



June 6, 2024

To Eversource permitting,

I repeat my May 30 request: Explain why the portion of the X-178 proposed complete line rebuild covered by this AoT application, 'Easton non-WMNF,' is stated to be "within a public right-of-way."

NHDES-W-06-064



**UTILITY PROJECTS;  
PROJECTS IN PUBLIC RIGHT-OF-WAY  
PROJECT-SPECIFIC WORKSHEET  
FOR STANDARD APPLICATION**  
Water Division/Land Resources Management  
Wetlands Bureau  
[Check the Status of your Application](#)

RSA/Rule: RSA 482-A/ Env-Wt 521

APPLICANT LAST NAME, FIRST NAME, M.I.: **Eversource Energy, Attn: Kurt Nelson**

This worksheet summarizes the criteria and requirements for a Standard Permit for "Utility Projects; Projects in the Public Right-of-Way", as outlined in Chapter Env-Wt 500. In addition to the project-specific criteria and requirements on this worksheet, all Standard Applications must meet the criteria and requirements listed in the [Standard Dredge and Fill Wetlands Permit Application form \[NHDES-W-06-012\]](#).

**SECTION 1 - APPLICABILITY (Env-Wt 509.02(b); Env-Wt 521.01)**

This worksheet is for residential utility projects and other utility projects within a public right-of-way.

Do not use this worksheet for utility projects that involve the construction of a substation, parking lot, or storage facility on utility property, which must be reviewed under the standards for commercial projects specified in Env-Wt 524.

Do not use this worksheet if the project is located in a coastal (tidal) area.

**“This worksheet is for residential utility projects and other utility projects within a public right-of-way.”**

Since it is not within a public right-of-way, but on private easements, where is the form that must be filled out?

#2. The application states “Due to updates to the National Electrical Safety Code Standards (NESC) since the X178-2 Transmission line was originally built in 1969 and additional portions were built in 1985, structure heights of new structures are required to be taller than existing wooden poles to meet new NESC clearances.”

- The X-178 section covered in the AoT application was built in 1948 and replaced in 1985.
- The existing line is in conformance with Code, or at least, grandfathered.
- The distances of the existing conductors to ground, which would show inadequate clearance if it exists, are not given.
- Eversource's proposed clearances to ground for the high-sag 1272 ACSS conductor routinely exceed that required by code, by many feet.
- If the OPGW (not permitted in the easements) really needs to be 15' from the conductors, say that and show where in the Code book that is stated.

#3. Where is the acceptance by DNCR that should follow their notification that the AoT application was incomplete?

**DHR Comment/Finding Recommendation** *This Space for Division of Historical Resources Use Only*

Insufficient information to initiate review.  Additional information is needed in order to complete review.

No Potential to cause Effects  No Historic Properties Affected  No Adverse Effect  Adverse Effect

Comments: *Project was already submitted for review on 9/1/23. On 9/15/23, DHR requested the results of the archaeological survey + the preparation of an architectural survey plan. To date, DHR has received the archaeological report, but is waiting on the architectural survey plan before additional comments can be made.*

*If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.*

Authorized Signature: *Nachik Melt, DSHPO* Date: *12/1/23*

**“DHR...is waiting on the architectural survey plan before additional comments can be made.”**

#4. The PROJECT NEED statement is simply not true.

- If a pole was unsafe it would be immediately replaced (or reinforced or restored???)
- “Reliability” is misleading (a euphemism), because it implies that ISO has designated the X-178 as a reliability project.

- Cross-arms and insulators that needed replacement were replaced around 2017 and there are only 41 poles needing replacement /reinforcement within 8-10 years and no poles that require immediate replacement.
- Eversource appears to be creating new criteria for structure ratings; any replacements of existing structures are now claimed to be “*beneficial to public health and safety*”. The externalized costs of constructing new transmission lines are ignored.
- Will Eversource claim economic benefits of line rebuilds next, transposing the Kelo decision to its asset condition projects?
- “...the structures are old and worn...” Is this statement all DES requires as evidence?
- “...must be replaced due to the state of deterioration of these structures...” Again, simply not true.
- A “state of deterioration” is measured on a given day, so to write “the state of deterioration of these structures over the past 55 and 39 years” is poor writing.

#### PROJECT NEED

Eversource supplies electrical transmission and distribution services from within their existing, maintained ROWs. Maintenance of Eversource’s electrical infrastructure is necessary to ensure the continued safety and reliability of the system. Replacement of the poles prior to significant deterioration to crossarms or the pole itself is of the utmost importance in regard to maintaining service and ensuring safety of the public. Therefore, the X178-2 rebuild is beneficial to public health and safety. The X178-2 Transmission Line was originally built in 1969 and additional portions were built in 1985. During an inspection of the X178 Transmission Line, it was observed that the structures are old and worn and have been subjected to pole splitting, woodpecker damage and rot, and must be replaced due to the state of deterioration of these structures over the past 55 and 39 years.

#5. For endangered species “Eversource will coordinate with the US Fish and Wildlife Service (USFWS) and USACE to determine if best management practices are required.”

Eversource refuses to communicate with towns, the public, or easement-encumbered landowners who, if they even discover that there is an AoT submitted for their property, will have to submit a FOIA to USFWS, which doesn’t do much protection since the Endangered Species Act, which was supposed to protect the habitat of endangered species, has been gutted by the money/power/influence of fossil fuel and fracking corporations as well as the ranching lobby.

