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info@forestsociety.org  
www.forestsociety.org

November 9, 2015

The Honorable Ned Cutler, Chairman  
Town of Easton  
Board of Selectmen  
1060 Easton Valley Road.  
Easton, NH 03580

Dear Chairman Cutler,

Earlier today the enclosed letters were hand delivered to the NH Department of Environmental Services and the NH Department of Transportation by our attorneys. These letters alert the agencies to our concerns about property rights that we hold along the route within which Northern Pass (NP) proposes to build its power line, and to the fact that these rights preclude the respective agencies from concluding that the NP application for a certificate of site and facility submitted October 19, 2015 to the NH Site Evaluation Committee is complete.

We respectfully request that you share this information with your municipal conservation commission, if you have one. We also request that you share the information with other municipal officials you believe should have the information.

Please feel free to contact me or Matt Leahy at the Forest Society at contact numbers and emails below should you have any questions.

Sincerely,

Will Abbott, VP of Policy & Reservation Stewardship, 603-496-7019, [wabbott@forestsociety.org](mailto:wabbott@forestsociety.org)  
Matt Leahy, Public Policy Manager, 603-731-8455, [mleahy@forestsociety.org](mailto:mleahy@forestsociety.org)

November 9, 2015

N.H. Dept. of Environmental Services  
Land Resources Management  
Alteration of Terrain Bureau  
Attn: Ridgely Mauck, P.E., Program Supervisor - Permitting  
29 Hazen Drive; P.O. Box 95  
Concord, NH 03302-0095

**Re: File # 20151020-171  
SEC Docket No. 2015-06  
Northern Pass Alteration of Terrain Permits  
Application Incomplete for Lack of Property Rights**

Dear Mr. Mauck:

We write on behalf of our client, the Society for the Protection of New Hampshire Forests (“Forest Society”), to alert you to the fact that the above-referenced permit application of Northern Pass Transmission, LLC (“Northern Pass”) is incomplete. Northern Pass does not have adequate property rights to apply for this permit because some of the property interests of the proposed route belong to the Forest Society.

We understand that on October 20, 2015, Northern Pass filed its application for Alteration of Terrain Permits and that your office must advise the Site Evaluation Committee by November 13, 2015 whether the application is complete.

As you are aware, under the DES Division of Water Quality and Quantity Programs regulations, when the applicant is not the property owner, applications for Alteration of Terrain Permits must include “proof that the applicant will have a legal right to undertake the project on the property if a permit is issued to the applicant.” N.H. Code Admin. R. Env-Wq 1503.08(1) (2015). Because Northern Pass does not own some of the property through which it proposes to construct, it must submit this proof. *Id.* However, Northern Pass has not, and cannot, produce any such proof for those portions of the route where the Forest Society owns.

The Forest Society has property interests in land that Northern Pass proposes to use for its electric transmission line. That land includes land abutting and/or underneath all of the following:

Route 3 and the Connecticut River in Clarksville;  
North Hill Road and Bear Rock Road in Stewartstown;  
Routes 302 and 18/116 in Bethlehem;  
Route 18 in Sugar Hill;  
Route 116 in Easton; and



Route 112 in Woodstock.

Therefore, Northern Pass's application is incomplete because it cannot produce the required documentation.

Further, the DES regulations require "[t]he applicant(s) or agent and the owner(s) or agent, if other than the applicant(s), [to] sign and date the application form." *Id.* 1503.10(a). Because the property owner of some of the route, the Forest Society, has not signed Northern Pass's application, the application is incomplete. It does not include all the required signatures.

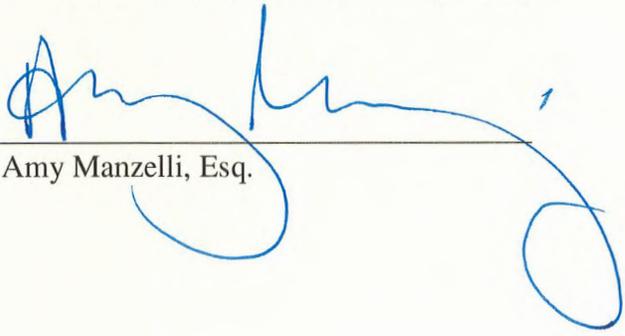
We understand that you will consider numerous other requirements when you review Northern Pass's submission to determine whether it is complete, and much of that part of the determination of completeness is beyond the scope of the Forest Society's interests.

However, the Forest Society must act to protect its private property rights, rights that it is duty bound to protect: having acquired them as part of conservation easements, through philanthropic contributions; in keeping with its nonprofit status; and finally, to fulfill its mission to "perpetuate the forests of New Hampshire through their wise use and their complete reservation in places of special scenic beauty."

Accordingly, on behalf of the Forest Society, we respectfully request that the DES determine that the alteration of terrain permit applications are incomplete for the reasons outlined above.

