

STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

SEC DOCKET 2015-06

**JOINT APPLICATION OF NORTHERN PASS TRANSMISSION LLC & PUBLIC
SERVICE COMPANY OF NEW HAMPSHIRE D/B/A/ EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY**

- MOTION TO SUSPEND THE ADJUDICATORY HEARING UNTIL**
(1) THE PLANS SUBMITTED BY NORTHERN PASS ARE DETERMINED TO BE
ACCURATE AND
(2) THE PROCEDURE SET FORTH IN NH RSA 228:35 TO REESTABLISH LOST,
UNCERTAIN OR DOUBTFUL BOUNDARY LIMITS (RIGHTS OF WAY) FOR THE
ROADS ASSOCIATED WITH THE UNDERGROUND BURIAL OF LINES IS
FOLLOWED

AND

MOTION TO RECALL THE CONSTRUCTION PANEL TO ADDRESS THE VIABILITY
OF THEIR EXCEPTION REQUESTS

NOW COMES the Grafton County Commissioners, hereinafter intervenors, and respectfully request the Site Evaluation Committee to suspend this matter, recall the Applicant's construction panel, and reschedule deadlines and in support states as follows:

1. On July 18, 2017 Northern Pass met with representatives of the New Hampshire Department of Transportation. According to the minutes, the subject of the conference was "Site Evaluation Committee (SEC) Application Process and Review of NHDOT Comments to Exception Requests." A copy of the minutes posted on the New Hampshire Department of Transportation is attached as Exhibit A.¹
2. The Northern Pass has filed numerous "Exception Requests" for the project. Upon information and belief, these continue to be uploaded to the Northern Pass

¹ The minutes are also available online at <https://www.nh.gov/dot/media/northern-pass/index.htm>

SEC website.² A summary and compilation of some of the Exception Requests pertaining to Rights of Way are attached as Exhibit B to this pleading. The summary includes comments and concerns expressed by a Grafton County resident.

3. The July 18, 2017 minutes, posted on August 2, 2017, reflect DOT concerns about the accuracy of the diagrams provided by Northern Pass. Specifically, the July 18th minutes state that the DOT procedure for reviewing project plans and exception requests requires that, “[d]uring a field review, Department personnel confirm the existing conditions and review individual sites where an exception is requested.” The minutes further state that during this procedure, DOT “identified that several Exception Request locations had existing facilities that were incorrectly shown/described or not shown on the plans.” Exhibit A, Minutes July 18, 2017.
4. As one example, the minutes noted “[t]he right-of-way layout in Exception Request #42 does not match that shown on the previous DOT project plans.” The minutes further state the following:

“Ms. Esterberg noted that these errors make Department personnel wonder about the accuracy of existing facilities and the right-of-way. Maintenance and Design Services personnel have been told to make NPT review a priority but errors and inaccuracies are making the review take longer and diverting resources from personnel’s normal job responsibilities hinders highway maintenance and project development activities.”
5. The Site Evaluation Committee and interested parties are relying upon the plans to balance the impacts of the project on and benefits to the following: “the welfare of the population, private property, the location and growth of industry, the overall economic growth of the state, the environment of the state, historic sites, aesthetics, air and water quality, the use of natural resources, and public health and safety.” NH RSA 162-H:1. Thus, inaccuracies relative to existing facilities and the right-of-way layout are of significant concern.
6. This issue of the accuracy of the plans has long since been noted as a serious concern, and the Grafton County Commissioners have filed previous motions asking for the matter to be suspended until the Applicants can provide accurate plans that can be relied upon.
7. For the accuracy of the plans to still be questioned by none less than the Department of Transportation after the construction panel has allegedly finished testimony is stunning.

² It appears Exception Requests were filed with the DOT earlier, but not uploaded to the Site Evaluation Committee Site.

8. The accuracy is particularly important due to the breadth of the "Exceptions Requests." There appears to be over 100 Exception Requests, each significant. As just one issue, the commissioners wonder whether private landowners were notified directly of the Exceptions Request that are adjacent to their land. If not, the commissioners would ask that the Applicants notify landowners of the Exception Request impacting their land as a matter of fundamental fairness.
9. The construction panel needs to be questioned about features of the newly uploaded Exception Requests. As just one example, at the Gibson Road corner of 116, plans appear to shift the HDD pits to avoid poles. However poles appear to be at the new location as well and the new HDD location appears to be 5 feet from a stream. The environmental impacts of a HDD operation five feet from a stream would need to be examined.
10. As before, the Grafton County Commissioners appreciate the efforts on the part of the Site Evaluation Committee to schedule both deadlines for discovery and the adjudicatory hearing.
11. However, the Applicants cannot complain that deadlines are not being met when the Applicants continue to change the design of this project, add Exception Requests and submit plans that have inaccuracies, necessitating DOT to now question "the accuracy of existing facilities and the right-of-way throughout the entire route." The DOT, the SEC, the intervening parties and other stakeholders have a right to receive accurate information on the plans in order to address concerns relative to the construction and siting of the proposed underground transmission line.
12. The Site Evaluation Committee simply cannot make a decision based on a "preliminary" design, with constant changes, including changes that occur after a panel has been dismissed.
13. The right of way issue is also significant. The Towns of Easton and Franconia have written to the New Hampshire Department of Transportation asking that the appropriate statutes be followed to clarify Rights of Way through their towns. Their letters are attached as Exhibit C for convenience. This clarification must occur before approval. A recently discovered NH DOT email supplement the concerns. Specifically, a 2014 email from the Department of Transportation is attached as Exhibit D. In this email, then Assistant Commissioner of DOT, Michael Pillsbury, seems to indicate that abutters own under "easement" roads, which arguably would preclude the type underground burial envisioned in this case without their approval.
14. The requested length of the stay will be dependent on the timeframe that Northern Pass can provide accurate plans that can be relied upon by the DOT, SEC, Grafton County, and all other stakeholders and intervenors.

15. The Applicants object to this motion.

16. The Society for the Protection of NH Forest assents, as does Municipal Groups 1 and 3 South, Municipal Group 1 and 3 North, the NAPO-SB group, the Deerfield Abutters, the Whitefield-Bethlehem Abutters, Stark to Bethlehem non abutters, Ashland to Deerfield (Southern) Nonabutters, the NGO Intervenor comprised of ACT, AMC, and CLF, Pemigewasset River Local Advisory Committee and Dummer/Stark/Northumberland Abutters.

WHEREFORE, the Grafton County Commissioners requests that this Honorable Court:

- A. SUSPEND the administrative hearing until the SEC can obtain assurances from the NH Department of Transportation that the plans are accurate and can be relied upon; and
- B. SUSPEND the hearings until the New Hampshire Department of Transportation is able to implement the structure set forth in NH RSA 228:35 to establish lost, uncertain or doubtful boundary lines; and
- C. RECALL the construction panel so the construction panel can be questioned about the Exceptions Requested, as well as past inaccuracies and
- D. ADJUST other deadlines accordingly, or
- D. HOLD a hearing on the matter; and
- E. GRANT any other relief deemed proper and just.

August 11, 2017

Respectfully Submitted,
THE GRAFTON COUNTY
COMMISSIONERS



Lara Joan Saffo, Esq.
County Attorney
NH Bar # 9683

Office of the Grafton County Attorney,
3785 Dartmouth College Highway, Box 7
North Haverhill, NH 03774
(603) 787-6968

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has this day been forwarded to all parties on the service list.

August 11, 2017

Respectfully Submitted,
GRAFTON COUNTY

A handwritten signature in dark ink, appearing to read 'LJ Saffo', written over a horizontal line.

Lara Joan Saffo, Esq.
Grafton County Attorney's Office

August 2, 2017

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAY DESIGN
CONFERENCE REPORT

PROJECT: Northern Pass Transmission

DATE OF CONFERENCE: July 18, 2017

LOCATION OF CONFERENCE: 7 Hazen B34 203 Piscataqua River Conference Room

ATTENDED BY: DEPARTMENT OF TRANSPORTATION

Bill Cass – Assistant Commissioner
David Rodrigue – Director of Operations
Michael Servetas – Assistant Director of Operations
Melodie Esterberg – Chief of Design Services
Lennart Suther – Utilities Engineer, Design Services
Matthew Powers – Utility Coordinator, Design Services
Alan Hanscom – District 3 Maintenance Engineer
James McMahon – District 1 Assistant District Engineer

NORTHERN PASS TRANSMISSION

Jerry Fortier – NPT Project Manager, Eversource Energy
Lynn Farrington – Louis Berger
Mark Hodgdon – Hodgdon Law
Sam Johnson – Burns & McDonnell Engineering
Lance Clute – PAR Electric
Tom Henaghan - SGC
Tom Doyle – SGC
Nick Strater – Brierley Associates
Brian Henebry – Carmody Torrance Sandak & Hennessey LLP
Matthew Mahon – PAR Electric
Oscar – PAR Electric

SUBJECT: Site Evaluation Committee (SEC) Application Process and Review of
NHDOT Comments to Exception Requests

NOTES ON CONFERENCE:

See attached Agenda.

The NPT testimony at the SEC Judiciary Hearings is expected to be completed in the next 30 days with the Hearings ending in September 2017. The Construction and Environmental panels are complete.

NPT requested to meet weekly to review Department comments to Exception Requests as the goal is to be under construction by the first quarter of 2018. Mr. Rodrigue replied that the Department cannot commit to weekly meetings due to the Department's busy season for Operations and Project development. NHDOT personnel have multiple responsibilities for directing Operations and Project

Development staff, reviewing development requests to access NHDOT right-of-way and preparing construction documents for Project Development projects.

