



November 9, 2015

N.H. Dept. of Environmental Services
Shoreland Program
Attn: Darlene Forst
29 Hazen Drive, P.O. Box 95
Concord, NH. 03302-0095

**Re: SEC Docket No. 2015-06
Northern Pass Shoreland Protection Permits
Application Incomplete for Lack of Property Rights**

Dear Ms. Forst:

We write on behalf of our client, the Society for the Protection of New Hampshire Forests (“Forest Society”), to alert you to the fact that the above-referenced permit application of Northern Pass Transmission, LLC (“Northern Pass”) is incomplete. Northern Pass does not have adequate property rights to apply for this permit because some of the property interests of the proposed route belong to the Forest Society.

We understand that on October 19, 2015, Northern Pass filed its application for Shoreland Permits and that your office must advise the Site Evaluation Committee by November 13, 2015 whether the application is complete.

As you are aware, under the DES Division of Water Quality and Quantity Programs regulations, when the applicant is not the property owner, applications for Shoreland Permits must include “documentation supporting the applicant’s right to engage in the proposed activity on the property.” N.H. Code Admin. R. Env-Wq 1406.07(a)(4) (2015). Because Northern Pass is not the property owner of some of the shoreland, it must submit documentation, such as “a long-term lease or purchase-and-sale agreement,” demonstrating that they have the right to construct on the property. *Id.* However, Northern Pass has not, and cannot, produce any proof of a “long-term lease,” purchase-and-sale-agreement, or other similar document for those portions of the route where the Forest Society owns.

The Forest Society has property interests in land that Northern Pass proposes to use for its electric transmission line. That land includes land abutting and/or underneath all of the following:

Route 3 and the Connecticut River in Clarksville;
North Hill Road and Bear Rock Road in Stewartstown;
Routes 302 and 18/116 in Bethlehem;
Route 18 in Sugar Hill;
Route 116 in Easton; and



Route 112 in Woodstock.

Therefore, Northern Pass's application is incomplete because it cannot produce the required documentation.

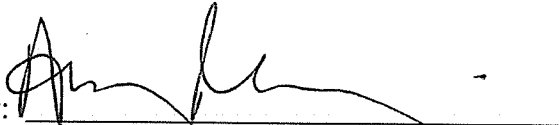
Further, the DES regulations require "the property owner(s) and applicant, if other than the property owner, [to] sign and date the application." *Id.* 1406.08(a). Because the property owner of some of the route, the Forest Society, has not signed Northern Pass's application, the application is incomplete. It does not include all the required signatures.

We understand that you will consider numerous other requirements when you review Northern Pass's submission to determine whether it is complete, and much of that part of the determination of completeness is beyond the scope of the Forest Society's interests.

However, the Forest Society must act to protect its private property rights, rights that it is duty bound to protect: having acquired them as part of conservation easements, through philanthropic contributions; in keeping with its nonprofit status; and finally, to fulfill its mission to "perpetuate the forests of New Hampshire through their wise use and their complete reservation in places of special scenic beauty."

Accordingly, on behalf of the Forest Society, we respectfully request that DES determine that the shoreland permit applications are incomplete for the reasons outlined above.

Very Truly Yours,
BCM Environmental & Land Law, PLLC

By: 

Amy Manzelli, Esq.

Cc: Clients

Allenstown Selectboard
Ashland Selectboard
Bethlehem Selectboard
Bridgewater Selectboard
Bristol Selectboard
Campton Selectboard
Canterbury Selectboard
Clarksville Selectboard
Concord City Council & Mayor
Dalton Selectboard
Deerfield Selectboard
Dixville, Coos County Commissioners



Dummer Selectboard
Easton Selectboard
Franklin City Council & Mayor
Hill Selectboard
Holderness Selectboard
Lancaster Selectboard
Lincoln Selectboard
Millsfield, Coos County Commissioners
New Hampton Selectboard
Northfield Selectboard
Northumberland Selectboard
Pembroke Selectboard
Pittsburg Selectboard
Stark Selectboard
Stewartstown Selectboard
Sugar Hill Selectboard
Thornton Selectboard
Whitefield Selectboard
Woodstock Selectboard

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