

From: [Trowbridge, Philip](#)
To: [Nancy West](#)
Cc: [Martin, James](#)
Subject: RE: Complaint questions
Date: Monday, July 15, 2024 1:23:00 PM

Hello Ms. West,

The issue of easement ownership is established property rights law. The court case I shared is just one of the more recent legal decisions on this topic. Accordingly, NHDES has issued permits to easement owners prior to this particular decision.

Philip Trowbridge, P.E., Manager
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P.O. Box 95
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email: Philip.R.Trowbridge@des.nh.gov

We greatly appreciate your feedback. Please take a moment to fill out our 3-minute [NHDES-LRM customer satisfaction survey](#).

From: Nancy West <nancywestnews@gmail.com>
Sent: Monday, July 15, 2024 11:56 AM
To: Trowbridge, Philip <Philip.R.Trowbridge@des.nh.gov>
Subject: Re: Complaint questions

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Mr. Trowbridge, That is a 2015 precedent. Didn't DES allow this before then as well?

Thanks Nancy West

Nancy West

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On Mon, Jul 8, 2024 at 12:15 PM Trowbridge, Philip <Philip.R.Trowbridge@des.nh.gov> wrote:

Hello Ms. West,

Commissioner Scott asked me to respond to your questions on his behalf.

In short, the assertions are not accurate. NHDES has issued permits for AoT applications that are signed by Eversource as the applicant or owner. For the purposes of a permit to do work in a Right-of-Way (ROW), the easement owner holds record title to do any work they are authorized to do in the ROW by the easement. Therefore, the easement holder is legally the “owner” per Env-Wq 1502.45 and NHDES did not willfully exclude easement encumbered landowners. Please see the attached *Appeal of Robert C. Michele &a.*, (Slip Opinion 2014-159, August 11, 2015) for support of this interpretation.

Please let me know if you have any further questions. Thank you.

Philip Trowbridge, P.E., Manager
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From: Scott, Robert <Robert.R.Scott@des.nh.gov>
Sent: Friday, July 5, 2024 2:59 PM
To: Trowbridge, Philip <Philip.R.Trowbridge@des.nh.gov>
Subject: Fwd: Complaint questions

Robert R Scott
Commissioner
New Hampshire Department of Environmental Services
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From: Nancy West <nancywestnews@gmail.com>
Sent: Friday, July 5, 2024 2:34:47 PM
To: Scott, Robert <Robert.R.Scott@des.nh.gov>
Subject: Complaint questions

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Mr. Scott, I apologize for sending an incomplete email. I believe you were copied on the full complaint. Is it accurate:

DES and the New Hampshire Attorney General have allowed Eversource to sign the AoT permits for its 70+ transmission line rebuilds as "owner" or agent of the land on which it has easements.

DES, the New Hampshire Attorney General and Eversource willfully excluded transmission easement-encumbered landowners from the AoT permitting process, in violation of DES's own rules.

Nancy West
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