

Orr&Reno

Douglas L. Patch
dpatch@orr-reno.com
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Admitted in NH and MA

November 26, 2019

Via Email

Pamela Monroe, Administrator
New Hampshire Site Evaluation Committee
c/o New Hampshire Public Utilities Commission
21 South Fruit St., Suite 10
Concord, NH 03301-2429

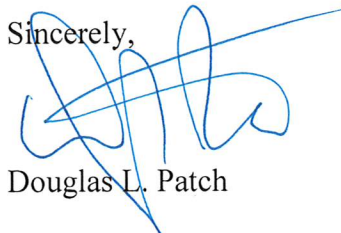
Re: SEC Docket No. 2019-02, Application of Chinook Solar, LLC for a Certificate of Site and Facility for the Construction and Operation of a 30MW Solar Generating Facility in Fitzwilliam, New Hampshire – Response to DES, Potential for Wetlands Impacts

Dear Ms. Monroe:

Chinook Solar, LLC, through its consultants, has been in touch with the Department of Environmental Services (“DES”) regarding potential wetlands impacts which DES identified in connection with their review of the Application submitted to the Site Evaluation Committee and DES in the above-captioned matter. Enclosed is information which we provided to DES in response to those potential impacts.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance.

Sincerely,



Douglas L. Patch

DLP/eac
Enclosures

cc (via email): Service List in SEC Docket 2019-02

2608371_1

November 26, 2019

Craig Rennie, CWS, CWB
sent via e-mail to: Craig.Rennie@des.nh.gov
Inland Wetland Supervisor
Wetlands Bureau, Land Resource Management
Water Division, NH Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095

**Re: Chinook Solar Project, SEC Docket No. 2019-02
Potential for wetland impacts**

Dear Craig:

As discussed on the phone with Dana Valteau on November 21, 2019, I am providing you with written responses to questions you have regarding the potential for wetland impacts and the permitting implications for the Chinook Solar Project, SEC Docket No. 2019-02 (Project).

In your review of the civil design drawings for the Project, “Chinook Solar Project Site Plans, Fitzwilliam, NH October 2, 2019”, filed with the SEC as Appendix 08A and as the Site Plans with the Alteration of Terrain Permit Application for the Project, you noted two potential issues where you would like more information.

1. Wetland spans: There are two wetland crossings that are designed as bridge spans to avoid wetland impacts. These spans have been designed to avoid wetland impacts however you expressed concerns about inadvertent impacts that may occur during construction of these crossings. We plan to address these concerns in two ways:
 - We will review the design of the two crossings to potentially increase the setback from the wetland boundaries for the abutments and footings of each crossing. Site specific erosion and sedimentation controls will also be specified for each crossing.
 - The crossings will be identified as sensitive environmental areas that will require heightened oversight during construction, including environmental monitoring and reporting during the installation.
2. Existing logging roads: There are existing logging roads that previously may have impacted wetlands that are proposed for use as Project access roads.
 - Review of historical mapping and aerial photography determined that at least some of the existing roads on the site were developed as early as the mid-nineteenth century. Review of aerial photography from 1952 indicates that logging was being performed on the site with clearing and access extending into the areas in question. See the attached historic mapping from the SEC application Appendix 14A “Phase IA Archaeological Assessment of the Chinook Solar Project, Town of Fitzwilliam,

Cheshire County, New Hampshire” and 1952 aerial photography where evidence of existing roads and clearing is apparent.

- Consultation with the Army Corps during early 2019 led to a determination of no-jurisdiction by the Army Corps, which is included as Appendix 03 in the SEC application. See attached for the consultation and No Jurisdiction Determination.
- Any improvements to the existing road segments that are directly adjacent to wetlands will not include widening that impacts the adjacent wetland.
- Erosion and sedimentation controls between the existing road segments directly adjacent to wetlands will be assessed and implemented at a site specific basis.
- Existing roads at wetland crossings will be identified as sensitive environmental areas that will require heightened oversight during construction including environmental monitoring and reporting during the installation.

Any revisions required to address these potential issues will be added to the civil design drawings that were submitted with the Application during the review process.

