

**Ashland Conservation Commission**

Town of Ashland  
P.O. Box 517  
Ashland, NH 03217

May 3, 2016

(delivered by email)

New Hampshire Department of Environmental Services  
Mr. Craig Rennie (craig.rennie@des.nh.gov)  
Ms. Darlene Forst (darlene.forst@des.nh.gov)  
Mr. Ridgely Mauck (ridgely.mauck@des.nh.gov)  
29 Hazen Drive  
Concord, NH 03301

**Re: Wetlands File No. SEC-2-15-02817 / Shoreland File No's. 2015-02828 & 2015-02859  
/ AoT File No. 20151020-171  
Northern Pass Transmission, LLC and Public Service Company of New Hampshire  
d/b/a Eversource Energy  
Comments on Wetlands Permit Application, Shoreland Permit Applications &  
Alteration of Terrain Permit Application**

Dear Madam & Sirs:

We respectfully request the Department make a final decision not to authorize the "Application for State of New Hampshire Department of Environmental Services Wetland Permit for Major Dredge and Fill Project for the Northern Pass Transmission Project New Hampshire" ("Wetlands Application").

As part of the SEC process, the Department has a key role in deciding the portions of the SEC applications within the Department's permitting jurisdiction. In particular, the law requires that "[a]ll state agencies having permitting or other regulatory authority shall make and submit to the committee a final decision on the part of the application that relate to its permitting and other regulatory authority." RSA 162-H:7, VI(c). Accordingly, the SEC process requires the Department to the SEC "a final decision" on the joint applicants' wetland permit application. The SEC shall then "incorporate in any certificate such terms and conditions as may be specified" by the Department. RSA 162-H:16, I. However, the SEC "shall not issue any certificate" of site if the Department "denies authorization for the proposed activity over which it has permitting or other regulatory authority." It is in this context of the Department being

required to decide the wetlands permit application that the Ashland Conservation Commission raises its concerns to you and respectfully requests the Department submit to the SEC a final decision not to authorize the wetlands permit.

The Ashland Conservation Commission is responsible for protecting, promoting, and developing the natural resources contained within the physical boundaries of the town. By review of the specific portions of the wetlands permit application documents provided to us by representatives of Northern Pass, for proposed impacts within the boundaries of the town of Ashland, we hold the position the application is incomplete in its filing with the Department. The following is a detailed description supporting our conclusions.

### **Wetlands Application Comments (File No. SEC-2-15-02817)**

#### *Property Ownership*

The property owner in the pertinent documents is given as Public Service of New Hampshire d/b/a Eversource Energy. The applicant does not have deeded ownership of all parcels within the path of the project through the town of Ashland. Rather, the applicant possesses easements to cross privately and publicly-owned parcels within the town.

#### *Site-Specific Plans for Review*

The applicant failed to include site-specific plans for temporary and/or permanent impacts. By inspection of documents furnished, it appears generalized pre-construction maps were the only plan-related documents provided.

#### *Temporary and Permanent Construction Impacts*

The all-inclusive permit narrative indicates existing road upgrades, turnouts, and staging areas within the project ROW and other upgrades outside the project ROW will be required to accommodate the large construction equipment. Specific areas and types of impacts are not indicated on the pre-construction maps. These impacts, both temporary and permanent in nature, should be clearly addressed in the permit application as they relate to specific locales. It is the position of this commission that, under no circumstances, should these impacts be addressed *ex post facto*.

Regarding temporary impacts, the commission is specifically interested in the construction of crane pads, access roads, staging and material lay-down areas. The application does not address how sites will be selected for constructing these structures, nor does it address the manner in which these areas will be constructed, maintained, and the areas returned to their original forms after construction has been completed. Directly related to the site selection and construction of the structures for these areas is the status of trees currently situated on the sites. How will these trees be cut, who will have ownership of the marketable timber, and how will slash be handled?

The application does not include any plans for mitigating effects to or restoration of the areas of temporary and/or permanent construction impacts. Furthermore, by inspection of the application

documents, it appears the area of impacts is grossly under-calculated. No totals for all areas of impact for temporary construction activities (e.g. staging areas, material stockpiles) or permanent operational activities (e.g. access roads, parking areas) are addressed. Specifically speaking, what restoration measures for temporary impacts will be developed and implemented? How will areas of thin existing soil cover be restored properly? It is the position of this commission that plans for restoring temporary and mitigating permanent impacts be part of the application.

Should impact mitigation measures involve cash payments to property owners (e.g. the Town of Ashland), how will those funds be stewarded? Will the town be reimbursed for any areas of damage outside those areas previously identified as being impacted?

#### *Municipal Water Supply Wellhead Protection Area*

The proposed project will be constructed in the wellhead protection area (WHPA) of the Town of Ashland's municipal water supply. This WHPA is clearly delineated on the map, entitled "WHPA, Avery Wellhead Protection Area", prepared by Emery & Garrett Groundwater Investigations, LLC, for the Ashland Water & Sewer Department. Multiple monitoring wells area located within this WHPA are not indicated on the pre-construction maps. Also, the Avery Wellhead Pump House is not indicated on these maps. The commission is deeply concerned that construction staging and other construction activities within the WHPA could contaminate the aquifer that is the town's sole drinking water source.

