

April 27, 2016

Craig D. Rennie, CWS, CWB
Department of Environmental Services
29 Hazen Drive
Concord, NH 03301

Re: Northern Pass Transmission, LLC and Public service Company of New
Hampshire d/b/a Eversource Energy
Wetlands File No. SEC-2-15-02817

Dear Mr. Rennie:

I have attached a reply to the comments submitted by the Society for the
Protection of New Hampshire Forests on April 21, 2016.

We appreciate your thoughtful consideration of our input. Also, we would ask
that you let us know of any questions that you have about the application.

Very truly yours,


George Dana Bisbee

GDB/lml

cc: SEC Distribution List
Thomas S. Burack, Commissioner, NHDES
Clark Freise, Assistant Commissioner, NHDES
Eugene Forbes, Director, Water Division, NHDES
Collis Adams, Administrator, Wetlands Bureau, NHDES
Timothy W. Drew, Administrator, Public Information & Permitting, Office of the
Commissioner, NHDES
Timothy Timmermann, Associate Director, Office of Environmental Review,
USEPA Region 1
H. Curtis Spaulding, Regional Administrator, USEPA Region 1
Marc Kern
David Keddell, U.S. Army Corps of Engineers
(All via email)

Wetlands File No. SEC -2-15-02817 – Northern Pass Transmission Permit Application

Reply to Comments Submitted by the Society for the Protection of New Hampshire Forests on April 21, 2016

This addresses on behalf of the Northern Pass Transmission Project the primary points raised in two letters sent to DES on April 21, 2016 from the Society for the Protection of New Hampshire Forests ("SPNHF") Overall, the Northern Pass application materials address all of the wetlands within the project area, identify all of the impacts necessary for the construction of the project (and even slightly overestimates those impacts), show substantial effort to avoid and minimize impacts within the project area, and include a mitigation package that more than compensates for any unavoidable impacts. Specific responses to the SPNHF letters follow.

Wetlands Functions and Values Methodology

SPNHF incorrectly asserts that the applicant misapplied wetlands functions and values assessment methodology. This has no basis, as all wetlands were evaluated individually for each of the eight functions and five values following the methods specified in *The Highway Methodology Workbook Supplement, Wetland Functions and Values, A Descriptive Approach* (USACE New England District, Concord, MA., 1999). Results for every wetland in the project area are presented in Appendix B of the *Wetlands, Rivers, Streams, and Vernal Pools Resource Report and Impact Analysis* (October 2015) submitted with the Application. Every wetland impact was tallied, regardless of functions and values, and the mitigation package more than compensates for all impacts to all wetlands. There is no missing information, or inappropriate use of the methodology. The subsequent identification of high quality wetlands is not part of the methodology for assessing functions and values. Rather, it was added for the dual purpose of describing key wetland areas and to assist the project in its impact avoidance and minimization efforts.

The suggestion that the assessment methodology requires an assessment of the entire wetland system is also incorrect. The methodology does not require it, and obvious practical considerations do not allow it. The methodology is a descriptive, flexible approach, requiring the wetlands scientists to apply best professional judgment in determining the area or extent of each wetland to be evaluated¹. In the Northern Pass application, the functions and values were assessed for the portions of each wetland that were within or visible from the accessible project area. The methodology does not require trespassing beyond the site boundaries to characterize other portions of a wetland complex.

New SEC Rules Requirements

SPNHF next suggests that the additional information that the applicant submitted to the SEC on February 26, 2016 to satisfy the new SEC rules has some bearing on the DES wetlands application. It does not. State and federal wetland laws and regulations do not require the delineation of wetlands outside of the project area; Northern Pass submitted plans showing photo interpreted and NWI wetlands beyond the project area solely for the purpose of addressing the newly adopted SEC rules, not for compliance with any DES rules. They are, therefore, not part of or necessary for the wetlands application.

¹ USACE New England District, Concord, MA., 1999, pages 10 and 20.

