

**From:** SuzanneFournier - B.E.C. <[broxenvirconcitizens2@comcast.net](mailto:broxenvirconcitizens2@comcast.net)>

**Sent:** Wednesday, April 8, 2020 4:03 PM

**To:** Monroe, Pamela

**Cc:** Neville, Heather

**Subject:** Follow-up to 4/8/20 Tech Session -- Chinook Solar -- wetlands issue & comment about wildlife

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Wed. 4/8/20

Hello Ms. Pam Monroe,                    SEC Administrator     [copied to Counsel for the Public  
– Heather Neville]

As follow-up to today's Tech Session about Chinook Solar, I am attaching several documents for you and the Counsel for the Public, because I'm not sure that you have them already and I think they may be helpful.

>>>> The first document is titled NHDES Pre-Application Meeting Notes and is dated November 15, 2017. At that time the DES Wetlands representative was Stefanie Giallongo and not Craig Rennie. Ms. Giallongo states on Page 2 (bottom) that posts in the wetlands are considered "fill" by DES. On P. 3 (top) there's mention of three road crossings that impact wetlands.

>>>> The second document is a series of emails between DES' Craig Rennie and DES' AoT Supervisor Ridge Mauck about wetland concerns. I was concerned when I first read the November 25, 2020 email that says: "Thanks Craig. I'll develop the letter to Pam Monroe/SEC and **be silent on the wetlands issue.**" [emphasis added] I'm not sure why DES is silent on the issue of wetlands and leaving it all to the Applicant to convey to the SEC, even if the wetlands issue is considered to be resolved by DES.

>>>> The third document is a series of emails between the Applicant's Mr. Valleau and DES' Craig Rennie about the wetlands.

One question – The third item on the agenda today was the financial and managerial capabilities. Am I correct that this item is finished for now because there were no questions for Mr. Barefoot?

One comment – Today there was a good deal of important discussion about the lack of survey or studies pertaining to mammals and birds, but I didn't hear a question about the lack of study of the endangered and rare turtles. There is no record of any survey of reptiles or any study of their use of the site that includes dozens of vernal pools that are the places where these turtles, especially Blanding's and Spotted turtles, feed in the spring (right now, in fact, when amphibian egg masses are abundant). I believe such a study is warranted.

Thank you very much.

Sincerely,

Suzanne Fournier, Coordinator

***Brox Environmental Citizens***

***Working to Protect Wetlands & Wildlife at Special Places***

9 Woodward Dr.

Milford, NH

(603) 673-7389

## NHDES Pre-Application Meeting Notes

**Meeting Date/Time:** November 15, 2017 / 10:00

**Project:** Chinook Solar Project (30 MW)

**Owner of Project:** NextEra Energy Resources, LLC

**Purpose:** Pre-application Meeting to discuss Chinook Solar Project Permitting Requirements

**Location:** New Hampshire Department of Environmental Services (DES) - Concord, NH

**Attendees:**

- NextEra: Aaron Svedlow, Isabel Johnson
- TRC: Kara Moody (via phone: Rich Jordan, Tracy Sudhalter)
- Tighe & Bond: Joe Persechino
- DES: Ridge Mauck, Administrator of Alteration of Terrain (AoT) Bureau and Stefanie Giallongo, Southwest Regional Permit Reviewer, Wetlands Bureau

**Notes:**

- Following introductions, Aaron provided an overview of NextEra and the Chinook Solar Project (located in the Town of Fitzwilliam) and also briefly introduced the Chariot Solar Project (located in the Town of Hinsdale) and the West Portsmouth Street Solar Project (located in the City of Concord). Project location maps for all three projects were provided to Ridge and Stefanie prior to the meeting. The notes that follow are specific to the Chinook Solar Project, as the permitting needs for the other two projects were not discussed during this meeting.
- Isabel explained that the Project has been designed to avoid and minimize impacts to natural resources to the maximum extent possible.
- Aaron provided a brief overview of Project components and construction:
  - Panel installation and spacing;
  - Panels will be pile-mounted;
  - Panel rows will be approximately 15 feet apart;
  - Inverters installed on gravel pads;
  - Step-up transformer for interconnection to existing transmission line;
  - Fence (approximately 6 feet high) with a 6 inch gap at the bottom surrounding the site;
  - Improve existing access roads;
  - The goal is to file with the Site Evaluation Committee (SEC) early in Q1 of 2018.
- Ridge stated that the SEC does not have specific rules for solar projects.
  - The question was raised as to how the term “impervious” is defined by the SEC.
  - Impervious calculations would apply for piles and access roads, but not panels.
- Aaron provided an overview of the existing conditions of the site and described that the forest on site has been harvested within the past few years.
  - Ridge noted that DES looks at the forest condition dating back to a period of 10 years, and stated that an agreement on hydrological condition at the site would need to be determined.