“One need not take the world of the whistleblowers, as the statistical evidence in recent years, gleaned from the agency’s own internet data, confirms Fish and Wildlife has been extraordinarily lax in enforcing the ESA. In a study published in the proceedings of the National Academy of Sciences, Ya-Wei Li examined the paperwork of 88,290 habitat consultations issued from January 2008 through April 2015. He was shocked at what he found. Only 7 percent involved a “formal” consultation, convened when FWS believes a project poses a serious threat to species. The other 93 percent garnered FWS approval without issue. Only two of the 88,290 consultations concluded there was jeopardy or adverse modification of habitat. “It boggles the mind to think the process is that smooth all the time,” Li told me. “Tens of thousands of consultations, and only two jeopardy calls?” (And note that both of the two jeopardy decisions were later modified or reversed.)

The upshot is that during the seven-year period from 2008-2015 – the years of the Obama administration – not a single project was stopped or extensively altered as a result of FWS consultation. “When we published the report, I got a lot of calls from Fish and Wildlife people,” Li told me. They were calling to thank him. “They told me I’d opened a can of worms at Fish and Wildlife.” The consultation process, they said, was indeed “highly politicized.” Biologists got punished for issuing jeopardy calls. The ESA’s Republican detractors like to claim that the Fish and Wildlife Service is a hotbed of fanatical conservationists. If only it were so. The truth is that the leadership is weak, quiescent, compromised, and the underlings follow the leaders, as smart bureaucrats must do to stay employed. Attacked from without, the Endangered Species Act is also undermined from within.” (This Land, by Christopher Ketcham, p. 221)

USFW is another captured agency.

#6.

SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; RSA 482-A:3, I(d)(2))	
Please use the <a href="#">Wetland Permit Planning Tool (WPPT)</a> , the Natural Heritage Bureau (NHB) <a href="#">DataCheck Tool</a> , the <a href="#">Aquatic Restoration Mapper</a> , or other sources to assist in identifying key features such as: <a href="#">Priority Resource Areas (PRAs)</a> , <a href="#">protected species or habitats</a> , coastal areas, designated rivers, or designated prime wetlands.	
Has the required planning been completed?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Does the property contain a PRA? If yes, provide the following information:	<input checked="" type="radio"/> Yes <input type="radio"/> No
<ul style="list-style-type: none"> <li>• Does the project qualify for an Impact Classification Adjustment (e.g. NH Fish and Game Department (NHFG) and NHB agreement for a classification downgrade) or a Project-Type Exception (e.g. Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04.</li> </ul>	<input type="radio"/> Yes <input checked="" type="radio"/> No
<ul style="list-style-type: none"> <li>• Protected species or habitat?               <ul style="list-style-type: none"> <li>○ If yes, species or habitat name(s): High -Elevation Spruce-Fir Forest, Wood Turtle</li> <li>○ NHB Project ID #: NHB23-3374, NHB23-3375, and NHB23-3373</li> </ul> </li> </ul>	<input checked="" type="radio"/> Yes <input type="radio"/> No

The only protected species or habitat listed in this AoT application are High-Elevation Spruce-Fir Forest and Wood Turtles. What about the Northern Long-Eared Bat, Little Brown Bat, Common Nighthawk, Marten and Lynx?

## ENDANGERED

**Endangered wildlife** are those native species that are in danger of extinction in New Hampshire because of a loss or change in habitat, over-exploitation, predation, competition, disease, disturbance or contamination. Assistance is needed to ensure these species' continued existence as viable members of the state's wildlife community.



### INVERTEBRATES

Dwarf wedgemussel, *Alasmidonta heterodon*\*\*  
Brook floater mussel, *Alasmidonta varicosa*  
Cobblestone tiger beetle, *Cicindela marginipennis*  
Puritan tiger beetle, *Cicindela puritana*\*  
Frosted elfin butterfly, *Callophrys irus*  
Karner blue butterfly, *Lycaeides melissa samuelis*\*\*  
White Mountain fritillary, *Boloria titania montinus*  
Persius duskywing skipper, *Erynnis persius*  
Rusty Patched Bumblebee, *Bombus affinis*\*\*

### FISH

American brook lamprey, *Lethenteron appendix*  
Shortnose sturgeon, *Acipenser brevirostrum*\*\*

### AMPHIBIANS

Marbled salamander, *Ambystoma opacum*

### REPTILES

Blanding's turtle, *Emydoidea blandingii*  
Eastern box turtle, *Terrapene carolina*

Eastern hognose snake, *Heterodon platirhinos*  
Timber rattlesnake, *Crotalus horridus*

### BIRDS

Northern harrier, *Circus cyaneus*  
Golden eagle, *Aquila chrysaetos*  
Common nighthawk, *Chordeiles minor*  
Piping plover, *Charadrius melodus*\*  
Upland sandpiper, *Bartramia longicauda*  
Roseate tern, *Sterna dougallii*\*\*  
Least tern, *Sterna antillarum*

### MAMMALS

Eastern small-footed bat, *Myotis leibii*  
Little brown bat, *Myotis lucifugus*  
Northern long-eared bat, *Myotis septentrionalis*\*  
Tri-colored bat, *Perimyotis subflavus*  
New England cottontail, *Sylvilagus transitionalis*  
Canada lynx, *Lynx canadensis*\*  
Eastern wolf, *Canis lupus*\*\*

\* Federally Threatened    \*\* Federally Endangered

“The USFWS is also required to designate “critical habitat” for a listed species when it is considered necessary or when critical habitat can be determined<sup>13</sup>. Critical habitat identifies specific geographic areas and may include areas not currently occupied, but deemed necessary to conserve and recover a listed species<sup>14</sup>. Federal agencies are not allowed to take any actions that would result in the destruction or adverse modification of critical habitat. “

<https://extension.okstate.edu/fact-sheets/what-you-need-to-know-about-the-endangered-species-act.html>

No critical habitat has been identified for the Northern Long-eared Bat or Monarch Butterfly.

