

3 Jan 2017

TO: Pam Monroe, NH SEC

CC: Attorney Steven Whitley

FROM: Kate Hartnett, Deerfield

RE: Typos corrected in NPT: Prefiled Testimony on Environment, by Kate Hartnett for Deerfield Conservation Commission (DCC), 29 Dec 16

Thank you for your advice today.

Attached is a corrected pdf copy of my 30 Dec 2016 Prefiled Testimony, with three typos corrected, and one date added, as follows:

- P. 1, para 2, line 5: comma changed to period: "... expanded substation. And residents familiar..."
- P. 2, second line: add "t" to change "complain" to "complaint"
- P.3, example 9, line 6: add "s" to change "invasive" to "invasives"
- P. 4, Attachment 4: add date of letter "(4 Aug 2016)"

Thank you.

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

Docket No. 2015-06

**Joint Application of Northern Pass Transmission, LLC
and Public Service Company of New Hampshire
d/b/a Eversource Energy for a Certificate of Site and Facility**

**PREFILED DIRECT TESTIMONY OF KATE HARTNETT ON BEHALF OF THE
PLANNING BOARD AND CONSERVATION COMMISSION FOR
THE TOWN OF DEERFIELD**

December 30, 2016

Background and Qualifications

Q. Please state your name and address.

A. My name is Kate Hartnett. My address is 40 Thurston Pond, Deerfield, NH 03037.

Q. In your previous Prefiled Testimony, were there any errors in your Background and Qualifications section to correct?

A. Yes. This prefiled testimony more accurately describes my official capacities for the town and professional background and experience. I've made minor corrections to my history of local board involvement, title of my undergraduate degree, name of my undergraduate university, and clarifying my past work on the Mt. Washington Auto Road.

Q. Please describe your official capacities for the Town of Deerfield?

A. I have served the Town for 30 years. I have been a member of the Conservation Commission since 1987 and the Planning Board since 1991 and have served as Vice Chair on the Planning Board for the last 10 years.

Q. What is your professional background and experience?

A. I have 44 years' experience in natural resource management, conservation and planning. I earned my Bachelor's Degree in "The Growth and Structure of Cities" (history of urbanization) at Bryn Mawr College in Pennsylvania and obtained my M.A. at Columbia University in New York City in Urban Geography and Natural Resource Management. I am a geographer. My most recent work history includes acting as a mountain guide at the Mount Washington Auto Road, summer and winter, and managing the Jordan Institute, a non-profit in

1 Concord, New Hampshire, which specialized in promoting practices for integrated design and
2 development through efficient energy use and land use. Previously in New Hampshire, I
3 managed the NH Comparative Risk Project, and worked as a contractor at NHDES on
4 establishing ground water protection programs.

5 **Purpose of Testimony**

6 **Q. What is the purpose of this prefiled direct testimony?**

7 A. My testimony is being presented on behalf of the Planning Board and
8 Conservation Commission for the Town of Deerfield.

9 **Q. Is the Planning Board and the Conservation Commission concerned that the**
10 **Northern Pass Project will not serve the public interest due to the impact on natural**
11 **resources within the Town of Deerfield?**

12 A. Yes. The Planning Board and the Conservation Commission for the Town of
13 Deerfield have concerns about this project's impact on the natural resources in town. As
14 currently proposed, the project will not serve the public interest due to the impact on natural
15 resources within the town. For further information, please see my attached report.

16 **Q. Does this end your testimony?**

17 A. Yes.

The Deerfield Conservation Commission (DCC) is comprised experienced members, who have backgrounds in natural sciences and resource protection. DCC reviewed additional research, review of work by other local volunteers with backgrounds in civil engineering, construction, and project management, and considered the NHSEC Rules Site 301.07 Effects on Environment. DCC therefore respectfully requests additional consideration of the following points, not addressed in our November 2016 submission:

Data in the Northern Pass Transmission (NPT) 2015 application, along with additional documentation by experts hired by NPT, is extensive. The information has documented significant water quality, shoreland, and wetlands environmental impacts that cause environmental damage over the entire 192 miles of NPT Right of Way (ROW), and new stations, or in Deerfield's case, expanded substation, And residents familiar with the local landscape believe there will be more damage, and harm, because NPT's consistent track record demonstrates those outcomes.

The results of previous and current field activities by PSNH/NPT just in Deerfield have been documented in:

- correspondence by Lampreys Rivers Advisory Committee (2015-2016)
- previous Deerfield submissions (2015-16),
- Field practices and results at the Deerfield Substation (Late 2016)

Other communities have provided ample evidence of similar experiences.

In the September-November 2016 Technical Sessions, NPT staff and experts essentially summarized their views as "no big deal; everything we do is covered by standard practices. Trust us. " DCC has reviewed objectively the promises and performance of NPT since 2011. In summary, DCC has no confidence that NPT will follow its promises, given that NPT clearly and consistently has failed to meet the requirements of Federal and New Hampshire environmental laws and Site Evaluation Committee (SEC) rules.

NPT, consistently, over years, has by its actions failed to carry its burden of proof. The larger issue is that the oversight and practices described by local communities throughout the SEC process are exactly what has been happening for years.

Below are three recent examples, from Deerfield only, that illustrate this point:

- 1) SUBSTATION WORK, LATE 2016: As asserted in previous documents in 2015-16, the DCC and the Deerfield Planning Board have seen once again the gap between promises and practices during the recent geotechnical boring and clearing at the substation. Despite unequivocal language in the US Army Corps of Engineers and NHDES wetland applications promising otherwise (*highlighted excerpt attached #1*), no timber or brush mats nor straw wattles and similar erosion controls were installed, despite work occurring during the Fall and early winter, when significant rains are likely. Also evident is that equipment was causing splash over, so speeds had to be lowered. Those required measures were deployed and practices revised only at the end of the work, and after complaint by Mr. Page, with no enforcement, follow-up, or penalty by NHDES (see *highlighted excerpt #2 attached* of 15 Nov 16 email exchange between Normandeau's Lee Carbonneau and NHDES's Craig

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Rennie). [NOTE: The full application has multiple sections detailing practices that were never followed, or used only after complain—see “20 Questions” section as an example]. A summary and details of local resident Jim Page’s field report, with photos and emails documenting extensive soil rutting, wetland filling, absence of BMPs, is *attached #3*.