#### *Municipal Wastewater Treatment Area*

The proposed tower structures indicated on the pre-construction maps are located within 50 to 100 feet of the town's municipal wastewater treatment lagoons, monitoring wells, and sensor apparatus. These features are not indicated on the pre-construction maps. Construction equipment and construction activity (e.g. drilling and blasting) could damage the clay-liners of the lagoons and/or the sensitive monitoring equipment.

The cumulative impoundment area of the treatment lagoons is designated as a dam by the Department. Any breach of this impoundment could result in the discharge of untreated effluent, as hazardous waste, into the Squam River or the Pemigewasset River, both of which are in a close proximity to the municipal wastewater treatment facility. The commission is deeply concerned by the lack of illustration of this important feature in the pre-construction maps. Also, the permit documents do not address the designated status of the area as an impoundment.

#### *Discovery of Contaminated Soils & Buried Solid Waste*

Buried solid waste and contaminated soils are known to exist from the construction of Interstate 93 and the relocation of the B & M Railroad ROW and may be uncovered during construction of the proposed project. It is the position of this commission that specific plans and measures for handling these materials should be included as part of the application.

#### *Impacts to Avian Species & Established Flight Paths*

An active and productive Osprey nest is located adjacent to the Pemigewasset River, directly across from the proposed Transition Station #6, to be located in the town of Bridgewater. The viability of this nest, the established flight path, downstream fishing areas could be adversely

impacted by the presence of the towers and the aerial obstruction of the wires. While the Osprey is not a federally threatened or endangered species, it is a species protected under the US Migratory Bird Species Act. This commission is deeply concerned for the welfare of this known inhabitant of protected status in the project vicinity.

#### *Future Use of Town Property Within the Project Path*

As stated previously, the Town of Ashland has deeded ownership of the property over which the proposed project will pass, with certain easements having been granted to the project applicant. As an owner, the town is developing plans for the development of a solar energy generating area in the field directly adjacent to the Avery Wellhead. The shadows cast by the tower structures may negatively impact the production of the array and its viability as a source of truly renewable energy production for the benefit of the public.

#### *Demonstration of Least Adverse Impacts*

The applicant has not clearly demonstrated “by plan and example the proposal is the alternative with the least adverse impact to areas and environments under DES jurisdiction”.

### **Pemigewasset River Shoreland Permit Application Comment (No. 2015-02828)**

#### *Site Identification*

The applicant has listed site addresses as “multiple” and tax maps as “multiple on the application. Required site references should be clearly identified and site-specific.

#### *Removal of Vegetation*

Numerous areas of vital, vegetative buffers located within the designated overlay of the protected river are proposed for removal, per the indications on the pre-construction maps. The commission is deeply concerned by the exposure of these sensitive, vulnerable areas to the scouring effects of wind and rain and stormwater sheeting.

#### *Construction Activities Occurring Upstream*

Proposed construction activities occurring upstream from Ashland (e.g. construction of the project through the towns of Plymouth and Bridgewater) may cause disturbance that releases previously-known and/or previously-unknown pollutants into the Pemigewasset River and threaten the stratified drift aquifer that recharges the Avery Wellhead, previously identified as the Town of Ashland’s sole municipal drinking water source.

### **Squam River Shoreland Permit Application (File No. 2015-02859)**

#### *Site Identification*

The applicant has listed the address as “Depot Street”, yet the ROW is not situated at the location of the proposed impacts. The application should correctly and clearly indicate the location of the streets nearest the site.

*Construction Access*

The pre-construction maps indicate swamp mats will be used to span the Squam River. However, the all-inclusive permit narrative indicates the existing bridge over the river will be reinforced.

*Removal of Vegetation*

Numerous areas of vital, vegetative buffers located within the designated overlay of the protected river are proposed for removal, per the indications on the pre-construction maps. The commission is deeply concerned by the exposure of these sensitive, vulnerable areas to the scouring effects of wind and rain and stormwater sheeting.

**Alteration of Terrain Permit Application  
(File No. 20151020-171)**


*Site Specific Plans for Review*

The applicant has filed a permit application that appears to lack site-specific plans for proposed impacts within the town of Ashland. The Ashland Conservation Commission can only review site plans specific to work proposed within the town of Ashland and not general plans for the entire route.

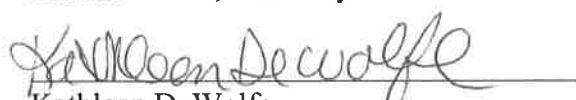
In summary, given the positions and concerns of this commission and the conclusions drawn, The Ashland Conservation Commission recommends the Department deny this wetland permit application on the grounds of its incomplete status as filed. Should the Department request more information from the applicant regarding this application, we request the Department keep the Ashland Conservation Commission apprised of such information. Finally, the Ashland Conservation Commission reserves the right to provide further comments at a later date.

Thank you for your consideration of this letter.

Sincerely,  
**Ashland Conservation Commission**

  
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Walter Durack, Chair

  
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Harold Lamos, Secretary

  
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Kathleen DeWolfe