Eversource is still required to determine how the proposed rebuild of the X-178, with noise, permanent roads and constructions pads, would affect endangered and threatened species and habitats.

## Mammals

NAME

STATUS

Canada Lynx *Lynx canadensis*

Threatened

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/3652>

Northern Long-eared Bat *Myotis septentrionalis*

Endangered

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9045>

## Insects

NAME

STATUS

Monarch Butterfly *Danaus plexippus*

Candidate

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9743>

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Why are these pages shown as “Not for Consultation”?

#7. The AoT applications states that there is no critical lynx habitat around the X-178, yet the N.H. Canada Lynx Protection Zone for Trapping includes the area west of Route 116. Will the information above be in the AoT for the X-178-2 which covers the easement within White Mountain National Forest?

# Canada Lynx Protection Zone for Trapping Restrictions

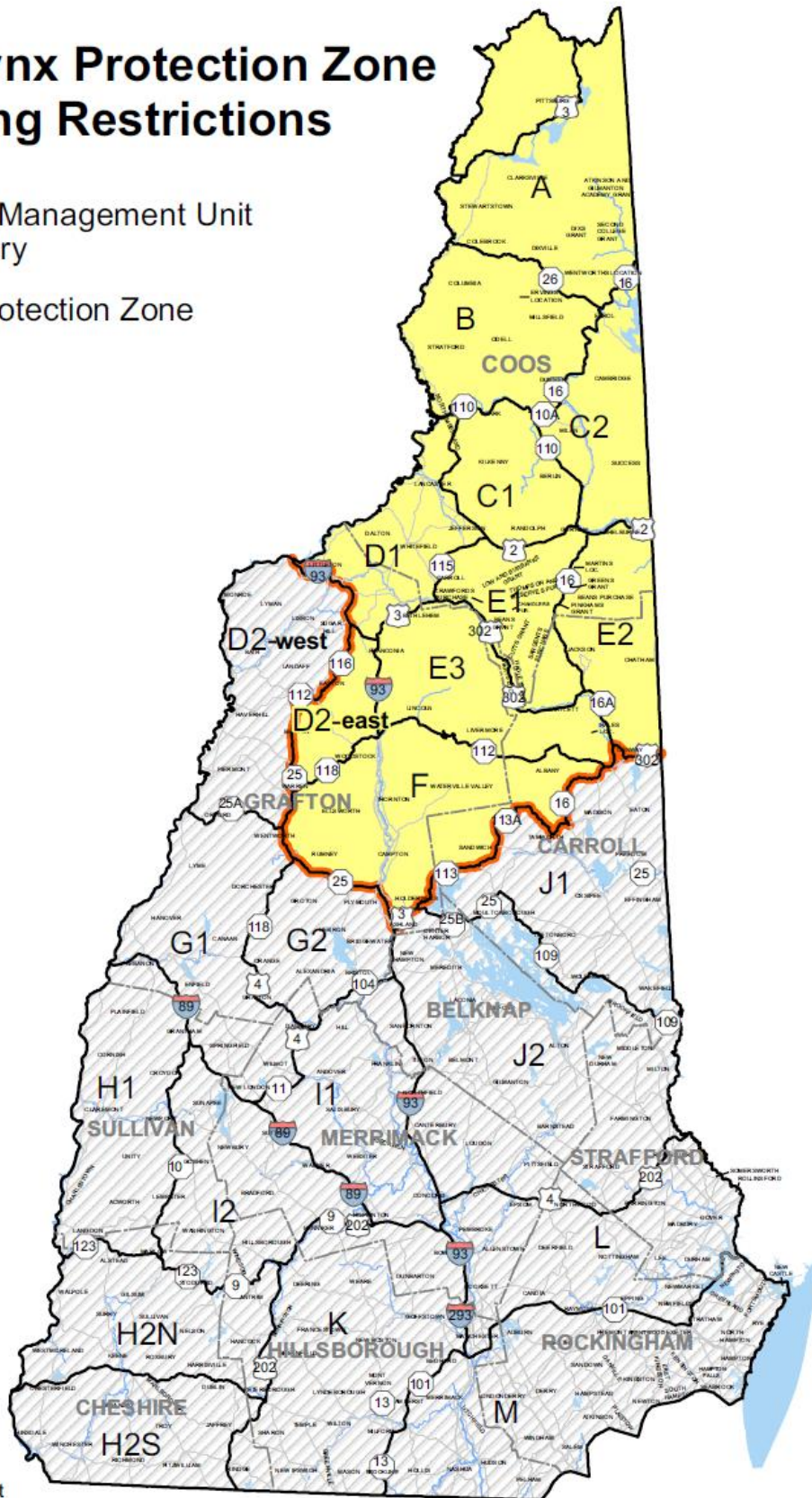
 Wildlife Management Unit boundary

 Lynx Protection Zone



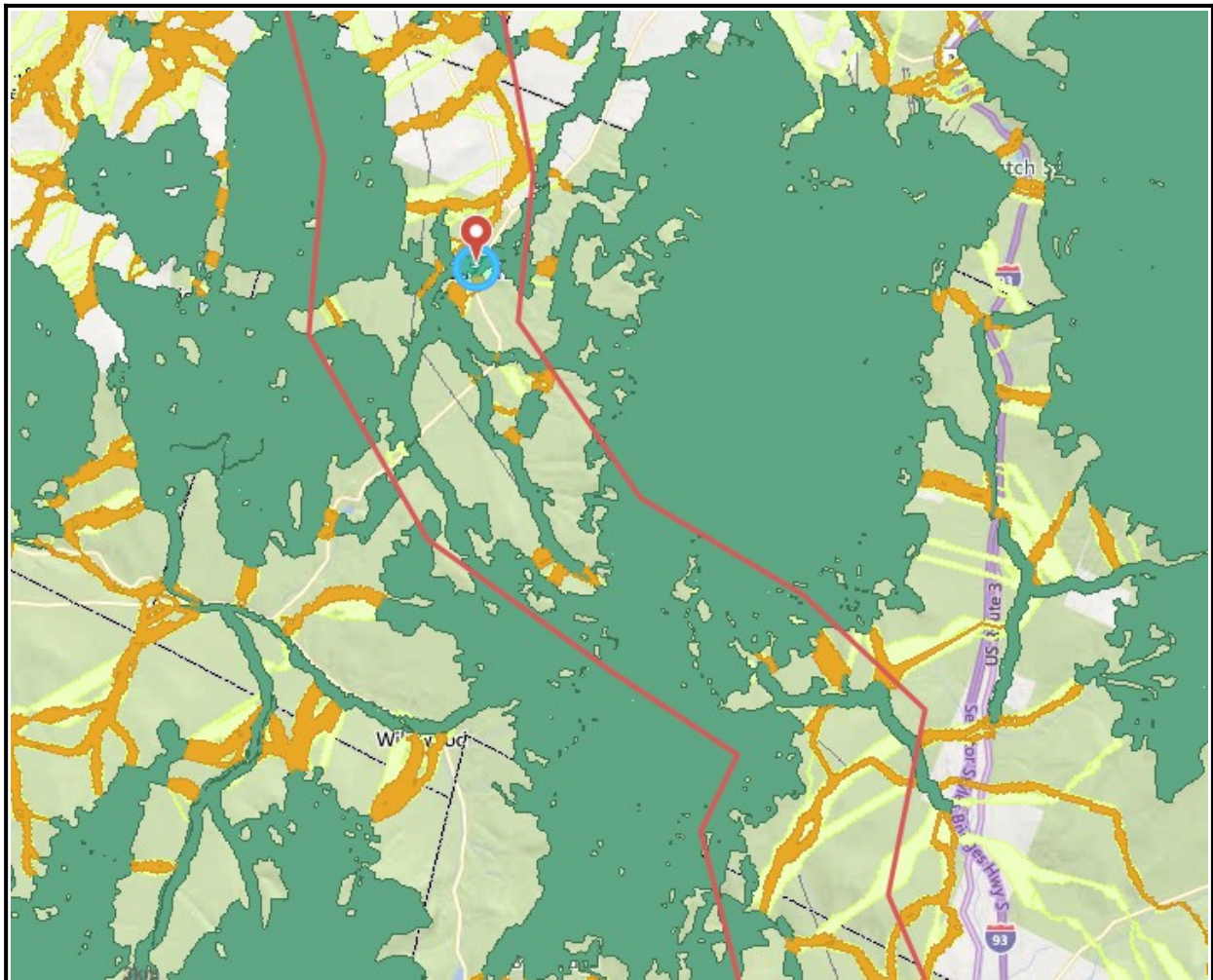
0 5 10 20 Miles

April 2012  
NH Fish and Game Department



**#8.** Below: The X-178 in part of Sugar Hill, Easton, and part of North Woodstock. Orange indicates wildlife corridors and green indicates prioritized habitat. The corridors connect the habitat areas and continue through them. The X-178 has been degrading important wildlife corridors and habitat since 1948. It would not be permitted to be built now. The proposed rebuild, with 39 acres of permanent degradation of built roads and construction areas, and construction, with months of noise and pollution, will certainly drive many animals and humans out of a large area: Sound moves and reverberates for long distances in the Easton valley. The noise of a illegally mufflered motorcycle can travel more than a mile, so Eversource's proposed months of heavy construction will have extensive and long term, if not permanent, effects on humans and wildlife. With audible construction noise comes infrasound, an additional physical and psychological stressor about which Eversource is also silent.

The red lines show a crude noise pollution zone for the X-178, with one mile travel for noise shown on either side of the line. The cleared easement would be a travel corridor for noise, so noise pollution within the cleared easement would be intense.



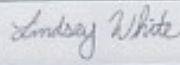


#9. And again, Eversource claims it owns the easements and DES ignores its own rules and accepts this claim:

**“If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.”**

The applicant is not the owner of the property, and the vast majority of true owners are **unaware** that these applications have been filed and thus unable to object to the filing.

