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Subject: NPT application incomplete
Date: Tuesday, January 17, 2017 11:59:48 AM
Attachments: [image.png](#)

Dear Mr. Roth,

I respectfully request that you file a motion on behalf of the public for the application of NPT to be dismissed as incomplete.

There is new information not included in the original application. These are the "discovery" documents that should have been part of the original application: The road specs submitted by the applicant to DOT make it clear that not only does the applicant failed to provide proof of possession of a route as required by the SEC, their DOT submission is technically incomplete, with lack of a usable scale, lack of plans for remediation of contaminated soils, lack of laydown areas, lack of plans for protection of archaeological and cultural resources (including the road itself), to name a few. Your expert witnesses confirm the technical inadequacies of this portion of the application.

The applicant has not provided proof of claimed road easement widths, legal or technical ability to build within those widths, or rights in or over municipal roads. It is the responsibility of the SEC not to accept an incomplete application. It is not the responsibility of those threatened with encroachment and trespass to use their savings, if they have any, to go to court to prove the route is illegal (and therefore the application is incomplete.)

Sabbow described the application as 'a pig in a poke', an expression even more apt when one realizes this means dog meat.

As it stands now, any applicant with the funds to do so can use the SEC to pin down proposed

project "hosts" for years of...-ing, an activity which the SEC has shown no inclination to put a stop to.

Latest road specs submitted by the applicant to do not show "(6)(a)" or "(6)(b)"

"Site 310 (c) Each application shall contain the following information with respect to the site of the proposed energy facility and alternative locations the applicant considers available for the proposed facility:...

(6) Evidence that the applicant has a current right, an option, or other legal basis to acquire the right, to construct, operate, and maintain the facility on, over, or under the site, in the form of:

a. Ownership, ground lease, **easement, or other contractual right or interest;**

b. A license, permit, easement, or other permission from a federal, state, or local government agency, or an application for such a license, permit, easement, or other permission from a state governmental agency that is included with the application;..."