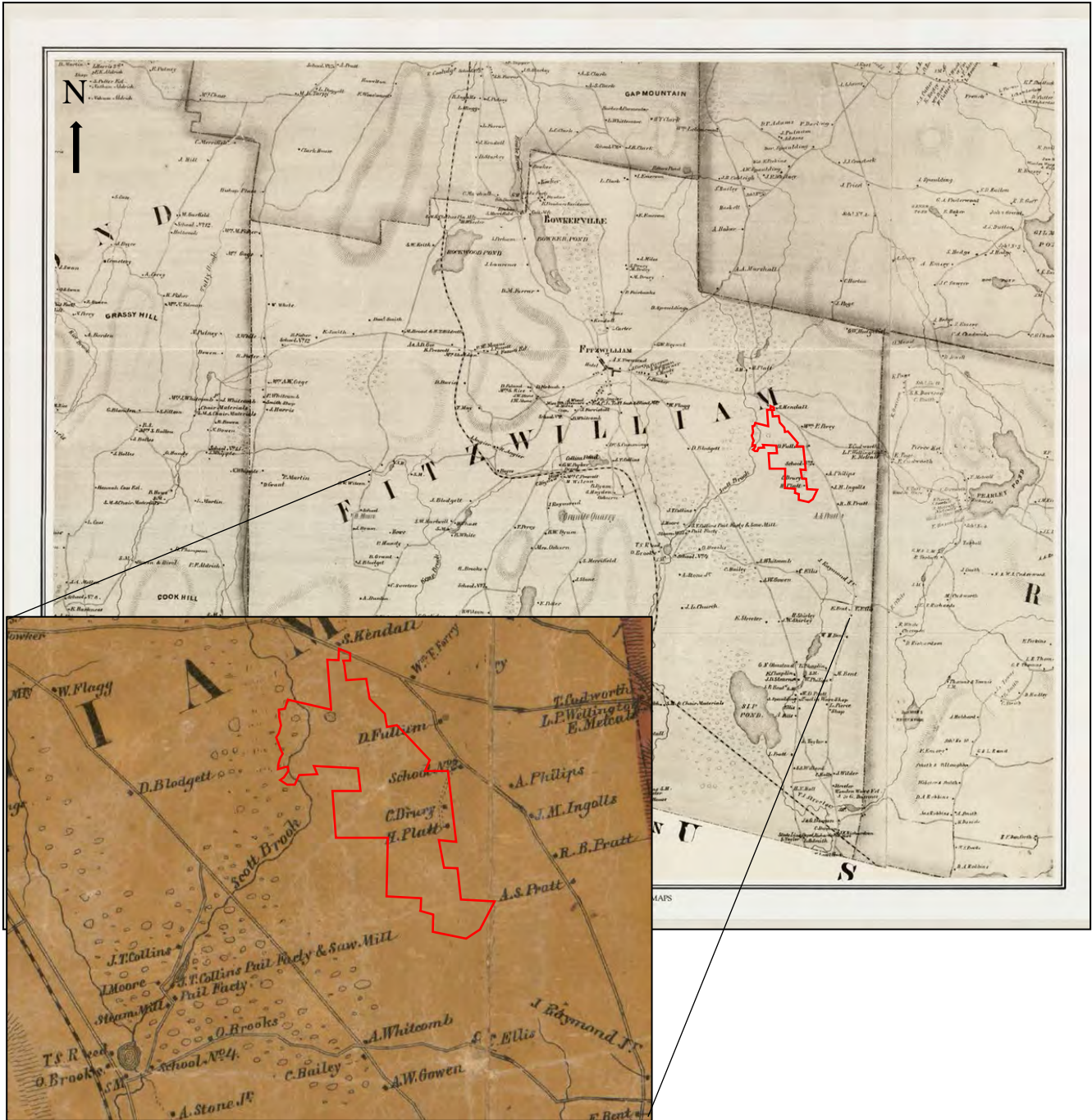
We look forward to continued work with you through the permit review, construction and operation of the Project.

Respectfully,



Heath Barefoot
Project Director

*cc: Ridge Mauck, NHDES Alteration of Terrain Bureau
Pam Monroe, NH Site Evaluation Committee
Isabel Johnson, Environmental Services - NextEra Energy
Doug Patch, Orr & Reno
Dana Valleau, CWB®, Wildlife Biologist/Project Manager - TRC Companies*