**Eversource and DES have deliberately withheld information about major construction and terrain alteration from hundreds of easement-encumbered landowners.**

Initials: KN	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.	
<b>SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)</b>		
SIGNATURE (OWNER): 	PRINT NAME LEGIBLY: Kurt Nelson	DATE: 2/21/2024
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):	PRINT NAME LEGIBLY:	DATE:
SIGNATURE (AGENT, IF APPLICABLE): 	PRINT NAME LEGIBLY: Lindsey White	DATE: 2/21/2024
<b>SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))</b>		
As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.		
TOWN/CITY CLERK SIGNATURE:	PRINT NAME LEGIBLY:	
TOWN/CITY:	DATE:	

Below, 2021 email from an easement-encumbered landowner to DES and DOJ:

**Sent:** Sunday, November 21, 2021 11:04 AM

**To:** Aslin, Christopher <[Christopher.G.Aslin@doj.nh](mailto:Christopher.G.Aslin@doj.nh)>

**Cc:** Michael McDonald <[mac.mcdonald@pwc.com](mailto:mac.mcdonald@pwc.com)>; Anne Norris <[annemarshallnorris@gmail.com](mailto:annemarshallnorris@gmail.com)>; [mcschwert@gmail.com](mailto:mcschwert@gmail.com)>; Trowbridge, Philip <[Philip.R.Trowbridge@des.nh](mailto:Philip.R.Trowbridge@des.nh)>; Mauck, Ridgely <[Addison.R.Mauck@des.nh.gov](mailto:Addison.R.Mauck@des.nh.gov)>

**Subject:** Referral from Phillip Trowbridge

“As you are aware, property owners in New London have been investigating a number of permitting deficiencies associated with Eversource’s rebuilding of the M 127 power corridor. These errors/omissions occurred with both state and municipal permits, and are traceable to process flaws within Eversource, within DES, and within the Town of New London. While we have painfully slogged through most issues, we have a couple of items left to resolve. Phillip Trowbridge gave us your name as the attorney who provided him with the legal opinion regarding who is the property owner of the land within Eversource’s ROW as it pertains to DES AOT regulations.

The case law Phillip cited was from an adjudication completed in 2015, prior to DES significantly amending their AOT regulations, including defining key terms—Applicant, Agent, Owner, Person. Given the time line, the civil suit that surfaced the ambiguity with terms in the older Administrative Codes was a probable driver behind some of the changes that were adopted by Doc. #12342 effective 8-15-17. Additionally, in conjunction with the new rules/definitions, the AOT application form was significantly revised, hopefully tightening up points of confusion inherent in the older document.

The codified definition of “applicant” clarifies that an easement holder with a legal right to complete the work proposed in an AOT permit can submit an application, which in this specific case would be Eversource. The regulations also spell out what property owner information/signatures must be on the AOT permit and associated documentation submitted to Municipalities and to DES (ENV-WQ 1503.10).

“Owner” in the amended Administrative Code (ENV-WQ 1502.45) is defined as the “Record Title Holder”. Phillip has stated that based on your interpretation, Eversource is the singular “owner” of the underlying property. While we agree that Eversource has a title interest in this private property, and can apply for an AOT permit, we disagree that they are the exclusive “Record Title Holder” and can sign that application as the exclusive “owner”. The regulations provide for multiple “owners” if applicable.

Interestingly, Eversource is quite clear that they do not own the underlying property but rather have a limited use easement on this private property. I am going to attach some policy information published by Eversource regarding their view on who owns the property/land that the pole structures and lines reside on, and how they define and distinguish the rights of the two entities. The easement on our property is quite specific relative to what Eversource can construct to maintain and operate this portion of the power grid. That easement does not limit our use of that land outside of state, federal, and industry-specific safety rules that are codified in statutes and

written policies. For example, we can plant and landscape the property within the easement boundaries. However, industry standards protecting the grid have specific rules relative to the maximum heights of trees within the power corridor, beginning with an 8-foot maximum directly under the power lines and ending with a 25-foot maximum at the outer perimeter of the easement boundary. Property owners cannot build a swimming pool within the easement boundary, but in New Hampshire, we can work with established snowmobile trail groups to allow those recreational activities to occur on our underlying property, even when it is within the easement boundary (although we have zero interest in snowmobile trails on our properties). Property owners with these easements attached to their land can and do include that underlying property within our Town Trail System. Some people grow crops within the easement. And we could go on with specific examples.

Property owners and the easement holder (now Eversource) both retain their title interests. We cannot interfere with Eversource's easement rights and Eversource cannot unreasonably restrict our enjoyment of private property. Eversource sums it up better than I can:

“The majority of the rights-of-way used for the Eversource electric transmission system were established through the purchase of easement rights by Eversource from owners of the underlying property. While we have rights to operate and maintain the electric transmission system through these easements, the underlying property is still owned by private parties. Their rights to use the property continue, subject to our easement rights.”

I would add that Eversource is restricted by the specifics included in our easements and does not have a contractual right to “do whatever they want within the easement” which was apparently true in the cited case (Robert Michele). For example, our easement contracts state that Eversource can construct a “foundation suitable for the poles”. That is something that can be quantified by a civil engineer familiar with the pole technology being utilized. Eversource cannot construct a permanent foundation on our properties that is 2,000 square feet if their pole engineer indicates they only need 500 square feet to safely and securely house the footings. That would be going outside what is specifically included in our easement contracts, and infringing on our rights as owners of that land.

Hopefully I have outlined our understanding of record title holder status relative to the easement. We believe that Eversource's publicly available documentation supports our interpretation. We understand that Eversource has a title interest in the land covered by the easement contracts along the M-127 power corridor. We disagree with DES/DOJ that Eversource is the exclusive owner/record title holder of the underlying land. Given that “Record Title Holder” is a term not defined in the

regulations, Merriam Webster apparently becomes the operative reference for clarifying what that term means. We have completed that analysis.”