- 2) **FRAGMENTATION OR OTHER ALTERATION OF TERRESTRIAL OR AQUATIC SIGNIFICANT HABITAT RESOURCES BY SECONDARY IMPACTS FROM UNCONTROLLED ACCESS:** In an exchange with Lamprey Rivers Advisory Committee (LRAC) reps in July and August 2016 (*attached #4*), Normandeau asserted that NPT has no responsibility for addressing the environmentally destructive uncontrolled access in their ROW, including by such uses as All-Terrain Vehicles (ATV) and Off Highway Recreational Vehicles (OHRV). There is a consistent record of ongoing secondary impacts to wetlands, soils, terrestrial and aquatic natural communities and wildlife in the PSNH/NPT ROW. So, any efforts that are undertaken to prevent erosion, manage storm water, and protect soils during construction will be pointless unless subsequent uncontrolled access is permanently prevented throughout life of the project, with active and consistent enforcement. Given the facts, that is extremely to completely unlikely to happen, which means that water quality and terrestrial and aquatic habitats and associated natural communities in and near the ROW will be permanently harmed .
- 3) **GAP BETWEEN ENVIRONMENTAL OVERSIGHT AND FIELD CONTRACTOR ACTIONS:** Examples (1) and (2) illustrate the evident and consistent disconnect between environmental oversight and management and contractor actions. As was blatantly obvious during the extensive and very helpful Sep-Nov 2016 SEC Technical Session discussions, Normandeau is constrained by the complexity and structure of NPT project management. The permit conditions, field delineations, and BMPs recommended by environmental staff are effective only when such requirements are followed, consistently, during construction and operations/maintenance (O & M) work, by field crews committed to exceeding the standards. Every example we have seen to date demonstrates the opposite cycle.
- 4) **PROJECT APPROACH AND SCALE PREVENT EFFECTIVE OVERSIGHT BY NHDES STAFF:** As is shown in examples (1)-(3), publicly funded NHDES staff do not have the capacity to permit, oversee, ensure compliance, and follow-up on violations of a project of this scale. As a result, protected resources of the natural environment will be degraded, and many permanently harmed.

Other likely environmental harms addressed by SEC rules include:

- 5) **THREATS TO EXEMPLARY NATURAL COMMUNITIES SUCH AS TOP QUALITY VERNAL POOLS and SIGNIFICANT WILDLIFE SPECIES OF CONSERVATION CONCERN:** A highest quality vernal pool exists just east of Thurston Pond Road in Deerfield. Normandeau identified it as one of the top three in the entire 190+ mile corridor. As further example of the disconnect between the work of environmental staff and the NPT design process, NPT proposes to completely cover that identified highest quality pool for years. That, plus the extensive construction work in the immediate vicinity will ensure total

destruction. To further illustrate the ecological integrity and value of that natural community, in June 2016, a Species of Conservation Concern, the Smooth Green Snake, was documented in the easement adjacent to that vernal pool. If NPT is approved, DCC strongly insists that NHDES, SEC, et al. ensure that NPT adjusts the plans and work to completely avoid and fully protect that exemplary natural community (not just the pool itself).

- 6) LESS FROZEN GROUND AND FROZEN WATERS, MORE MUD and MORE DEEP SOILS
IMPACT: Last winter, the ground did not freeze in New Hampshire. There was a mud season essentially all winter. During that time, DCC observed a local forestry operation that used tracked and wheeled equipment much smaller than NPT will use. The forester and loggers employed all BMPs, used timber mats proactively, and installed water bars and straw cover. Despite every effort, the work substantially disrupted, and in several spots destroyed, soil structure by bringing subsoils to the surface. That was on a single 100-acre project. NPT cannot assert that there will be “no permanent impact to deep soils” by this project. Especially given the increasing variability and instability of temperatures and seasons in NH that make waiting for frozen ground and frozen water bodies unfeasible, and in fact impossible.
- 7) BIRD COLLISIONS: Wild bird collisions with transmission lines and towers exist and are well documented both in the literature and in the field. In just two recent telephone conversations on the issue, an NH Audubon expert recounted seeing a bittern killed by lines, and a Deerfield resident described seeing a Great Blue Heron collide with lines, be electrocuted, and die. In addition, SEC/NPT have received a letter from Catherine Greenleaf of the St. Francis Wild Bird Hospital in Lyme, NH (14 Dec 2015) confirming such occurrences. National data confirm her experience (see *Public Library of Science PLoS One* 2014:9(7) e101565, published online 3 Jul 2014). Higher towers and lines only will increase those incidents.
- 8) STRESS ON SIGNIFICANT BAT POPULATION: Data indicate that there is a significant presence of bats in Deerfield. Given the near extirpation by White Nose Syndrome and other stressors, such recovering colonies will not benefit from further multi-year disruption by NPT activities.
- 9) EXPANDED THREAT TO TERRESTRIAL AND AQUATIC HABITATS BY INVASIVE PLANTS: NPT continues to ignore a significant threat to terrestrial and aquatic habitats by ignoring the growing threat of invasive plants such as Japanese knotweed, *Phragmites*, bittersweet, etc.. NPT field actions have exemplified consistent disregard for recognizing or managing such invasive species. Some NPT staff say they cannot use pesticides, so cannot control invasive in ROW. Other NPT staff say they use BMP's to do so. We heard both answers during the Technical Sessions, and from staff in the field. To date, DCC has not seen any evidence of specific SOPs used to prevent or find and remove invasives in the ROW.
- 10) CLASS VI ROADS—“EXPERT KNOWLEDGE” AND RESIDENT EXPERIENCE: In the 26 Oct 16 Technical Session, Mr. Tinus specifically stated that there are no Class VI roads crossed by NPT south of the North Country. In Deerfield, both the east end of Perry Road and

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- #10994, eff 12-16-15

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- #10994, eff 12-16-15

**Northern Pass Geotechnical Investigations
Project Description and Construction Sequence
Deerfield Substation Expansion Area – Deerfield, NH**

Northern Pass proposes to conduct geotechnical borings at the Deerfield Substation expansion site to examine subsurface soil and geological conditions which are needed for final design of Northern Pass project elements. Boreholes are excavated with a small, tracked drill-rig and pickup truck which access the borehole locations following a path specified on the plans, where appropriate, and pickup trucks may also be needed.. The route for the drill rig was determined by a contractor in the field based on topography and avoidance of potential obstructions such as large trees, boulders, stone walls, and sensitive resources (previously delineated and mapped) such as wetlands and streams. The goal is to provide safe and efficient access while minimizing wetland and stream crossings and removing as little vegetation as possible.

