

LAW OFFICES
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79 Checkerberry Lane, Hopkinton, NH 03229

August 7, 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.¹

Please consider this letter both as a follow-up to my letter to you of April 28, 2025, and Formal Comments on the proposed Eversource replacement of the X-178 high voltage transmission line that traverses over 12 miles of the White Mountain National Forest

As I earlier advised, 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.

First. The X-178 transmission project post on the Forest Service website is wholly inadequate for the public to know, understand and effectively comment on this very large project. Form 1 is the only public document.² That document indicates that Eversource seeks a 36 CFR 220.6(e)(2) Categorical Exclusion (CE) from the National Environmental Policy Act (NEPA) process. The balance of Form 1 does not provide substantive facts to adequately inform the public of the size and scope of the project, particularly a project of the size of X-178. The Eversource

¹ The Comments set forth in this letter were co-authored by my client Kristina Pastoriza.

² Kristina Pastoriza had to file multiple Freedom of Information (FOIA) requests to obtain basic information about the project.

claim for a CE demands that the Forest Service publish with transparency each and every document in its possession that does or does not support the CE claim in order that the public can fully understand the project and its impact on the Forest. Comprehensive public disclosure is critical to the NEPA process.

The CE process must not be used as a pretext to cloak public understanding. The paucity of information publicly available on the X-178 must be promptly corrected.

Second. Eversource Form 1 misrepresents X-178.

Eversource in its United States Forest Service Form 1 filing represents that the X-178-2 Transmission Line Rebuild and Optical Ground Wire Installation is needed “to maintain public safety and reliability.” (Form 1, page 2, paragraph 10, Purpose and Need)

The Eversource Form 1 representation that X-178 is a safety and reliability project is self-serving without basis in fact or regulatory support.

X-178 is a New England regional transmission project that falls within the jurisdiction of the Federal Energy Regulatory Commission (FERC) and the New England regional transmission organization ISO-New England (ISO-NE). Eversource has chosen to replace X-178 as a private corporate decision without the planning approval of FERC or ISO-NE. Eversource has not shown that the FERC jurisdictional X-178 project is needed for safety or reliability. The project costs, sunk and projected, have not been nor will they be shown to be prudent to FERC or ISO-NE. The costs have, and will be, automatically charged to retail ratepayers without any regulatory scrutiny whatever.³

³ The costs of the project are passed onto ratepayers through an accounting process known as “formula rates”. Formula rates allow utilities such as Eversource to pass the costs of transmission projects onto ratepayers without filing a rate case. The Forest Service should know that there is substantial public interest in the project.

Eversource has made no showing to the jurisdictional bodies that electric rates resulting from the X-178 will be just and reasonable as required by federal and New Hampshire law.XXXXXX

Third. I wish to emphasize the points made in my letter to you of April 28, 2025. The Eversource X-178 project is a complete replacement of the existing transmission line and poles. It is a major new \$400,000,000 build of a transmission line that far exceeds the Categorical Exclusion parameters of 36 CFR Ch. II, Section 220.6(e)(2). The Eversource claim is that X-178 is an “additional construction or reconstruction of an existing telephone or utility lines” project is a misrepresentation.

The Forest Service has no factual or legal basis to grant Eversource a Categorical Exclusion for this project and to do so would violate the National Environmental Policy Act (NEPA).

Fourth. The constructability of X-178 demands exacting review by Forest Service. The project will require the construction of roads; work pads and pull pads. There will be impacts to wetlands and streams. Trees will be cut down.

The most significant concern of a project of this magnitude is what the Forest will look like post-construction. The Forest Service must demand and place in the public record post-construction 2’ lidar-derived contour maps, visualizations of roads and tower pads that will remain after construction is complete on slopes that exceed 10%. The tower pad visualizations must be presented with specificity, including: the outside dimensions of the pad; the degree of grade of each side and surface of the pads; the cubic feet of material excavated at each pad and laydown area; the composition of the fill used to construct the pads; the number of yards of material used to construct the pads and how the fill will be transported to the pad site; the specifications of the cover or grasses on each pad; the

specifications for erosion and drainage control; a description of Forest natural features proximate to the pads.

