-Chair

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August 10, 2018

**VIA E-MAIL AND INTER-OFFICE MAIL**

Robert R. Scott  
Commissioner  
Department of Environmental Services  
29 Hazen Drive, PO Box 95  
Concord NH 03302-0095

***RE: Public Service Company of New Hampshire d/b/a Eversource Energy:  
Application for a Certificate of Site and Facility for the Seacoast Reliability  
Project***

***Site Evaluation Committee Docket No. 2015-04  
Request for Agency Response Pursuant to RSA 162-H:7-a, I (e)***

Dear Commissioner Scott:

On February 28, 2018, the Department of Environmental Services (DES) forwarded to the Site Evaluation Committee (SEC) its final recommendations and conditions relative to a Wetland permit, Alteration of Terrain permit, 401 Water Quality Certificate, and Shoreland permit in the above referenced docket.

On July 27, 2018, the Applicant filed Supplemental Testimony with attachments, of Sarah D. Allen, Anne E. Pembroke and Kurt Nelson (Supplemental Testimony). The Supplemental Testimony informed the Site Evaluation Committee that the Applicant has “concerns” regarding certain conditions contained in the recommendations provided by DES. The Supplemental Testimony contained a statement that the Applicant hopes to resolve its concerns with DES. However, should the concerns not be resolved, the Applicant requested that the SEC review the “proposed conditions and only require the Applicant to comply with those conditions that are demonstrated to be necessary based on the factual information in the record and the testimony of the witnesses presented at the final adjudicative hearings.” Supplemental Testimony, p. 10. The Applicant also incorporated by reference and filed as an attachment to the Supplemental Testimony a letter from Kurt Nelson to Collis Adams, dated April 27, 2018. The Supplemental Testimony and the referenced letter are attached.

## **Request for Response**

RSA 162-H:7-a, I (e) states:

If the committee intends to impose certificate conditions that are different than those proposed by state agencies having permitting or other regulatory authority, the committee shall promptly notify the agency or agencies in writing to seek confirmation that such conditions or rulings are in conformity with the laws and regulations applicable to the project and state whether the conditions or rulings are appropriate in light of the agency's statutory responsibilities. The notified state agencies shall respond to the committee's request for confirmation as soon as possible, but no later than 10 calendar days from the date the agency or agencies receive the notification described above.

The SEC has not commenced adjudicative hearings and has not determined what, if any, conditions it intends to impose. However, due to the pending request from the Applicant that the SEC consider imposing different conditions or refrain from imposing some of DES's recommended conditions, I believe that it is prudent to request your agency's response at this time, rather than waiting until deliberative hearings.

Accordingly, we respectfully request:

1. That DES identify the concerns expressed by the Applicant that have been satisfied from DES's standpoint;
2. That DES advise the SEC whether the Applicant's proposal for the items that remain unresolved conform with the laws and rules applicable to the project; and
3. That DES inform the SEC whether the Applicant's proposals for resolution of its concerns are appropriate in light of DES's statutory responsibilities.

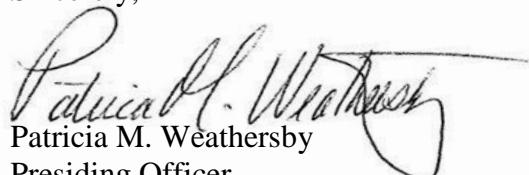
We would appreciate a written response from the appropriate person within your agency within ten days of the date of this letter.

## **Invitation to Participate**

A prehearing conference is scheduled on August 22, 2018, at 9:00 a.m. A representative from DES is invited to attend. The adjudicative hearing is scheduled to commence on August 29, 2018. If the concerns are not resolved, the SEC also invites a DES representative to participate during the adjudicative hearing to inform the SEC of any matters remaining in dispute. See RSA 162-H:7-a, I (d).

If you have questions regarding this correspondence, or need additional time to respond, please contact Pamela Monroe, Administrator via e-mail at [pamela.monroe@sec.nh.gov](mailto:pamela.monroe@sec.nh.gov) or at (603) 271-2435.

