



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

August 31, 2020

Pamela G. Monroe, Administrator  
New Hampshire Site Evaluation Committee  
21 South Fruit Street, Suite 10  
Concord, NH 03301

Re: Application of Chinook Solar, LLC  
Site Evaluation Committee Docket No. 2019-02

Dear Ms. Monroe:

This letter is to notify you that the NH Department of Environmental Services (DES) Water Division staff have completed their technical review of the application and have made a final decision on the parts of the application that relate to DES permitting or regulatory authority relative to an Alteration of Terrain permit. DES recommends approval of the application with the conditions that are enclosed with this letter.

This concludes DES review of the project which we hope will assist the SEC to complete its project evaluation process and render a final decision. If you have any questions, please contact me at 271-2303 or email at: [Ridgely.Mauck@des.nh.gov](mailto:Ridgely.Mauck@des.nh.gov)

Sincerely,

Ridgely Mauck, P.E.  
Alteration of Terrain Bureau

cc: Michael J. Iacopino, Counsel NHSEC  
Robert R. Scott, Commissioner, NHDES  
Thomas E. O'Donovan, Director, Water Division, NHDES  
Heath Barefoot, Chinook Solar, LLC  
Joseph Persechino, P.E., Tighe & Bond, Inc.

**ALTERATION OF TERRAIN BUREAU**  
**AUGUST 31, 2020 FINAL DECISION**

**RECOMMEND APPROVAL WITH THE FOLLOWING PERMIT CONDITIONS:**

**PROJECT SPECIFIC CONDITIONS:**

1. No later than September 4, 2020, Chinook Solar, LLC shall provide the New Hampshire Department of Environmental Services (NHDES) with final design plans and analyses, for review and approval, incorporating modifications to the hydrologic model as described in electronic communications between Tighe & Bond, Inc. and NHDES, dated August 28, 2020. NHDES reserves the right to recommend additional conditions if warranted by the revised hydrological analysis.
2. No later than September 4, 2020, Chinook Solar, LLC shall coordinate with the Department of Environmental Services and the New Hampshire Fish & Game and shall provide revised plans that incorporate all New Hampshire Department of Fish & Game recommendations related to state or federally listed threatened or endangered species.
3. No later than September 4, 2020, Chinook Solar, LLC shall submit revised plans which include the seal of a certified wetland scientist on the site plans, which are presented at a scale of 1 inch = 60 feet.
4. The project is to be phased as shown on the approved plans. The smallest practical area shall be disturbed during construction activities. Only one phase is to be disturbed within each of the five areas at any time. The area of disturbance within each phase shall be stabilized before disturbance of subsequent phases in each area.
5. The permittee shall employ the services of an Environmental Monitor (EM) for the purposes of providing independent professional environmental inspections of the project. The permittee shall receive prior approval of the EM by the Department. The EM shall inspect the project at a minimum frequency of once per week and following rainfall events of 0.5-inch or greater in a 24-hour period. The inspections shall be for the purposes of determining compliance with the permit. The Monitor shall submit a written report, stamped by a qualified engineer or a Certified Professional in Erosion and Sediment Control to the Department within 24 hours of the inspections. The reports shall describe, at a minimum, whether the project is being constructed in accordance with the approved sequence, shall identify any deviation from the conditions of this permit and the approved plans, and identify any other noted deficiencies. Reports should be submitted to [bethann.mccarthy@des.nh.gov](mailto:bethann.mccarthy@des.nh.gov).
6. In addition to the environmental monitoring required above, annual monitoring of the condition of vegetation and soil surface shall be performed for a period of at least 5 years. The reporting shall be initiated one year after the start of construction, and will continue until 5 years after completion of construction. Inspections shall be performed on all areas of slope greater than 8%, as shown in the plan accompanying the Long Term Operation, Maintenance and Monitoring Plan. Reports shall be submitted to the Department and shall include representative photos of each of the areas, with descriptions of vegetation and surface conditions. The report shall include descriptive or mapped locations of the photographs.
7. The Permittee shall comply with all recommendations by the New Hampshire Fish and Game Department related to state or federally listed threatened or endangered species that are incorporated into the project plans.
8. Activities shall not cause or contribute to any violations of the surface water quality standards established in Administrative Rule Env-Wq 1700.
9. Revised plans shall be submitted for an amendment approval prior to any changes in construction details or sequences. The NHDES must be notified in writing within ten days of a change in permit holder.
10. The NHDES must be notified in writing prior to the start of construction and upon completion of construction. Forms are available at: <http://des.nh.gov/organization/divisions/water/aot/categories/forms.htm>.

11. In accordance with Env-Wq 1503.21 (c)(1), a written notice signed by the permit holder and a qualified engineer shall be submitted to DES stating that the project was completed in accordance with the approved plans and specifications. If deviations were made, the permit holder shall review the requirements in Env-Wq 1503.21(c)(2) and submit revised plans or an application to amend the permit as necessary.
12. All activities shall comply with the plans and information provided with the Alteration of Terrain application submitted as part of the application to the New Hampshire Site Evaluation Committee on October 18, 2019, and the conditions provided herein. Any proposed modifications which may affect surface water quality or quantity, shall receive NHDES approval prior to implementation.
13. All stormwater practices and vegetative cover shall be inspected and maintained in accordance with Env-Wq 1507.07 and the project Inspection and Maintenance (I&M) Manual. All record keeping required by the I&M Manual shall be maintained by the identified responsible party, and be made available to the department upon request.
14. No construction activities shall occur on the project after expiration of the approval unless the approval has been extended by the New Hampshire Energy Facility Site Evaluation Committee (SEC).
15. No activity shall occur in wetland areas until a Wetlands Permit is obtained from the Department. Issuance of this permit does not obligate the Department to approve a Wetlands Permit for this project.
16. The Applicant shall identify to NHDES all laydown areas, and off-right-of-way access roads not currently identified for review prior to their construction.
17. The Applicant shall comply with requirements of the EPA NPDES Construction General Permit (CGP) including, but not limited to, preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP).
18. This permit does not relieve the Applicant from the obligation to obtain other local, state or federal permits that may be required (e.g., from US EPA, US Army Corps of Engineers, etc.). Projects disturbing over 1 acre may require a federal stormwater permit from EPA. Information regarding this permitting process can be obtained at: <http://des.nh.gov/organization/divisions/water/stormwater/construction.htm>.
19. Unless otherwise authorized by NHDES, the Applicant shall keep a sufficient quantity of erosion control supplies on the site at all times during construction to facilitate an immediate response to any construction related erosion issues on the site.
20. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or have not been surveyed in detail, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.