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VIA ELECTRONIC MAIL

July 8, 2019

New Hampshire Site Evaluation Committee
Pamela G. Monroe, Administrator
21 South Fruit Street, Suite 10
Concord, NH 03301

**Re: SEC Docket No. 2015-04: Public Service Company of New Hampshire d/b/a
Eversource Energy for a New 115k Transmission Line from Madbury Substation to
Portsmouth Substation
Eversource's Notification to Commence Construction in USACE Jurisdictional
Areas**

Dear Ms. Monroe:

On July 2, 2019 the United States Army Corps of Engineers ("USACE") issued Permit Number NAE-2015-00665 for the above-referenced Project. *See Attachment.*

As a follow-up to Eversource's Notification of Commencement of Construction sent to you on April 19, 2019, Eversource hereby notifies you of its intent to immediately commence construction in areas that have now been permitted by USACE.

Please call me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Adam Dumville".

Adam M. Dumville

Enclosure

McLane Middleton, Professional Association
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

McLane.com

DEPARTMENT OF THE ARMY PERMIT

Permittee: Public Service Company of New Hampshire (PSNH) d/b/a Eversource Energy

Permit No: NAE-2015-00665

Issuing Office: New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Dredge and fill a total of 607,777 square feet (14.0 acres) of wetlands, surface waters, and upland tidal buffer zone, including 598,307 square feet of temporary impacts for installation of timber access mats and stream crossings in freshwater wetlands (307,154 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 (269,987 square feet); 9,470 square feet of total permanent impacts for transmission structure installation in freshwater wetlands (778 square feet) and upland tidal buffer zone (11 square feet), and placement of concrete mattresses over shallow cable installation in Little Bay (8,681 square feet); for construction of the Seacoast Reliability Project (SRP), a new 12.9 mile 115Kv transmission line within the existing right-of-way (ROW) and designated cable crossing, extending from Madbury Substation, through the towns of Durham and Newington, to the Substation in Portsmouth.

The work is shown on the enclosed plans entitled "Seacoast Reliability Project," on 31 sheets, and dated "July 25, 2018."

Project Location: This work is proposed in wetlands and waters between the Madbury Substation to the Portsmouth Substation, New Hampshire.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on July 3, 2029. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall ensure that a copy of this permit is at the work site (and the project office) authorized by this permit whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit shall be made a part of any and all contracts and sub-contracts for work that affects areas of Corps jurisdiction at the site of the work authorized by this permit. This shall be achieved by including the entire permit in the specifications for work. The term "entire permit" means this permit (including its drawings, plans, appendices and other attachments) and also includes permit modifications.

If the permit is issued after the construction specifications, but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

2. The permittee shall complete and return the enclosed Compliance Certification Form to this office at least within one month following the completion of the authorized work.

(special conditions continued on Page 4)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from Natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

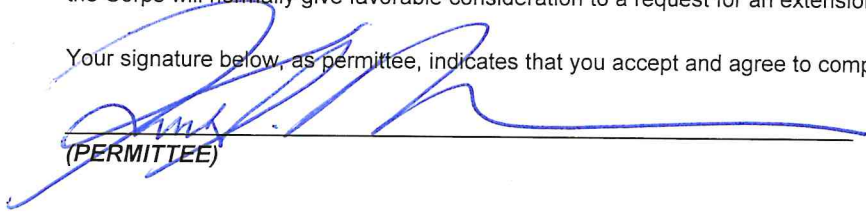
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

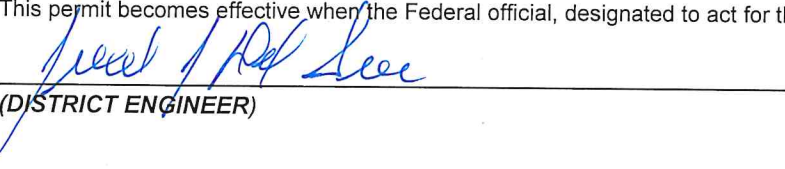
6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interested decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



 (PERMITTEE) 7-3-2019
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

for 

 (DISTRICT ENGINEER) 7-2-2019
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFEREE) (DATE)