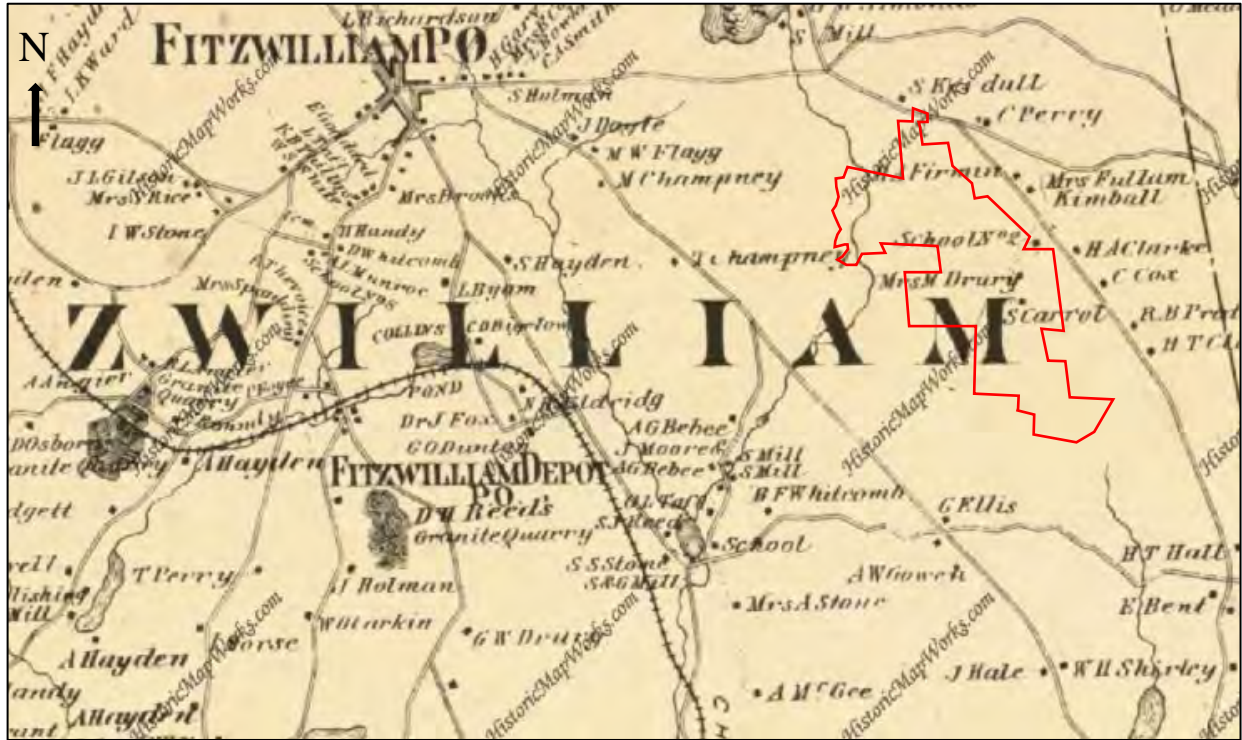


NextEra Energy Resources, LLC
 Chinook Solar Project
 Phase IA Archaeological Assessment

Figure 4. Approximate location of the Project parcel on L. Fagan's 1858 Map of Cheshire County, New Hampshire.



71 Oak Street
 Ellsworth, Maine 04605

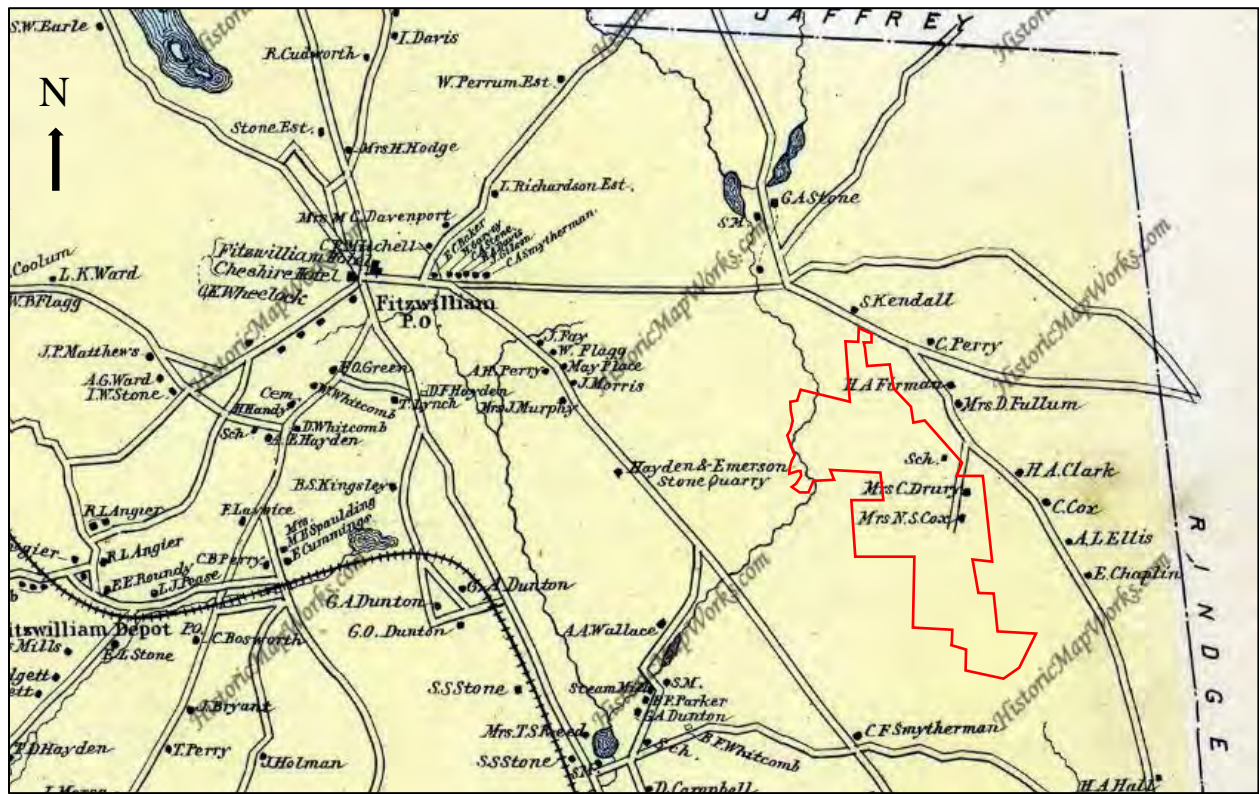


NextEra Energy Resources, LLC
 Chinook Solar Project
 Phase IA Archaeological Assessment