Sincerely,

  
Patricia M. Weathersby  
Presiding Officer  
Site Evaluation Committee

Attachments

**THE STATE OF NEW HAMPSHIRE  
BEFORE THE  
SITE EVALUATION COMMITTEE  
DOCKET NO. 2015-04**

**SUPPLEMENTAL PRE-FILED DIRECT TESTIMONY OF SARAH D. ALLEN,  
ANN E. PEMBROKE, AND KURT NELSON**

**APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
D/B/A EVERSOURCE ENERGY  
FOR A CERTIFICATE OF SITE AND FACILITY FOR CONSTRUCTION OF A  
NEW 115 kV TRANSMISSION LINE**

**THE SEACOAST RELIABILITY PROJECT**

**July 27, 2018**



1                   **Qualifications and Purpose of Testimony**

2           **Q. Please state your names and business addresses.**

3           A.     My name is Sarah D. Allen. My business address is 25 Nashua Rd,  
4 Bedford, NH 03110.

5           My name is Ann E. Pembroke. My business address is 25 Nashua Rd., Bedford  
6 NH 03110.

7           My name is Kurt Nelson. My business address is 13 Legends Drive, Hooksett,  
8 NH 03106.

9           **Q. Who is your current employer and what position do you hold?**

10          A.     Ms. Allen is employed by Normandeau Associates Inc. as a Senior  
11 Principal Wetland Scientist in the Wetland/Terrestrial Group. Ms. Allen is Normandeau's  
12 Project Manager for the Seacoast Reliability Project ("SRP" or the "Project").

13          Ms. Pembroke is also currently employed by Normandeau Associates and is a  
14 Vice President and Technical Director of the Marine Group.

15          Mr. Nelson is a Senior Land Use Licensing & Permitting Specialist at Eversource  
16 Energy.

17          **Q. Please describe your background, experience and qualifications.**

18          A.     Our background and qualifications were included in our individual direct  
19 pre-filed testimony filed with the NH SEC Application dated April 12, 2016, and July 1,  
20 2018, and have not changed since then.

21          **Q. What is the purpose of this joint supplemental testimony?**

22          A.     The purpose of our testimony is to provide additional information to the  
23 SEC regarding potential effects to air and water quality and to the natural environment  
24 from the construction and operation of the Project as originally filed with the SEC on  
25 April 12, 2016. In addition, we have reviewed NHDES's Final Decision that  
26 recommends approval, with conditions, of the Project's wetlands permit, shoreland  
27 permit, and alteration of terrain permits, and the 401 water quality certification. We  
28 also are submitting Revised Environmental Maps, dated July 25, 2018.

29          Ms. Pembroke continues to offer the opinion that the construction and operation  
30 of the Project will not have a significant adverse effect on the resources of Little Bay

1 along the cable crossing. Ms. Allen also continues to offer the opinion that construction  
2 and operation of the Project will not have an unreasonable adverse effect on air and water  
3 quality or on the natural environment. Mr. Nelson submits the accompanying soil and  
4 groundwater management plan for the Town of Newington and for the Darius Frink  
5 Farm.

6 **Ann Pembroke and Sarah Allen**

7 **Q. Have you reviewed the supplemental Project material submitted to the  
8 SEC after the Application with the SEC was filed?**

9 A. Yes, we have. In addition to the SEC Application (April 12, 2016) and the  
10 SEC Application amendment (March 29, 2017), we helped to prepare and/or reviewed all  
11 of the following: Documents Submitted to NHDES on March 29, 2017 (Eversource  
12 Response to DES Request for More Information, Vernal Pool Supplement, Wetland  
13 Mitigation Supplement, 2014 Vibracore Logs, revised NHDES Shoreland Permit);  
14 Submission of Additional Information to DES, submitted to SEC on June 30, 2017  
15 (Revised Sediment Dispersion Modeling Report, Supplemental to Sediment Quality  
16 Along Little Bay, Existing Cable Removal Plan, Revised Environmental Monitoring Plan,  
17 Salt Marsh Protection and Restoration Plan, Response to Comments from Counsel for the  
18 Public and The Town of Durham / UNH, Soil and Groundwater Management Plan,  
19 BMP's and Construction Plan for Protected Wildlife and Plants); Eversource's responses  
20 to NHDES Issues of Concern filed on September 19, 2017 (including specific responses  
21 to NHDES concerns, revised environmental maps, revised BMP's and Construction Plan  
22 for Protected Wildlife and Plants, NHDES Wetland Permit Application updates, Revised  
23 Little Bay Impact Assessment Report, Revised Little Bay Monitoring Plan). We also  
24 submitted Pre-Filed Testimony and contributed to a report titled *Horizontal Direction*  
25 *Drilling and Jet Plow: A Comparison of Cable Burial Installation Options for a 115-kV*  
26 *Electric Transmission Line* on July 1, 2018.

