

LAW OFFICES
ARTHUR B. CUNNINGHAM
79 Checkerberry Lane, Hopkinton, NH 03229

April 28, 2025

Derek J. S. Ibarguen
Forest Supervisor, White Mountain National Forest
74 White Mountain Drive
Campton, NH 03223 Via email.

Dear Supervisor Ibarguen:

I am attorney for Kristina Pastoriza and New Hampshire Senator Ruth Ward.

My clients own a large and beautiful property abutting the White Mountain National Forest (WMNF). Ms. Pastoriza lives on the property and is an avid WMNF hiker.

As you know, Eversource Energy has proposed to replace the powerline X-178 that traverses over 11 miles of the WMNF. My clients just recently learned (despite multiple FOIA requests) that the Forest Service may exempt the project from the required National Environmental Policy Act (NEPA) review.

Any exemption decision is premature, without factual basis and arbitrary and capricious.

What you do not know is that the X-178 project is a major project. It is not a “small project”, the putative basis for a failure to conduct NEPA review. The existing structures and attached conductors will be demolished and removed. The new steel structures will be between 4.5’ and 29’ higher, an average increase of 12 feet, and the capacity of the lines will be doubled. The structures will be topped by two fiber-optic ground wires (OPGW). Eversource lists 140 new structures. Project plans show 108 on phase 2 and 5 on phase 1. The phase 2 portion of the project would require up to 216 augured 4’ diameter holes in which caissons will be placed to encase the new poles. The engineering specifications for the micropile foundations, and necessary blasting, drilling, or excavation into bedrock or glacial erratics are not known to my clients. Each structure will have a level 100’ x 100’ work platform of unproven need built around it. The specifications for bringing the pads to grade such as the cubic yard of fill are not known. The geotechnical borings planned for Q1 2026 have the potential to damage wetlands and Bog Pond with leaking drilling fluids.

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Gross measurements from available plans show that Eversource would construct 9.8 miles of road 16-20 feet wide and 9 inches deep with gravel and rip-rap composition. The road compaction rate is likely at 95% density. The roads would alter water infiltration rates, drainage and pose erosion, sedimentation and flooding risks. The western portion large portion of the X-178 (2) in WMNF is in the Reel Brook drainage and flows into the Ham Branch and Gale River. On the east side, Bog Pond is a rare high altitude fen system that deserves the highest level of protection. The Forest Service has noted that the existing powerline is the most prominent non-conforming feature in the Kinsman and Gordon Pond Inventoried Roadless Areas.

Eversource projects the X-178 construction costs at \$400,000,000.00. The construction of X-178 in the WMNF demands a comprehensive and public NEPA review and identification of the impacts on the WMNF during construction and when complete. Review requires public examination of project plans, specifications and construction methods. Alternatives must be identified including a no build alternative.

You also need to know Eversource has not received any federal review and approval for the project. X-178 is a regional transmission project that falls within the jurisdiction of the Federal Energy Regulatory Commission (FERC) and the regional grid operator ISO-New England (ISO-NE).

Eversource has not established in a FERC or ISO-NE docket that the major reconstruction of X-178 is necessary for reliability or public safety. No showing has been made in those jurisdictional agencies that the existing X-178 must be replaced. Eversource has not made a proper long-term planning presentation to ISO-NE. The lack of review means that those agencies do not have an evidentiary record of project details. Eversource's repeated representations that the project is a critical transmission infrastructure necessity are self-serving without factual support.

Please consider this letter a demand that the Forest Service begin the NEPA process.

Very truly yours,

/s/ Arthur B. Cunningham

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