The access path for the drilling equipment will be approximately 15-feet wide and there is a maximum 20-foot radius around each borehole for an equipment work area. Existing access paths in the ROW will be followed as possible to minimize impacts, and this will be mowed. There are several wetlands in the existing ROW that must be crossed to access the work site for most of the borings, one wetland/intermittent stream crossing in the interior of the site which is crossed perpendicular to the stream, and one longer wetland crossing to access infiltration test site INF-605 which avoids a substantial stone wall that blocks an upland route. Any large vegetation in the pathway that must be cut will be cut by hand and the slash will be cross-laid where necessary to protect small streams and any soft areas, although even the wetlands are currently quite dry. The drilling equipment is on tracks, not wheels, and therefore impacts to soil will be minimal.

Each borehole is approximately 6 inches in diameter. Borings require the use of water and in some cases a small amount of polymer. This polymer is routinely used in deep borings as a low volume additive to the drilling wash water to increase viscosity and control fluid loss when drilling open holes in the overburdened soil. The mixture of mostly soil and water with a small amount of polymer is re-introduced back into the bore hole upon completion. The water used during the process is filtered using appropriate BMPs before being discharged back to the environment. The contractors clean up each drilling location when they are done and remove temporary BMPs such as filtration basins and construction mats. The contractors plan to leave cut brush on site, but will remove it from stream crossings. There are no permanent impacts associated with this work. The work is expected to take approximately three weeks or less.

Construction Sequence

- Reflag wetland boundaries along the drilling access route (completed in August 2016);
- Hand cut small trees and brush along the equipment access path and borehole radius (2015 acoustic monitoring indicates no Northern Long-eared Bats are present at the worksite)
- Lay cut brush across wetlands and small streams as needed to prevent soft soil disturbance
- If mowing of the access path is necessary, deploy environmental monitor to walk ahead of mower searching for state-listed turtles and/or snakes (if appropriate based on season) for relocation to a safe, nearby site and mow access route
- Establish other BMPs, if required, including any appropriate silt fence, straw bales, filtration basins, etc. Timber mats will be used if necessary

- Mobilize clean drilling equipment and deploy environmental monitor to walk ahead of drill rig searching for state-listed turtles and/or snakes in the drill rig path (if appropriate based on season) for relocation to a safe, nearby site
- Drill geotechnical borings and record data
- Refill and tamp borehole upon completion
- Remove all equipment and materials and clean up any drilling residue. Remove brush matting from stream crossings
- De-mobilize and clean equipment

From: Rennie, Craig [<mailto:Craig.Rennie@des.nh.gov>] Sent: Nov 15, 2016 9:34 AM
To: Lee Carbonneau Cc: 'Dana Bisbee'

Lee, As discussed, see below email regarding rutting at the Deerfield site. Please address this with the contractor, and make appropriate corrections where necessary.

Thanks, Craig D. Rennie, CWS, CWB, Inland Wetland Supervisor, Land Resources Mgmt, NHDES

From: Lee Carbonneau [<mailto:lcarbonneau@normandeau.com>] Sent: Nov 15, 2016 1:50 PM
To: Rennie, Craig Cc: 'Dana Bisbee'; Labbe, Stephanie (slabbe@ParElectric.com); Jacob Tinus (jtinus@burnsmcd.com); Kevin.McCune@eversource.com
Subject: Deerfield SS - wetland crossing for geotechnical work

Hi Craig – Thank you for contacting me about ruts in the ROW access path associated with the geotechnical work at the Deerfield Substation expansion area. First I will describe what has been done, and then I will tell you what will be done going forward to address this issue.

A Normandeau scientist reflagged wetland boundaries along the existing access road prior to the work, was present while the contractors mowed the access path, and has conducted monitoring during the geotechnical boring work.

Initially, the existing access path through the wetland was very dry, but already rutted (presumably from ORV use). Rubber mats were placed at the wetland crossing, and then a heavy rain occurred, leaving ponded water on the mats. After that rainfall the areas on either side of this location became increasingly rutted. At our direction, additional matting was added (rubber mats and plywood boards). The geologist on site repositioned the mats several times to ensure they cover the areas most affected by equipment crossing to reduce rutting. Straw wattles were also added along the ponded water to confine any sediment to the access road. Equipment speeds were reduced as low as possible to reduce splash into adjacent wetlands and uplands.

Nonetheless, ruts now extend beyond the matted locations (as shown on the photos you sent that were taken on 11/12 by a concerned neighbor). I spoke with the contractor today, and timber mats sufficient to cover the ponded and rutted portions of the access road are being delivered to the project site this afternoon and will be in place by the end of the day.

The wetland will not be crossed again by any of the motorized vehicles on site (which include a small 4-wheel ATV, a tracked drill rig, and a tracked water supply vehicle) until the timber mats are in place. These mats will remain in place until motorized access to the site for geotechnical work is no longer needed. The access road will be fully restored as planned at the conclusion of the geotechnical work and documented as required.

Please contact me with any further questions or concerns. Sincerely, Lee LEE CARBONNEAU,
PWS, NHCWS, Senior Principal Scientist, NORMANDEAU ASSOCIATES, INC.,

Jim Page email, Dec 2016 to DCC

RE: Substation work summary

Kate, it is apparent from photos and viewing the substation area that NPT/Eversource used no BMP prior or during the work. This highly sensitive wetland area should have had a plan in place prior to any work commencing.