27 **Q. Do you adopt and agree with the information and conclusions  
28 contained in those additional reports and materials submitted to the SEC?**

29 A. Yes, we do.

1           **Q.     Does the supplemental Project material provided to the SEC in this**  
2       **proceeding change anything in your previously filed testimonies dated April 12,**  
3       **2016 and March 29, 2017?**

4           A. Yes. As described further below, the design modification submitted on  
5 September 19, 2017 resulted in changes in wetland impacts, and thus the in-lieu fee  
6 wetland mitigation estimates have been updated based on new impact numbers. My  
7 testimony also includes supplemental information on revised salt marsh restoration plan,  
8 revised construction best management practices, a northern long-eared bat acoustic study,  
9 and information regarding a bald eagle nest on an abutting property. The supplemental  
10 information is described in more detail below.

11           Q.     **Aside from the changes you noted above, does the supplemental**  
12 **information provided to the SEC since the filing of the Application alter your**  
13 **opinions and conclusions?**

14                   A.       No, they do not.

## Sarah Allen

16           **Q. Please describe any changes to natural resource impacts as a result of**  
17       **changes to the Project design.**

18       A.     Several changes to wetlands resulted from the Project design changes.  
19   Overall, permanent wetland impacts increased by 3,331 square feet from the original  
20   design, and temporary impacts decreased by 284 square feet. The net increase in  
21   permanent impacts was primarily a result of the potential need for additional concrete  
22   mattresses in the nearshore areas of Little Bay. A decrease of 14 square feet of  
23   permanent impacts resulted from shifts in several structure locations as the Project  
24   responded to municipal and resident requests.

25 Three locations accounted for most of the areas of change in temporary impacts.  
26 In the Flynn Pit, temporary impacts declined by 2,087 square feet after the Town  
27 executed an option agreement for a new right-of-way to allow the Project to go  
28 underground around a small pond and the associated wetland. At the location of the  
29 newly proposed underground segment across the Newington Center Historic District and  
30 Hannah Lane residential neighborhood, temporary impacts increased by 18,013 square

1 feet because of burial of the cable and associated work roads across seven wetlands in the  
2 corridor. In the intertidal zones of Little Bay, a proposed increase in concrete mattresses  
3 resulted in 3,219 square feet of temporary impacts being converted to permanent  
4 impacts.<sup>1</sup> Most other changes resulted in a decline in temporary impacts as engineering  
5 and construction requirements were modified in response to design changes.

6 Cable burial across the Frink Farm also resulted in an additional 84 square feet of  
7 temporary impact to a small perennial stream resulting from a stream diversion needed to  
8 install the underground duct bank.

9 All of these changes were submitted to the SEC and NHDES and were considered  
10 as part of NHDES's permitting review and are accounted for in the NHDES Final  
11 Decision issued on February 28, 2018.