Mr. Henebry noted that NPT had questions regarding the limits of NHDOT maintenance jurisdiction on Bear Rock Road and Beecher Falls Road/Old Canaan Road (in 7/19 Exception Request submittal). The Department's GIS Interactive Maps - NH Roads available through the NHDOT website correctly shows the limits of jurisdiction. (Follow-up by the Department confirmed that the NHDOT maintains the pavement of Bear Rock Road.)

Ms. Esterberg presented the Department's process in reviewing the project plans and Exception Request, which includes a plan review of existing conditions, a review of proposed facility's conformance to the NHDOT Utility Accommodation Manual, a field review and review of written documentation provided as justification for an exception.

During the plan review, Department personnel electronically view the site through Google Earth and previous DOT project plans for existing conditions and right-of-way layout. The right-of-way layout in Exception Request #42 does not match that shown on the previous DOT project plans. Mr. Henebry asked about the ability of NPT to obtain previous DOT project plans to perform QC/QA. The Department showed NPT how to find the GIS Interactive Maps - Project Viewer which shows archived projects along roadway segment which can be viewed by selecting the project and how to find the project plans in Project Record Plans (by Project Number) or Project Record Plans (by Town) which contain scanned project plans on the NHDOT website.

During a field review, Department personnel confirm the existing conditions and review individual sites where an exception is requested. It was identified that several Exception Request locations, had existing facilities that were incorrectly shown/described or not shown on the plans.

Ms. Esterberg noted that these errors make Department personnel wonder about the accuracy of existing facilities and the right-of-way throughout the entire route. Mr. Rodrigue stressed that Highway Maintenance and Design Services personnel have

been told to make NPT review a priority but errors and inaccuracies are making the review take longer and diverting resources from personnel's normal job responsibilities hinders highway maintenance and project development activities.

NPT acknowledge that existing facilities information had been received from the Town of Plymouth and they were working through the design issues with the Town. Exception requests within the Town of Plymouth will be resubmitted with updated information and design.

The Department's comments to those Group 1 and Group 2 Exception Requests that were rejected and are to be resubmitted to address comments were reviewed.

NPT submitted a typical section showing that a cover of 8.2' or greater over a pipe or structure provides the necessary clearances to construct the conduit system under the roadway structural section and above the pipe or structure. Design Services will review the typical for conformance with the Department's requirements.

Several rejections were related to incorrect right-of-way shown on the plans with the NHDOT understanding that additional right-of-way exists which provides additional area to construct the conduit system outside the pavement. NPT will obtain updated information from the NHDOT project plans and review the right-of-way and resubmit with updated right-of-way, revised design or additional written justification for an exception.

At several locations, the plans showed conflicts with existing facilities without resolution to the conflict. NPT will resubmit updated plans showing the proposed work without a conflict or a proposed resolution to the conflict.

At a couple locations, NPT noted they can incorporate the Department's suggested revisions and will resubmit.

A draft of the Transportation Management Plan (TMP) was submitted, but was address to the wrong individual at the Department. The TMP will be resubmitted addressed to Keith Cota, Chief Project Manager through Ms. Esterberg. Ms. Esterberg will be meeting with the Transportation Management Committee to discuss the process for submittal of the TMP for the Northern Pass Transmission project on Thursday (7/20).

Future meetings will be scheduled as needed.

Submitted by:

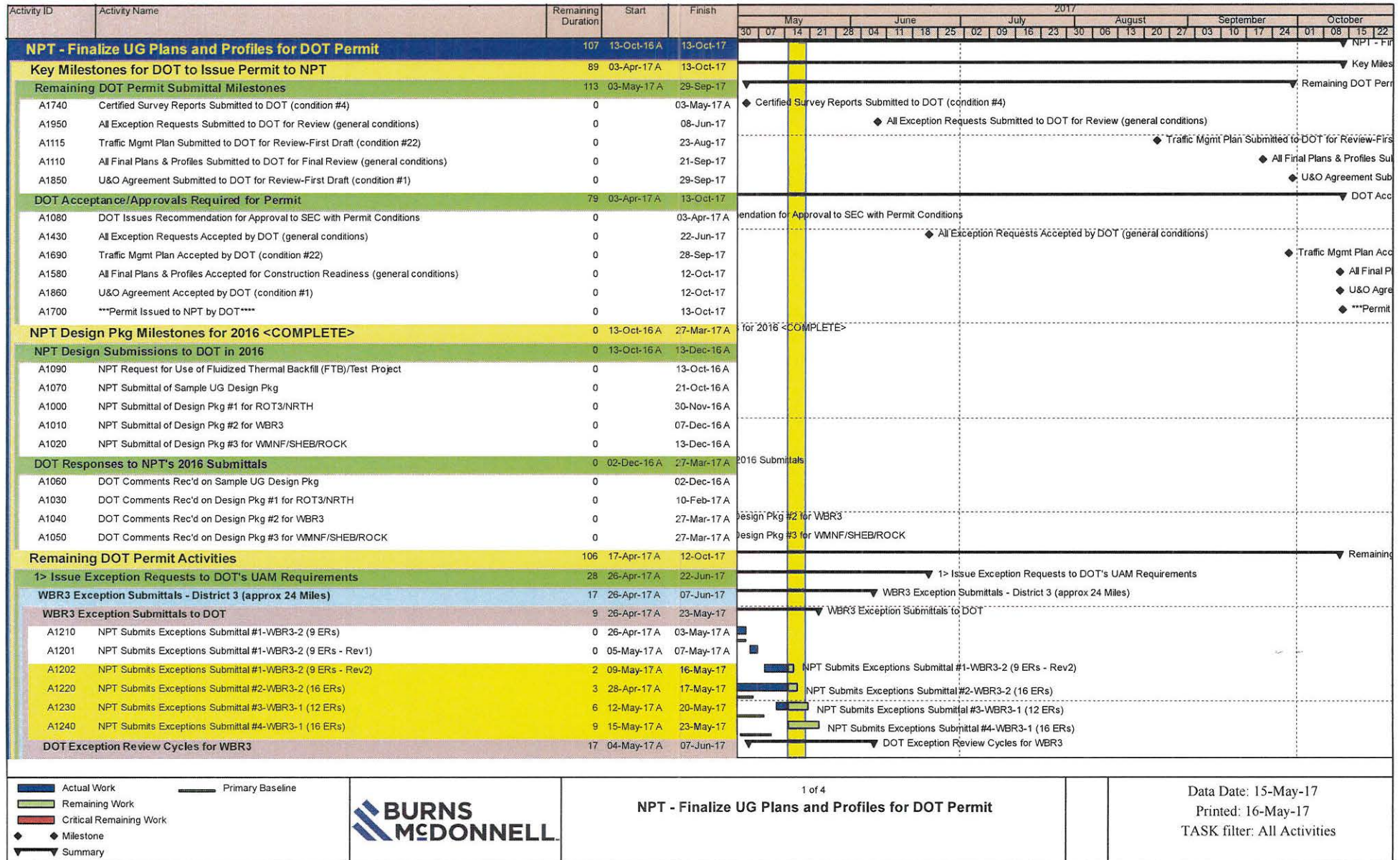
Lennart Suther
Utilities Engineer
LDS/lbs
NOTED BY: MAE, MAP

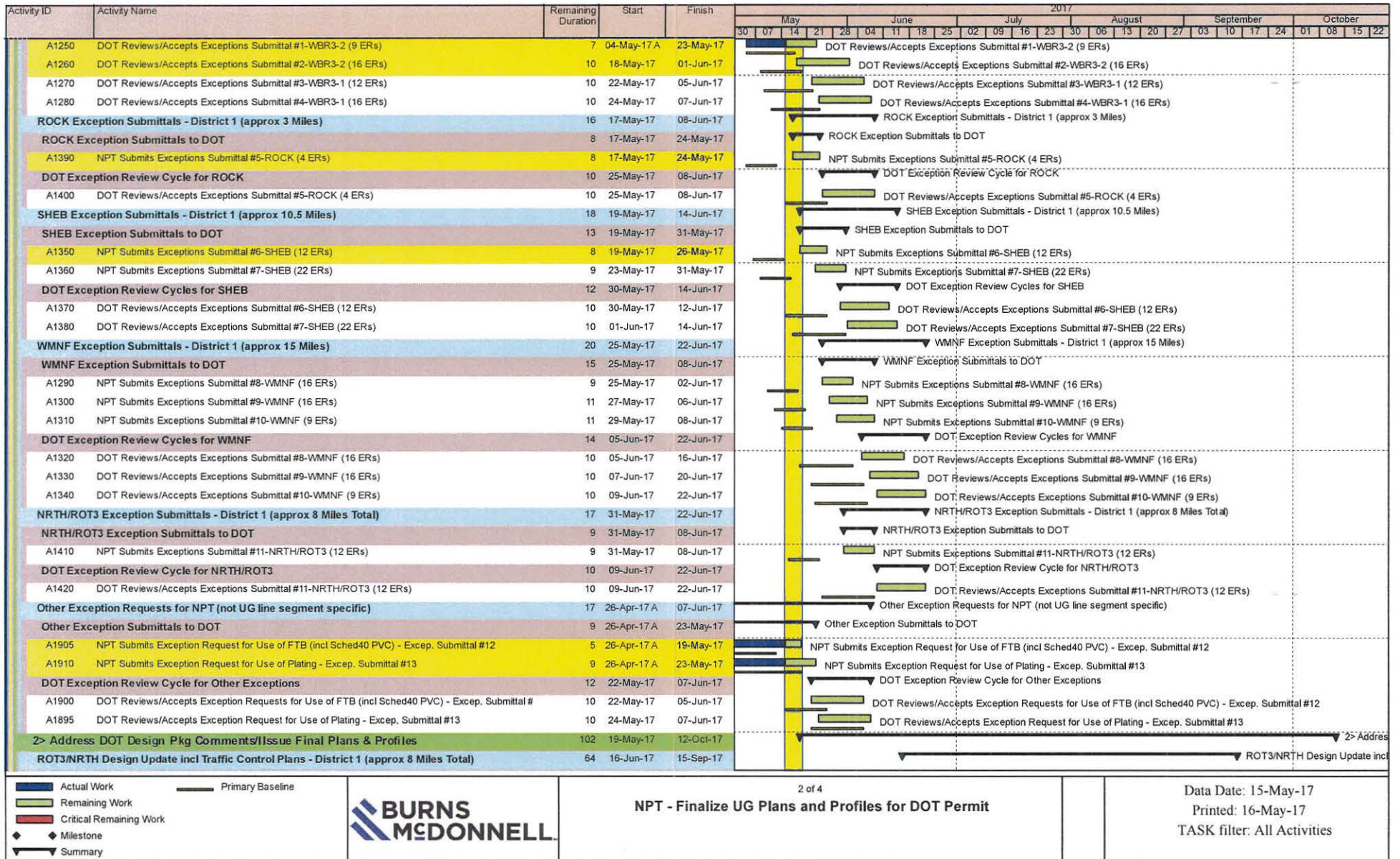
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James