On Dec 9, 2021, at 1:50 PM, Aslin, Christopher <[Christopher.G.Aslin@doj.nh](mailto:Christopher.G.Aslin@doj.nh)> wrote:

“Thank you for reaching out in regard to NHDES’s interpretation and application of its Alteration of Terrain (AOT) rules in relation to Eversource’s transmission line maintenance on the M127 line through New London. NHDES’s interpretation of its rules was reached in consultation with NHDOJ and was deemed a reasonable exercise of NHDES’s administrative authority under RSA 485-A. I recognize that you have a different interpretation of the AOT rules and the meaning of “record title holder” and have already raised your concerns directly with NHDES staff. At this time there is no further role for NHDOJ in this matter.

Sincerely,

Chris Aslin

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Christopher G. Aslin

Senior Assistant Attorney General

Environmental Protection Bureau

33 Capitol Street

Concord, NH 03301

Phone (603) 271-3679

Fax (603) 271-2110”

**Date:** December 9, 2021 at 2:28:56 PM EST

**To:** Philip Trowbridge <[philip.r.trowbridge@des.nh](mailto:philip.r.trowbridge@des.nh)>

**Cc:** Ridgely Mauck <[Addison.R.Mauck@des.nh.gov](mailto:Addison.R.Mauck@des.nh.gov)>, [christopher.aslin@doj.nh.gov](mailto:christopher.aslin@doj.nh.gov)

**Subject: Re: Referral from Phillip Trowbridge**

“This is quite circular. I asked that DES provide the legal basis for declaring Eversource the Record Title Holder as defined in the AOT regulations. You referred me to DOJ as the ones that provided you with that opinion. DOJ deflects back to DES’ interpretation of its own rules, and indicates that you have the authority to make that legal interpretation.

So, my question to you is—what is the legal basis for your interpretation that Eversource is the singular Record Title Holder for AOT permitting purposes. If the answer is “Because I say So”, then just tell me that and I will proceed accordingly.”

The AG and DES need to confirm their “interpretations” of DES rules, and that they consider that this interpretation applies to all utility projects, including the X-178 and Eversource’s 76+ other “Asset Condition” projects, and that “because I say so” is the extent of your justification for DES’s failure to send easement-encumbered landowners the AoT applications or permits for extensive construction on their lands.

Are DES rules, like the terms of the easements, meaningless without a lawsuit?

#10. Another project description:

• If yes, list contaminant:

Is there potential to impact impaired waters, class A waters, or outstanding resource waters?  Yes  No

For stream crossing projects, provide watershed size (see [WPPT](#) or Stream Stats): N/A

**SECTION 2 - PROJECT DESCRIPTION (Env-Wt 311.04(i))**  
Provide a description of the project and the purpose of the project, the need for the proposed impacts to jurisdictional areas, an outline-of the scope of work to be performed, and whether impacts are temporary or permanent.

Eversource is proposing to replace 106 existing utility structures along the X178-2 Transmission Line. The Site runs through portions of Woodstock, Easton, and Sugar Hill, New Hampshire. The maintenance work requires temporary wetland matting within wetlands for work pad placement and associated access to each structure. The X178-2 Transmission Line was originally built in 1969 and additional portions were built in 1985. During an inspection of the X178-2 Transmission Line, it was observed that the structures are old and worn and have been subjected to pole splitting, woodpecker damage and rot, and must be replaced due to the state of deterioration of these structures over the past 55/39 years. The proposed structure replacement work will require temporary impact to place temporary timber matting within wetlands for replacement work areas and associated access. In addition, temporary grading is required on steep slope wetlands to provide safe access and work pad areas. The existing wood structures will be replaced with a new steel counterpart and will require heavy machinery to install. Access and work pad locations in wetlands will be restored as part of required impact minimization. However, for mitigation purposes, Eversource proposes to submit a mitigation fee for temporary grading impacts, for proposed pole replacements in wetlands, and temporary wetland matting in PRA wetlands.

“The existing wood structures will be replaced with a new steel counterpart and will require heavy machinery to install.” More untruths.

A counterpart is something closely resembling the original, having the same function and characteristics. The new structures would not closely resemble the existing structures, except perhaps from afar. They are metal, not wood, wider and taller, the conductor is larger, the distance from the cross-arms to the OPGW is greater, there are OPGW splice boxes on some of the structures, and signs warning of electrocution.

The metal structures do not have the same function as the existing wood structures, which is part of the reason they are taller and wider. The functions of the new structures are:

- To carry OPGW, which is not permitted in the terms of the easements and is heavier than the existing ground wires.

- To carry the three high-sag 1272 ACSS conductors, which combined, weigh 4,899 lbs per 1,000' compared to the three existing conductors which combined weigh 3,282 lbs per 1,000'.
- To place the OPGW approximately 15' from the conductors, which is where Eversource claims the height increases occur.
- To disempower easement-encumbered landowners by using structures they will be unable to remove without expensive metal cutting equipment, in the event of system destruction, decay, abandonment, or pole disposal in the easement, as was done in the 1985 replacement of the Beebe River to Streeter Pond Tap section of the X-178.
- For other reasons Eversource has not stated. Perhaps the metal structures are an excuse for the road building, depreciate in value in a way that benefits Eversource more than wood structure depreciation, are part of a deal with the corporations that make them, benefit Eversource because they do not required line-workers to climb them using spikes, so eliminate a skill-set in workers, cannot be repaired or replaced in ways that wood poles/structures can, or can be extended in height. The metal structures are lighter and do not required any equipment to install that differs from that used in 1985. Their installation does not require graded, permanent construction areas 100' x 100' (the cleared width of most of the existing easement where there is no distribution line) or permanent roads. Eversource's systematic and premature elimination of carbon-sequestering wood structures in favor of new carbon-intensive metal structures, remains unjustified and unexplained.