There is a clear lack of appropriate management again by NPT/Eversource with regards to the DSS. BMP's needed to protect this area are not being followed. The field conditions show that there really is no plan, and if there were one, that it is clearly not being communicated to contractors working there doing clearing operations. The only wetlands delineation marked was for the boring work. A total disregard was shown in those areas, with steel track grouser equipment traversing these areas at will. No new siltation barriers were placed, with old barriers from prior construction removed and tracked into the ground. Prior wood matting over a natural spring from previous work remains in place. However, new clearing work allowed tracking numerous times on another natural flowing spring with no protection. Tracking through mapped delineated wetlands took place with no protective materials on site provided to the contractor to put in place. Wetland areas were backfilled and destroyed prior to freeze up.

Again several thousand mats laid in the Reed yard a short while ago. Probably 50 to 100 were hauled away after the boring work instead of being utilized by the clearing operation.

No management plan will ever be successful here without NPT/Eversource taking responsibility and stepping up to the plate, showing respect for the people of Deerfield and their precious resources. Where is the BMP for this area and who is responsible?

Thank you, Jim Page

Deerfield Substation Permit Requirements (US Army Corps of Engineers &/or NH DES Wetlands)

NOTE: Information below is synthesized from Wetland Applications, and field presence, emails, and photos provided by local Deerfield resident Jim Page (brief bio last page)

CONTRAST OF NPT PERMIT CONDITIONS AND FIELD PRACTICES (NOV-DEC 2016)

Permit conditions for Geotech Borings	Construction Phase	Field Practices Observed
Use narrow flagged corridors to minimize disturbance of boring rig work	Boring OK, but...	<ul style="list-style-type: none"> Clearing crew made own routes rather than using existing access roads
Minimal wetland disturbance, with no permanent wetland impact	Clearing Boring Clearing	<ul style="list-style-type: none"> Likely wetlands filling beyond narrow permitted access routes Evidence of higher than appropriate equipment speeds increasing splashovers into adjacent wetland, flowing, and ponded areas Photos of destroyed wetland flagging run over by grouser tracks
Follow all BMPs:	Clearing	Apparent lack of any protective measures
<ul style="list-style-type: none"> Timber or brush slash mats across wet areas 	Boring	Only matted last few days of 3 week work, after local complaint
<ul style="list-style-type: none"> Minimize erosion using LID practices 	Boring & Clearing	Tracked vehicles passed through wetlands numerous times/no protective measures. (Mats were installed for last few days of boring after complaint)
<ul style="list-style-type: none"> Silt fencing 		<ul style="list-style-type: none"> None or not maintained Evidence of siltation into adjacent wetlands and ponded waters
<ul style="list-style-type: none"> Manage storm water 		Existing culverts crushed or blocked with debris
<ul style="list-style-type: none"> Prevent contamination from equipment maintenance 	Clearing	<ul style="list-style-type: none"> Crushed discarded moly grease cartridge found on ground
No impact abutting Dowst Cate Town Forest	Clearing Clearing Clearing	<ul style="list-style-type: none"> Interrupt wildlife connectivity Destroy adjacent wetlands Visual impact by eliminating significant area of western forest buffer Increased noise Expanding industrial use immediately adjacent to quiet town forest trail.

Other considerations:

- 1) **PERMITTING CONFUSION:** Application was submitted to NHDES with cover letter requesting expedited review, but application itself indicated standard review. Timetable for DCC response therefore was unclear. Local input needed to clarify status.
- 2) **NO USE OF LOCAL INPUT:** Despite very quick local review and turnaround in face of permit timetable confusion, there is no evidence of review or incorporation of local comments submitted to NHDES by DCC, Planning Board, and an abutter within the shortest window (*15 Sep 16 email to NHDES, attached*).
- 3) **CONSISTENT WITH PREVIOUS NEGATIVE EXPERIENCE:** Deerfield Planning Board and Conservation Commission members recognize that NPT is exempt from any need to follow any local regulations or recommendations. Nevertheless, despite visibility of the NPT project, and recent years of promises otherwise, once again site work has followed consistent previous Deerfield experience of:
 - No evidence of pre application promises in work done
 - Permit conditions not followed in field practices
 - No outreach to abutters other than required generic notices
 - No outreach or coordination with DCC or Planning Board
 - No followup with any local entity
 - No or minimal response to complaints

Additional non-permitted work at the Substation: Clear cutting with brontosaurus around substation, flinging debris and dropping tree tops into wetlands and blocking drainage paths and culverts. Documented in photos.

Associated possible local impacts: 11 April 2016 letter of complaint from NHDES Land Resources Management File # 3195, to Joseph C. Reed Jr (JCR) property off North Road in Deerfield, (Map 210, lot 54) cites reported 2 ½ to 3 acre disturbance without NHDES Alteration of Terrain (AOT) or other proper authorization. No record of AOT permit found on file as of 27 Dec 2016. No subsequent correspondence received by Deerfield Conservation Commission.

Field Update (Dec 2016) from Jim Page: Site is currently used as a construction yard. No proper matting or bridging of wetlands. Severe siltation.

James Page Bio: James Page has been active in the construction industry for 48 years. He has served in the capacity of construction project manager and superintendent on roads, bridges, and interstate highway construction, jacking, tunneling and boring construction, pipelines and underground utility construction, shipyard construction, treatment plants and pumping stations, building construction and transmission line construction 115kv-500kv HVAC and 760 HVDC. He is also licensed in the explosive industry.

ATTACHMENTS: (1) excerpt of NHDES Wetlands Permit; (2) Email chain on Deerfield Permit application processing and Plan Board and DCC comments; (3) Page Photos and Emails

(1) GeoTech Permit received, Confusion on “Expedited,” Clerk Judy Marshall Email 26 Aug 16

“Hi Serita, Kate and Erick: Attached is a DES wetland permit application for geotechnical borings at the substation expansion site at Cate Rd for the NPT project.

The Normandeau letter to DES requests expedited review; however, the application itself indicates it is being submitted for standard review, so no signature is required. Within 14 days of submission of the application to the Town Clerk (8/25/2016) DCC may notify DES that it intends to investigate. The 14 day window to respond will close on 9/8 which is prior to the next meeting, so I have scanned the majority of the application and am sending it in three sections due to its size. I am not able to scan the topo maps and have not scanned the photos, abutter letters (Town, Curry, Bilodeau, Lopes) and other non-essentials. Planning Board should also have received a copy as did the BOS....