The installation of towers on steep slopes that exceed 10% grade raise deep concern. In the Constructability portion of the request for Categorical Exclusion (pages are unnumbered), Kurt I. Nelson of Eversource states: "...Some permanent grading will be required in steep slope wetlands with slopes greater than 10% to facilitate safe construction, matting installation and better allow for future maintenance of the transmission infrastructure. Upon completion of work, original contours will be restored to the extent feasible. Temporarily displaced soils will be segregated and reapplied in a manner to maintain appropriate soil horizon structure...."

The calculated ambiguity in these Nelson representations raise multiple concerns because nothing in this vague paragraph can be objectively evaluated or commented on by the public. Worse, the vague language may allow permanent damage to the Forest by both the failure of Eversource to honor its construction representations and by poor, negligent and incompetent construction practices by its contractors and sub-contractors.

Eversource must be required to specifically identify the steep slopes that will "require permanent grading". Eversource must explicitly describe the grading needed, the volume of fill to be transported to each structure site and the method of transportation. Mr. Nelson refers to the need for "future maintenance. What maintenance and how will it be done? Nelson represents that "original contours will be restored to the extent feasible". Language like "extent feasible" will allow unacceptable work to permanently scar the Forest with no accountability.

The Forest Service must, in order to satisfy its NEPA responsibilities, do these things: 1) require Eversource to

produce legible maps showing each “work pad” on a topographical map with visible well-defined lines in order to show elevation changes and grade; 2) Eversource must produce maps that identify each “work station” which will require “permanent grading” and those “work stations” that will be “restored to the extent feasible” as Mr. Nelson advises in the Categorical Exclusion filing; and 3) the maps must be cross-indexed with the topographical data, permanent grading and those work pads that will be restored to the extent feasible.

The maps that the Forest Service must require will allow the public to see the actual physical land that will be impacted by “workstation” construction.

The maps will allow Forest Service decision-makers to personally visit each site and certify the suitability or unsuitability of the proposal.

You must note another significant uncertainty in the constructability of X-178. Eversource suggests that it may use micro-pile installation for a series of tower locations in remote, inaccessible and sensitive areas. Eversource must provide the drilling specifications for each tower location.⁴ The work pads or matting specifications for each tower location must be provided to enable inspection and to ensure compliance with the Eversource constructability representations. The suggestion that helicopters will be used requires a comprehensive explanation of loading plans. Micro-pile drill holes and casings are packed with grout that must be installed within a day because of curing times. Eversource has not detailed how the grout will be mixed, transported and installed.

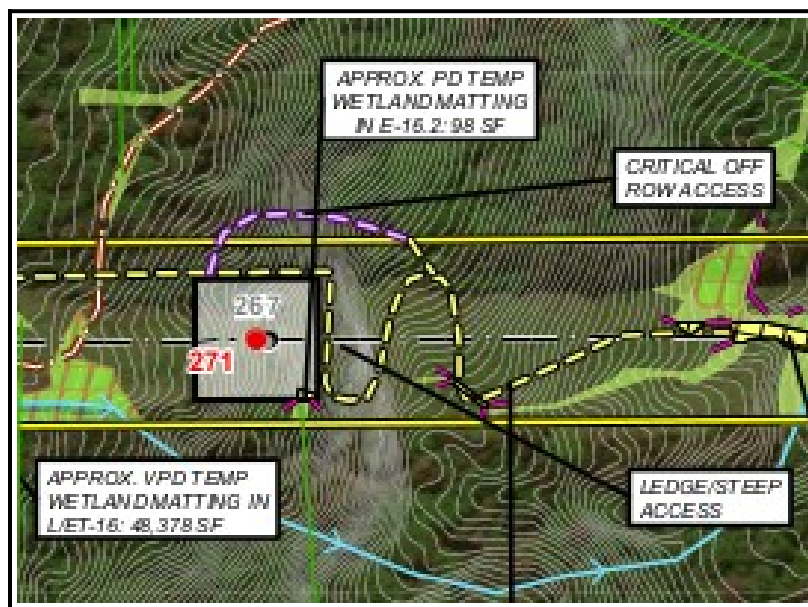
⁴ No test borings have been done to explain the tower subsurface characteristics, ledge and rock formations, hydrology, and drilling fluid frac-out risks that would be involved in the drilling and construction of the micro-piles. The construction specifications for micro-pile tower installation cannot be done until the test borings are available for review.