Very Truly Yours,  
BCM Environmental & Land Law, PLLC

By:

  
Amy Manzelli, Esq.

Cc: Clients

Allenstown Selectboard  
Ashland Selectboard  
Bethlehem Selectboard  
Bridgewater Selectboard  
Bristol Selectboard  
Campton Selectboard  
Canterbury Selectboard  
Clarksville Selectboard  
Concord City Council & Mayor  
Dalton Selectboard  
Deerfield Selectboard



Dixville, Coos County Commissioners  
Dummer Selectboard  
Easton Selectboard  
Franklin City Council & Mayor  
Hill Selectboard  
Holderness Selectboard  
Lancaster Selectboard  
Lincoln Selectboard  
Millsfield, Coos County Commissioners  
New Hampton Selectboard  
Northfield Selectboard  
Northumberland Selectboard  
Pembroke Selectboard  
Pittsburg Selectboard  
Stark Selectboard  
Stewartstown Selectboard  
Sugar Hill Selectboard  
Thornton Selectboard  
Whitefield Selectboard  
Woodstock Selectboard

Collis Adams, NH Dept. of Environmental Services  
Eugene Forbes, NH Dept. of Environmental Services  
Darlene Forst, NH Dept. of Environmental Services  
Rene Pelletier, NH Dept. of Environmental Services  
Michael Wimsatt, NH Dept. of Environmental Services  
Craig A. Wright, NH Dept. of Environmental Services

Pamela G. Monroe, Site Evaluation Committee

Peter C.L. Roth, Esq., Counsel for the Public



November 9, 2015

N.H. Dept. of Environmental Services  
Wetlands Bureau  
Attn: Collis Adams, Administrator  
29 Hazen Drive, P.O. Box 95  
Concord, N.H. 03302-0095

**Re: SEC Docket No. 2015-06  
Northern Pass Wetlands Permits  
Application Incomplete for Lack of Property Rights**

Dear Mr. Adams:

We write on behalf of our client, the Society for the Protection of New Hampshire Forests (“Forest Society”), to alert you to the fact that the above-referenced permit application of Northern Pass Transmission, LLC (“Northern Pass”) is incomplete. Northern Pass does not have adequate property rights to apply for this permit because some of the property interests of the proposed route belong to the Forest Society.

We understand that on October 19, 2015, Northern Pass filed its application for Wetlands Permits and that your office must advise the Site Evaluation Committee by November 13, 2015 whether the application is complete.

As you are aware, under the DES Wetlands Programs regulations, applications for Wetlands Permits must include “[a] copy or tracing of a town tax map showing the property of the applicant [and] the location of the proposed project on the property.” N.H. Code Admin. R. Env-Wt 501.02(a)(1) (2015). This regulation requires Northern Pass to include a tax map that shows property owned or otherwise controlled by Northern Pass on which the project will be located. However, Northern Pass has not, and cannot, produce any proof of any such tax map for those portions of the route where the Forest Society owns.

The Forest Society has property interests in land that Northern Pass proposes to use for its electric transmission line. That land includes land abutting and/or underneath all of the following:

Route 3 and the Connecticut River in Clarksville;  
North Hill Road and Bear Rock Road in Stewartstown;  
Routes 302 and 18/116 in Bethlehem;  
Route 18 in Sugar Hill;  
Route 116 in Easton; and



Route 112 in Woodstock.

Therefore, Northern Pass's application is incomplete because it cannot produce the required documentation.

The application is also incomplete for the following, which omissions inaccurately depress the total area and magnitude of wetlands impact and prevent the application from being tested against regulatory requirements due to lack of specificity:

1. The application fails to address whether and/or how the proposed route is the least impacting alternative pursuant to N.H. Code Admin. R. Env-Wt 302.04 (2015).
2. The application lacks specific plans for restoring each impacted wetland.
3. The application fails to specify what GPS equipment was used for wetland mapping.
4. The application fails to identify which wetlands were mapped in the field and which were mapped with aerial photography.
5. The application fails to justify why aerial photography was used for some locations instead of field mapping.
6. The application fails to include all of the areas with potential for wetlands impact, including that it does not include all off right of way laydown areas or all off right of way access roads, and therefore the total area of temporary and permanent impacts is not included in the application.

We understand that you will consider numerous other requirements when you review Northern Pass's submission to determine whether it is complete, and much of that part of the determination of completeness is beyond the scope of the Forest Society's interests.

However, the Forest Society must act to protect its private property rights, rights that it is duty bound to protect: having acquired them as part of conservation easements, and/or through philanthropic contributions; in keeping with its nonprofit status; and finally, to fulfill its mission to "perpetuate the forests of New Hampshire through their wise use and their complete reservation in places of special scenic beauty."