A conservation commission has 14 days following the date the application is filed with the municipality to give DES written notification that it intends to investigate the proposed work in which case DES will delay making a decision on the application until it has received a written report from the Conservation Commission or until 40 days from the date of filing with the municipality. DES will then take the commission’s recommendations into consideration in making its determination.

Please let me know if you have any issues opening these and I will send each in a separate email.”

(2) Comment, Phil Bilodeau, PE, email 1 Sep 16

“Folks, Looked over the Wetland Permit Application and offer the following observations:

- The permit application form indicates a “standard” review. The letter to DES Commissioner Burack from NP Robert Clarke requests “expedited” review. Which is it?
- Several borings on the plan do not show the route of access. The area is heavily wooded and a 20 foot circumference work area and access will require some heavy clearing. Page 8 of the application indicates that it will be cleared “by hand”.
- I would suggest that they gain access by alternate routes to these boring sites by choosing paths that do not require any wetlands impact.
- Will there be notice when the borings are to take place so that the Deerfield team can witness to assure they are complying with the conditions of the permit? Page 8 and 9 of the application package expresses that an “environmental monitor” will walk ahead of the drill rig to search and remove any state-listed turtles and/or snakes in the drill rig path. What assurances are in place to guarantee this actually takes place?

I will plan on attending the September 12th CC meeting. Thanks Phil”

(3) Plan Board Comment, Fred McGarry, PE, , email 1 Sep 16

"I took a look at the application and have the following comments:

1. The expedited review requires payment by the applicant of a statutorily prescribed amount to bring the project to the front of the review line.
2. The application is for geotechnical investigations to determine subsurface conditions for the design of foundation for structures in the area of the substation expansion. Also, the information would provide depth to bedrock so that the design can evaluate the amount of bedrock excavation that will be required.
3. The width of the access path is proposed to be 15'. This is a moderate width but not the minimal width. You could argue a minimal width of disturbance could be 12' or 10'. My paved driveway is 12' wide and is sufficient for all vehicles except for a tractor trailer.
4. Similar to comment 3, the area requested to be cleared for the each of the boring sites is 20' radius or 40' diameter. This is more than sufficient for a drill rig and is not the minimal disturbance. A 20' to 30' diameter would be sufficient but maybe a little tight for the drill rig.

I will drop the package off with Peter tomorrow for his comments."

(4) Dfld Plan Bd Chair Pete Schibbelhute, of Schibbelhute Construction, with DCC and Plan Bd mbr Kate Hartnett, 9 Sep 16 telcon w

Pete did very quick review of Normandeau application. He understands that the boring work is preliminary. He is more concerned with what will be built, rather than the testing process for geotechnical input on where to build.

(5) GeoTEch "Expedited Permit" Confusion continues, Clerk Judy Marshall email, 1 Sep 16

I noticed the discrepancy regarding the review. It was my belief that the selection box checked on the application would take precedence. Expedited review also requires that the applicant obtain the DCC signature PRIOR to submitting the application to Town Clerk, which was not done. Refusal of a Conservation Commission to sign (or in this case, the absence of a signature) on the application, simply makes it ineligible for *Expedited Review*. It would follow that the procedure for standard review would then also prevail.

*ONLY EXPEDITED REVIEW requires that CC must sign PRIOR to the applicant submitting the application

*CC MAY REFUSE TO SIGN in which case the application is NOT ELIGIBLE for EXPEDITED REVIEW and the application will be reviewed in the STANDARD REVIEW TIME FRAME.

Deerfield NH Cons Comm Comments on NHDES 2016-02471 Normandeau for Dfld Substation

(6) GeoTech “Expedited Permit” clarified, Bob Cote email, 2 Sep 16

See attached NHDES approval letter of 31 Aug 16, Cote email of 2 Sep, and corrected NHDES approval of 6 Sep 2016.

(7) DCC Comment Intent, Kate Hartnett email and paper copy, 8 Sep 16

Hi Craig. Dfld Cons Commission intends to comment on this application, received by Dfld for Standard Review on 25 Aug 16. Thank you.

nhkate98@gmail.com 40 Thurston Pond Rd Deerfield NH C: [603.717.6304](tel:603.717.6304) T: [603.463.9091](tel:603.463.9091)

Also paper copy mailed to NHDES POB 95 Concord NH 03302-0095 ATTN: Craig Rennie

NOTE: Applicant “Renewable Properties Inc”

(8) Comments at DCC meeting on 12 Sep 16:

Erick Berglund email on 14 Sep 16: Kate, I won't have time check the DES for specific requirements regarding the safeguarding of Blanding's turtles and their habitat. I can only say the statement about this in the application reflects minimum concern for this endangered species. The statement only addresses protection that these animals are not crushed by the construction equipment. I guess wounding them is OK or destroying their nesting sites and feeding areas. I would suggest that environmental monitors check out the potential pathways to the boring sites and the stands around the sites to avoid any of these animals or their habitat. Thanks, Erick

(9) DCC Comments to NHDES on 15 Sep 16:

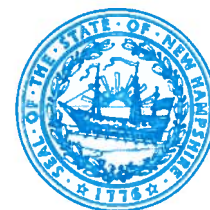
Email copy attached.

ATTACHMENTS:

- 31 Aug 16, NHDES Approved Expedited Permit
- 2 Sep 16, Cote email on permit
- 6 Sep 16, corrected NHDES Approved Expedited Permit
- 15 Sep 16 DCC emailed comments to NHDES



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

August 31, 2016

Robert P. Clarke, Director
Northern Pass Transmission, LLC
PO Box 330
780 North Commercial Street
Manchester, NH 03105

Re: Request for Expedited Review of three Wetland Permit Applications for Geotechnical Investigations on three parcels owned by Eversource in Pittsburg, Bethlehem, and Deerfield, NH

Dear Mr. Clarke:

This is to advise you that your request to expedite the processing of three permit applications for Geotechnical Investigations associated with the Northern Pass Project on three parcels owned by Eversource, one each in Pittsburg, Bethlehem, and Deerfield, has been reviewed. **DES will expedite the processing of these applications, as the proposed project will further an important public interest by promoting economic development and improving environmental conditions and no pending applications will be unreasonably disadvantaged.**

Your application has been assigned to Craig Rennie, Environmentalist IV, DES Land Resources Management Program, for the technical review of the application. Please contact Craig at 271-0676 with any questions.