Eversource has appended a number of photographs to its application for Categorical Exclusion. See Photo Log Attachment B. Many of the photos are misleading and are not accurate representations of the site or the proposed construction work. For example, the photograph at proposed structure 267 misleads.

Structure 267 is above the Reel Brook crossing of X-178 and is situated at the top of a wet cliffy section of terrain. Eversource plans a “micro-pile” foundation here, but road construction and a 100 X 100 work pad are permitted. The site will likely require blasting, ledge hammering and conversion of the natural terrain to an industrial work area for road construction. No specifications are given for the micro-pile foundation. The structure will increase by 13’ from 52’ to 65’.

Eversource’s application for a Categorical Exclusion does not include a photograph of structure 267 from below but the 2016 PAR pole removal report does.

Below: Eversource plan at structure 267”



Below: CE application photo of structure 267 from above.



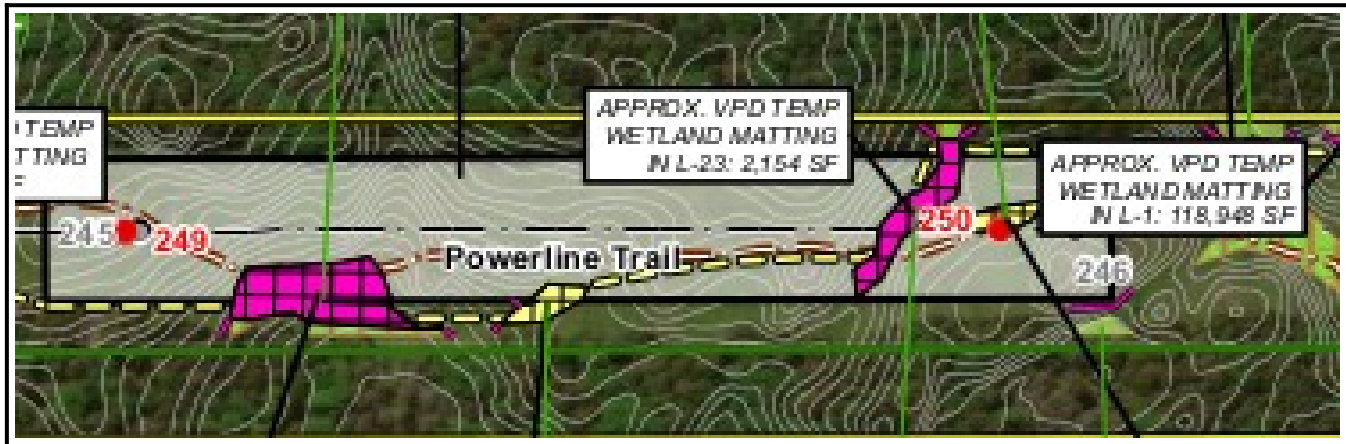
Photograph No. 106: Looking westerly at proposed work pad location for Structure 267.

Below: PAR photograph of cliff area below structure 267.



