

**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

TOWN OF NORTHUMBERLAND'S PETITION TO INTERVENE

The Town of Northumberland, by and through its attorneys, Gardner, Fulton & Waugh, PLLC, petitions the Site Evaluation Committee to allow it to intervene in the above-captioned matter in accordance with RSA 541-A:32 and NH Admin. Rule Site 202.11, stating as follows:

1. On October 19, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a/ Eversource Energy (the "Applicants") filed an application for a Certificate of Site and Facility with the Site Evaluation Committee. A portion of the proposed facility will be located in the Town of Northumberland.
2. The Town of Northumberland has an interest in the proposed facility because it is projected to cross through scenic portions of the Town, including the Cape Horn State Forest, Lost Nation Road, and Page Hill Road. 6.1 miles of overhead lines of the proposed project would pass through the Town. In addition to new overhead lines throughout that 6.1 mile area, there are estimated to be 22 new structures and the majority of those new structures are proposed to be between 90' and 130' in height. The project raises concerns regarding safety to travelers and the public, as well as municipal expenses resulting from construction, maintenance and operation of the project. The applicant has significantly underestimated the temporary and permanent wetlands impact. The proposed route crosses three major wetlands totaling over 1,500 acres within the Town, but the applicant has identified only 0.55 acres of mitigation in the application, and has failed to address the effect of maintenance access on wetlands from the

addition of a proposed HVDC line to a right of way already containing a conventional power line and a gas pipeline. Further, the proposed mitigation package is not in the interest of Northumberland. The substitution of preservation parcels for an ARM Fund payment is improper because these parcels of land were bought not for mitigation but for an anticipated right of way for the project, and none are in Northumberland. The Town is also concerned about the impact that the project will have on the Town's economy, rural and scenic character, community character, and property values as a result of the overhead lines and supporting structures. The visual and audio impacts of tree cutting, transmission lines and large structures are also of particular worry because the project is proposed to cross through areas currently open to and used by outdoor enthusiasts. The Town is concerned that this project, as proposed, (a) will interfere with the orderly development of the region, (b) is in conflict with the Town's zoning, planning, Master Plan and other land use policies, (c) will have an adverse effect on aesthetics, historic site, air and water quality, the natural environment, and/or public health and safety, and (d) will not be in the public interest. In order to reduce the project's impacts, the complete burial of the lines within the Town of Northumberland needs to be thoroughly explored.

3. On November 23, 2015, the Town's Board of Selectmen voted to file for intervenor status with the Site Evaluation Committee. *See* attached Minutes of Selectmen's Meeting, dated November 23, 2015.

4. RSA 541-A:32 and NH Admin. Rule Site 202.11 provide that the Site Evaluation Committee, or its presiding officer, shall grant a petition for intervention if:

- (1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's order of notice of the hearing, at least 3 days before the hearing;
- (2) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the

proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

5. As discussed herein, the proposed facility will impact the rights, duties, privileges, immunities and other substantial interests of the Town of Northumberland. The interests of justice and orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

WHEREFORE, the Town of Northumberland respectfully requests that the Site Evaluation Committee:

- A. Grant the Town of Northumberland's Petition to Intervene; and
- B. Grant such other and further relief as may be just.

Respectfully submitted,

TOWN OF NORTHUMBERLAND
By and through its attorneys,
GARDNER, FULTON & WAUGH

February 2, 2016

By: C. Christine Fillmore
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2016, a copy of the foregoing was sent by electronic mail to persons named on the Service List of this docket.