Sincerely,

Thomas S. Burack
Commissioner

cc: Rene Pelletier, PG, Assistant Director, DES Water Division
Collis Adams, CWS, CPESC, DES Wetlands Bureau Administrator
Craig Rennie, Environmentalist, DES Land Resources Management Program
Lee Carbonneau, Normandeau Associates, Inc.
Kevin McCune, Northern Pass Transmission
Pamela Monroe, Administrator, Site Evaluation Committee
Towns of Bethlehem, Deerfield, and Pittsburg, NH

DES Web Site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3449 Fax: (603) 271-2867 TDD Access: Relay NH 1-800-735-2964

2 Sep 16 email to Chris Pappas

Dear Chris,

I'm not sure who in State of New Hampshire government has responsibility for State agency commissioners, thus this communication to you. I'm extremely concerned about the opinion expressed in the attachment dated August 31, 2016 by NHDES commissioner Thomas Burack regarding the Northern Pass project, in which he expresses the "finding" that the project "will further an important public interest by promoting economic development and improving environmental conditions..."

I am baffled that a State agency representative would represent this prejudicial opinion in the midst of an ongoing State of New Hampshire Site Evaluation Committee project review, in which his department has a key role, and I feel strongly that commissioner Burack should be disqualified from any and all future involvement in the decision-making of the NHDES regarding this project.

Your assistance in determining with whom and how I should proceed with placing a formal complaint regarding this inappropriate bias would be greatly appreciated. Many citizens in NH have valid and serious concerns regarding the proposed Northern Pass project and deserve a completely impartial review by the State agencies that are intended to represent us.

Regards,
Robert J. Cote
P.O. Box 507
Deerfield, NH 03037



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



September 6, 2016

Robert P. Clarke, Director
Northern Pass Transmission, LLC
PO Box 330
780 North Commercial Street
Manchester, NH 03105

Re: **REPLACEMENT AND CORRECTED RESPONSE TO:** Request for Expedited Review of three Wetland Permit Applications for Geotechnical Investigations on three parcels owned by Eversource in Pittsburg, Bethlehem, and Deerfield, NH

Dear Mr. Clarke:

This is to replace and correct my letter to you dated August 31, 2016 in response to your request to expedite the processing of three permit applications for Geotechnical Investigations associated with the Northern Pass Transmission Project on three parcels owned by Eversource, one each in Pittsburg, Bethlehem, and Deerfield. DES will expedite the processing of these applications solely because the investigations are expected to provide information that will aid DES in its review of the wetlands application for the proposed Northern Pass Transmission Project on which DES is under deadline to provide final recommendations to the Site Evaluation Committee.

To be absolutely clear, DES has made no findings whatsoever with respect to the merits of the proposed Northern Pass Transmission Project. The language that appeared in the second sentence of the August 31st letter was "boiler-plate language" that is not applicable to the circumstances involving your request, and was mistakenly included in that letter, which is fully superseded by this corrective replacement letter.

Robert P. Clarke, Director
Northern Pass Transmission, LLC
September 6, 2016
Page 2

Your application has been assigned to Craig Rennie, Environmentalist IV, DES Land Resources Management Program, for the technical review of the application. Please contact Craig at 271-0676 with any questions.

Sincerely,



Thomas S. Burack
Commissioner

cc: Rene Pelletier, PG, Assistant Director, DES Water Division
Collis Adams, CWS, CPESC, DES Wetlands Bureau Administrator
Craig Rennie, Environmentalist, DES Land Resources Management Program
Lee Carbonneau, Normandeau Associates, Inc.
Kevin McCune, Northern Pass Transmission
Pamela Monroe, Administrator, Site Evaluation Committee
Towns of Bethlehem, Deerfield, and Pittsburg, NH



Kate Hartnett <nhkate98@gmail.com>

NHDES 2016-02471 NPT Dfld Substation, DCC comments1 message

Kate Hartnett <nhkate98@gmail.com>

Thu, Sep 15, 2016 at 11:01 AM

To: "Rennie, Craig" <craig.rennie@des.nh.gov>

Cc: DCC Serita Frey <Serita.Frey@unh.edu>, DCC Erick Berglund <erickb@metrocast.net>, Menard Jeanne <Jeanne@paradeproperties.net>, Fred McGarry <mcgarry128@myfairpoint.net>, Dfld PB Pete Schibellhute <PeteSchib@gmail.com>, DCC Judy Marshall <marshallgj@metrocast.net>

Hi Craig. As discussed here is a summary of Dfld comments. Now that the Standard vs Expedited issue is clarified, main comments include:

(1) from Phil:

- Several borings on the plan do not show the route of access. The area is heavily wooded and a 20 foot circumference work area and access will require some heavy clearing. Page 8 of the application indicates that it will be cleared "by hand".
- I would suggest that they gain access by alternate routes to these boring sites by choosing paths that do not require any wetlands impact.
- Will there be notice when the borings are to take place so that the Deerfield team can witness to assure they are complying with the conditions of the permit? Page 8 and 9 of the application package expresses that an "environmental monitor" will walk ahead of the drill rig to search and remove any state-listed turtles and/or snakes in the drill rig path. What assurances are in place to guarantee this actually takes place?

from Fred:

3. The width of the access path is proposed to be 15'. This is a moderate width but not the minimal width. You could argue a minimal width of disturbance could be 12' or 10'. My paved driveway is 12' wide and is sufficient for all vehicles except for a tractor trailer.
4. Similar to comment 3, the area requested to be cleared for the each of the boring sites is 20' radius or 40' diameter. This is more than sufficient for a drill rig and is not the minimal disturbance. A 20' to 30' diameter would be sufficient but maybe a little tight for the drill rig.

from Erick:

regarding the safeguarding of Blanding's turtles and their habitat. ...this in the application reflects minimum concern for this endangered species. The statement only addresses protection that these animals are not crushed by the construction equipment. I guess wounding them is OK or destroying their nesting sites and feeding areas. I would suggest that environmental monitors

check out the potential pathways to the boring sites and the stands around the sites to avoid any of these animals or their habitat.