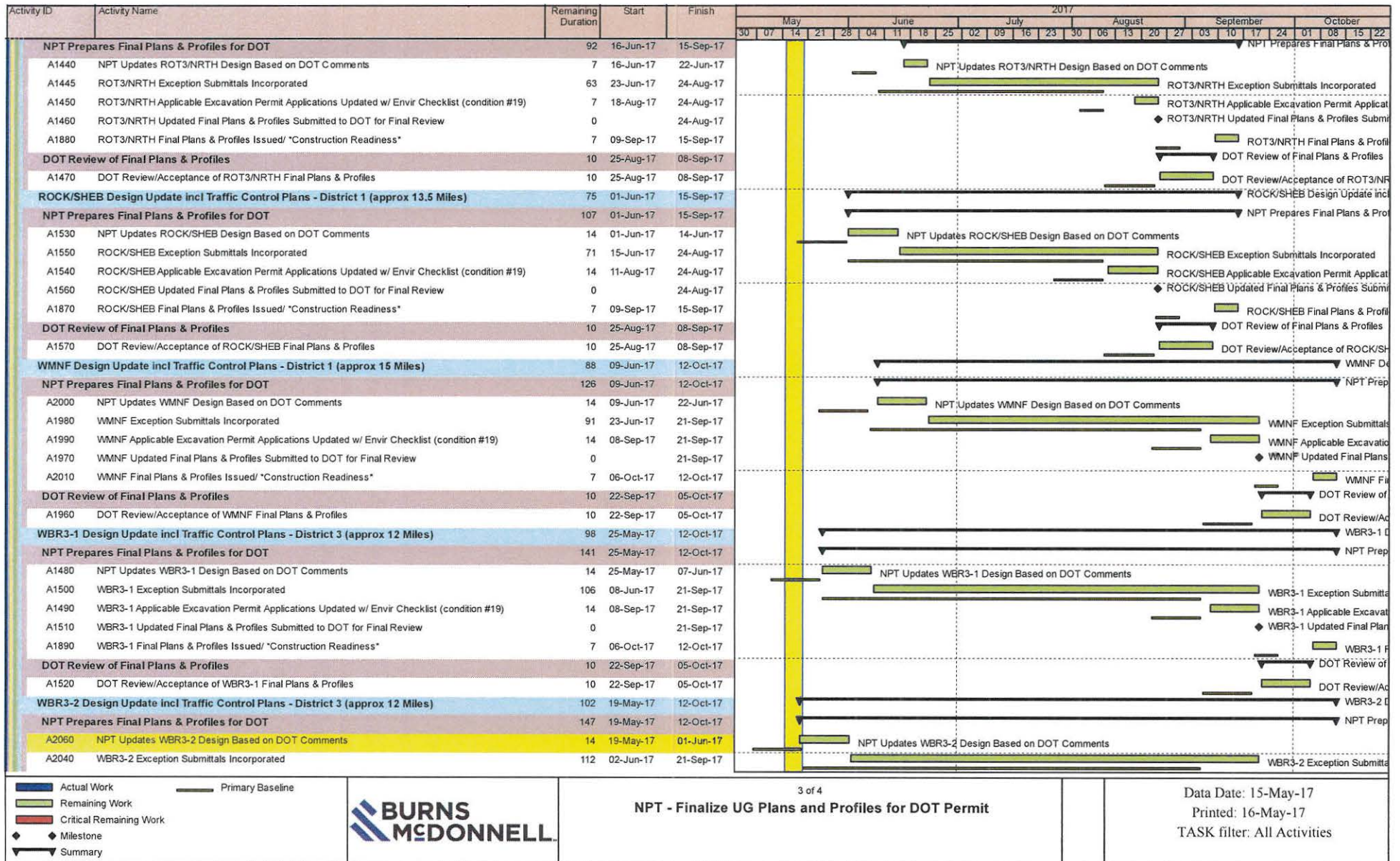
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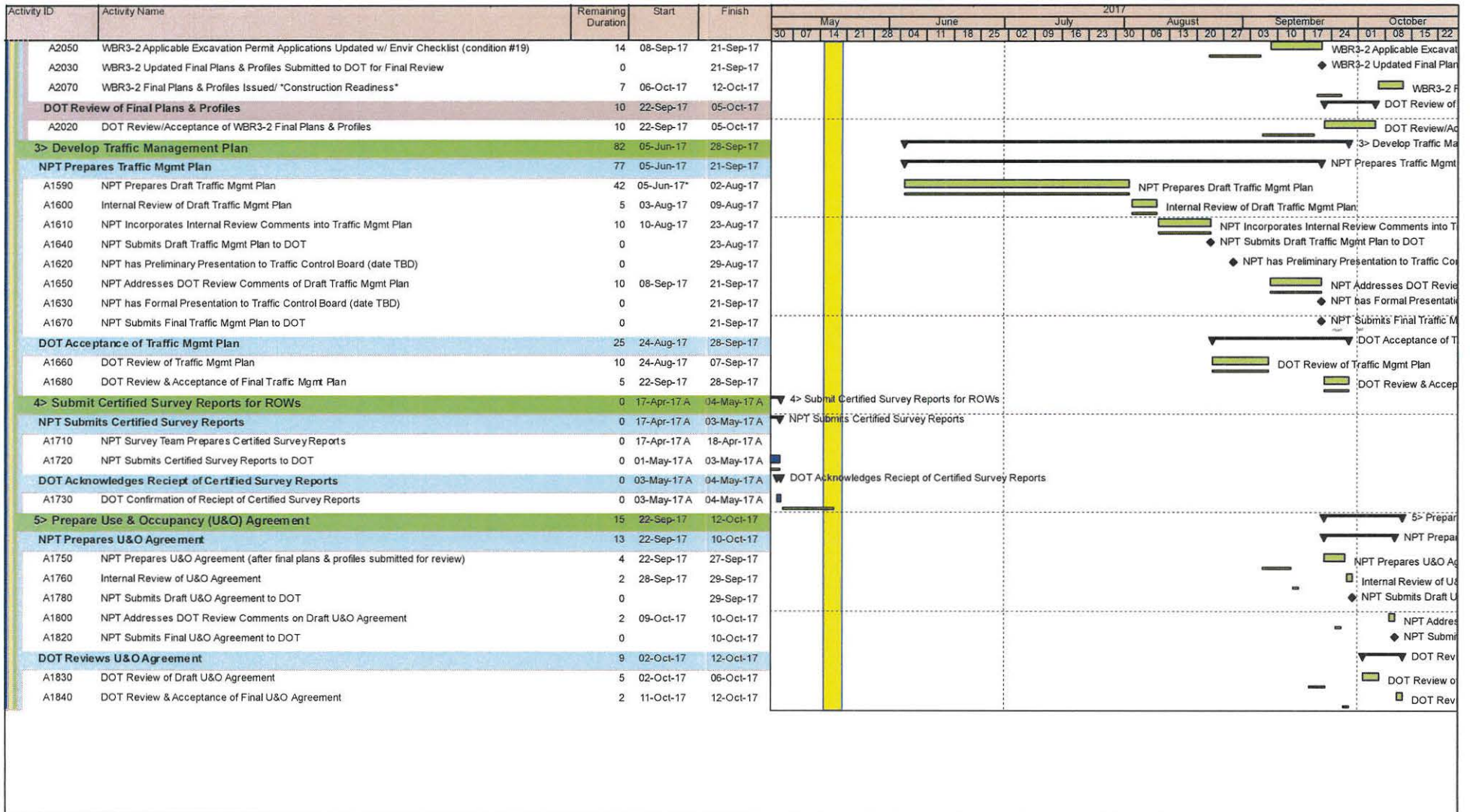
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Exhibit B, part 1









 Actual Work
 Remaining Work
 Critical Remaining Work
 Milestone
 Summary



NPT - Finalize UG Plans and Profiles for DOT Permit

4 of 4

Data Date: 15-May-17
 Printed: 16-May-17
 TASK filter: All Activities

This exhibit B summarizes
some of the Applicant's Exception Requests and
outlines questions or concerns the
Grafton County resident
who compiled this summary
has regarding the exception request.