Accordingly, on behalf of the Forest Society, we respectfully request that DES determine that the wetlands permit application is incomplete for the reasons outlined above.



Very Truly Yours,  
BCM Environmental & Land Law, PLLC

By:

  
\_\_\_\_\_  
Amy Manzelli, Esq.

Cc: Clients

Allenstown Selectboard  
Ashland Selectboard  
Bethlehem Selectboard  
Bridgewater Selectboard  
Bristol Selectboard  
Campton Selectboard  
Canterbury Selectboard  
Clarksville Selectboard  
Concord City Council & Mayor  
Dalton Selectboard  
Deerfield Selectboard  
Dixville, Coos County Commissioners  
Dummer Selectboard  
Easton Selectboard  
Franklin City Council & Mayor  
Hill Selectboard  
Holderness Selectboard  
Lancaster Selectboard  
Lincoln Selectboard  
Millsfield, Coos County Commissioners  
New Hampton Selectboard  
Northfield Selectboard  
Northumberland Selectboard  
Pembroke Selectboard  
Pittsburg Selectboard  
Stark Selectboard  
Stewartstown Selectboard  
Sugar Hill Selectboard  
Thornton Selectboard  
Whitefield Selectboard  
Woodstock Selectboard

Eugene Forbes, NH Dept. of Environmental Services



Darlene Forst, NH Dept. of Environmental Services  
Ridgley Mauck, NH Dept. of Environmental Services  
Rene Pelletier, NH Dept. of Environmental Services  
Michael Wimsatt, NH Dept. of Environmental Services  
Craig A. Wright, NH Dept. of Environmental Services

Pamela G. Monroe, Site Evaluation Committee

Peter C.L. Roth, Esq., Counsel for the Public



November 9, 2015

N.H. Dept. of Environmental Services  
Shoreland Program  
Attn: Darlene Forst  
29 Hazen Drive, P.O. Box 95  
Concord, NH. 03302-0095

**Re: SEC Docket No. 2015-06  
Northern Pass Shoreland Protection Permits  
Application Incomplete for Lack of Property Rights**

Dear Ms. Forst:

We write on behalf of our client, the Society for the Protection of New Hampshire Forests (“Forest Society”), to alert you to the fact that the above-referenced permit application of Northern Pass Transmission, LLC (“Northern Pass”) is incomplete. Northern Pass does not have adequate property rights to apply for this permit because some of the property interests of the proposed route belong to the Forest Society.

We understand that on October 19, 2015, Northern Pass filed its application for Shoreland Permits and that your office must advise the Site Evaluation Committee by November 13, 2015 whether the application is complete.

As you are aware, under the DES Division of Water Quality and Quantity Programs regulations, when the applicant is not the property owner, applications for Shoreland Permits must include “documentation supporting the applicant’s right to engage in the proposed activity on the property.” N.H. Code Admin. R. Env-Wq 1406.07(a)(4) (2015). Because Northern Pass is not the property owner of some of the shoreland, it must submit documentation, such as “a long-term lease or purchase-and-sale agreement,” demonstrating that they have the right to construct on the property. *Id.* However, Northern Pass has not, and cannot, produce any proof of a “long-term lease,” purchase-and-sale-agreement, or other similar document for those portions of the route where the Forest Society owns.

The Forest Society has property interests in land that Northern Pass proposes to use for its electric transmission line. That land includes land abutting and/or underneath all of the following:

Route 3 and the Connecticut River in Clarksville;  
North Hill Road and Bear Rock Road in Stewartstown;  
Routes 302 and 18/116 in Bethlehem;  
Route 18 in Sugar Hill;  
Route 116 in Easton; and



Route 112 in Woodstock.

Therefore, Northern Pass's application is incomplete because it cannot produce the required documentation.

Further, the DES regulations require "the property owner(s) and applicant, if other than the property owner, [to] sign and date the application." *Id.* 1406.08(a). Because the property owner of some of the route, the Forest Society, has not signed Northern Pass's application, the application is incomplete. It does not include all the required signatures.

We understand that you will consider numerous other requirements when you review Northern Pass's submission to determine whether it is complete, and much of that part of the determination of completeness is beyond the scope of the Forest Society's interests.

However, the Forest Society must act to protect its private property rights, rights that it is duty bound to protect: having acquired them as part of conservation easements, through philanthropic contributions; in keeping with its nonprofit status; and finally, to fulfill its mission to "perpetuate the forests of New Hampshire through their wise use and their complete reservation in places of special scenic beauty."

Accordingly, on behalf of the Forest Society, we respectfully request that DES determine that the shoreland permit applications are incomplete for the reasons outlined above.

Very Truly Yours,  
BCM Environmental & Land Law, PLLC

By:   
Amy Manzelli, Esq.