Thank you for the opportunity to provide input.

--

Kate Hartnett
nhkate98@gmail.com
Deerfield NH
C: [603.717.6304](tel:603.717.6304)
T: [603.463.9091](tel:603.463.9091)



Allcomments summary byKHGeotechSep16.docx
28K

From: James H Page Jr <jpge@metrocast.net>
Date: December 12, 2016 at 9:51:14 PM EST
To: Jeffrey.Blecharczyk@des.nh.gov
Subject: BMP photos from Deerfield Substation

Photo captions by Page #:

- 2) Discarded Moly Grease
- 3) Wetland at NE corner about to be destroyed. C129
- 4) Downed, unmaintained silt fence. C129
- 5) Tops and debris in wetland under the 307
- 6) *No caption*
- 7) More debris in wetlands under the 307
- 8) Wetland at the northeast corner prior to backfilling and destruction. C129 line
- 9) Wetland at northeast corner prior to destruction. C129
- 10) Crushed culvert with flow dammed
- 11) Crushed culvert with flow dammed
- 12) *No caption*
- 13) Buried wetland shown in prior photos under C129
- 14) Delineated wetland under the 391
- 15) Delineated wetland under the 391
- 16) Crushed wetland flagging under the 391
- 17) Delineated wetland under the 391
- 18) Crushed wetland flagging in grouser tracks under the 391
- 19) West corner of substation. Mud hole waiting to flow into other wetlands
- 20) General lack of any protective measures



Kate Hartnett <nhkate98@gmail.com>

Fwd: BMP photos from Deerfield Substation

5 messages

James H Page Jr <jpge@metrocast.net>
To: nhkate98@gmail.com

Mon, Dec 12, 2016 at 9:54 PM

Sent from my iPad

Begin forwarded message:

From: James H Page Jr <jpge@metrocast.net>
Date: December 12, 2016 at 9:51:14 PM EST
To: Jeffrey.Blecharczyk@des.nh.gov
Subject: BMP photos from Deerfield Substation



Discarded Moly Grease



Wetland at NE corner about to be destroyed. C129



Downed, unmaintained silt fence. C129



Tops and debris in wetland under the 307





More debris in wetlands under the 307



Wetland at the northeast corner prior to backfilling and destruction. C129 line



Wetland at northeast corner prior to destruction. C129



Crushed culvert with flow dammed



Crushed culvert with flow dammed





Buried wetland shown in prior photos under C129



Delineated wetland under the 391



Delineated wetland under the 391



Crushed wetland flagging under the 391



Delineated wetland under the 391



Crushed wetland flagging in grouser tracks under the 391



West corner of substation. Mud hole waiting to flow into other wetlands



General lack of any protective measures

Sent from my iPad

Kate Hartnett <nkhate98@gmail.com>

Tue, Dec 13, 2016 at 10:46 AM

To: Dfld PB Pete Schibelhute <PeteSchib@gmail.com>, Dfld P Bd Dave Doran <dave@randomorbits.com>, Fred McGarry <mcgarry128@myfairpoint.net>

Cc: Dfld PBd Jerry Coogan <gicoogan@gmail.com>, Dfld P Bd Jane Boucher <f5fy@aol.com>, Menard Jeanne <Jeanne@paradeproperties.net>, James Page <jpge@metrocast.net>

#7 of 7 recent emails from Jim Page. As noted in first one, I think Plan Bd should review tomorrow night.

Thanks all. And thanks Jim for taking the time to be on site with your experienced eye.

----- Forwarded message -----

From: **James H Page Jr** <jpge@metrocast.net>

[Quoted text hidden]

--

Kate Hartnett
nkhate98@gmail.com



















From: James H Page Jr <jpge@metrocast.net>
Date: December 12, 2016 at 9:15:33 PM EST
To: Jeffrey.Blecharczyk@des.nh.gov
Subject: More "BMP" at Deerfield Substation by NPT/Eversource

Dear Jeffrey,

Over the past two weeks, tree cutting, bush hogging, and brontosaurus work has been proceeding on four sides of the Deerfield Substation.

- On the Northerly corner and easterly side, the flow from the wetland is completely choked with debris and for all practical purposes has been destroyed.
- The outflow corrugated culvert under the access road has been crushed and is no longer viable.
- The wetland flow and runoff washes down the road and has topped the former existing silt barrier left from prior work. The barrier was recently destroyed and removed.
- The wetland at the northeast corner below the C129 line has been buried by heavy equipment and destroyed. Silt and mud have flowed into the wetland.
- Large trees have been cut with the tops left behind in the easterly wetland under the 307 line.

I wrote to you before about the neglect of proper BMP lacking regarding boring work under the 391 line. The wetlands delineated by Normandeau there have been traversed numerous times with heavy track equipment. The ribboned markings for the most part have been ground into the mud.

No attempt was made anywhere to protect the wetlands. No silt barriers, no mats, no proper flagging, no wetland permit or cutting permit posted. It must be in the pocket of the slob who threw his crushed Citgo moly grease cartridge out of his cab next to the wetland.

I would suppose that a meager attempt to mitigate after the fact will be made again. What is up with this and why is it being allowed? Who is overseeing this and not doing their job? The snow has covered it and the cold will temporarily freeze the mess. Please respond.

Thanks, Jim Page

Sent from my iPad

DEERFIELD SUB STATION
James Page was present.

Mr. Page expressed concern regarding work being done by NP/Eversource boring contractors with their tracked vehicles in delineated wetlands. Mr. Page noted that he had taken several photos depicting the wetland crossing and matting consists of 4 diamond aluminum plates, 2 pieces of rubber, and 2 4x 8 pieces of plywood. Less than a mile away contractors have a construction yard that a short while ago had several thousand wood bridging mats and low impact wetland mats. Obviously there is no intention of employing them here.