12 **Q. Please describe the effects of the current design on the proposed in-**  
13 **lieu fee for the SRP.**

14 A. The updated values for the Project's proposed Aquatic Resource  
15 Mitigation compensation reflect design changes that have occurred since the original  
16 filing, as well as changes in equalized values for the Towns (Revised Little Bay Impact  
17 Assessment Report, supplement submitted September 19, 2017). Permanent wetland  
18 impacts for overhead structures generally declined across the project. For the submarine  
19 cable installation, a near-shore survey further defined the areas where concrete mattresses  
20 are likely to be needed, therefore permanent impacts increased in intertidal and subtidal  
21 areas in Durham and Newington.<sup>2</sup> All combined, the revised cost estimate for in-lieu fee  
22 mitigation increased by \$39,863.14, as shown by municipality in the following table:  
23

Municipality	Original Compensatory Mitigation Cost	Amended Compensatory Mitigation Cost	Difference between Original and Amended
Madbury	\$6,488.92	\$6,501.15	\$12.23
Durham	\$213,547.82	\$213,763.28	\$215.46

<sup>1</sup> The extent of concrete mattresses was conservatively estimated based on the Project's understanding of the nearshore area. If adequate burial depth can be achieved closer to shore, the amount of concrete mattresses will be reduced, thereby reducing the area of permanent impact. See Revised Little Bay Impact Assessment Report, Supplement dated September 19, 2017.

<sup>2</sup> See supra note 1.

Newington	\$81,747.24	\$120,990.23	\$39,242.99
Portsmouth	\$8,187.14	\$8,579.60	\$392.46
<b>Total</b>	<b>\$309,971.11</b>	<b>\$349,834.26</b>	<b>\$39,863.14</b>

1

2           **Q.     Please describe any supplemental natural resource information that**  
3 **has been gathered since the original filing.**

4           A.     As part of its ongoing review of natural resources in the vicinity of the  
5 Project, additional studies since the Application was filed in March 2016 have been  
6 undertaken. The additional work includes:

- 7           • ***Salt Marsh Protection and Restoration Plan (Document 5 in the Supplement***  
8 ***submitted June 30, 2017):*** Eversource has designed the SRP to avoid  
9 environmental impacts where possible. Temporary impacts to fringing salt marsh  
10 are unavoidable on both shores of Little Bay. Temporary impacts will result from  
11 timber mat placement to allow construction equipment to cross the marsh to reach  
12 the work areas, and from burial of the cables underneath the marsh. The burial  
13 effort will require salvage of the existing peat where feasible, and replacement of  
14 the peat and salt marsh restoration after the cable burial is completed. The  
15 restoration plans describe the existing conditions, construction activities, salt  
16 marsh protection and restoration methods, and long-term monitoring to document  
17 recovery.
- 18           • ***Best Management Practices and Construction Plan for Protected Wildlife and***  
19 ***Plants (Document 4 in the Supplement submitted September 19, 2017):*** This  
20 document summarizes best management practices (BMP) and time-of-year (TOY)  
21 considerations for construction of the Project. Resources to be considered include  
22 the wildlife, fish, and plant resources that must be considered to meet permitting  
23 requirements. Because the permit application review process is ongoing and  
24 authorizations for construction have not been issued yet, the measures described  
25 herein may be subject to modification. Additional input from the agencies will be  
26 incorporated if presented, and further adjustments may also be required as part of  
27 the final permit conditions. As set forth in the SEC Application and other permit  
28 applications, the Project has been designed to avoid and minimize impacts to

1           protected plant and wildlife species to the extent practicable. This document  
2           describes the TOY and BMP that apply to each species of concern.<sup>3</sup> Once  
3           approved, the locations where the TOY restrictions and BMPs apply will be  
4           depicted on the construction plan set. Due to the complexity of the construction  
5           sequence of work, the focus of this construction BMP/TOY plan will be to avoid  
6           and mitigate impacts.