- There was a discussion regarding the ground cover/habitat that will exist under the panels, which will function as a meadow. Mowing within the Project area will occur twice per year.
  - According to Maine standards, if a site is not mowed more than twice per year, then it is not considered developed.
  - Ridge stated that converting the site from forest to meadow would result in a change in hydrology and would be considered a conversion of land use.
    - Joe followed up by stating that the CN numbers would still be similar as the terrain is changed from forests to pastures.
- Ridge stated that one thing that needs to be considered is changes in runoff characteristics and potential adverse effects downstream.
  - Ridge stated that in Maryland and Minnesota, if the land slope is < 5% then they are not concerned with runoff. If land slopes are between 5-10%, then some type of drip edge may be needed.
- Aaron stated that low ground pressure vehicles (i.e. bobcats) would be used to install the panels.
- There was a discussion regarding the need for a site-specific soil survey or whether NRCS soil data could be used instead. Ridge would like to see a site-specific soil survey.
  - Action Item: Aaron agreed that NextEra will conduct a soil survey.
- Joe stated that there will be approximately 3 miles of 16-foot wide gravel road that will be treated with vegetated buffers.
  - Joe also mentioned that the solar panel set back will likely be 100 feet to the south, and 25 feet to the east, north and west. Road set-backs of 25 feet.
- There was a brief discussion of the Massachusetts guidelines for ground-mounted solar systems (created by MassDEP, MassDOER, and MassCEC).
  - Action Item: A copy of these guidelines will be provided to Ridge.
- There was a discussion about transferring rain into runoff. Aaron stated that the concentration of flow is negligible, and there is a small space (approximately 1 inch) between each panel, which allows water to pass between the panels to the ground below.
- Aaron mentioned that NextEra would like a small amount of flexibility in terms of exact panel locations. There are times when small adjustments need to be made.
  - Ridge indicated that DES understands this need and could write it into the AoT permit conditions; however, this is an SEC project, and they will have the authority in this instance (further legal review of amendments to the SEC permit should be investigated).
  - Ridge clarified that the Certificate comes from the SEC, and that DES provides conditions to the SEC.
- Aaron mentioned that he has met with the ACOE in Concord, Massachusetts. The ACOE is viewing the panel posts like utility poles and is not considering posts as fill. Stephanie asked who Aaron met with.
  - Stefanie stated that posts in wetlands are considered as fill by DES.

- Stefanie also stated that DES only reviews direct dredge and fill and that their rules do not include forested wetland conversions.
- Kara clarified that according to current design, the project will not result in any panels within wetlands or wetland clearing, and the only wetlands impacted will be at three road crossings.
  - Proposed wetland impacts are currently approximately 1,000 square feet. Wetland impacts may be avoided if complete spans are used for the three crossings.
  - Action Item: A copy of the wetland and vernal pool report will be provided to Stefanie.
- Kara asked for clarification about the floodplain assessment requirement of the AoT permit application.
  - Ridge stated that the floodplain assessment is only needed when a project is placing fill in a floodplain.
- In closing Aaron provided a high-level description of the Chariot and West Portsmouth Street solar projects.

**Information to be provided to NHDES:**

- For Ridge: the contact information for the Maine DEP engineer, Kerem Gungor.
- For Ridge: Massachusetts guidelines for ground-mounted solar systems.
- For Stefanie: Wetland and vernal pool report (including photos, forms, and mapping).

**DOCUMENT A – provided by Suzanne Fournier on 4/8/20**

**From:** Rennie, Craig <Craig.Rennie@des.nh.gov>  
**Sent:** Tuesday, November 26, 2019 6:49 AM  
**To:** Mauck, Ridge <Ridgely.Mauck@des.nh.gov>  
**Subject:** RE: Chinook Solar ACOE No Jurisdiction Determination back-up DRAFT

Thanks Ridge!