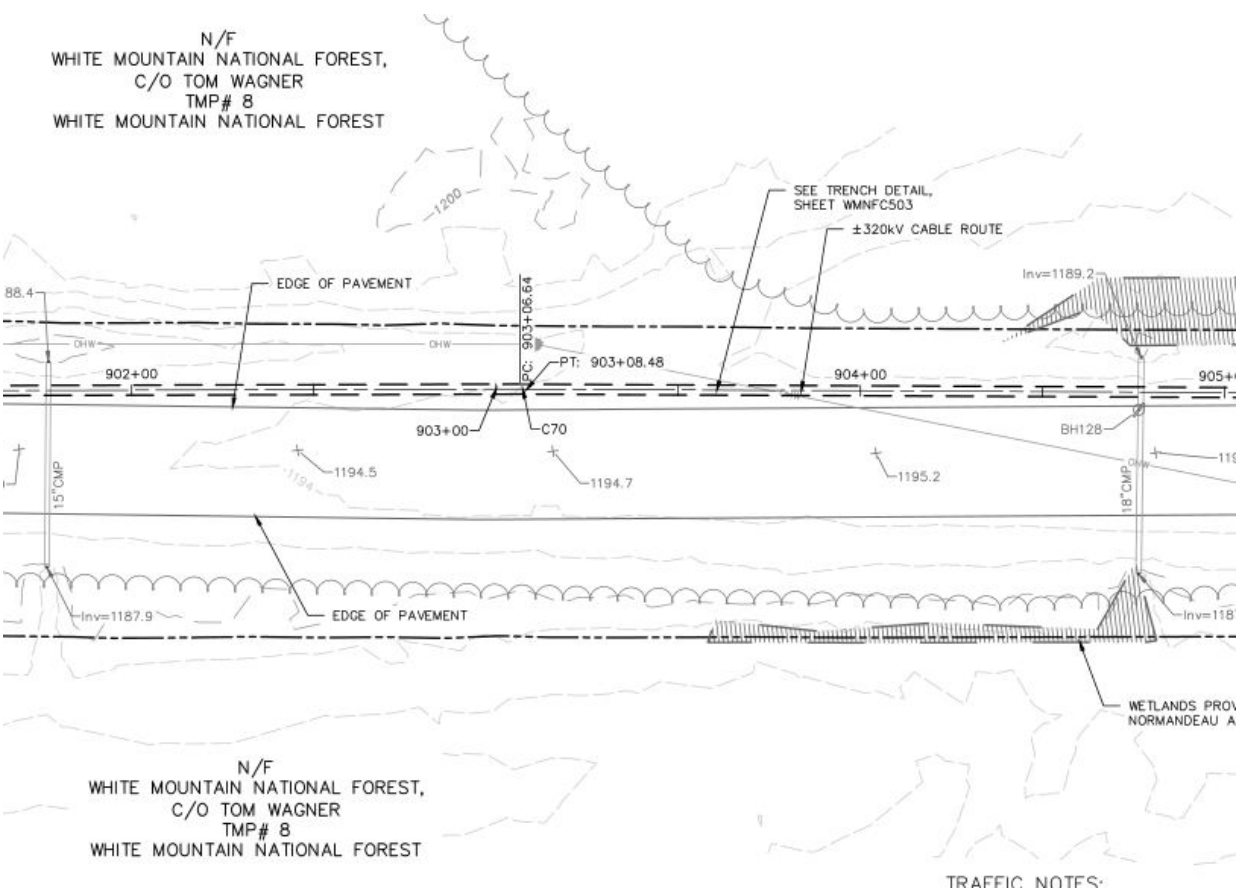
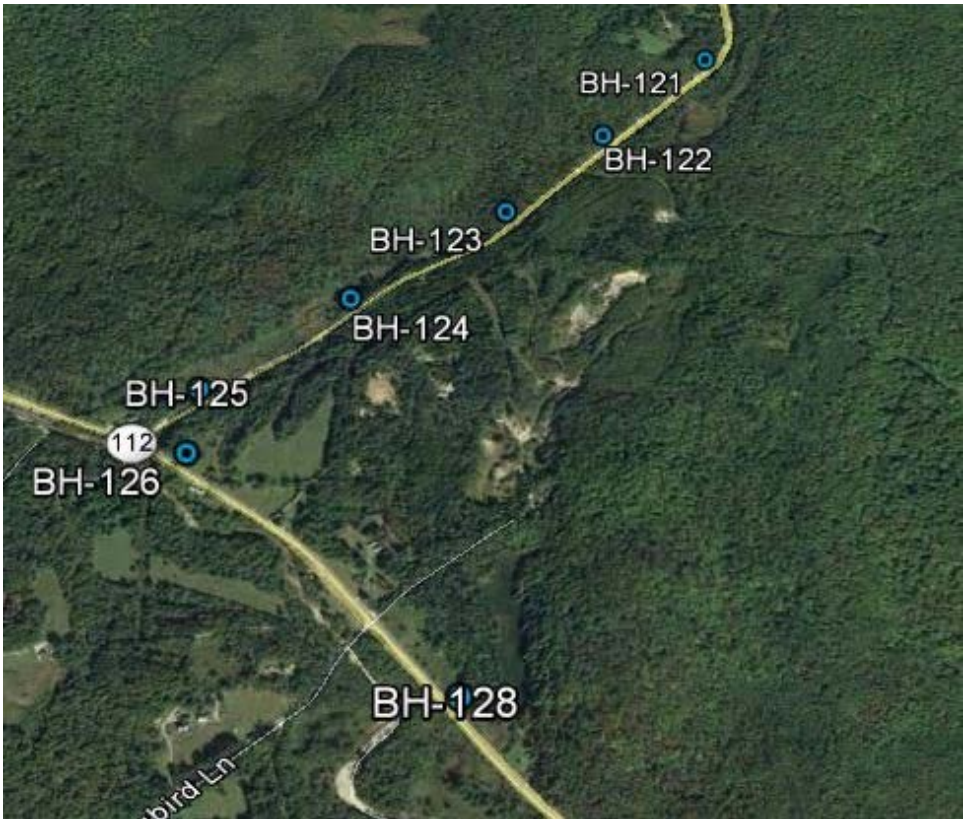
In addition:

"A significant area of concern with underground lines relates to environmental issues. Not only are the issues complex, but the solutions are not typically simple or easily addressed. There is an increased risk of exposure to pre-existing contamination, as a multitude of potential contaminants are being found in underlying ground water, like dry cleaning solvents or petroleum products. The soil itself can also harbor some of these same chemicals, as well as other contaminants like lead, arsenic, pesticides and/or buried building materials such as asbestos. Prospective owners of right of way would find it in their best interest to consider adjusting their standard protocols to include Phase I environmental inspections for all underground lines."

<https://www.irwaonline.org/eweb/upload/0109a.pdf>

Already geotechnical boring has shown several areas of hydrocarbon contamination in Franconia and Easton. The geotechnical teams stopped boring almost every hole that encountered hydrocarbons. This is standard protocol. This information has not been addressed by the applicant, and the areas on contamination are not shown on the specs submitted to DOT. No plans for remediation have been submitted. This information must be part of the application.

In Easton, hydrocarbons were noted at holes 122, 125, 126 and 128, indicating a pollution plume. Borehole 128 is in WMNF. (The Google Earth map is wrong. Tunnel Brook Road is labeled Hummingbird Lane.)



Road specs show no information about contamination at borehole 128, right next to wetlands in WMNF. (The borehole is on the far right middle, near the vertical line.)

Easton is a rural area with no commercial zoning. Franconia also showed hydrocarbons in geotechnical boring along Main Street, right next to the Gale River.

Geotechnical boring for tower foundations hasn't even begun, and presumably existing-poles-to-be-removed locations may be contaminated with creosote and pentachlorophenol.

There appears to be a failure of coordination/communication between DOT, DES, NHDHR, WMNF, towns targeted for "hosting" the proposed route, the applicant and the SEC.