- 7           • ***Northern Long-eared Bat Acoustic Survey (provided in current Supplement).***  
8           Ultrasonic acoustic surveys were conducted to inventory the federally threatened  
9           and state endangered northern long-eared bat (NLEB; *Myotis septentrionalis*)  
10          within the proposed limits of work for the SRP. The Northern Long-eared Bat  
11          Acoustic Survey report is provided in Attachment A. The survey was conducted  
12          from July 17 through July 22, 2017 adhering to US Fish and Wildlife Service  
13          (USFWS) 2017 Guidelines. Bat calls were recorded at all detector locations, and a  
14          combination of automated analysis and manual review of the calls indicated that  
15          NLEB were likely present at Segments 14, 16, 18 and 19. Multiple bat species  
16          are typically found during acoustic surveys; on the SRP, other species included  
17          big brown bat (*Eptesicus fuscus*), eastern red bat (*Lasiurus borealis*), hoary bat  
18          (*Lasiurus cinereus*), silver-haired bat (*Lasionycteris noctivagans*), little brown bat  
19          (*Myotis lucifugus*), and eastern small-footed bat (*Myotis leibii*). Note that the  
20          little brown bat, eastern small-footed bat, and tri-colored bat are listed as  
21          endangered by the State of New Hampshire due to recent population declines  
22          caused by White-nose Syndrome, although the latter two species have always  
23          been less common. USFWS' TOY tree cutting restrictions for NLEB do not apply  
24          to the Project because there are no known maternity roosts or hibernacula within  
25          0.25 miles of the SRP right-of-way. Within the segments where NLEB calls were  
26          identified, the proposed clearing width ranges from 0 (Segment 14) to 40 feet  
27          (Segment 19). Because the tree clearing is minimal, the effects of the clearing on  
28          NLEB is expected to be minimal as well. Where possible, Eversource will

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<sup>3</sup> The Applicant continues to consult with the permitting agencies regarding the identification and location of any potential protected species. If necessary, the Applicant will update the SEC with any additional TOY restrictions or BMPs that are required to avoid impacts to those protected species.

1 perform the tree clearing outside of the maternity season (June-July) to minimize  
2 risks to non-flying pups.

- 3     • ***Bald Eagle Nest near ROW.*** An active Bald Eagle nest has been identified  
4         approximately 650-700 feet from the edge of the ROW. The presence of young  
5         was confirmed on July 12, 2018. Bald eagles are listed as a species of Special  
6         Concern by the State and are federally protected under the Bald and Golden Eagle  
7         Protection Act and the Migratory Bird Treaty Act. Currently, the nest has been  
8         documented by NHFGD, however, is not yet included in the NHHNB database.  
9         Eversource is currently assessing potential construction-related impacts, and does  
10        not expect that construction of the Project will disturb the eagles during the  
11        February-July nesting season. Most work on the overhead transmission line will  
12        be shielded by trees and will be outside the 660-foot buffer recommended by the  
13        USFWS 2007 National Bald Eagle Management Guidelines. The jet plow-related  
14        work will also be outside the buffer, and is proposed to occur during months the  
15        eagles will not be dependent on the nest (September – November). Eversource  
16        has begun coordination with the appropriate State and Federal regulatory  
17        agencies, and is committed to avoiding adverse effects to the nesting bald eagles.

Ann Pembroke

19           **Q. Have you reviewed the Revised Sediment Dispersion Modeling**  
20 **report submitted to the SEC on June 30, 2017?**

21           A. Yes, I have. The Revised Sediment Dispersion Modeling was prepared in  
22 response to questions from intervenors concerning sensitivity analyses for the input  
23 parameters and a design change for the project (reduction in the cable burial depth in the  
24 channel).

25 Q. Does the Revised Sediment Dispersion Modeling report change  
26 anything in your previously filed testimony?

27 A. No, it does not.

28           **Q.     Have you reviewed the supplemental sediment characterization report**  
29       **submitted to the SEC on June 30, 2017?**

1           A. Yes, I have. The revised sediment characterization report provides the  
2 results of additional sediment sampling and testing that was conducted in May 2017. The  
3 May sampling partitioned the sediment cores into smaller segments to evaluate any  
4 vertical differences in distribution of the constituents tested and to test some additional  
5 potential contaminants.

6           **Q. Does the revised sediment characterization report change anything in  
7 your previously filed testimony?**

8           A. No, it does not. Sediment chemistry data collected during both surveys  
9 indicate that contaminant levels are low and of negligible risk for biota.

10          **Q. Have you reviewed the revised environmental monitoring plan  
11 submitted to the SEC on June 30 2017?**

12          A. Yes, I have. This plan was superseded by a second revised version  
13 submitted to the SEC on September 19, 2017.