DEPARTMENT OF THE ARMY PERMIT

Special conditions continued from page 2:

3. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
4. All construction shall be completed in accordance with the limits of construction and construction sequences detailed on the attached plan drawings, entitled "Seacoast Reliability Project," on a total of 31 sheets, and dated "July 25, 2018". If you change the plans or construction methods for work within or adjacent to Waters of the United States (WoUS) please contact us immediately to discuss modification of this authorization. The Corps must approve any changes before you undertake them.
5. Mitigation shall be provided in the form of payment into the State of New Hampshire Aquatic Resource Mitigation Fund in the amount of \$349,834.26. The applicant shall remit payment to NHDES. Work shall not begin until this payment is made. Additional ILF may be required from NHDES to compensate for state regulated resources.
6. The permittee shall comply with the enclosed Memorandum of Agreement titled "MEMORANDUM OF AGREEMENT BETWEEN US ARMY CORPS OF ENGINEERS, NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY REGARDING THE SEACOAST RELIABILITY PROJECT FROM MADBURY SUBSTATION TO PORTSMOUTH SUBSTATION, NEW HAMPSHIRE." This is to avoid, minimize and/or mitigate for the adverse effect that the authorized work will cause at this historic property.
7. In accordance with recommendations for the US Coast Guard (USCG), Sector Northern New England, the contractor shall coordinate with the USCG at least 90 days prior to mobilization to discuss the navigation impact of the installation and the need for any potential waterway closings/restrictions. Should the contractor determine a need to use "blasting" as a methodology for install, those efforts should be closely coordinated with the USCG. Point of contact is LT Matthew Odom at 207-347-5015.4
8. We have sent a copy of this authorization to the National Ocean Service (NOS). You must notify NOS and this office in writing, at least two weeks before you begin work and upon completion of the activity authorized by this permit. Your notification of completion must include a drawing which certifies the location and configuration of the completed activity (a certified permit drawing may be used).
9. All submittals to the Corps and NOS shall be marked with the words "Permit No. NAE-2015-00665." Send NOS submittals to: Department of Commerce, NOAA; National Ocean Service, Nautical Data Branch; N/CS26; 1315 East-West Highway; Silver Spring, MD 20910; or email: ocs.ndb@noaa.gov. Send Corps submittals to: a) PATS Branch - Regulatory Division, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751; or cenae-r@usace.army.mil. Documents which are not marked and addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit. The Corps may note the location on future survey drawings and NOAA may use the information for charting purposes.
10. The notification of completion shall be done within 60 days of completing an activity that involves an aerial transmission line, submerged cable, or submerged pipeline across a tidal or non-tidal navigable water of the U.S. (i.e., Section 10 waters). The permittee shall furnish the NOS and this office with certified (professional engineer or land surveyor registered in the state the work is being performed) as-built drawings, to scale, with control (i.e., latitude/longitude, state plane coordinates), depicting the alignment and minimum clearance of the aerial wires above the MHW/OHW line at the time of survey or depicting the elevations and alignment of the buried cable or pipeline across the tidal or non-tidal navigable waterway. Authorization in writing and as-built documentation is required when: a) a new cable or pipeline (overhead or submerged) is installed; b) an existing pipeline or cable is moved to another location or is completely removed; c) an overhead cable or overhead pipeline clearance above

the MHW line is changed; d) there is a change in the type of cables (power, telephone, etc.) at a water crossing; or e) there is a change in elevation of the submerged pipeline or cable.