Figure 5. Approximate location of the Project parcel on C. H. Rockwood's 1877 Atlas of Cheshire County, New Hampshire.



71 Oak Street
 Ellsworth, Maine 04605

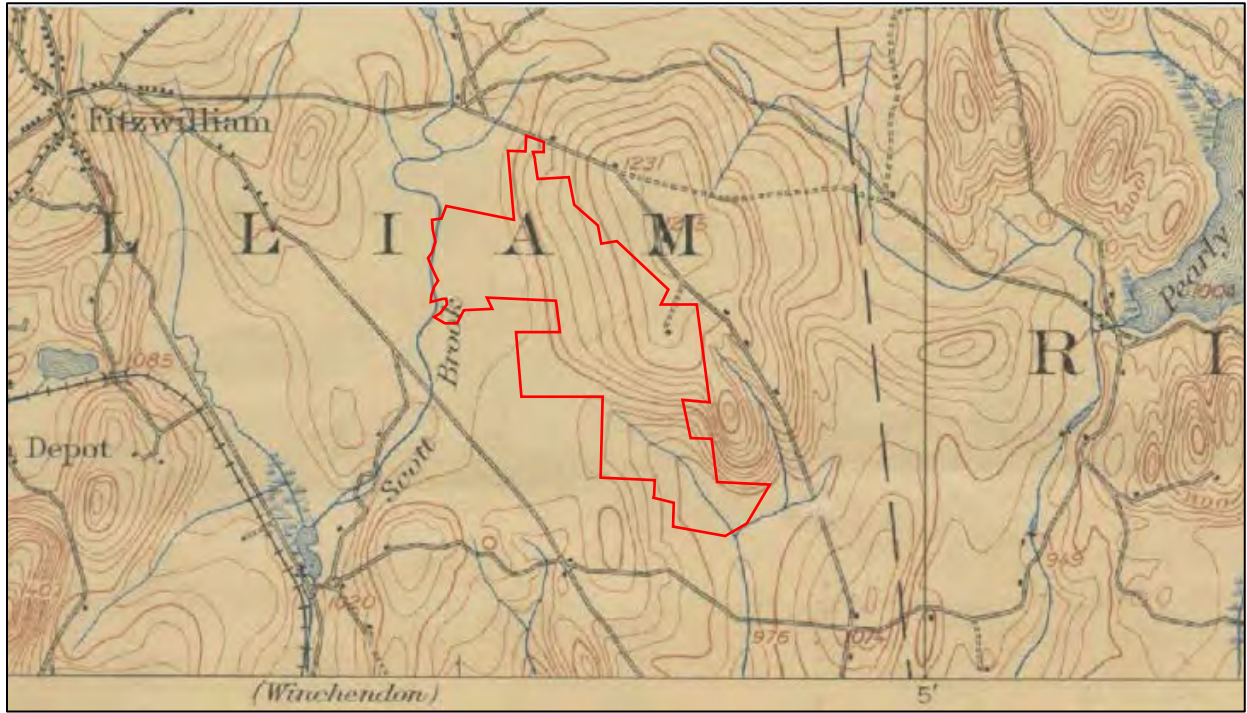


NextEra Energy Resources, LLC
 Chinook Solar Project
 Phase IA Archaeological Assessment

Figure 6. Approximate location of the Project parcel on D. H. Hurd's 1892 *Atlas of the State of New Hampshire*.