February 2, 2016

By: C. Christine Fillmore
C. Christine Fillmore

**Town of Northumberland
Board of Selectmen
Business Meeting and Public Hearing Minutes
Date: Monday, November 23rd, 2015
Place: Town Meeting Room – 10 Station Sq.
Time: 5:00 P.M.**

Board Members present: Jim Tierney, Jim Weagle, Michael Phillips
Others present: Al Rossetto, Reggie Charron, Terri Charron, Bobby Reynolds, Joseph Kennett,
Rebecca St. Cyr - Recorder

1. Chairman opens the business meeting: J. Weagle opened the meeting at 5:09 pm.

2. Acceptance of Minutes:

Motion to approve the November 9, 2015 minutes by: J. Tierney
2nd by: J. Weagle, All in Favor 2-0

3. Selectmen Business:

a. Guildhall water rate discussion (post Guildhall Selectmen's meeting)—Gary Brown

This wasn't discussed, Gary Brown wasn't available.

b. Dept. Head Business – Ambulance/Police Depts.

Jim Gibson – Ambulance

2015 YTD – 515 calls – 319 transports, 196 non-transports, 52 were transfers (included in the transports)

2014 -469 calls (at this time) – 256 transports, 213 non-transports, 24 transfers.

We are up by 45 calls from last year, which is due to an increase in 911 calls. To date We've denied 89 transfers because of inadequate personnel and no para-med on staff. This presented a potential of extra billing revenue estimate of \$124,600 and approx. \$71,200 in extra profit. The numbers are low end estimates.

YTD Revenues – Gibson is working with Becky Craggy on some of the numbers. All the Town contracts are in. YTD – Com Star – \$149,129.44; Town contracts – \$23,037.50; Fees for service – \$9,200. Total \$181,363.94. Revenues for 2014 at this time were – \$223,300.50. Right now we should have \$249,372.09; they have started doing Medicaid; Medicare is all approved and he will be discussing with Com Star. When Sandy Mason retired, and he took over, there wasn't a second in command name listed on the paperwork. With Medicare there is supposed to be 2 names and they want to fine us on this. Gibson further discussed.

All the ambulances are in good running order at this time.

Chief Platt – Police Department

October – 8 new cases, 13 arrests, 87 MV stops with summons issued to 19 of those. YTD – 135 cases, 94 arrests, 656 MV stops with summons issued to 219. As of this past Friday, we have had 3 indictments; 2 – habitual offender cases, 1 drug case. We still have a robbery case that's pending the Grand Jury. They meet just once per monthly. Both cruisers running well and have the winter tires on.

The PD looks to help people at Thanksgiving that need assistance with their meal. There are 15 families that we will be servicing this year. These meals are all prepared when delivered on Thanksgiving Day. We did have some businesses that donated some items this year, the balance is paid for by the PD.

M. Phillips asked about the MV stops. When a summons is issued, what does that mean? Chief Platt said that can mean a speeding ticket that is discretionary – usually 15 mph over the limit warrants a ticket. M. Phillips commented that some will pay their ticket and some will take us to court. He asked Platt if he knew what the percentage is. Chief Platt said that 9 out of 10 tickets are not contested, the only time there would be extra costs if it goes to trial.

c. Well Update from Water Dept. – R. Charron

Charron said the testing was done last week, he has not received the report yet. We found out what the issue is with Well #1. We pulled it 3 times last year to take care of some issues, but still had a problem. Charron further reviewed. During the testing last week, we tested Well #1 and got the same results that he was concerned about. They checked the static head on Well #2, there is a check valve in the smaller pump that was pumping 139 gallons/min. back into Well #2. We have been running that way for over a year.

He has scheduled Dec. 3rd with the crane to do some work on it. If it's the check valve the cost is \$1,450; the crane is \$1,600. It would require 9 – 10 hours of down time. The initial report indicates the wells are in bad shape and need to be done ASAP. A rough estimate for both wells is approx. \$20,000. If we are not going to do the Guildhall meter pit, possibly we could use that money. This is the time of year to get it done, Charron discussed the issue, downtime, fire protection, expenses, etc. He is still looking at the options before making a decision.