#### The Project Schedule and Sequence:

"8. Conduct drilling activities, including drilling of approximately 4-ft. diameter holes for caisson placement, approximately 7-15' below ground surface. Dewater practices (e.g., dirt bags and temporary sediment basins in uplands) and proper stockpiling will be utilized during drilling. Drill spoils will be properly stabilized in non-jurisdictional areas."

"10. Conduct structure replacement activities, including installation of new structures, and removal of old structures. Existing structures in wetlands are typically cut and pole butts left in place, while structures in uplands may be removed from the ground"

**#12.** Drill spoils may be contaminated with creosote, pentachlorophenol and other chemicals that have migrated from the existing poles, and should be disposed of in an appropriate landfill, not “non-jurisdictional areas” on the easements.

All wood pole butts must be removed, since they are heavily saturated with pentachlorophenol, creosote, fuel oil and other treatments for slowing decay.

Eversource has provided no documentation showing that removing these poles is more damaging to wetlands than leaving them to continue to contaminate wetlands.

Below: X-178 1985 poles with treatment cartridges: Methylisothiocyanate, chlorpyrifos or Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione (Dazomet.)



Below: Older wood treatment cartridge in water:



X-178 1985 pole with two pole stubs and one 1948 dumped pole left in place to avoid wetland damage (according to Eversource.)





## “Dazomet:GHS Hazard Statements

H302 (100%): Harmful if swallowed [Warning Acute toxicity, oral]

H315 (19.58%): Causes skin irritation [Warning Skin corrosion/irritation]

H319 (100%): Causes serious eye irritation [Warning Serious eye damage/eye irritation]

H400 (94.28%): Very toxic to aquatic life [Warning Hazardous to the aquatic environment, acute hazard]

H410 (100%): Very toxic to aquatic life with long lasting effects [Warning Hazardous to the aquatic environment, long-term hazard]”

<https://pubchem.ncbi.nlm.nih.gov/compound/Dazomet#datasheet=LCSS>

Below: X-178 pole still leaching chemicals into a Reel Brook watershed high-altitude bog, 2015



**5/10/62:** Pole treatment: “It is our understanding that the treatment consists of the application of a 6 percent solution of pentachlorophenol in number 2 fuel oil to the entire pole and cross arms and that the fire hazard created by this application continues for 24-36 hours...The area of high hazard is in the immediate vicinity of the pole where the oil drips into the ground.”

(WMNF document)

Frog eggs in (vernal?) pool created by X-178 transmission pole installation, 2015:



Left: Wood-Fume pole treatment container discarded in 2019 near pole 246, Bog Pond area (photo 2023.)

#### Wood-Fume ENVIRONMENTAL HAZARDS

“This pesticide is toxic to mammals, birds, fish, and aquatic vertebrates.”

“CONTAINER HANDLING: (container 5 gallons or less)

Nonrefillable container. Do not reuse or refill this container. Triple rinse as follows: Fill container  $\frac{1}{4}$  full with water and recap. Shake for 10 seconds. Follow Pesticide Disposal instruction for rinsate disposal. Drain for 10 seconds after flow begins to drip. Repeat procedures two more times. Then offer for recycling if available or recondition if appropriate or puncture and dispose of in a sanitary landfill, or by other procedure approved by state and local authorities.”

Do Lentrek, Super Fume and Wood-Fume contain PFAS?

Super-Fume and Wood-Fume treatment tags on X-178 pole 246:



Five gallon Timberline Wood Treatment container dumped near structure 324. Beech Hill, Mt. Blue, Moosilauke and Mt. Clough in the background.



**PRODUCT: TIMBERLINE WOOD PRESERVING COMPOUND**

- **REGISTRATION NUMBER:** 3008- 4-ZA
- **COMPANY NAME:** KOPPERS PERFORMANCE CHEMICALS, INC.
- **PRODUCT STATUS:** C - INACTIVE NOT RENEWED
- **REGISTRATION**
- **REGISTRATION DATE:** 22-SEP-87
- **INACTIVATION DATE:** 31-DEC-91

**Chemical Information**

<b>Code</b>	<b>Name</b>	<b>Percent</b>
0	INERT INGREDIENTS	4.86000
171	CREOSOTE	45.62000
537	SODIUM FLUORIDE	44.42000
2167	POTASSIUM DICHROMATE	3.10000
221	2,4-DINITROPHENOL	2.00000
Total		100.00000%

<https://apps.cdpr.ca.gov/cgi-bin/label/labrep.pl?fmt=1&8502=on>

Timberline contains “**2,4-Dinitrophenol (DNP): A Weight Loss Agent with Significant Acute Toxicity and Risk of Death**”

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3550200/>

“**Potassium Dichromate** is a CARCINOGEN in humans. There may be no safe level of exposure to a carcinogen, so all contact should be reduced to the lowest possible level. The above exposure limits are for air levels only. When skin contact also occurs, you may be overexposed, even though air levels are less than the limits listed above.”

<https://nj.gov/health/eoh/rtkweb/documents/fs/1564.pdf>

“**Creosote** may pose risks to fish and invertebrates when creosote-treated wood is used in aquatic and railroad structures.”