14          **Q. Does the revised environmental monitoring plan change anything in  
15 your previously filed testimony?**

16          A. No, it does not.

17          **Q. Have you reviewed the response to the NHDES Issues of Concern  
18 submitted to the SEC on September 19, 2017?**

19          A. Yes, I have. Eversource addressed comments related to water quality  
20 (plume) monitoring, benthic infauna monitoring, plume modeling worst case scenario,  
21 desorption of contaminants from suspended sediments, effects of release of nitrogen from  
22 disturbed sediments, impacts of removal of existing cables, consideration of operational  
23 approaches to reducing the sediment plume, and measures to minimize release of  
24 sediments disturbed during hand jetting when silt curtains are removed. With the  
25 exception of the removal of silt curtains these issues have been addressed in the revised  
26 plume modeling report, sediment characterization report, or monitoring plan submitted to  
27 the SEC in either the June 30, 2017 or the September 19, 2017 filing. The removal of silt  
28 curtains was discussed in the response to the NHDES issues of concern in the September  
29 19, 2017 filing.

1           **Q.     Do Eversource's responses to the NHDES Issues of Concern change**  
2     **anything in your previously filed testimony?**

3           **A.**    No, they do not.

4           **Q.     Have you reviewed the Revised Little Bay Impact Assessment Report**  
5     **submitted to the SEC on September 19, 2017?**

6           **A.**    Yes, I have. The report revises the description of impacts to Little Bay  
7     resources resulting from the reduction in the burial depth in the channel (from 8 feet of  
8     cover to 5 feet of cover). The impact assessment was informed by both the revised plume  
9     model and the supplemental sediment testing.

10          **Q.     Does the Revised Little Bay Impact Assessment Report change**  
11     **anything in your previously filed testimony?**

12          **A.**    Changes in the Project and additional data obtained through the revised  
13     plume model and sediment testing do not alter the characterization of impacts to Little  
14     Bay resources that I presented in my previous testimony. The revised Little Bay Impact  
15     Assessment Report documents these conclusions.

16          **Q.     Have you reviewed the revised Little Bay Monitoring Plan submitted**  
17     **to the SEC on September 19, 2017?**

18          **A.**    Yes, I have. The September 2017 Little Bay Environmental Monitoring  
19     Plan provides additional detail concerning the proposed monitoring plan addressing  
20     preliminary comments from NHDES. The additions to the water quality monitoring plan  
21     include the inclusion of Sentry Stations between the cable route and specific resources of  
22     concern, provide greater detail on reporting procedures, describe how results will be  
23     evaluated, and describe actions to be taken in response to exceedances. Additions to the  
24     benthic infaunal community monitoring plan include clarification on the number of  
25     replicate benthic samples that will be collected and analyzed as well as the addition of a  
26     second baseline sampling event just prior to the in-water installation.

27          **Q.     Does the September 2017 revised Little Bay monitoring plan change**  
28     **anything in your previously filed testimony?**

29          **A.**    No, it does not.

**Q. Based on the information you provide above, what is your opinion about the Project's potential to impact resources in Little Bay?**

A. It is my opinion that this Project will not have a significant adverse effect on the resources of Little Bay along the cable crossing.

Kurt Nelson

**Q. Has Eversource been actively involved in preparing soil and groundwater management plans for this Project?**

8           A.     Yes. Eversource has been working cooperatively with NH DES to  
9 develop a Soil and Groundwater Management Plan for the Town of Newington. The  
10 revised plan that is being submitted to NH DES is provided in Attachment B. This  
11 document also includes a Soil and Groundwater Management Plan specific for the Darius  
12 Frink Farm as Appendix A.

## **Sarah Allen, Ann Pembroke, and Kurt Nelson**

14           **Q.     Have you reviewed the NHDES Final Recommendation issued on**  
15   **February 28, 2018?**

16       A. Yes, we have. The NHDES final recommendation provides a permitting  
17 decision from the Agency on the parts of the SEC application that relate to NHDES  
18 permitting authority, namely, wetlands, alteration of terrain, 401 water quality  
19 certification and shoreland protection. The Applicant is in general agreement with the  
20 conditions imposed on the Project by the NHDES Final Recommendation. However, the  
21 Applicant does have some concerns about certain conditions in the Final  
22 Recommendation that we hope to resolve with Agency. If those concerns cannot be  
23 resolved—and as discussed further below—we would ask that the SEC would review the  
24 NHDES proposed conditions and only require the Applicant to comply with those  
25 conditions that are demonstrated to be necessary based on the factual information in the  
26 record and the testimony of the witnesses presented at the final adjudicative hearings.