We got a lot of information from the testing and he's waiting for the official report, worst case scenario is that both wells need to be redeveloped. Charron said this can be done during the winter months. J. Tierney asked if the redevelopment is done, there is money in the overall Water System Fund. We would need to see if it's sufficient and then work on paying for the high lift pump. It could take 7-10 days to do the redevelopment. Winter is a good time because the usage is down and there is less fire hazard.

d. Discussion of intervener status regarding Northern Pass

J. Tierney addressed. The intervener status means if the Town puts in a suggestion or question to the site evaluation set up, they don't have to respond to us. With intervener status they must answer the questions. Concord and Bethlehem have put in for intervener status. Tierney went to presentation from Skip, he thought it was a good idea. Tierney didn't have any objection to putting in for it. He didn't think it costs anything, a letter is submitted requesting it and then a decision is made. If we get it, it might be something that Robin Irving can handle.

Motion to apply for Intervener Status by: J. Tierney
2nd by: M. Phillips, All in Favor 3-0

e. Budget calendar – Reviewed the nights that the Board members are available for budget sessions. M. Phillips isn't available on 12/1. Any day of the week is fine.

Michael Phillips had to leave the meeting.

- f. Discussion/decision of signing request for ATV access over Route 3 Bridge – For snow mobiles - J. Weagle is working on it, he received a letter and they are for it. He still needs to speak with the DOT. Since it's a trail connector there might be a hard time to get it. The Trail Bureau thinks it won't be a problem.

For ATV access – J. Weagle read a letter from the Board to be submitted to the State for ATV access across the bridge to Batch's Kwik Stop at the intersection of Route 110 and 3, across the Route 3 Bridge to the elementary school. The Covered Bridge is not an option at this time.

Motion to sign by: J. Tierney, 2nd by: J. Weagle, All in Favor 2-0

R. Charron asked if they are going to allow ATV's, then why can't they allow the snow mobiles. J. Weagle explained the snow mobiles have to go on the sidewalk and the ATV's have to go on the road. The right of way on the sidewalk is owned by the State. Discussion continued regarding the issue.

- g. Discussion of Chapman water/sewer account – J. Tierney said Elaine Gray did a good job sorting this out. There was never a fire line at the Treatment Plant, but the bills were going to the office address it was attached to that address. There was a fire line for back up when necessary to draw from the river. It will be gone, for right now it will be left on it. The other charges – there are 11 individual properties. One of them is probably not within 100' of the water line. The other 10 are. They were charged for 6. Tierney has spoken with Mr. Chapman to review, he agreed that it would stay as is. Chapman needs to meet with the Planning or Zoning Board to merge the lots to cut down on the numbers. Tierney reviewed where the lots are that aren't being charged on.

For right now Chapman is agreeable with the current water bill.

- h. Discussion of Budget Calendar continued – J. Tierney addressed; one of the more important items is the Bond Hearing. Re: bond for a TIF or a straight bond to assist with the match for EDA Grant. It can't be held prior to January 8, 2016 and the latest date is February 15, 2016. It has to be posted 1 week in advance. The Bond Hearing could be scheduled for January 13th or 20th. The TIF discussion is scheduled for the next Select Board meeting on Dec. 7 and Cathy Conway will be asked to attend to further explain. January 19, 2016 will be scheduled for the Bond Hearing. This is the EDA for Phase 2, which is a \$600,000 request for an EDA Grant. The rest is the matching funds that are needed. An NBRC Grant and another grant has been put in for some of the matching funds. The bond is required for the Town to do the match. It's there if we need it, if we get enough grants it wouldn't be expended.

The meetings with the Department Heads need to be scheduled also. Some of them are still working on their budgets and hope to have them ready within in a couple of weeks. J. Tierney suggested starting the meetings on January 5, 6 and 7th with back up dates of January 12, 13 and 14th. J. Weagle said the elections could change the schedule.

- i. Health, Life, Short Term Disability Insurance renewal – This is with Health Trust. Health insurance has gone up by approx. 3.6% (\$70.00 per month); Short Term Disability went down; Life stayed the same and Dental stayed flat.

Motion to sign by: J. Tierney, 2nd by: J. Weagle, All in Favor 2-0

- j. Final bill from M L Cloutier Construction - Received the final bill - 4,455.86, which concluded the upstairs for them.

