



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

September 18, 2020

Ms. Dianne Martin, Chair
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301
(via email: admin@sec.nh.gov)

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

Dear Ms. Martin:

This letter is to notify you that the applicant has met the first three conditions included in our August 31, 2020 letter to the New Hampshire Site Evaluation Committee (NHSEC). These conditions required submittal of plans and other information, and coordination with the New Hampshire Fish & Game Department (NHFG), by September 4, 2020.

During coordination between DES, NHFG and the applicant regarding measures relevant to threatened and endangered species, an August 24, 2020 Memorandum of Understanding between Chinook Solar, LLC and the Town of Fitzwilliam was discussed: specifically, Section X, Project Mitigation, which requires a conservation easement on all lands purchased which are not required for the Project operations. **NHFG recommends that the conservation easement contain language stating that the purpose of the easement is to conserve habitat for wildlife.** This recommendation has not been included in permit conditions that follow.

Enclosed is our revised list of permit conditions, reflecting the submittal of information and revised plans by September 4, as requested in our August 31, 2020 letter.

We hope this assists the NHSEC in completing its project evaluation process and rendering a final decision. If you have any questions, please contact me at 271-2303 or email at: Ridgely.Mauck@des.nh.gov

Sincerely,

Ridgely Mauck, P.E.
Alteration of Terrain Bureau

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

ALTERATION OF TERRAIN BUREAU
September 17, 2020 FINAL DECISION

RECOMMEND APPROVAL WITH THE FOLLOWING PERMIT CONDITIONS:

PROJECT SPECIFIC CONDITIONS:

1. The plans in the file, last revision date September 4, 2020, are a part of this approval. The project must be constructed in accordance with these plans.
2. The project construction must 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.
3. 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.
4. 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.
5. 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.
6. Activities shall not cause or contribute to any violations of the surface water quality standards established in Administrative Rule Env-Wq 1700.
7. 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.
8. 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>.
9. 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.
10. 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.

11. 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.
12. 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).
13. 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.
14. 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.
15. 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).
16. 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>.
17. 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.
18. 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.