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 1513+28 to 1534+00 of the NPT WBR3 Underground Alignment. (See Exhibit A.) The alignment in this area is constrained by limited ROW space beyond the edge of pavement, as well as overhead and underground utilities off the roadway. Moreover, NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property.

NPT DIS 183845 Woodstock

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 1564+40 to 1574+90 of the NPT WBR3 Underground Alignment. (See Exhibit A.) Due to limited ROW space outside the pavement and adjacent to the existing utilities and guardrails, construction outside the paved area is not practicable because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property.

NPT DIS 183835 Woodstock

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 1581+00 to 1589+50 of the NPT WBR3 Underground Alignment, sheet WBR3. (See Exhibit A.) Due to limited ROW space outside the pavement and adjacent to the existing utilities, construction outside the paved area is not practicable because NPT does not have the space to construct adjacent to existing utilities and does not have the necessary property rights to construct outside the NHDOT ROW on private property.

NPT DIS 183827 Woodstock

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 1606+10 to 1632+00 of the NPT WBR3 Underground Alignment. (See Exhibit A.) Due to limited ROW space outside the pavement and adjacent to the existing utilities, construction outside the paved area is not practicable because NPT does not have the clearance to construct adjacent to existing utilities and does not have the necessary property rights to construct outside the NHDOT ROW on private property.

DIS 183812 Woodstock

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 1643+00 to 1649+00 and from STA 1651+50 to 1660+00 of the NPT WBR3 Underground Alignment. (See Exhibit A.) Due to existing utilities in the ROW (both overhead and underground) and limited ROW space beyond the edge of pavement and beyond the existing drainage infrastructure, construction outside the paved area within the ROW is not practicable, and NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property.

NPT DIS 183807 Woodstock

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 1643+00 to 1649+00 and from STA 1651+50 to 1660+00 of the NPT WBR3 Underground Alignment. (See Exhibit A.) Due to existing utilities in the ROW (both overhead and underground) and limited ROW space beyond the edge of pavement and beyond the existing drainage infrastructure, construction outside the paved area within the ROW is not practicable, and NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property.

NPT DIS 183807 Woodstock

Technical Discussion of Justification of Exception

NPT proposes to cross from the western to the eastern side of US 3 in the exception area because of constraints posed by utility poles associated with an overhead distribution line on the western side of US 3, just south of the proposed highway crossing. The existing overhead distribution line runs along the west side of the ROW. Relocating the utility poles closer to the edge of the ROW to provide sufficient area to construct the ductbank off the pavement on the west side will not provide a sufficient area between the edge of pavement, or will require additional rights for the installation of guys and anchors on private property outside the NHDOT ROW. In addition, moving the utility poles further away from the edge of pavement will create vegetation clearance issues to the overhead lines, requiring additional trimming and cutting of mature trees beyond the edge of the ROW.

NPT DIS 183804 Woodstock

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 1683+00 to 1686+00 of the NPT WBR3 Underground Alignment. (See Exhibit A.)

Due to limited ROW space outside the pavement and beyond the existing guardrail, construction outside the paved area is not practicable because: (i) if the guardrail is not removed, NPT does not have the necessary property rights to construct outside the NHDOT ROW; (ii) if the guardrail and a portion of the roadway is temporarily removed to allow construction of the ductbank in the slope without extending past the right of way limits for benching, the traffic impacts and cost of this construction method are substantially greater than the proposed installation. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement, or disruption to the existing guardrail system.

NPT DIS 183795 Woodstock

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 1699+00 to 1704+50 of the NPT WBR3 Underground Alignment, sheet WBR3. (See Exhibit A.) Construction outside the pavement is not practicable due to limited ROW space outside the pavement and beyond the existing guardrail, and conflicts with utility poles. NPT does not have the necessary property rights to construct outside the NHDOT ROW.

NPT DIS 183789 Woodstock

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 1718+50 to 1722+50 of the NPT WBR3 Underground Alignment. (See Exhibit A.)

Due to limited ROW space outside the pavement and beyond the existing guardrail, construction outside the guardrail is not practicable because: (i) if the guardrail is not removed, NPT does not have the necessary property rights to construct outside the NHDOT ROW; (ii) if the guardrail and a portion of the roadway is temporarily removed to allow construction of the ductbank in the slope without extending past the right of way limits for benching, the traffic impacts and cost of this construction method are substantially greater than the proposed installation.

NPT DIS 183779 Woodstock

Technical Discussion of Justification of Exception

The roadway alignment at this location is constrained by guardrail on the eastern side of US 3 with moderate to steep slopes on the outside of the guardrails. (See Exhibits A and B.) Consequently, the steep slopes behind the guardrail, combined with NHDOT's requested offset of 5-feet from the existing guardrail, would result in significant constructability issues (if the guardrail were not removed), including the need for benching into the side slope to create a level and safe working area. The modified side slopes would extend beyond the ROW limits. (See Exhibit B.)

NPT DIS 183753 Woodstock

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 041 entry and exit pits relative to the existing US 3 pavement limits. HDD 041 extends from approximately STA 1839+65 to 1850+38, and is required to allow installation of the ductbank below Hubbard Brook. This location involves two separate bores, which are shown crossing below US 3. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, two of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183740 Thornton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 1855+75 to 1870+76± of the NPT WBR3 Underground Alignment. The proposed roadway alignment in this area is constrained by limited ROW space outside the pavement, caused by stormwater infrastructure and several existing buildings encroaching within the ROW on both the eastern and western sides of US 3; mature landscaping lining the east side of the road; and wetlands, steep embankments, a retaining wall, and an existing power distribution line along the western side.

NPT DIS 183727 Thornton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 1885+70 to 1898+00± of the NPT WBR3 Underground Alignment. Due to limited ROW space outside the pavement and beyond the existing guardrail, and conflicts with existing overhead utility lines and buildings encroaching in the ROW, construction outside the pavement is not practical because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement or disruption to the existing guardrail system.

NPT DIS 183719 Thornton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 042 entry and exit pits relative to the existing US 3 pavement limits. HDD 042 extends from approximately STA 1919+43 to 1927+37, and is required to allow installation of the duct below a box culvert. This location involves two separate bores, which are shown crossing below US 3. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, one of the entry pits and one of the exit pits must be in the paved roadway.

In addition, NPT is requesting an exception from the UAM guidelines to allow the location of the HDD 042 bore paths beneath the US 3 pavement. The HDD bore paths will have no impact on the NHDOT highway structural box.

NPT DIS 183712 Thornton

NPT DIS 183704 Thornton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 1951+30 to 1962+00± of the NPT WBR3 Underground Alignment.

Due to limited ROW space outside the pavement and beyond the existing guardrail, construction outside the guardrail is not practicable because: (i) if the guardrail is not removed, NPT does not have the necessary property rights to construct outside the NHDOT ROW; (ii) if the guardrail and a portion of the roadway is temporarily removed to allow construction of the ductbank in the slope without extending past the right of way limits for benching, the traffic impacts and cost of this construction method are materially greater than the proposed installation. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement, or disruption to the existing guardrail system.

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 043 entry and exit pits relative to the existing US 3 pavement limits. HDD 043 extends from approximately STA 1945+93 to 1939+22, and is required to allow installation of the duct below Bagley Brook. This location involves two separate bores, which are shown crossing below US 3. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, one of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183696 Thornton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 1981+00 to 1983+25± of the NPT WBR3 Underground Alignment. (See Exhibit A.) Due to limited ROW space outside the pavement and beyond the existing guardrail, construction outside the guardrail is not practicable because: (i) if the guardrail is not removed, NPT does not have the necessary property rights to construct outside the NHDOT ROW; (ii) if the guardrail and a portion of the roadway is temporarily removed to allow construction of the ductbank in the slope without extending past the right of way limits for benching, the traffic impacts and cost of this construction method are materially greater than the proposed installation. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement, or disruption to the existing guardrail system.

NPT DIS 183685 Thornton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 2005+50 to 2007+50± and STA 2011+50 to 2013+50± of the NPT WBR3 Underground Alignment. (See Exhibit A.)

Due to limited ROW space outside the pavement and beyond the existing guardrail, construction outside the guardrail is not practicable because: (i) if the guardrail is not removed, NPT does not have the necessary property rights to construct outside the NHDOT ROW; (ii) if the guardrail and a portion of the roadway is temporarily removed to allow construction of the ductbank in the slope without extending past the right of way limits for benching, the traffic impacts and cost of this construction method are materially greater than the proposed installation. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement, or disruption to the existing guardrail system.

NPT DIS 183670 Thornton

Traffic Information

NHS: No

ADT: 1300

Traffic Control Type: Alt 1-way

Traffic Control Duration: Traffic control duration is estimated to be 15 days for the proposed installation. If the requested exception to cross over the drainage structure is not granted, NPT expects 3-5 weeks of work requiring traffic control to do an HDD bore at this location. If the requested exception for the alignment and splice enclosure in pavement is not granted, NPT has not identified a viable alternative at this location.