Cc: Clients

Allenstown Selectboard  
Ashland Selectboard  
Bethlehem Selectboard  
Bridgewater Selectboard  
Bristol Selectboard  
Campton Selectboard  
Canterbury Selectboard  
Clarksville Selectboard  
Concord City Council & Mayor  
Dalton Selectboard  
Deerfield Selectboard  
Dixville, Coos County Commissioners



Dummer Selectboard  
Easton Selectboard  
Franklin City Council & Mayor  
Hill Selectboard  
Holderness Selectboard  
Lancaster Selectboard  
Lincoln Selectboard  
Millsfield, Coos County Commissioners  
New Hampton Selectboard  
Northfield Selectboard  
Northumberland Selectboard  
Pembroke Selectboard  
Pittsburg Selectboard  
Stark Selectboard  
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Thornton Selectboard  
Whitefield Selectboard  
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Michael Wimsatt, NH Dept. of Environmental Services  
Craig A. Wright, NH Dept. of Environmental Services

Pamela G. Monroe, Site Evaluation Committee

Peter C.L. Roth, Esq., Counsel for the Public



John T. Alexander  
Biron L. Bedard <sup>1</sup>  
Ronald E. Cook <sup>2</sup>  
Arthur W. Hoover *of counsel*  
Jennifer A. Hoover <sup>3</sup>  
Frank E. Kenison  
Garry R. Lane <sup>4</sup>  
Andrew B. Livernois <sup>5</sup>  
Paul H. MacDonald <sup>6</sup>  
Michael J. Malaguti  
Thomas N. Masland  
Daniel J. Mullen  
John C. Ransmeier  
Lawrence S. Smith

# Ransmeier Spellman P.C.

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Alton, NH 03809  
*tel* 603.875.2800 • *fax* 603.875.3394

[www.ranspell.com](http://www.ranspell.com)

November 9, 2015

Joseph S. Ransmeier  
1915-2010  
Lawrence E. Spellman  
1924-2001

<sup>1</sup> Also admitted  
in Maine

<sup>2</sup> Also admitted  
in Rhode Island

<sup>3</sup> Also admitted  
in Massachusetts

<sup>4</sup> Also admitted  
in Maine and  
Connecticut

<sup>5</sup> Also admitted  
in New York

<sup>6</sup> Also admitted  
in Vermont

## VIA HAND-DELIVERY AND E-MAIL

Victoria Sheehan, Commissioner  
NH Department of Transportation  
7 Hazen Drive  
Box 483  
Concord, NH 03302-0483

Michelle Winters, Administrator  
NH Department of Transportation  
7 Hazen Drive  
Concord, NH 03302-0483

**Re: SEC Docket No.: 2015-06  
Northern Pass Transmission LLC  
SEC Request of October 26, 2015 for Information and Response**

Dear Ms. Sheehan and Ms. Winters:

This office represents the Society for the Protection of New Hampshire Forests (the "Forest Society") with respect to matters concerning the electric transmission project being proposed by Northern Pass Transmission, LLC ("NPT"). We are aware that you have received correspondence from the New Hampshire Site Evaluation Committee (the "SEC") dated October 26, 2015, which seeks your preliminary review of NPT's SEC application and an indication as to whether that application contains sufficient information to allow your Agency to consider the issuance of any necessary permits, licenses, or other approvals.

November 9, 2015

Page 2

The Forest Society has property interests in land that NPT proposes to use for its electric transmission line. That land includes land abutting and/or underneath all of the following:

Route 3 and the Connecticut River in Clarksville;  
North Hill Road and Bear Rock Road in Stewartstown;  
Routes 302 and 18/116 in Bethlehem;  
Route 18 in Sugar Hill;  
Route 116 in Easton; and  
Route 112 in Woodstock.

In making your determination as to whether NPT's application is complete for your Agency's purposes, please take into account that the Forest Society disputes NPT's right to excavate, operate in, utilize or use land in which the Forest Society holds an interest, and intends to pursue available remedies to protect its property rights and other interests. We would be happy to answer any questions you may have about the Forest Society's position on the matter.

Very truly yours,

Ransmeier & Spellman P.C.

By: 

Thomas N. Masland, Esq.

Cc: Jane Difley, President/Forester  
Darlene Forst, NH DES Shoreland Program (hand-delivery and e-mail)  
Pamela Monroe, NH Site Evaluation Committee  
Peter C.L. Roth, Esq., Counsel for the Public  
Attached Municipal Service List

**Municipal Service List:**

Allenstown Selectboard  
Ashland Selectboard  
Bethlehem Selectboard  
Bridgewater Selectboard  
Bristol Selectboard  
Campton Selectboard  
Canterbury Selectboard  
Clarksville Selectboard  
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Stewartstown Selectboard  
Sugar Hill Selectboard  
Thornton Selectboard  
Whitefield Selectboard  
Woodstock Selectboard

Coos County Commissioner