71 Oak Street
 Ellsworth, Maine 04605

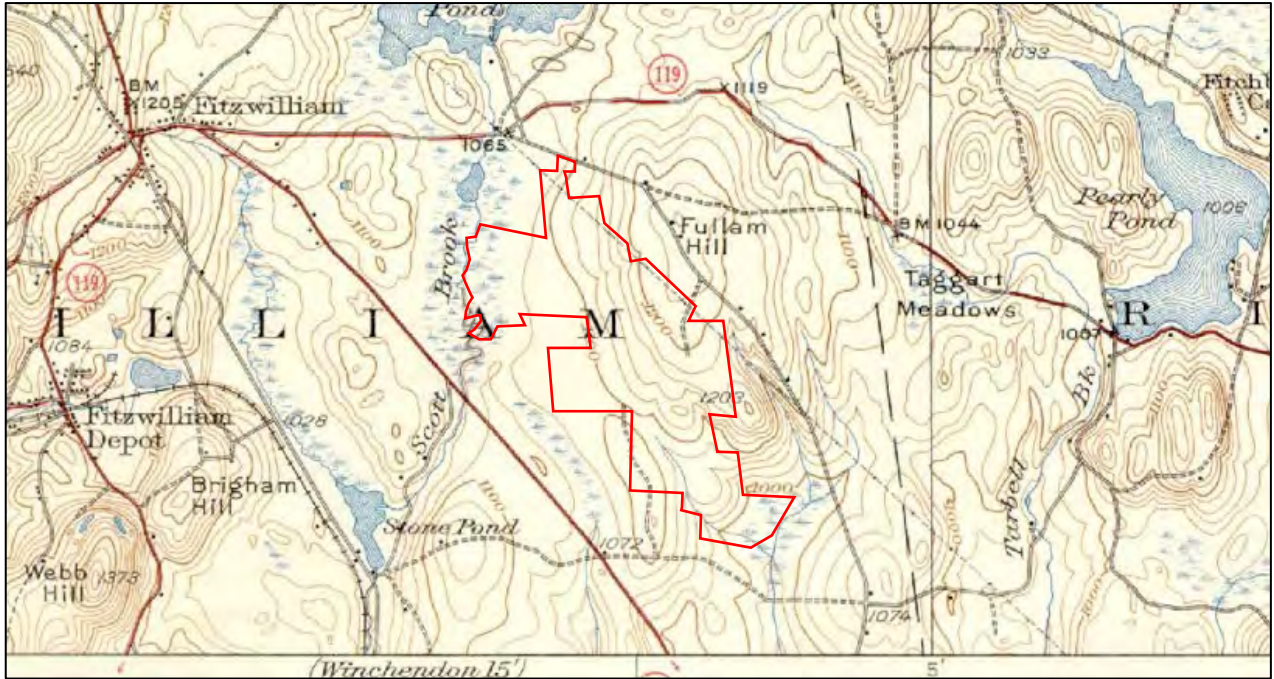


NextEra Energy Resources, LLC
 Chinook Solar Project
 Phase IA Archaeological Assessment

Figure 7. Approximate location of the Project parcel on 1898 USGS topographic 15 minute quadrangle Monadnock, NH.



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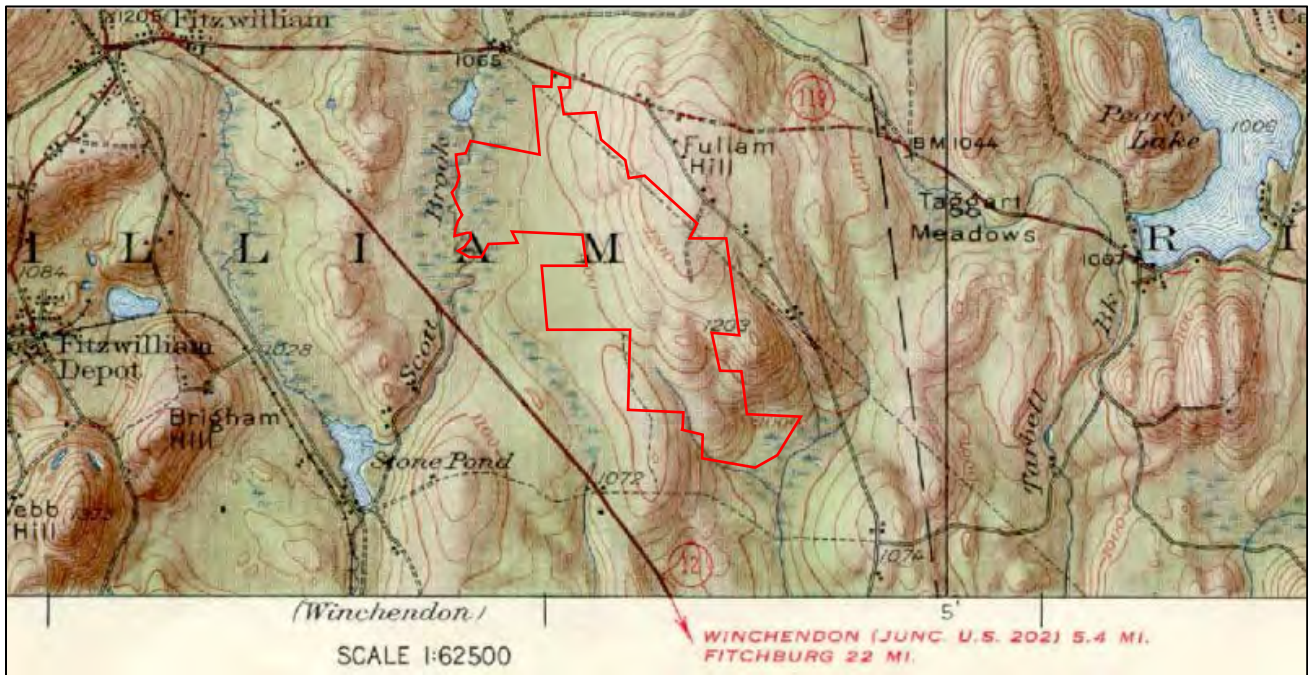