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 2087+50 to 2112+50± of the NPT WBR3 Underground Alignment and the splice enclosure at STA 2105+00. (See Exhibit A.) Construction outside the pavement is not practicable due to limited ROW space outside the pavement and beyond the existing curbing, as well as conflicts with guardrail and drainage structures. NPT does not have the necessary property rights to construct outside the NHDOT ROW.

NPT DIS 183660 Thornton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 044/045 entry and exit pits relative to the existing US 3 pavement limits. HDD 044/045 extends from approximately STA 2160+56 to STA 2171+37, and is required to allow installation of the duct below Branch Brook. This location involves two separate bores. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, the curvature of the road, and the limited space available off the paved roadway at this location, one of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183646 Campton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 046 entry and exit pits relative to the existing US 3 pavement limits. HDD 046 extends from approximately STA 2186+45 to 2177+89, and is required to allow installation of the duct below Connor Brook. This location involves two separate bores. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, one of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183638 Campton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 2197+00 to 2199+00± of the NPT WBR3 Underground Alignment. (See Exhibit A.)

Due to limited ROW space outside the pavement and beyond the existing guardrail, construction outside the guardrail is not practicable because: (i) if the guardrail is not removed, NPT does not have the necessary property rights to construct outside the NHDOT ROW; (ii) if the guardrail and a portion of the roadway is temporarily removed to allow construction of the ductbank in the slope without extending past the right of way limits for benching, the traffic impacts and cost of this construction method are substantially greater than the proposed installation. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement, or disruption to the existing guardrail system.

NPT DIS 183628 Campton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 2201+84 to 2203+00± of the NPT WBR3 Underground Alignment. (See Exhibit A.) Due to limited ROW space outside the pavement and behind the existing guardrail, construction outside the guardrail is not feasible because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement or disruption to the existing guardrail system.

NPT DIS 183623 Campton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for (i) two highway crossings; and (ii) the alignment of a portion of the cable trench in the pavement on US 3, Daniel Webster Highway from station 2207+00 to 2218+00 of the NPT WBR3 Underground Alignment. (See Exhibit A.) Due to limited ROW space outside the pavement beyond the guardrail, existing distribution poles, and drainage headwalls on the east side, construction outside the guardrail on the east side is not practicable. Therefore, crossing to the west side of US 3 in this area minimizes the impact to the highway and traffic.

NPT DIS 183612 Campton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 2266+50 to 2320+00 of the NPT WBR3 Underground Alignment and the associated splice enclosures at STA 2282+00± and STA 2300+00. (See Exhibit A.) Due to limited space beyond the existing guardrail and steep slopes, construction outside the pavement or beyond the guardrail is not feasible. NPT does not have the necessary property rights to construct outside the NHDOT ROW. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement or disruption to the existing guardrail system. The attached exhibits have been provided to demonstrate that construction beyond the guardrail would require work beyond the NHDOT ROW.

NPT DIS 183580 Campton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 047 entry and exit pits relative to the existing Route 3 pavement limits. HDD 047 extends from approximately STA 2358+59 to 2365+54, and is required to allow installation of the duct below a box culvert and small stream. This location involves two separate bores. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, both of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183561 Campton

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 048 entry and exit pits relative to the existing Route 3 pavement limits. HDD 048 extends from approximately STA 2373+55 to 2384+52, and is required to allow installation of the duct below Bog Brook. This location involves two separate bores, which are located below the east side of Route 3. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, one of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183552 Campton

Technical Discussion of Justification of Exception

The roadway alignment at this location is constrained by a stone wall on the east side of US 3 with a building structure behind the stone wall. The building impinges on the NHDOT ROW. Relocation or removal of the wall would be an undue adverse impact upon the landowner. Consequently, construction is not practicable outside the paved area in this 175-foot stretch. In addition, this exception will avoid relocating two existing utility distribution poles which would likely require buying rights outside the ROW.

We evaluated placing the cable trench alignment along the west side of US 3, opposite the stone wall. However, this move would result in a greater disturbance to the paved area, as two additional highway crossing are required. Although in the pavement, the proposed location provides the least impact to pavement and traffic. As noted, it also has the least impact on abutters. Finally, NPT deemed the cost of an HDD prohibitively expensive for a 175-foot section.

NPT DIS 183541

Splice Enclosure in Pavement

In addition, our exception request in the area includes a splice enclosure in the pavement on US 3, Daniel Webster Highway at station 2431+00± of the NPT WBR3 underground alignment section. The proposed location of the splice enclosure is set back 5 foot from the existing guardrail. The splice enclosure cannot be moved closer to the ROW limits because of the need for construction workspace and the alignment necessary with the ductbank.

NPT DIS 183524

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 2467+75 to 2474+25 of the NPT WBR3 Underground Alignment. (See Exhibit A.) Due to the bridge abutments at the I-93 underpass, NPT must be within the paved area of US 3 in order to cross under I-93. In addition, due to limited ROW space outside the pavement immediately to the south of the existing I-93 highway overpass caused by existing utilities in this area, construction outside the pavement is not practicable. The proposed alignment is located beneath the pavement at a 5-foot offset from the bridge abutments and existing sewer manhole to avoid future conflicts with repairs or replacement.

NPT DIS 183581

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 49 entry and exit pits relative to the existing Route 3 pavement limits. HDD 049 extends from approximately STA 2499+71 to STA 2511+65, and is required to allow installation of the duct below Tenney Mountain Highway (Route 3A). This location involves two separate bores. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, both of the entry pits and both of the exit pits must be in the paved roadway.

NPT DIS 183509

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 050 entry and exit pits relative to the existing Route 3 pavement limits. HDD 050 extends from approximately STA 2512+59 to STA 2522+60, and is required to allow installation of the duct below the Baker River. This location involves two separate bores, which are located on the east side of Route 3. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, both of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183499

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on NH 116 from station 706+50 to 708+00 of the NPT SHEB Underground Alignment.

The alignment is constrained by the limited space between the edge of pavement and the limits of the NHDOT ROW on the western side of NH 116 just south of the highway crossing. The ROW on the western side is further constrained by utility pole further south and generally has less available space than the eastern side.

NPT DIS 183495 Easton

Technical Discussion of Justification of Exception

HDD Alignment Passing Under Pavement

From approximately Station 686+55 to 701+52, one or both of the bore paths is located beneath the pavement, as shown in drawings SHEB022-1 & 2 attached. The distance between the edge of pavement and the ROW (plan distance) varies between approximately 20 feet and 25 feet on either side of the road. With two (2) bores spaced at 20 feet, an offset of 5 feet from the ROW it is not possible to avoid drilling beneath the pavement at this location.

NPT DIS 183486 Easton (ROW here undetermined 710 rod section.) #134

Summary of Justification for Exception

NPT is requesting an exception from the Utility Accommodation Manual (UAM) guidelines regarding the location of an HDD 021 entry pit relative to the existing NH 116 pavement limits. HDD 021 extends from approximately STA 677+90 to 685+36, and is required to allow installation of the duct below Slide Brook. This location involves two separate bores. The HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, one of the entry pits must be in the paved roadway.

NPT DIS 183477 Easton #131

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on NH 116, Easton Road from station 656+25 to 669+75 of the NPT SHEB Underground Alignment.

Due to limited ROW space outside the pavement in several locations, construction outside the paved area is not practicable because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property. The proposed alignment is located beneath the pavement where sufficient space is not available to construct the duct bank beyond the pavement. Where possible the proposed alignment will be re-routed to maximize the amount of duct bank installed outside the pavement.

In addition, our exception request in this area includes a splice enclosure in the pavement at station 656+50. The proposed location of the splice enclosure is set back from edge of the ROW to allow for the needed construction work space. (See Exhibit B.)

Splice Enclosure in Pavement

To construct the splice enclosure, a minimum 10-foot work area is required on all sides. At the location of this splice enclosure, the narrow ROW prohibits construction outside the pavement within the ROW.

The location of each splice enclosure along the alignment is constrained by the maximum cable reel length of 2,100 feet. The limited ROW width constraining the enclosure's location extends over 2,100 feet in this area. This distance will require that a splice enclosure be located within the pavement in this section.

NPT evaluated options for moving the splice enclosures to the opposite side of the road (west) and along the alignment, but the same space constraints exist on both sides of the road.

NPT DIS 183470 Easton #130

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on NH 116, Easton Road from station 637+75 to 638+75 of the NPT SHEB Underground Alignment.

Due to an existing building located partially within the ROW, construction outside the paved area is not practicable due to the limited space between the edge of pavement and the building. The proposed alignment is located beneath the pavement at a 5-foot offset from the building to avoid future conflicts with repairs or replacement.

Technical Discussion of Justification of Exception

The roadway alignment at this location is constrained by an existing building on the eastern side of NH 116 (Easton Road). Relocating the building to provide sufficient area to construct the duct outside the paved area is not practicable.

NPT also evaluated placing the cable trench alignment on the western side of the road in this area, however there is not sufficient space between the edge of pavement and the NHDOT ROW limits to construct the duct bank outside of the pavement on the western side. In addition, the western side of the road is constrained by wetlands adjacent to the road. Moving to the western side would also require two road crossings. NPT submits the impacts of moving to the western side of the road greatly outweigh any benefits to the highway or traffic.

NPT DIS 183467 Easton, #129, Farrell's barn

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 020 entry pits relative to the existing NH 116 pavement limits. HDD 020 extends from approximately 622+06 to 631+04, and is required to allow installation of the duct below Ham Branch Brook. This location involves two separate bores. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the space constraints at this location, one of the entry pits must be in the paved roadway.