Restoration

The restoration of temporary impacts is addressed in the application narrative (Section 6), and described in greater detail on pages 4-1 to 4-3 of the Natural Resource Mitigation Plan that is appended to the application (Appendix G). As described in those documents, the restoration of wetlands after the removal of temporary timber mats consists of a set of straightforward steps that applies to all locations where these temporary impacts occur. Timber mats will be removed, any minor smoothing to remove ruts or re-establish pre-construction grades will take place, and, if necessary and appropriate, a native wetland seed mix will be sown and mulch applied. The DES application rules do not require specific restoration descriptions or drawings for these locations. Any minor variations in this approach that become necessary as a result of construction would not be known until construction takes place, and the environmental monitors will have the ability to alter these recommendations if necessary.

Off-right-of-way Access Roads ("ORARs") and Laydown Yards

SPNHF correctly states that Northern Pass will avoid much wetland impacts by using ORARs to divert construction equipment around wetlands. Many off-ROW access roads identified for use in Northern Pass construction are either public roads or maintained, permanent gravel roads that are also used by the public for other purposes and for which no wetland resource impacts are expected or wetland permitting required. Other ORARs have been identified on parcels within the control of Northern Pass or by agreement with other landowners, and these are included in the application. SPNHF incorrectly states that Northern Pass needs additional ORARs. As described in Section 6.1.19.2 of the Application, "Other ORARs may be pursued once a Project route is finalized, if they reduce resource impact." . Any needed authorization for use of these ORARs that are later identified will be requested. In its SEC application Northern Pass requests certain delegation of authority to DES to authorize such construction-related activities as they arise.

The Wetland Impact Plans in the application show all of the laydown yards known at the time the application was submitted. There are no wetland impacts in these areas. It is expected that additional yards will be identified by contractors through discussion with local landowners prior to construction. Now that a contractor has been identified for the project, "walkdowns" of the project corridor will occur for this purpose and other needs. The criteria for identifying laydown yards include large, accessible area with no natural or cultural resources. The target sites are large gravel pits, parking areas, and similar open, previously disturbed areas accessible from local roads. If use of the additional sites will not trigger any resource impacts, permits are not required. As noted above, any additional resource impacts anticipated during construction would require necessary authorizations.

The application materials address all of the wetlands within the project area, identify all of the impacts necessary for the construction of the project (and even slightly overestimates those impacts), show substantial effort to avoid and minimize impacts within the project area, and include a mitigation package that more than compensates for any unavoidable impacts.

Project Need and Avoidance and Minimization

In a separate letter dated April 21, 2016, SPNHF raises questions about how the wetlands application addresses project need and impact minimization and avoidance, and suggests that a project in Vermont has fewer impacts.

The Project Purpose section of the wetlands application is substantial; nothing additional should be needed to satisfy the application requirements. See pp. 6 and 7.

Similarly, a robust discussion of NPT's efforts to avoid and minimize impacts is provided on pp. 66-72, 86-89, and 95-96 of the application narrative, as well as in Appendix G.. The wetland rules at Env-Wt 302.03(a) require a description of the impact of the proposed project design and a demonstration that potential impacts have been avoided to the maximum extent practicable and that unavoidable impacts have been minimized. The applicant is not required to include an impact assessment of an alternative project on a site it cannot access, or in another state with different laws, or for a different design that is not practicable. Avoidance and minimization review for DES wetlands application purposes focuses on the applicant's design within the site, for which NPT has provided DES complete information. This is different from the alternatives analysis that NEPA requires.

Even if complete burial of the Project were practicable, impacts would be less only if the burial occurred in the disturbed roadbed or shoulder of a transportation corridor. Outside of a disturbed road footprint, burial impacts could be greater than overhead structure impacts in existing transmission ROW. This would be the case, for example, along interstate highways like I-93, where DOT restrictions require infrastructure, if allowable, to be located at the edge of highway corridor far outside the disturbed roadbed. Unlike a linear underground line where there is little opportunity to change the location to minimize impact, NPT's design reflects the major effort undertaken to avoid and reduce impacts by shifting transmission structure foundations out of wetlands along the overhead line.