27 Q. Has the Applicant addressed the two recommendations that NHDES  
28 suggested that the SEC consider imposing on the Applicant pertaining to Horizontal  
29 Direction Drilling and conducting a jet plow trial run?

1           **A.**       Yes. In addition to NHDES's final recommendation to approve the  
2 Project as proposed, NHDES also recommended that that the SEC consider having the  
3 Applicant conduct a more thorough evaluation of Horizontal Directional Drilling (HDD)  
4 for installing the cable under Little Bay, and a trial jet plow run in Little Bay.

5           On July 1, 2018, Eversource responded to the NHDES's request for the Applicant  
6 to provide additional information on HDD. Based on the information provided, it  
7 remains the opinion of the Applicant that the jet plow installation method is the preferred  
8 installation method for this Project.

9           Regarding the jet plow trial run, the Applicant is proposing to conduct a 1,000  
10 foot trial jet plow run approximately 21 days prior to commencing the cable installation  
11 and providing the results of the trial run to NHDES 14 days prior to commencing cable  
12 installation, with the understanding that NHDES would issue a final approval 7 days after  
13 receipt of the jet plow trial run sampling data and results. *See Supplemental Pre-Filed*  
14 *Testimony of Kenneth Bowes and David Plante.* In our opinion, such a proposal is more  
15 than reasonable to establish baseline conditions for the jet plow installation and  
16 monitoring.

17           **Q.       Has the Applicant identified any NHDES proposed conditions that are  
18 of concern for the Project?**

19           **A.**       Yes. Normandeau and Eversource have reviewed all of the recommended  
20 NHDES conditions and permit recommendations and have identified a number of  
21 technical and administrative issues relative to coordination and compliance with the  
22 permit conditions. The Applicant is concerned with the following numbered conditions:  
23 WET-20, WET-25, WET-41, WET-42, WET-43, WET-44, WET-45, WET-46, WET-47,  
24 WET-49, WET-58, WET-59, WET-60, WET-61, WET-64 & 65, and WET- 71 through  
25 81.

26           The specific concerns with conditions are fully described in an April 27, 2018  
27 letter to NHDES. *See Attachment C.* As part of our supplemental pre-filed testimony, we  
28 hereby incorporate by reference each of the positions and concerns of the Applicant as  
29 stated in the April 27, 2018 letter to NHDES. The Applicant is currently working with  
30 NHDES technical staff to review those conditions. To the extent an agreement with the

1 Agency on permit conditions cannot be met, we request that the SEC consider the  
2 positions of the Applicant and make an ultimate decision on what permit conditions are  
3 reasonably necessary to ensure the protection of the natural environment and water  
4 quality. It is our understanding that the SEC may certificate conditions that are different  
5 than those proposed by state agencies having permitting or other regulatory authority.  
6 We would request that the SEC use its authority to adjust or modify conditions that place  
7 significant and potentially unreasonable burdens on the Applicant during construction of  
8 the Project.

9           **Q. Ms. Allen, in your opinion, will this Project as amended have an  
10 unreasonable adverse effect on air and water quality and the natural environment?**

11           A. No, the Project will not have an unreasonable adverse effect on air and  
12 water quality and the natural environment. I also rely on the assessments and pre-filed  
13 testimony of my colleague, Ann Pembroke, at Normandeau Associates on marine  
14 resources and water quality. I rely upon the reports and conclusions drawn in the  
15 Sediment Dispersion Models and Sediment Characterization Reports that have been  
16 provided to the SEC that were developed by Dr. Craig Swanson and Bjorn Bjorkman. In  
17 addition, I have reviewed the Soil and Groundwater Management Plans applicable for  
18 this Project, which avoid and minimize potential effects to ground and surface waters  
19 during construction in the Town of Newington. The Project has carefully considered air  
20 quality, water quality and natural resource issues and minimized impacts where feasible  
21 and reasonable.