11. Temporary fill that is authorized herein shall adhere to the following:
 - a. All temporary fill shall be stabilized to prevent its eroding into portions of waters of the U.S., including wetlands, where it is not authorized.
 - b. Unconfined temporary fill authorized for discharge into waters of the U.S., including wetlands, shall consist of material that minimizes impacts to water quality (e.g. sandbags, clean gravel, stone, aggregate, etc.).
 - c. Temporary fill authorized for discharge into wetlands should be placed on geotextile fabric or other material (e.g., straw) laid on the pre-construction wetland grade where practicable to minimize impacts.
 - d. Temporary fill shall be removed as soon as it is no longer needed, disposed of at an upland site, and suitably contained to prevent subsequent erosion into waters of the U.S, including wetlands.
 - e. Waters of the U.S., including wetlands, where temporary fill was discharged shall be restored.
 - f. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must be placed in a manner that will not be eroded by expected high flows.
12. Construction mats and corduroy roads are considered as temporary fill when they are removed immediately upon work completion. The area must be restored.
13. In areas of authorized temporary disturbance, if trees are cut they shall be cut at or above ground level and not uprooted in order to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.
14. Prior to being onsite, the contractor shall thoroughly inspect and remove seeds, plant material, soil, mud, insects, and other invertebrates on all equipment, including construction mats, to be used on the project site to prohibit introduction of invasive organisms. At a minimum, the following shall be inspected and cleaned on terrestrial vehicles where applicable:

Rubber Tired Vehicles - Crevices in upper surface and panels, tires, rims, and fender wells, spare tire mounting area, bumpers, front and rear quarter panels, around and behind grills, bottom of radiator vent openings, brake mechanisms, transmission, stabilizer bar, shock absorbers, front and rear axles, beds, suspension units, exhaust systems, light casings, and mirrors.

Tracked Land Vehicles - Crevices in upper surface and panels, top of axles and tensioners, support rollers, between rubber or gridded areas, beneath fenders, hatches, under casings, and grills.

Interiors of All Vehicles - Beneath seats, beneath floor mats, upholstery, beneath foot pedals, inside folds of gear shift cover.
15. Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation, which under no circumstances shall be higher than the pre-construction elevation. Original condition means careful protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized.
16. Upon completion of construction, all disturbed wetland areas (the disturbance of these areas must be authorized) shall be stabilized with a wetland seed mix containing only plant species native to New England and shall not contain any species listed in the "Invasive and Other Unacceptable Plant Species" Appendix D in the "New England District Compensatory Mitigation Guidance" found at [https://www.usace.army.mil/portals/74/docs/regulatory/Mitigation/2016 New England Compensatory Mitigation Guidance.pdf](https://www.usace.army.mil/portals/74/docs/regulatory/Mitigation/2016%20New%20England%20Compensatory%20Mitigation%20Guidance.pdf)

The following Special Conditions are to protect Essential Fish Habitat in accordance with the Magnuson-Stevens Fishery Conservation and Management Act and species listed under the Endangered Species Act:

17. All in water work shall occur from September 1 to March 14 in order to minimize potential impacts to federally listed endangered and threatened species, essential fish habitat, eelgrass, and other aquatic resources.
18. Appropriate soil erosion, sediment and turbidity controls should be used and maintained in effective operating condition during construction. Work capable of producing greater than minimal turbidity or sedimentation should be done during periods of low-flow or no-flow, when the stream or tide is water-ward of the work, or when controls are used to obtain dry work conditions. Work that produces greater than minimal turbidity or sedimentation should not be done during the TOY restriction referenced in Condition 7 in order to minimize impacts federally listed endangered and threatened species, essential fish habitat, eelgrass, and other aquatic resources.
19. Controls in streams should be installed and removed during the same TOY work window when practicable. Controls (e.g., cofferdams) should not encroach: i) >25% from OHW in diadromous streams during the TOY restriction; or ii) >25% from MHW in tidal waters during the TOY restrictions; or iii) >50% from MHW in tidal waters during the TOY windows. This is to protect upstream fish passage. Maintain downstream fish passage throughout the project. Controls should be removed upon completion of work, but not until all exposed soil and other fills, as well as any work waterward of OHW or the HTL, are permanently stabilized. Sediment and debris collected by these devices should be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland.
20. Trenches should be backfilled immediately after installation with excavated, native sediment.
21. Utility lines installed using trenching or direct burial methods should reestablish pre-construction elevations. If additional backfill material is needed to restore elevations to pre-construction conditions, the material should be of consistent type and grain-size as the existing substrate sediment.
22. Submerged cables should be buried when possible, instead of resting on the surface, to allow an area to return to preexisting conditions.