Mr. Page sent the photos to DES Compliance Jeff Blecharczyk showing no proper wetland protection from the equipment traversing this area. He asked Mr. Blecharczyk to explain why NP Eversource is allowed to disregard Best Management Practice for proper wetlands crossing prior to commencement of work.

- 3 -

Mr. Page advised that extensive cutting has been done and now they went down down the easterly side of the sub station took everything has been removed. He noted that an existing culvert has been crushed and the wetland is literally gone. He said that the area toward Phil Bilodeau's property noting that the area is destroyed. He questioned why no one is overseeing the work being done.

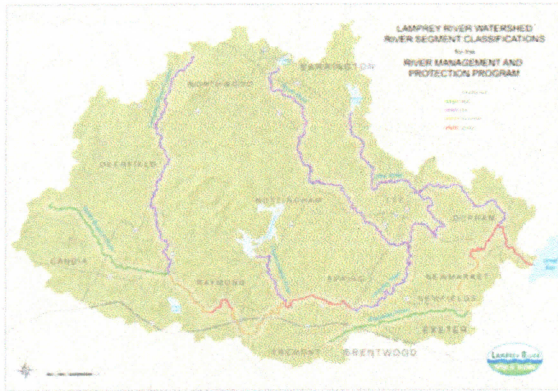
Kate Hartnett advised that she has attended several hearing on environment impact and they said that Normandeau and independent monitors would be on site during any work being done. Best Management Practices would be in place and there would be no erosion or wetland impact.

Mr. Page said that he had been told by DES Jeffrey Blecharczyk of a web site that he could go to to file a complaint.

Kate Hartnett felt that it would be best if Mr. Page filed the complaint noting that the Planning Board does not have the jurisdiction. She noted that the ~~Town~~ Attorney has advised that the Town has until December 30, 2016 to do pre trial testimony. She proposed that she will write something indicating that the Planning Board has been informed, although they realize that they have no jurisdiction, about the work being done.

REPRESENT-
ING THE
TOWN

Fred McGarry asked if the Conservation Commission should also be involved.



**Lamprey Rivers
Advisory Committee**
c/o 203 Wadleigh Falls Road
Lee, NH 03861
www.lampreyriver.org

*Protecting the rivers that connect our fourteen
communities*
Barrington, Brentwood, Candia, Deerfield,
Durham, Epping, Exeter, Fremont, Lee,
Newfields, Newmarket, Northwood,
Nottingham, Raymond

August 4, 2016

Ms. Lee E. Carboneau
As agent for Northern Pass Transmission, LLC
Normandeau Associates, Inc.
25 Nashua Road
Bedford, NH 03110

RE: WETLAND FILE NO. SEC-2-15-02817 - NORTHERN PASS TRANSMISSION PERMIT
APPLICATION - RESPONSE TO NORMANDEAU LETTER OF JULY 18, 2016

Dear Ms. Carboneau;

Thank you for your response to our November 9, 2015 letter regarding the environmental damage we noted on several portions of the Eversource transmission line rights-of-way in Deerfield and our concern that the proposed Northern Pass Project will result in additional damage in the same corridor.

We take note of your representation that approved best management practices were in effect during the construction of prior Eversource transmission line upgrades over the past several years; however, your provision of a construction-period photograph of the access road in the vicinity of Church Street, and the direct comparison with our post-construction photograph of the same area does nothing but support our position that SECONDARY IMPACTS have not been adequately prevented, nor are they likely to be prevented by the plans currently being offered for the Northern Pass.

The secondary impacts in the Deerfield corridor are substantial. One can easily review aerial photos available on Google Maps and see the many wetlands that have been disturbed and the number of streams that have been crossed without bridges. No human development anywhere in Deerfield has more visible, and undesirable, impacts than the Eversource transmission

corridor. Left to worsen following the construction of the Northern Pass, damage done in this corridor could alter the resource values and characteristics for which the Lamprey River was designated under RSA 483; therefore, we insist that you either make proper plans to prevent these secondary impacts, or that you plan to use a less sensitive corridor for your project.

In your letter of July 18, 2016, you state that "Eversource does not have the right to prevent access to private property.....", yet just within Deerfield, we can find places where access FROM THE PUBLIC ROADS has been restricted. One such case is on Nottingham Road directly southwest of the sub-station, where there are gates on both sides of the road. Obviously, there had to be some form of cooperative agreement between the property owner and Eversource to construct those gates and provide both parties with keys, and we contend that it is entirely possible to have similar arrangements elsewhere in Deerfield.

You also stated that ".....the company is not responsible for ATV use or other public access issues in the ROW if owned by others." Quite conversely, we contend that by providing a construction route over wetlands in the first place and then making absolutely no effort to prevent the secondary impacts, you ARE in fact responsible for the damage done by ATVs and other unauthorized users.

Regarding the specifics of damage just to the north of Mountain Road, we take issue with your conclusion that the damage might have been caused by regular ATV use. You noted that this "gravel road" has been in use since at least 1992. We concur that the access has been in use for many years, but observed that it is a grassy slope over naturally occurring glacial drift that was stable and vegetated as late as when we inspected it for your prior permit. There is a gate at the top of the hill which prevents through use by ATVs. Further, there is no continuation of any ATV trail on the other side of Mountain Road. This route serves only as an access to a farm field at the top of the hill. It seems quite likely that the damage was done by crews that were sent in to work on the ground in support of your helicopter mission.

The proponent's position that it bears no responsibility for the secondary impacts that it encouraged through the construction of the access routes and subsequent lack of measures to deter unauthorized use of those corridors following close of construction is unacceptable in this day and age. Every proponent has an obligation to secure the project site and to keep it secure following his or her presence on the site. Foresters routinely install boulders or large logs near the public roadways when they are done with their logging yards. Landfills are fenced off to preclude entry. Mine entrances are sealed. Gravel pits are gated. Old railroad lines have gates or barricades put up after the rails are removed. Mothballed buildings are boarded up and locked. Only the power company's transmission corridors are left with the front door wide open.

Enough!

Very truly yours,


Preston L. Samuel, chair

Project Review Subcommittee

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Photo taken by Normandeau, June 02, 2014



Photo taken by LRLAC 10/29/2015