Motion to pay out of the Building Maintenance Fund by: J. Tierney
2nd by: J. Weagle, All in Favor 2-0

- k. Earley Rubbish - This will be a warrant article, we had a one year extension from them for this year. This is for a 3 year contract beginning March 2016 - March 2019. \$1,300 per week for all 3 years. It's the same as what it has been. A. Rossetto asked about a caveat for pay as you throw, J. Tierney said there isn't anything in the contract regarding that and it will be discussed.

AVVRD - Al Rossetto said he doesn't have a volume on what we recycle, it doesn't get weighed. Lancaster keeps track of what they have and are #3 in the State for their percentage of recycling. All the recyclables are brought to our Transfer Station and the cardboard, plastics, aluminum cans are brought to AVVRD by Brian. Normandeau does the construction, wood and trash bins. The metal bin is picked up by All Metals. Rossetto said there doesn't appear to be any number of what is going in and further discussed.

We are way up per capita trash that goes to Mt. Carberry, Rossetto feels the Town needs to look at pay as you throw, it gives residents more of an incentive to recycle. Charron feels that we are doing a lot, but we don't keep track of it. T. Charron attended a Selectmen's meeting in Bloomfield, VT. They are keeping food scraps separate to compost. Rossetto discussed the Lancaster station - they have a well-run operation, which employs approx. 2 full time and 3 part time employees. We don't have a baler or inside area to work with. Rossetto said it costs him \$1.25 per week in Lancaster. He will be working on a spread sheet to summarize the information.

4. Applications/Permits and Warrants

- a. RWP Applicants (3) - Renewals
1. Northumberland School Dist. 65 State St.
 2. James & Harriet Sanborn, Hillside Avenue
 3. 27 Rich Street

Motion to approve all 3 by: J. Tierney, 2nd by: J Weagle, All in Favor 2-0

b. Intents to Cut (13)

1. 12 are on the same property, but different sections.
Steve Collins, Map 229 - several different lots.
Steve Collins, Map 230 - several different lots.

Motion to approve all 12 by: J. Tierney, 2nd by: J. Weagle, All in Favor 2-0

2. Town of Northumberland, Lost Nation Road - Map 232, Lot 9.

Motion to approve by: J. Tierney, 2nd by: J. Weagle, All in Favor 2-0

J. Weagle closed the regular meeting at 6:09 pm

I. Opened the Public Hearing re: PILT (Payment in lieu of Taxes)

We were told we had to do mediation with Power House Systems (Weston Dam) due to an abatement request for their property taxes, which the Board denied. This is for tax years 14 & 15. They had been on a PILT with 5 year renewals for 25 years – it was based on profit.

The new PILT is not based on profits, it's on how much electricity they produce. The information will come from whoever they sell to (Ever Source). Based on what they produce and have produced over the last several years, their taxes will increase by 400 – 500%. We will get 8.5 tenths of each penny for every KW produced. They produce 2.5 to 3.0 million kW per year. At 2.5 million it will put them in at \$21,000+, it's also set for 5 years. That means there will be no abatement requests coming in, which saves us money. If they don't run the facility there is still land value. As part of the settlement all of the past due interest and penalties will be paid. It brings their tax closer to what they are assessed at.

Questions from the Public:

A. Rossetto asked what Sansoucy's number was? Tierney said it was approx. \$970,000. This brings it down to approx. \$727,000 to \$730,000. We knew that it would be between their assessors' # and ours. J. Weagle said they tried to work it out without a PILT, but it got more complex. He gets .085/cent per kW, it's all based on what he produces.

For example - if in the next 5 years an LNG plant comes in and adds to the tax base, he is still has the same rate. It's a signed contract. J. Kennett asked what the taxes were. Tierney said they were \$3,000 - \$6000 per year and further explained. He was looking for a number that would stay relatively flat. The Town will know what the taxes will be and we don't have to worry about going to court and the expenses involved with that. Anything he sells to Eversource (even off the solar array) will be included. All that is produced is metered.