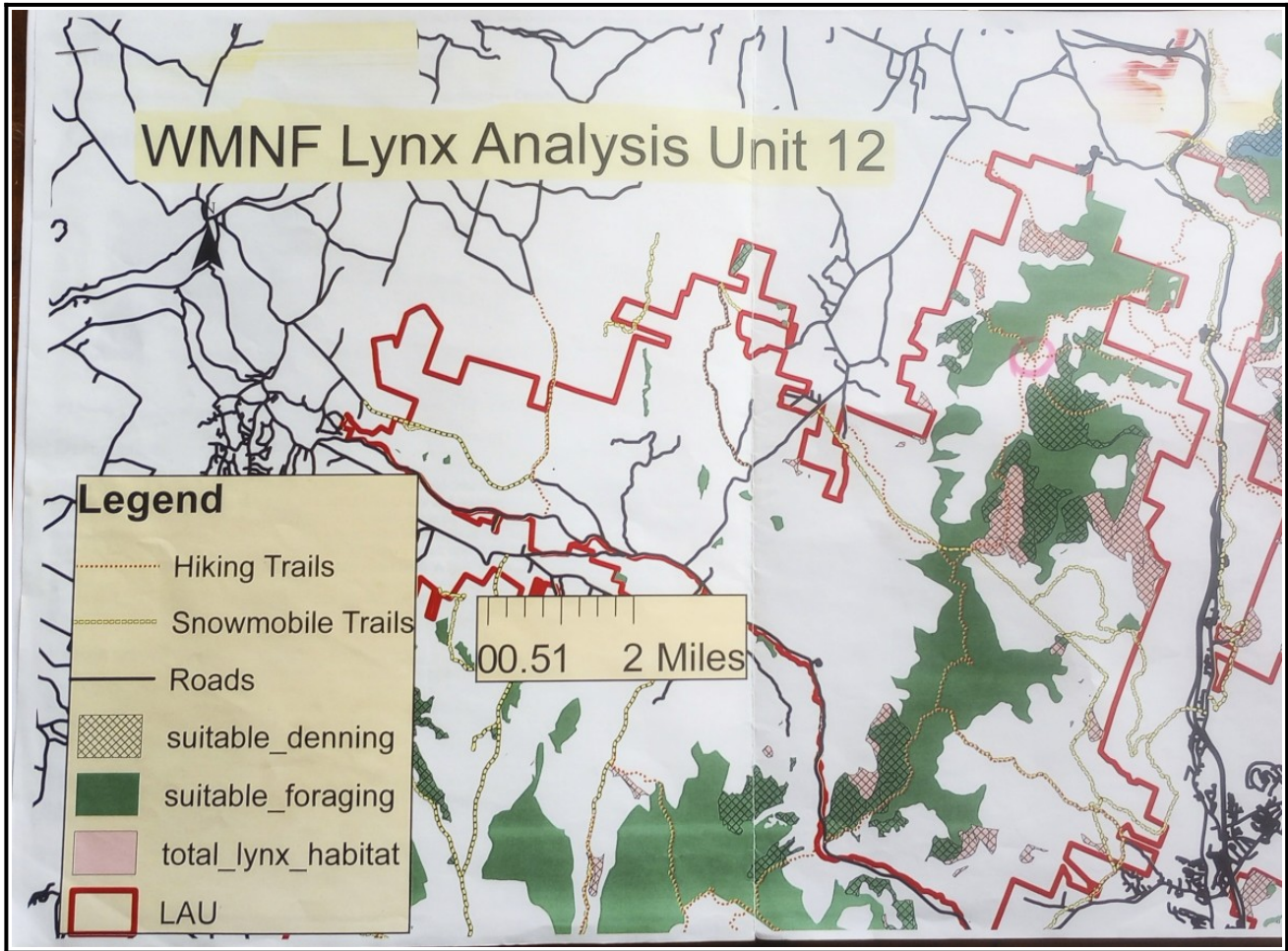
<https://www.epa.gov/ingredients-used-pesticide-products/creosote>

#13. The AoT application shows Stephen Whitcomb as owner of WMNF, and two different lines (green hatched and white) for the boundaries of the White Mountain National Forest, as do the other project maps.

**#14. Birds of Conservation Concern;** Canada Warblers, Chimney Swifts, Kestrels, Olive-sided Flycatchers, Common Kestrels, Veery and Wood Thrushes, Ruffed Grouse, Purple Finches and Northern Goshawks are all in the project area. There is no protection for them in the project plans.

<p><b>Bicknell's Thrush</b> <i>Catharus bicknelli</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/606">https://ecos.fws.gov/ecp/species/606</a></p>	<p>Breeds Jun 10 to Aug 20</p>
<p><b>Black-billed Cuckoo</b> <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a></p>	<p>Breeds May 15 to Oct 10</p>
<p><b>Bobolink</b> <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	<p>Breeds May 20 to Jul 31</p>
<p><b>Canada Warbler</b> <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	<p>Breeds May 20 to Aug 10</p>
<p><b>Cape May Warbler</b> <i>Setophaga tigrina</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p>	<p>Breeds Jun 1 to Jul 31</p>
<p><b>Chimney Swift</b> <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	<p>Breeds Mar 15 to Aug 25</p>
<p><b>Evening Grosbeak</b> <i>Coccothraustes vespertinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	<p>Breeds May 15 to Aug 10</p>
<p><b>Olive-sided Flycatcher</b> <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3914">https://ecos.fws.gov/ecp/species/3914</a></p>	<p>Breeds May 20 to Aug 31</p>
<p><b>Wood Thrush</b> <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	<p>Breeds May 10 to Aug 31</p>





The X-178 is the light grey straight line in the middle-right that goes through the green “suitable foraging” area and two pink hatched “suitable denning” areas for Lynx.



kris pastoriza

june 7, 2024