Craig Rennie, CWS, CWB, Inland Wetland Supervisor  
Wetlands Bureau, Land Resources Management  
Water Division, NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
Phone: (603) 271-0676  
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**From:** Mauck, Ridge  
**Sent:** Monday, November 25, 2019 3:06 PM  
**To:** Rennie, Craig  
**Subject:** RE: Chinook Solar ACOE No Jurisdiction Determination back-up DRAFT

Thanks Craig. I'll develop the letter to Pam Monroe/SEC and be silent on the wetlands issue.

-Ridge

**From:** Rennie, Craig <[Craig.Rennie@des.nh.gov](mailto:Craig.Rennie@des.nh.gov)>  
**Sent:** Monday, November 25, 2019 2:25 PM  
**To:** Mauck, Ridge <[Ridgely.Mauck@des.nh.gov](mailto:Ridgely.Mauck@des.nh.gov)>  
**Cc:** Tilton, Mary Ann <[MaryAnn.Tilton@des.nh.gov](mailto:MaryAnn.Tilton@des.nh.gov)>  
**Subject:** FW: Chinook Solar ACOE No Jurisdiction Determination back-up DRAFT

FYI below and attached. I think this should be sufficient to address our concerns.  
Thanks,  
Craig

**From:** Valleau, Dana <[DValleau@trccompanies.com](mailto:DValleau@trccompanies.com)>  
**Sent:** Monday, November 25, 2019 11:23 AM  
**To:** Rennie, Craig <[Craig.Rennie@des.nh.gov](mailto:Craig.Rennie@des.nh.gov)>  
**Subject:** Chinook Solar ACOE No Jurisdiction Determination back-up DRAFT

**EXTERNAL:** Do not open attachments or click on links unless you recognize and trust the sender.

Hi Craig,

For your review, see the attached DRAFT letter and attachments to provide you with backup regarding the existing logging roads and wetland impact pre-dating 1969.

This is just a draft submittal, please let me know if this will work and I can formalize it and submit a final package.

Let me know if you would like to discuss.

Dana

**Dana Valleau**  
Office Manager, Environmental Specialist



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**Document B – provided by Suzanne Fournier 4/8/20**

**From:** Rennie, Craig <Craig.Rennie@des.nh.gov>  
**Sent:** Tuesday, November 26, 2019 6:44 AM  
**To:** 'Valleau, Dana' <DValleau@trccompanies.com>  
**Cc:** Mauck, Ridge <Ridgely.Mauck@des.nh.gov>  
**Subject:** RE: [EXTERNAL] RE: Chinook Solar ACOE No Jurisdiction Determination back-up DRAFT

Dana,

Thanks for clarifying the photo. It appears that our wetland concerns have been addressed, therefore I recommend you finalize your letter and evidence to the SEC so they are aware of this resolution. Thanks for your efforts to get us the information.

Regards,

Craig

Craig Rennie, CWS, CWB, Inland Wetland Supervisor  
Wetlands Bureau, Land Resources Management  
Water Division, NH Department of Environmental Services  
P.O. Box 95  
Concord, NH 03302-0095  
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**Subject:** RE: [EXTERNAL] RE: Chinook Solar ACOE No Jurisdiction Determination back-up DRAFT

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Great.

I am working on that. See the attached for a draft. The red box indicates where the old road is located. Let me know what you think.

**From:** Rennie, Craig <[Craig.Rennie@des.nh.gov](mailto:Craig.Rennie@des.nh.gov)>  
**Sent:** Monday, November 25, 2019 2:48 PM  
**To:** Valleau, Dana <[DValleau@trccompanies.com](mailto:DValleau@trccompanies.com)>  
**Subject:** [EXTERNAL] RE: Chinook Solar ACOE No Jurisdiction Determination back-up DRAFT

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Dana,

This seems reasonable to me. Is there any way you could highlight where the road crossing is on the 52 aerial?

Thanks,

Craig

Craig Rennie, CWS, CWB, Inland Wetland Supervisor  
Wetlands Bureau, Land Resources Management  
Water Division, NH Department of Environmental Services

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