There is not sufficient clear space at the entry location to keep both pits off the paved roadway. The distance between the edge of pavement and edge of ROW is approximately 16 feet (less than the required 30 feet).

NPT DIS 183458 Easton #125

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 016 entry pits relative to the existing Route 116 pavement limits. HDD 016 extends from approximately STA 514+46 to 523+97, and is required to allow installation of the ducts below a box culvert containing Kendall Brook. This location involves two separate bores. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, the proposed location of one of the entry pits is in the paved roadway.

NPT DIS 183422 Easton #117

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 014 entry and exit pits relative to the existing NH 116 pavement limits. HDD 014 extends from approximately 434+95 to 441+44, and is required to allow installation of the duct below a 72" culvert. This location involves two separate bores. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, one of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183405 Franconia #114

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on NH 116 (Easton Road) from approximately station 298+20 to 311+50 of the NPT SHEB Underground Alignment. (See Exhibit A.)

Due to limited ROW space outside the pavement and beyond existing utility poles and drainage structures, construction outside the paved area is not possible because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property.

From 308+50 to 311+00, the proposed alignment is in the pavement because relocating two utility poles to provide sufficient area to construct the duct bank off the roadway would require rights for the installation of guys and anchors on private property outside the NHDOT ROW.

NPT DIS 183400 Franconia #110

Summary of Justification for Exception

NPT is requesting an exception from the Utility Accommodation Manual (UAM) guidelines regarding the location of the Microtunnel (MT) 013 entry (launching) and exit (receiving) shafts relative to the existing NH 116/NH 18 pavement limits. MT 013 extends from approximately 293+79 to 298+20, and is required to allow installation of the duct below the Gale River. An HDD installation is not feasible here due to the limitations of the ductbank geometry alignment at this roadway intersection.

This installation involves a single, 36-inch diameter microtunnel. The microtunneling machine will be launched from an entry shaft, and retrieved from an exit shaft. Given the dimensions of the shafts, the need to maintain separation between the shafts and microtunnel from the edge of the ROW, and the limited space available off the paved roadway at this location, both of the shafts must be in the paved roadway.

NPT DIS 183392 Franconia # 108, "Micro" tunnel.

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on NH 18/NH 116, from approximately station 279+75 to 284+70 of the NPT SHEB Underground Alignment.

Due to limited ROW space outside the pavement and beyond the existing utility poles, construction outside the paved area is not practicable because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property. The proposed alignment is located beneath the pavement at a 5-foot offset from the utility poles to avoid future conflicts with pole repairs or replacement.

NPT DIS 183384 Franconia #106

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 012 entry and exit pits relative to the existing NH 18/NH 116 pavement limits. HDD 012 extends from approximately STA 272+25 to 277+73, and is required to allow installation of the duct below a brook flowing into the Gale River. This location involves two separate bores. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, one of the entry pits and both of the exit pits must be in the paved roadway.

NPT DIS 183375 Franconia #104

Technical Discussion of Justification of Exception

The roadway alignment at this location is constrained on both sides of the road. On the eastern side of NH 18/116, the ROW is narrow and space is further limited by two utility poles. These poles are located close to the edge of the ROW and moving them further from the edge of pavement would require the installation of guying that would extend past the edge of the ROW, which would require additional rights on private property outside the NHDOT ROW. On the western side of the road, wetlands and a stream are located in the narrow portion of the ROW outside the paved area.

NPT DIS 183372 Sugar Hill #103

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines to allow the location of the HDD 011 bore paths beneath the NH 18/NH 116 pavement. The HDD bore paths will have no impact on the NHDOT structural box. HDD 011 extends from approximately STA 205+79 to 213+66, and is required to allow installation of the duct below Indian Creek. This location involves two separate bores.

Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available, one of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183364 Sugar Hill #102

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 010 entry and exit pits relative to the existing NH 18/NH 116 pavement limits. HDD 010 extends from approximately STA 157+18 to 164+31, and is required to allow installation of the duct below two 30" CMP culverts. This location involves two separate bores. Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, one of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183355 Bethlehem #101

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on Route 302, Main Street from station 21+80 to 34+00 of the NPT ROCK Underground Alignment. (See Exhibit A). Due to limited ROW space outside the pavement and beyond the existing utilities and the location of stone walls, construction outside the paved area is not practicable because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property.

NPT DIS 183339 Bethlehem #97

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on Highway 18/116, Franconia Road from station 151+00 to 151+25 and from station 153+25 to 156+50 of the NPT ROCK Underground Alignment. (See Exhibit A.) Due to limited ROW space outside the pavement and beyond the utility poles, construction outside the paved area is not practicable at this locations because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property.

NPT DIS #183350 Bethlehem # 100

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines to allow the location of the HDD 011 bore paths beneath the NH 18/NH 116 pavement. The HDD bore paths will have no impact on the NHDOT structural box. HDD 011 extends from approximately STA 205+79 to 213+66, and is required to allow installation of the duct below Indian Creek. This location involves two separate bores.

Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available, one of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183364 Bethlehem #102

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 2698+00 to 2701+00± of the NPT WBR3 Underground Alignment, sheet WBR3 C243.

Due to limited ROW space outside the pavement and beyond the existing guardrail, construction outside the guardrail is not possible because NPT does not have the necessary property rights to construct outside the NHDOT ROW. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement or disruption to the existing guardrail system.

NPT DIS 183272 WBR #1

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 052 entry pits relative to the existing Route 3 pavement limits. HDD 052 extends from approximate station STA 2667+60 to STA 2678+58, and is required to allow installation of the duct below Glove Hollow Brook. This installation involves two separate bores, which are shown crossing below Route 3 from east (HDD entry) to west (HDD exit). An HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, one of the entry pits must be in the paved roadway. In response to comments received from NHDOT, NPT was able to keep both exit pits out of the paved area.

NPT DIS 183283 WBR #3

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 2531+00 to 2575+20 of the NPT WBR3 underground alignment section, sheets WBR3 C223 to C229 and the splice enclosure at STA 2561+80. Due to limited ROW space and conflicts with terrain, slope and existing utilities/drainage structures, construction outside the pavement is not possible. NPT does not have the necessary property rights to construct outside the NHDOT ROW. The proposed alignment is located beneath the pavement at a 5-foot offset from existing utilities to avoid future conflicts with repairs or replacement or disruption to the existing utilities.

NPT DIS 183323 WBR3 #7

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines regarding the location of the HDD 051 entry and exit pits relative to the existing Route 3 pavement limits. HDD 051 extends from approximately STA 2581+07 to STA 2587+85, and is required to allow installation of the duct below a box culvert and small stream. This location involves two separate bores, which are shown crossing below Route 3 from east (HDD entry) to west (HDD exit). Each HDD installation requires two entry pits and two exit pits. Given the dimensions of the pits, the need to maintain separation between the two bores and separation from the edge of ROW, and the limited space available off the paved roadway at this location, one of the entry pits and one of the exit pits must be in the paved roadway.

NPT DIS 183315 WBR3 #6

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from station 2590+50 to 2611+50 of the NPT WBR3 Underground Alignment. Due to limited ROW space outside the pavement and beyond the existing guardrail, construction outside the guardrail is not possible because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement or disruption to the existing guardrail system.

NPT DIS 183309 WBR #5

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 2619+00 to 2657+75 of the NPT WBR3 underground alignment section, sheets WBR3 C234 to C238. Due to limited ROW space outside the pavement and beyond the existing guardrail, construction outside the guardrail is not possible because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property. The proposed alignment is located beneath the pavement at a 5 foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement or disruption to the existing guardrail system. Also, there are railroad tracks and a stone wall on the eastern side of the ROW, which prohibit construction behind the guardrail.

NPT DIS 183292 WBR3 #4

Summary of Justification for Exception

NPT is requesting an exception from the UAM guidelines for the location of the cable trench in the pavement on US 3, Daniel Webster Highway from STA 2688+00 to 2690+25± of the NPT WBR3 Underground Alignment, sheet WBR3C242. Due to limited ROW space outside the pavement and beyond the existing guardrail, construction outside the guardrail is not possible because NPT does not have the necessary property rights to construct outside the NHDOT ROW on private property. The proposed alignment is located beneath the pavement at a 5-foot offset from the guardrail consistent with NHDOT's request to avoid future conflicts with guardrail repairs or replacement or disruption to the existing guardrail system.

NPT DIS 183279 WBR3 #2

58 requests for exemptions (from DOT's Utility Accommodation Manual rule that buried infrastructure be at the edge of the ROW) because NPT lacks necessary ROW width for construction that complies with this condition.

Length of exemption requests not included in this collection. They vary from tens to hundred of feet.

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Town of Easton
1060 Easton Valley Road
Easton, NH 03580

<http://townofeastonnh.org/>

Exhibit C

Commissioner Victoria Sheehan
New Hampshire Department of Transportation
John O. Morton Building
PO Box 483 | 7 Hazen Drive
Concord, New Hampshire 03302

July 17, 2017

Dear Commissioner Sheehan,

The Easton Selectboard requests that you enact RSA 228:35 (following) for the roads conditionally permitted by the New Hampshire Department of Transportation for use as burial corridors by the Northern Pass Project.