267 base of cliff

Eversource plans to construct a permanent 650' x 100' compacted gravel road/laydown/parking lot connecting two construction pads between structures 245 and 246 next to the stunning and rare high-altitude Bog Pond area. Despite the aesthetic degradation of the powerlines and structures in this Roadless Area it was barely altered on the ground by the 1948 and 1985 construction and rebuilding of the line.



The photograph below shows a view of structure 246 across Wetland L-23, shown on the plans above. This whole area would have the topsoil and all vegetation bulldozed and piled. The ledge would be destroyed and spread as fill, the area covered with riprap and gravel, and compacted. Surface and excavated



Photograph No. 78: Looking westerly into Wetland L-23.

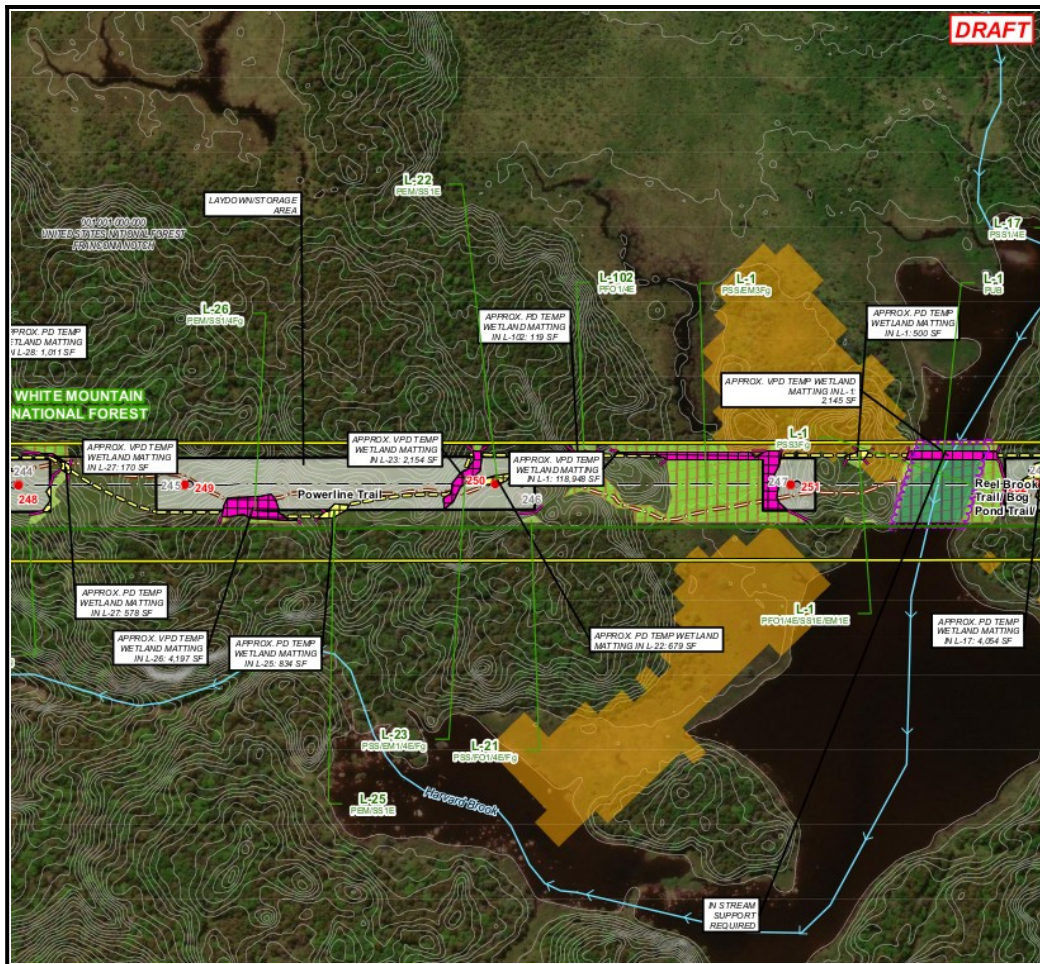
boulders would be piled at the edge of the easement. The area would look like that in the photo below of Eversource's U-199 rebuild but would be more than three times the length:



The Forest Service plans to permit 650' of this destruction which would include the area shown at right:



Photograph No. 79: Northwesterly view of ROW towards Structure 246.