22           The Project will not result in additional combustion of fuels to produce electricity  
23 and, therefore, will not create any air emissions during operation. Generators that may be  
24 used during construction of the Project will be operated in compliance with permitting  
25 and emission requirements.

26           As in the original application, permanent wetland and stream impacts have been  
27 avoided, and unavoidable impacts have been minimized to the extent practicable. The  
28 proposed compensatory mitigation for unavoidable impacts to wetland resources is  
29 adequate for the small and scattered permanent impacts from the Project. The vast  
30 majority of direct wetland impacts are temporary, and measures to ensure appropriate

1 habitat protection and restoration will be applied during construction. These will include  
2 regular oversight by an environmental monitor to ensure compliance with the Project-  
3 specific environmental protection requirements, removal of all equipment, timber mats  
4 and erosion controls; surface raking to eliminate ruts; and seeding bare areas.

5 The final Project design does not have a significant adverse effect on rare plants  
6 or wildlife species, or change our assessment of effects to wildlife habitat.

7 Overall, the potential adverse effects of the Project on water resources and  
8 wildlife habitat remain reasonable, and are substantially mitigated.

- 9           **Q.     Does this conclude your joint supplemental pre-filed testimony?**
- 10          A.    Yes.



13 Legends Drive  
Hooksett, NH 03106

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**



13 Legends Drive  
Hooksett, NH 03106

## **APPENDIX A.**

### **Requested Text Corrections to DES Final Conditions**

**SEACOAST RELIABILITY PROJECT, NHSEC DOCKET # 2015-04**  
**WETLANDS BUREAU**  
**FEBRUARY 28, 2018 FINAL DECISION**

**RECOMMEND APPROVAL WITH THE FOLLOWING PERMIT 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 tidal 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); 6,170 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.

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  $\frac{1}{4}$ -inch in diameter.

#### SALT MARSH AND SHORELINE RESTORATION

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 .
62. After the utility line is installed in the trench, the blocks of soil and vegetation shall be placed back with exceptional care being taken to reestablish the same surface elevation as the surrounding 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.

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

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 information prepared by 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. Forestry activities must follow a forest management plan and shall only be conducted specifically for wildlife habitat management.
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 dredging in tidal water between November 15 and March 15 based on support in writing by NH Fish and Game Department (NHFGD) and NOAA Fisheries staff..
2. This project is classified as a Major Project per administrative rule Env-Wt 303.02(c), as wetland impacts are greater than 20,000 square feet and Env-Wt 303.02 as work is proposed in tidal waters. .
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 302.01, as described and detailed in the wetland and SEC applications.
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).
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.

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.
  - 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.
  - 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 surface water impacts.
  17. On September 15, 2017, the Applicant provided responses to the NHDES Progress Report of August 1, 2017.
  18. Based on the latest revised plans submitted on September 15, 2017, the Applicant is requesting 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 the proposed 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).

Site Evaluation Committee Docket No. 2015-04

NHDES Final Decision

Page 25 of 25

**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.**

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**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

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

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

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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.

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**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

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

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

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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.

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**SHORELAND IMPACT PERMIT 2016-00970**

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**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

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

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

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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 28,271 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 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			
WET-35	Project specific BMPs (matting, exclusion zones, etc.)		6/30/2017	60 days prior to construction	
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 Mangement 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 Revised Environmental Monitoring Plan for Little Bay	04/12/2016	90 days prior to conducting preconstruction survey	
	Submit pre-construction monitoring results			30 days prior to installing cable	
	Conduct post construction monitoring		06/30/2017	september 2020	
	Submit post-construction monitoring results			within 90 days of post construction monitoring	
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 Qaulity Violation Mitigation Plan		pending	60 days from violation	

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

<b>Condition</b>	<b>Specific Requirement</b>	<b>Plan/Action</b>	<b>Date Submitted</b>	<b>Conditioned Review Period</b>	<b>NHDES Review Completion Date</b>
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	Paymet 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	