"Reestablishment of Highway Boundaries. – Whenever in the opinion of the commissioner the boundary lines, limits, or location of any class I or class II highway, or any part thereof, shall have become lost, uncertain, or doubtful, he may reestablish the same as, in his opinion, they were originally established. He shall give in hand to, or send by registered mail to the last known address of, all persons claiming ownership of or interest in the land adjoining such reestablished highway and to the owners of property within the limits thereof, and file with the town clerk of the town in which the highway is located, and with the secretary of state, maps showing the boundary lines, limits, or location of such reestablished highway and such lines, boundaries, limits and location as reestablished shall be the lines, boundaries, limits and location of such highway. Any person aggrieved by the reestablishment of such lines, boundaries, limits and location may petition for the assessment of damages to the superior court in the county where the reestablished highway is located within 60 days from the date of filing of such maps with the secretary of state, and not thereafter, and the court shall assess the damages, if any, by jury, provided such reestablished lines, boundaries, limits or location are not the same as originally established. The commissioner shall pay from the funds of his department all expenses incurred hereunder and the amount of final judgment and costs."

The Easton Select Board bases our request on the following excerpts from the Northern Pass application and statements of record:

On October 16, 2015 Northern Pass LLC submitted a permit application to New Hampshire Department of Transportation requesting permission to bury two HVDC transmission cables with appurtenances under state easement roads.

"UNDERGROUND INSTALLATIONS IN PUBLIC HIGHWAYS

NPT proposes three distinct sections of underground installation within public highways. The two most northerly underground installations cover approximately 8 miles from just north of the Connecticut River crossing at the Pittsburg-Clarksville town line to Bear Rock Road in Stewartstown.

These two northerly underground proposals utilize both state and municipal maintained highways. The designs employ a mix of trench and trenchless construction. Trenchless construction techniques will be used where appropriate to address significant highway, environmental, historic and terrain features, as noted on the attached plans.

The first northerly underground section passes underneath Old Canaan Road just north of the Connecticut River. From that location, the transmission line will be drilled in bedrock below U.S. Rt. 3 to land on the southerly side of the River, where it returns above ground after leaving the highway right of way and proceeds southeasterly.

The transmission line returns underground to follow state maintained Rt. 145 before traversing along municipally maintained Old County Road/North Hill Road to the Bear Rock Road intersection. Remaining underground, the facility will follow the state maintained portion of Bear Rock Road east to a point near Guy Placy Road where Bear Rock Road becomes municipally maintained

The third proposed underground section traverses the White Mountain National Forest region for approximately 52 miles from Bethlehem, through Sugar Hill, Franconia, Easton, Woodstock and down to Bridgewater utilizing state maintained highways. For convenience this is referred to as the WMNF section. As mentioned, the proposed underground route begins in Bethlehem where an existing power line intersects with the Rt. 302 right of way, proceeds westerly along Rt. 302 to Rt. 18 and turns south on Rt. 18 to Franconia. It then follows Rt. 116 through Easton to the intersection with Rt. 112 in Woodstock. The alignment then turns east along Rt. 112 to the intersection with Rt. 3 in Woodstock before turning south along Rt. 3 to Bridgewater"

In this application, Northern Pass sought a blanket exception from the requirements of the DOT Utility Accommodation Manual that all lines be buried at the edge of the ROW easement rather than under the pavement. One of their reasons for this exception was the unknown width of the road in several locations:

"DOT Excavation Permit #4: Route 145 (aka Old County Road), Clarksville, District. 1.

The Clarksville portion of Rt. 145 has no recorded layout and dates back to around 1828. It is therefore considered a prescriptive highway. Without a specific right of way width, locating the NPT proposal outside of the travelled way and beyond the disturbed ditch lines is legally problematic. This is especially so since existing utilities, notably distribution lines, occupy much of the roadside and greatly complicate the installation of the underground transmission line.

Furthermore, the Rt. 145 roadside contains several residences, stonewalls, fences and heavy tree cover just beyond the shoulder and ditch lines. A few steep roadside grades and wet areas are present as well. Construction of the underground transmission line in this area outside of the disturbed area would result in significant and likely unacceptable impacts due to these characteristics." (Emphasis and bold added.)

"The relevant portion of Rt. 302 in Bethlehem has no defined right of way width. The pertinent portion of Rt. 18 from the Rt. 302 intersection in Bethlehem to the intersection of Rt. 116 in Franconia was originally laid out in the 1800s, as a 4 rod layout. In practicality, however, it is a narrow, rural two lane highway. Dense mature woods and old stone walls line the roadway through most of Sugar Hill." (Emphasis and bold added.)

(Above, the Applicant failed to mention the 1871 layout that reduced portions of Route 18 to two and three rods.)

"The overwhelming length of Rt. 116 from Franconia to the Rt. 112 intersection dates to an 1833 four rod (66') layout. However, the layout has significant gaps in description and is not well defined. Ancient layout issues

aside, the road is a narrow two lane highway with modest traffic. Numerous wetlands, historic resources, water courses and ponds sporadically adorn the roadside. Mature trees crowd much of its length. Stonewalls and existing utilities occupy the land just past the ditch lines and shoulders.” (Emphasis and bold added.)

(The applicant failed to mention the 1839 layout of Route 116 in Franconia at 3 rods.)

“Extending south from the center of Woodstock, Rt. 3 has a long established presence in the communities it serves. This importance is reflected in a relatively densely built roadside with numerous residences, institutions and businesses crowding the right of way along its length.

Innumerable signs, landscaping, trees, curbs, parking spaces, walls and fences lie just beyond the travelled surface. A variety of water courses and rivers weave across and along the highway. Attempting to construct a utility of this nature outside the disturbed area of the roadway is highly problematic.”

Above, while noting on-the-ground evidence for a ROW width, the Applicant fails to state what the ROW widths are for Route 3.

On November 3, 2016 the Easton Conservation Commission sent a letter to DOT and others making known the issue of undefined width on Route 116 and the Applicant’s trespass while doing archaeological surveys.

On April 3, 2017 DOT issued a provisional permit to the Applicant for burial of their transmission lines under the aforementioned roads. Condition #4, p. 3 was:

“4. The Applicant shall provide a certified survey report delineating means and methods of determining the right of way shown on the plans. The report shall include notations on all records and plans used and the monumentation held to control the right-of-way lines. The report will be certified by the Licensed Land Surveyor in charge that the right-of-way lines shown on the submitted plans are accurate locations defined by ground survey and all pertinent research.”

On April 12, 2017 Meridian Surveyors submitted to B.L. Companies a survey of the ROW of the Applicant’s proposed route from Bridgewater to North Woodstock, which covered 25 miles of the proposed 52 miles of burial. This survey stated:

“BL Co Project Approach documentation noted that “...there will be many sections which simply cannot be certified as accurate” and Meridian’s Notable Approach Points / Conditions included the comment; “ROW sideline determination accuracy is to be variable per previous correspondence”. The BL Co Project Approach also noted that “The resulting understood accuracy of the sidelines will be labeled/noted on the Base Survey Plan in order that specific areas of concern can be further determined if there is a need during the design phase.”

“Right of Way Determination:

As per the contract documents, Meridian depicted three line types to indicate the accuracy confidence level of for the Right of Way sidelines, which are on their own separate drawing layers.

1) Bold Solid for Determined:

This line type remains un-used at this time.

We expected that there would be specific sections of ROW where a full determination would be requested, which would require additional research, fieldwork and LLS evaluation.

We have not received any requests for this level of effort.”

This survey was submitted by the Applicants to DOT along with another survey by B.L. Companies of the route from North Woodstock to Bethlehem which showed private property lines and hypothetical connections between the same.

On April 20, 2017 Kris Pastoriza sent 52 pages of road width documentation for the Bethlehem to Woodstock section of the proposed burial route to Applicant and DOT. This included maps, original road layouts from the Oscar Jewell compilations at the New Hampshire Archives, layouts from local town records, property deeds referencing roads and locations mentioned in the road layout deeds, photographs and on-the-ground documentation.

At issue here is a private project proposing to use public roads for a highly invasive project. Its size and length are unprecedented in New Hampshire and the majority of road abutters do not know what the road width is, and therefore are unable to defend their property rights, when they even know that there is an issue of unknown width. Likely many people assume that when the State took over these roads they set a standard ROW width, which is not true. Abutters and travelers have a right to a clear determination of road widths, yet what is being proposed is a permit of a project which has not provided adequate proof of ROW widths. Even with all the relevant information in hand, some roads on the proposed route were laid out without the width of the road being specified, so there is inescapable uncertainty about the road boundaries.

We respectfully request a response as soon as possible, meaning a week, since the New Hampshire Site Evaluation adjudicatory hearings start again in a matter of days, and Easton and other intervening town and parties have been for several years severely hampered in participating fully in the SEC process by your Departments failure to enact RSA 228:35 as circumstances so clearly require you to do.

Sincerely,

Easton Selectboard

Ned Cutler, Chair

Zhenye Mei

Bob Thibault

Tel:
(603) 823-8017

Fax:
(603) 823-7780



Town of Easton
1060 Easton Valley Road
Easton, NH 03580

<http://townofeastonnh.org/>

Commissioner Victoria Sheehan
New Hampshire Department of Transportation
John O. Morton Building
PO Box 483 | 7 Hazen Drive
Concord, New Hampshire 03302

July 31, 2017

Re: Easton Selectboard Letter, dated July 17, 2017
regarding RSA 228:35

Dear Commissioner Sheehan,

Please accept this letter as a firm endorsement and concurrence of the recent correspondence, dated July 17, 2017, sent by the Selectboard of Easton, New Hampshire to your attention.