NextEra Energy Resources, LLC
 Chinook Solar Project
 Phase IA Archaeological Assessment

Figure 8. Approximate location of the Project parcel on 1936 USGS topographic 15 minute quadrangle Monadnock, NH.



71 Oak Street
 Ellsworth, Maine 04605



NextEra Energy Resources, LLC
 Chinook Solar Project
 Phase IA Archaeological Assessment

Figure 9. Approximate location of the Project parcel on 1949 USGS topographic 15 minute quadrangle Monadnock, NH.



71 Oak Street
 Ellsworth, Maine 04605

**APPENDIX 3:
USACE LETTER CONFIRMING NO JURISDICTION**



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

February 5, 2019

Regulatory Division
CENAE-R-PEC
Corps File No. **NAE-2019-00358**

Richard Jordan
TRC
6 Ashley Drive
1st Floor
Scarborough, Maine 04074


Dear Applicant

This is to inform you that we have reviewed your request to construct solar arrays, conduct road improvements, and build a wetland/stream crossing off of Fullam Hill Road in Fitzwilliam, New Hampshire as described within your letter dated February 4, 2019 and on the plan entitled "Chinook Solar Project" dated "2/4/19".

Based on the information provided, we have determined that a Department of the Army permit is not required for the work described above. Corps of Engineers regulatory jurisdiction encompasses all work in or affecting navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 and the discharge of dredged or fill material into all waters of the United States, including adjacent wetlands, under Section 404 of the Clean Water Act.

If you have questions concerning this, please contact us at 1-800-343-4789 or, if calling from within Massachusetts, at 1-800-362-4367.

Sincerely,


Frank J. DelGiudice
Chief, Permits & Enforcement Branch
Regulatory Division



6 Ashley Drive
1st Floor
Scarborough, ME 04074

207.879.1930 PHONE
207.879.9293 FAX

www.trcsolutions.com

February 4, 2019

Rick Kristoff, Jr. – Project Manager
U.S. Army Corps of Engineers
New England District, Regulatory Division
696 Virginia Road
Concord, MA 01742
Sent Via Email: Richard.C.Kristoff@usace.army.mil

RE: Chinook Solar Project – Confirmation of No Federal Jurisdiction for Permitting

Dear Rick:

Thank you for meeting with Kara Moody and I on January 8, 2019 to discuss, in general terms, large-scale solar projects in New England. Additionally, I appreciate your specific feedback pertaining to the wetland impact avoidance proposed at the Chinook Solar Project (Project) to be located in Fitzwilliam, New Hampshire. The attached draft version of the site plan shows all planned project components, including roads, solar arrays and other necessary infrastructure.

The Project has been designed to avoid wetland impacts. The Project will be constructed across approximately 156 acres and has only one crossing of an intermittent stream segment and associated wetland. The wetland and stream will be spanned with a new bridge. Bridge abutments will be installed outside of the wetland and there will be no fill placed in the wetland or stream.

The Project is located on active timber lands, and the area has been harvested several times over the last several decades. Historic aerial photographs, dating back to 1952, show evidence of logging and associated gravel roads installed throughout the Project area. Some of the numerous logging roads will be re-used (improved as necessary) for Project access. A few of the roads to be re-used were originally constructed through wetlands. Based on historic aerial photos, it appears these roads were installed before 1970, prior to enactment of the Clean Water Act (CWA). Although existing roads through wetlands may be improved for the Project (e.g. additional gravel or improved drainage or erosion/stormwater control devices may be added), there will be no fill placed beyond the existing road footprints.

As we discussed, and based on the information herein, I am writing to request confirmation that the Project will not require a federal permit under Section 404 of the CWA. For your information,

Chinook Solar Project – Confirmation of No Federal Jurisdiction for Permitting
February 4, 2019

the Project is anticipating applying for an Alteration of Terrain Permit from the New Hampshire Department of Environmental Services and a Certificate of Site and Facility from the New Hampshire Site Evaluation Committee.

Thank you for your review of this matter, and please let me know if you have any questions. I look forward to working with you on future projects in New England.