Below: view of structure 247:



Tangent structure 264 is in small bog that Eversource and the Forest Service deemed in 2016 too environmentally sensitive to allow the removal of three wood poles dumped in there in 1985. Eversource plans geotechnical boring at the edge of the SUP area here, which could result in leaking of drilling fluids to the wetlands as occurred in at least three streams in WMNF during Northern Pass. Eversource also plans to drill either a “micro”-pile foundation or auger three 4’ diameter holes into which corrugated metal caissons would be placed to hold the metal “poles” and which would be filled with gravel. Eversource has not provided plans for how it would anchor 19 new guy wires in this bog or plans for the burial of the ground wire for the



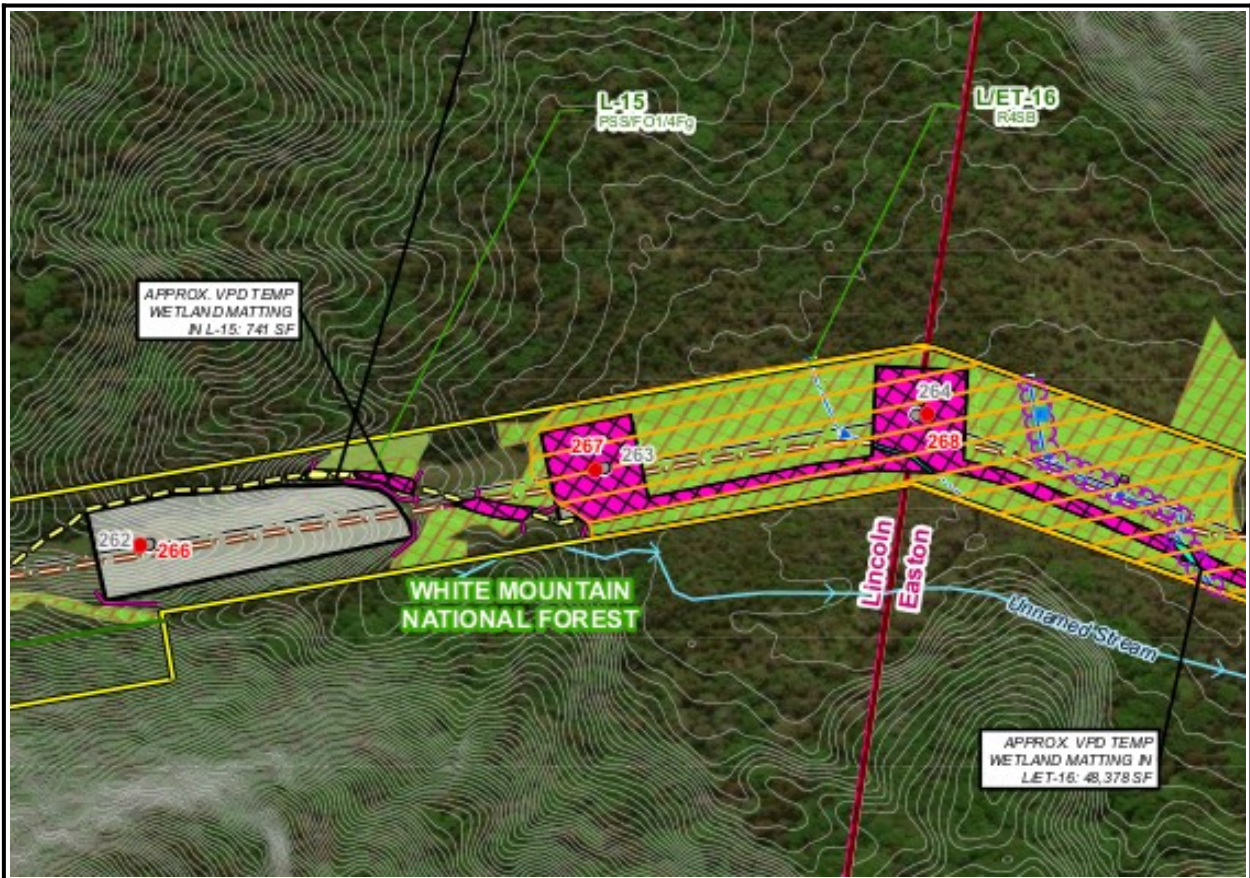
OPGW.
Eversource plans to increase this structure height from 52’ to 61’.