In furtherance of the above referenced letter, the Franconia Board of Selectmen requests that you enforce RSA 228:35 (following) for the roads conditionally permitted by the New Hampshire Department of Transportation for use as burial corridors by the Northern Pass Project.

"Reestablishment of Highway Boundaries. – *Whenever in the opinion of the commissioner the boundary lines, limits, or location of any class I or class II highway, or any part thereof, shall have become lost, uncertain, or doubtful, he may reestablish the same as, in his opinion, they were originally established. He shall give in hand to, or send by registered mail to the last known address of, all persons claiming ownership of or interest in the land adjoining such reestablished highway and to the owners of property within the limits thereof, and file with the town clerk of the town in which the highway is located, and with the secretary of state, maps showing the boundary lines, limits, or location of such reestablished highway and such lines, boundaries, limits and location as reestablished shall be the lines, boundaries, limits and location of such highway. Any person aggrieved by the reestablishment of such lines, boundaries, limits and location may petition for the assessment of damages to the superior court in the county where the reestablished highway is located within 60 days from the date of filing of such maps with the secretary of state, and not thereafter, and the court shall assess the damages, if any, by jury, provided such reestablished lines, boundaries, limits or location are not the same as originally established. The commissioner shall pay from the funds of his department all expenses incurred hereunder and the amount of final judgment and costs."*

The Franconia Board of Selectmen bases its request on the following excerpts from the Northern Pass application and statements of record:

On October 16, 2015, Northern Pass LLC submitted a permit application to the New Hampshire Department of Transportation requesting permission to bury two HVDC transmission cables with appurtenances under state easement roads.

"UNDERGROUND INSTALLATIONS IN PUBLIC HIGHWAYS

NPT proposes three distinct sections of underground installation within public highways. The two most northerly underground installations cover approximately 8 miles from just north of the Connecticut River crossing at the Pittsburg-Clarksville town line to Bear Rock Road in Stewartstown.

These two northerly underground proposals utilize both state and municipal maintained highways. The designs employ a mix of trench and trenchless construction. Trenchless construction techniques will be used where appropriate to address significant highway, environmental, historic and terrain features, as noted on the attached plans.

The first northerly underground section passes underneath Old Canaan Road just north of the Connecticut River. From that location, the transmission line will be drilled in bedrock below U.S. Rt. 3 to land on the southerly side of the River, where it returns above ground after leaving the highway right of way and proceeds southeasterly.

The transmission line returns underground to follow state maintained Rt. 145 before traversing along municipally maintained Old County Road/North Hill Road to the Bear Rock Road intersection. Remaining underground, the facility will follow the state maintained portion of Bear Rock Road east to a point near Guy Placy Road where Bear Rock Road becomes municipally maintained

The third proposed underground section traverses the White Mountain National Forest region for approximately 52 miles from Bethlehem, through Sugar Hill, Franconia, Easton, Woodstock and down to Bridgewater utilizing state maintained highways. For convenience this is referred to as the WMNF section. As mentioned, the proposed underground route begins in Bethlehem where an existing power line intersects with the Rt. 302 right of way, proceeds westerly along Rt. 302 to Rt. 18 and turns south on Rt. 18 to Franconia. It then follows Rt. 116 through Easton to the intersection with Rt. 112 in Woodstock. The alignment then turns east along Rt. 112 to the intersection with Rt. 3 in Woodstock before turning south along Rt. 3 to Bridgewater"

In this application, Northern Pass sought a blanket exception from the requirements of the DOT Utility Accommodation Manual that all lines be buried at the edge of the ROW easement rather than under the pavement. One of their reasons for this exception was the unknown width of the road in several locations:

"DOT Excavation Permit #4: Route 145 (aka Old County Road), Clarksville, District. 1.

***The Clarksville portion of Rt. 145 has no recorded layout and dates back to around 1828. It is therefore considered a prescriptive highway. Without a specific right of way width, locating the NPT proposal outside of the travelled way and beyond the disturbed ditch lines is legally problematic.** This is especially so since existing utilities, notably distribution lines, occupy much of the roadside and greatly complicate the installation of the underground transmission line.*

Furthermore, the Rt. 145 roadside contains several residences, stonewalls, fences and heavy tree cover just beyond the shoulder and ditch lines. A few steep roadside grades and wet areas are present as well. Construction of the underground transmission line in this area outside of the disturbed area would result in significant and likely unacceptable impacts due to these characteristics." (Emphasis and bold added.)

***"The relevant portion of Rt. 302 in Bethlehem has no defined right of way width. The pertinent portion of Rt. 18 from the Rt. 302 intersection in Bethlehem to the intersection of Rt. 116 in Franconia was originally laid out in the 1800s, as a 4 rod layout. In practicality, however, it is a narrow, rural two lane highway. Dense mature woods and old stone walls line the roadway through most of Sugar Hill."** (Emphasis and bold added.)*

(Above, the Applicant failed to mention the 1871 layout that reduced portions of Route 18 to two and three rods.)

*"The overwhelming length of Rt. 116 from Franconia to the Rt. 112 intersection dates to an 1833 four rod (66') layout. **However, the layout has significant gaps in description and is not well defined.** Ancient layout issues aside, the road is a narrow two lane highway with modest traffic. Numerous wetlands, historic resources, water courses and ponds sporadically adorn the roadside. Mature trees crowd much of its length. Stonewalls and existing utilities occupy the land just past the ditch lines and shoulders." (Emphasis and bold added.)*

(The applicant failed to mention the 1839 layout of Route 116 in Franconia at 3 rods.)

"Extending south from the center of Woodstock, Rt. 3 has a long established presence in the communities it serves. This importance is reflected in a relatively densely built roadside with numerous residences, institutions and businesses crowding the right of way along its length.

Innumerable signs, landscaping, trees, curbs, parking spaces, walls and fences lie just beyond the travelled surface. A variety of water courses and rivers weave across and along the highway. Attempting to construct a utility of this nature outside the disturbed area of the roadway is highly problematic."

Above, while noting on-the-ground evidence for a ROW width, the Applicant fails to state what the ROW widths are for Route 3.

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In conclusion, the participation of Franconia and other intervening towns and parties has been profoundly compromised in the SEC process by your Department's failure to enforce RSA 228:35. Therefore, the Franconia Board of Selectmen respectfully requests a determination, pursuant to RSA 228:35, by the Department of Transportation in light of the ongoing New Hampshire SEC adjudicatory hearings.

Sincerely,

Franconia Board of Selectmen

Eric L. Meth, Chair

Bernadette Costa

Jill Brewer

Deputy Commissioner
New Hampshire Department of Transportation
PO Box 483, 7 Hazen Drive
Concord, New Hampshire, 03302
(603) 271-1484

*Exhibit D
(two pages)*

Undergrounding Utilities

From:	Mike Pillsbury
To:	cwbouchard@aol.com
CC:	Christopher Clement (Commissioner)
Sent time:	17 Jan, 2014 7:16:06 PM

Representative Bouchard,

I understand there is an unsubstantiated rumor that promotes the belief that burying the Northern Pass transmission line within State owned right of way would generate revenue of \$80 million. I can find no basis for this claim. There was an email string (see attached) that was forwarded to me in 2012 that states "annual revenue from NH state property taxes is around \$80 million a year". If they are referencing the State Utility Property Tax, I offer the following:

- RSA 83-F Utility Property Tax: a tax is imposed upon the value of utility property at the rate of \$6.60 on each \$1,000 of such value.
- According to the 2013 CAFR revenue from the Utility Property Tax was \$33.1 million in FY12 and \$33.2 million in FY13
- By comparison the 2013 CAFR shows that the revenue from the Property Tax Retained Locally was \$363.1 million in FY12 and \$363.7 in FY13

If there is a belief that the \$80 million will be generated through leasing/renting space within the State owned right of way, I offer the following (which is provided in greater detail in the attached document):

- There are two types of rights of way – Easement and Fee Ownership:
 - o Easement ROW's restrict use to the construction, maintenance and operation of the roadway. The underlying property is owned by the adjacent property owners.
 - o Fee Ownership ROW's are often referred to as Limited Access Rights of Ways (LAROW) and are owned in fee and title by the NHDOT.
 - o The vast majority of State roads are on easement ROWs
 - The only corridors where NHDOT owns the land in fee are I-89, I-93, I-95, and NH 101
 - Turnpike corridors are also owned in fee and include the FE Everett and Spaulding Turnpikes
 - RSA 231:160 states "telegraph, television, telephone, electric light and electric power poles and structures and underground conduits and cables, with their respective attachments and appurtenances may be erected, installed and maintained in any public highways..."
 - o To comply with this law, the NHDOT now accommodates utilities within the State's ROW, however they are there by sufferance, which means the utility company is responsible to relocate their utility at their expense if needed for road or bridge work.
 - § The State may choose to grant a conditional easement within a LAROW to a utility which could generate revenue. However the conditions could impact the amount of potential revenue and/or risk to the State
 - Allowing a property right to be associated with the utility lease/easement would mean the State would bear the cost of any future relocation costs of that utility
 - Requiring the utility firm to be responsible for all future relocation costs will lessen the annual revenue
 - o Ex. Turnpikes only receives \$25,000 per year for methane gas transmission line (aka UNH line), which runs 5.4 miles in Turnpike ROW. The low amount recognizes the utility company's responsibility for any relocation costs.

Please let me know if you need additional information or need clarification on any of this.

Good luck,
Mike

Michael P. Pillsbury, P.E.