Respectfully submitted,

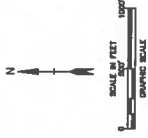


Richard Jordan (PWS/CPESC) – TRC Renewables Project Lead
rjordan@trcsolutions.com
207-317-3583

Attachment (1)

cc: Kara Moody, Neil Watlington, Jon Gravel





**PERMIT PLANS
NOT FOR CONSTRUCTION**

Chinook Solar Project

Chinook Solar,
LLC

Fitzwilliam, NH

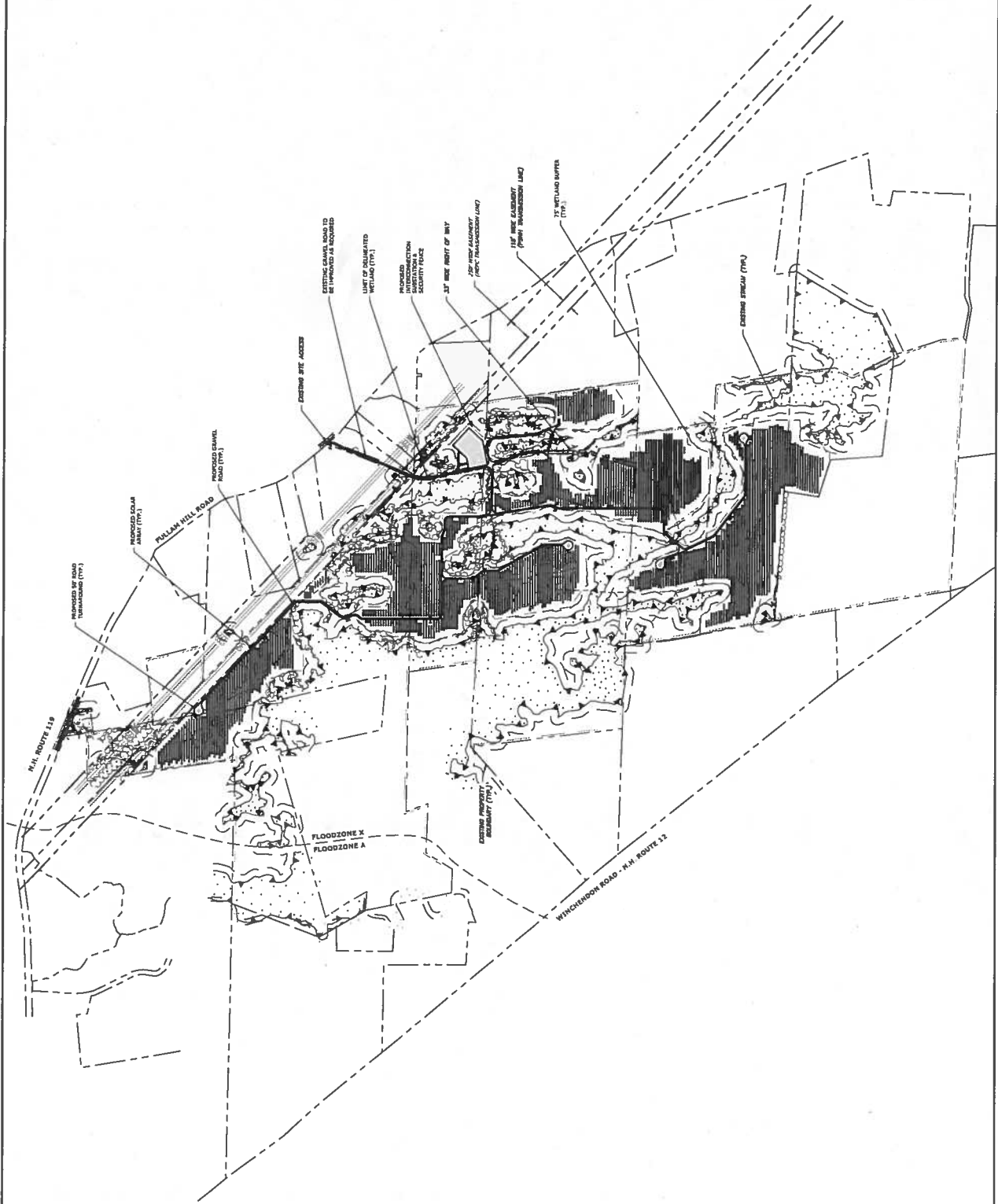
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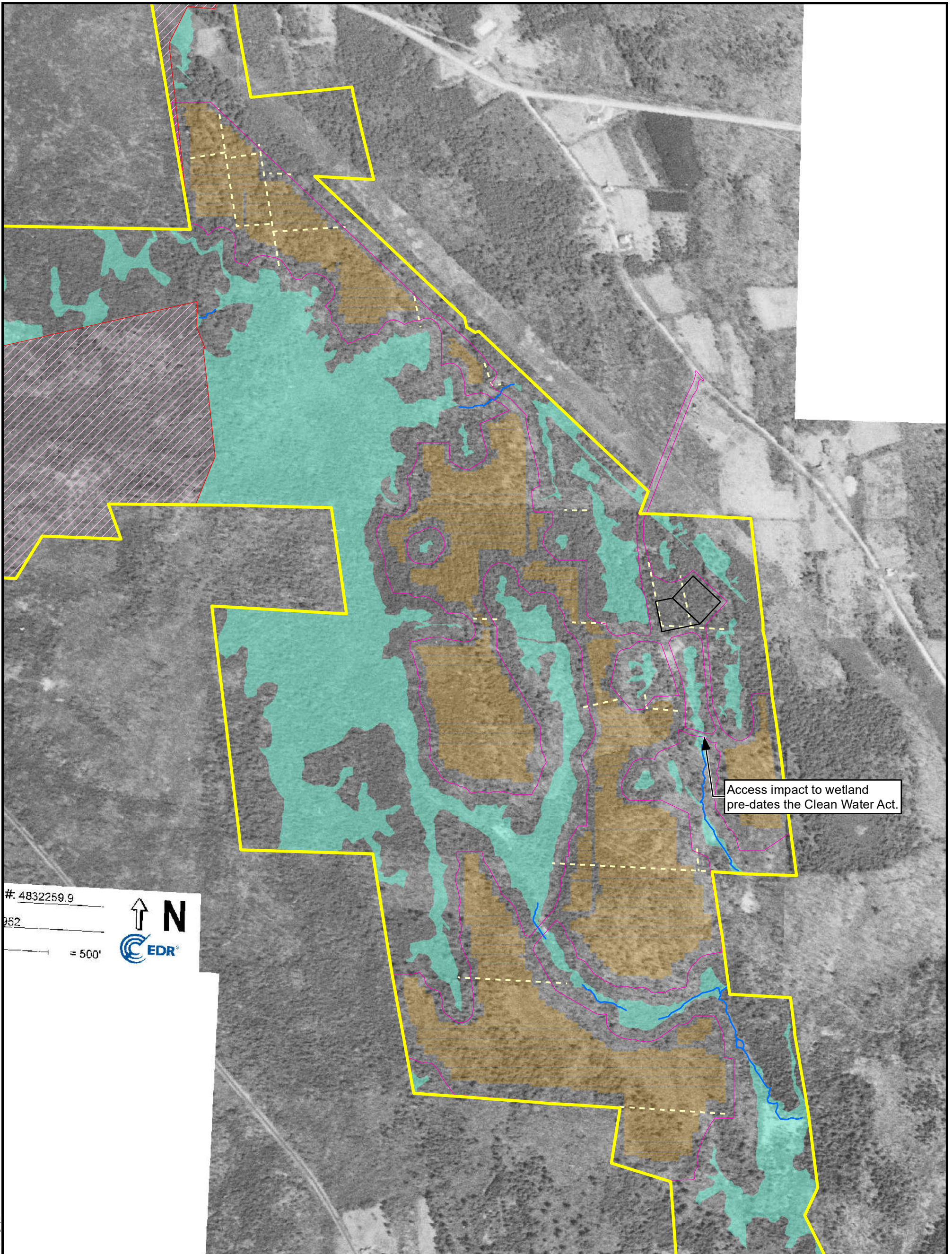
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OVERALL
SITE PLAN