Does Eversource always have to buy the power? It moves through Ever Source, he could sell to the School or the Town as the power supplier – Eversource is just the broker. If what he gets per kW goes down – we will still get .085/cent per kW. We buy from CES, which is currently .08/cent per kW. This is a good deal for the Town and more tax money will be coming in from it.

J. Weagle closed the Public Hearing at 6:22 pm.

Opened Regular meeting at 6:22 pm.

5. Public Matters To Be Addressed By The Board:

a. Kilkenny Trail Riders – Discussion of 2016 trail use –

B. Reynolds said they are trying to get permission from the State to ride on the side of Route 3 north from the Down Home Motel. The entrance and exit will be within the 30 MPH limit. Reynolds said they will cross the Down Home, Lunn and Caron property (in back of the buildings) to come out on Route 3. If they need a letter from the Board, they are willing to write one.

Motion to approve writing and signing a letter by: J. Tierney
2nd by: J. Weagle, All in Favor 2-0.

Reynolds commented they want to keep it off Riverside Drive and just run along Route 3. It's working in Berlin, the Down Home Hotel was looking to get this started. J. Weagle said they are working on the Route 3 Bridge to get access from the State. Clint with the DOT is working on it also.

b. Holiday Announcement

The Town Office is closed: 11/26 & 11/27 for the Thanksgiving holiday and will reopen on 11/30.

c. Gibson commented about deliveries to the Town Garage. We might need to get rid of Town Garage Road and just use Brown Road. Some of our deliveries are being delivered to Stark. They have a road called "Town Garage Road" also.

6. Non-Public Session: (Pursuant to RSA'S 91-A:3,II (c):

There was not a Non-Public Session.

7. Adjournment:

Motion to adjourn by: J. Tierney, 2nd by: J. Weagle, All in Favor 2-0

Meeting adjourned at 6:29 pm.

Notice posted 11/20/15 @ 9:00 am @ Town office, Northumberland Library and SAU office*

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**THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Joint Application of Northern Pass Transmission, LLC and Public Service Company of New
Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility for the Construction of
a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

APPEARANCE OF C. CHRISTINE FILLMORE

Pursuant to NH Admin Rule Site 202.04, please enter the appearance of C. Christine
Fillmore as counsel for the Town of Northumberland in the above-captioned matter.

The matter involves an application by Northern Pass Transmission, LLC and Public
Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and
Facility. The undersigned, C. Christine Fillmore, is an attorney admitted to practice in the State
of New Hampshire.

Respectfully submitted,

TOWN OF NORTHUMBERLAND

Dated: February 2, 2016

By: C. Christine Fillmore
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2016, a copy of the foregoing was sent by
electronic mail to persons named as of today on the Service List of this docket.

Dated: February 2, 2016

By: C. Christine Fillmore
C. Christine Fillmore

INTERVENTION PLATFORM

Platform Objective #1

The fundamental platform of the coalition is to promote underground construction of the newly, revised proposal for the Northern Pass HVDC transmission line ("Proposed Line"). The underground construction should be from the Canadian border to Franklin, NH in either PSNH/Eversource ("Utility") claimed rights-of-ways or the Interstate I-93 right-of-way corridor. This proposal is anticipated to be part of the SEC intervention.

Platform Objective #2

The second platform is intended to address the current proposal to construct the line above ground and underground in Utility owned rights-of-ways, land, and in municipal and state roadways in various towns. The objective is to present a streamlined group of municipal concerns and issues, and **common municipal interests** shared by all the towns along the Proposed Line. These concerns and interests generally include the following, which are anticipated to be part of the SEC Intervention:

1. Hazards on highway shoulders and paved surfaces caused by unique heating/cooling dynamics as well as related frost heaves.
2. Safety concerns expressed by municipal fire, police, highway, & EMT departments.
3. Construction issues impacting the installation of storm drainage, municipal water, municipal sewer, electric power, telecommunications, cable television, and any future utilities constructed in the municipal right-of-way.
4. Maintenance issues impacting the installation of storm drainage, municipal water, municipal sewer, electric power, telecommunications, cable television, and any future utilities constructed in the municipal right-of-way.
5. Addressing the remediation of any reluctance by developers to construct new residential, commercial, or industrial property adjacent to the underground HVDC line and the attendant extra cost of that construction.
6. Addressing the remediation for the existing residential, commercial, and industrial properties regarding the additional costs and interferences with the use and operation of their existing properties.
7. Addressing utility reimbursement for cost on municipal budgets related to both the construction and operation of the Proposed Line for:
 - a. Management & administration
 - b. Law enforcement
 - c. Safety services
 - d. Traffic Congestion
 - e. Timely emergency & accident response

8. Require a pre-construction ground survey and inventory of natural and man-made structures among the Proposed Line including streets, intersections, highways, bicycle lanes, traffic control devices, signs, bridges prospective staging & parking areas for Utility's construction vehicles, gravel pits, parks, playgrounds, open spaces driveways, cross country ski and hiking trails, horseback riding including access and parking areas as well as the natural landscape used by or impacted by the construction of the Proposed Line.
9. Require a pre-construction video taping of all the impacted areas and abutting land and buildings to the Proposed Line.
10. Require a Municipal Infrastructure Reimbursement Fund, indexed for inflation and contributed to annually, for the reimbursement of costs incurred by the municipalities to construct, operate, and maintain municipal infrastructure in and around the Proposed Line. This fund will include additional impacts of the HVDC line construction in and around any other municipal land, and or easements and rights-of-way in addition to highway rights of way. This fund shall be intact for as long as the line is in the ground.
11. Provide for and fund an inflation indexed Damages Mitigation Fund to reimburse the municipalities', their citizens', and their property owners' costs for:
 - a. Unforeseen events and/or unintended circumstances, including highway accidents, related to the construction and operation of the line;
 - b. From earthquakes, floods, fires, overloads, short circuits, explosions, or other catastrophic events that impact the line and the abutters' property; and
 - c. To include the costs of post construction restorative landscaping for both sides of the proposed line.
12. Provide for and fund an inflation index Decommissioning Trust Fund to be held in escrow and used to remove the line, all of its appurtenances, and restore the right-of-way to a green field state.
13. Require Utility to annually report all ad valorem property tax information including annual historic original costs by FERC account. As part of this item, require Utility to agree to valuation methodology of replacement cost new less depreciation over an economic life of 100 years with a 20% to the good floor.

Platform Objective #3

The third platform objective relates to potential *concerns & issues unique to each town* that will be part of the SEC intervention. Some examples are listed below:

1. Bethlehem will require relocation of Utility's Proposed Line and/or transition station around wetlands and an area that abuts a prospective hotel development project.
2. Franconia will require special attention to local utility infrastructure that abuts both the Gale River and the Proposed Line.

3. Local planning board & master plans will need to be considered and consulted, as would safety services departments, schools, cemetery trustees, churches, eleemosynary institutions, and recreation & sports committees.
4. The SEC order that Utility negotiate with each community for which has buried lines in municipal rights of way both state and local, a Construction and Maintenance Agreement, that protects towns and cities by paying for movement of all interferences realignments and future maintenances as required by the towns and cities so as to keep the town and city financial whole as if the line had not been constructed.
5. Mitigation and payment for the construction impact on lost business for local businesses, contractors, inns, motels, B&Bs, farm stands, campgrounds & related visitor facilities impacted by the construction of the Proposed Line, maintenance of the Proposed Line, and any unforeseen emergency on the Proposed Line.
6. Address local conservation commissions, which have concerns about wetlands, beaver ponds, wild life & aquatic habitats, stream, brook, and river crossings, and any other impacts created by the Proposed Line.
7. Provide mitigation for access and parking for recreation and sports including but not limited to:
 - a. Swimming, bicycle races, hiking, cross-country skiing, mountain biking, horseback riding, and road-side walking
 - b. Hunting, fishing, snowmobiling, and ATV activity
 - c. Scenic views and picnic grounds
8. Address and mitigate any other environmental or operational impacts unique to each of the towns not yet identified.