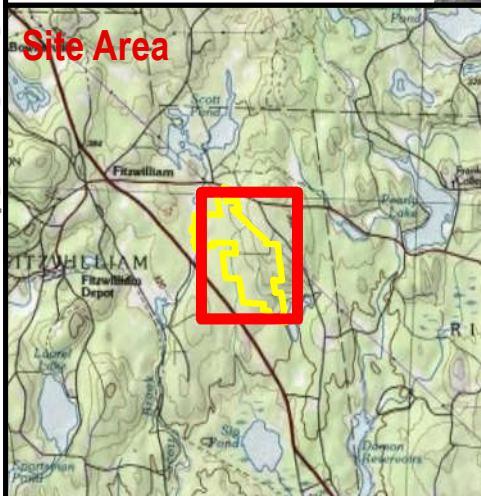
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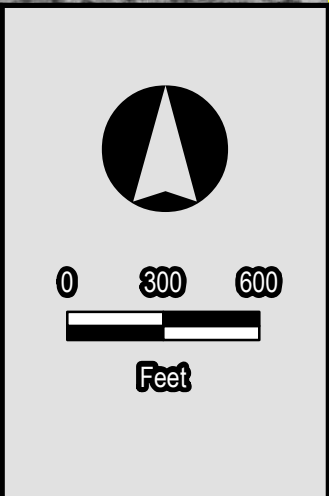




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- Project Land Control Area
- Limit of Work
- Project Substation
- Panels
- Surveyed Stone Wall
- Delineated Stream
- Delineated Wetland
- Not Field Surveyed



**Chinook Solar Project,
Historic Aerial 1952**

**NEXTERA[®]
ENERGY**

RESOURCES

TRC

November 2019

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