Eversource plans to increase the height of the structure east of #264 from 50’ to 70’.



Photograph No. 102: Looking westerly at proposed access and work pad location for Structure 264.

At Structure #262, Eversource plans show a 16' wide road and an approximately 325' x 100' work pad, mostly in the Special Use Permit area. Construction of this pad would obliterate a long narrow ridge that runs down the easement.



Eversource plans to level this ridge from side to side across the easement and down the steep slope of the easement. This would leave a very steep drop off at the top of its proposed leveled parking/laydown area that is not accounted for in the plans. Easton zoning requires post-construction 2' lidar contour maps. Without such maps it is not possible to visualize the drastic and dangerous slopes that would be created by this work area construction. Eversource almost certainly has 3-D modeling programs that would show its planned post-construction terrain here.

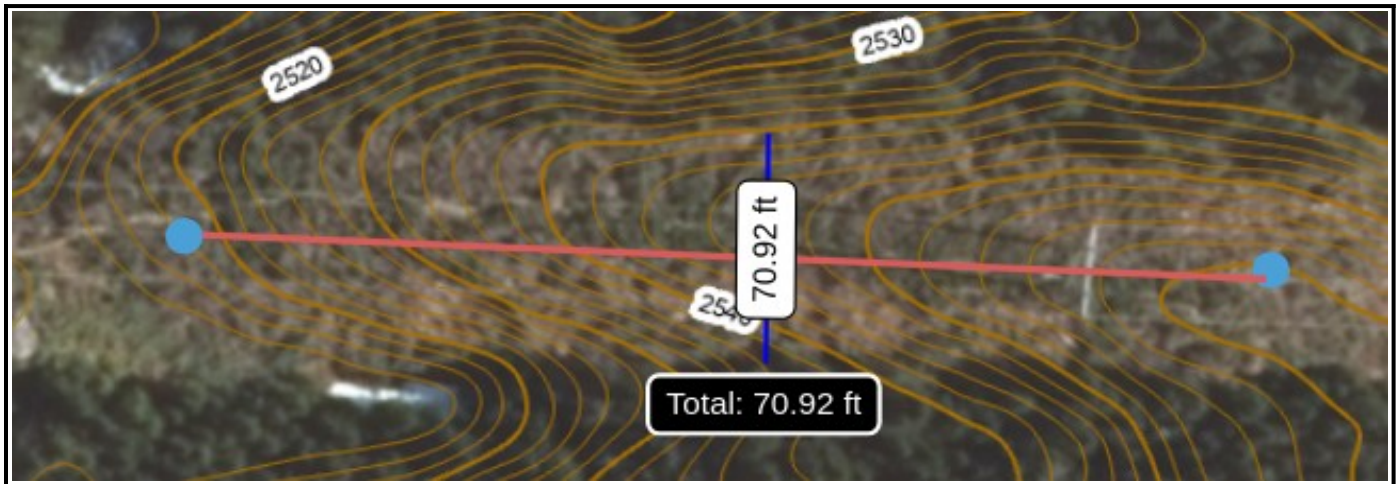


Photograph No. 99: Looking westerly at proposed work pad location for Structure 262.

Eversource's CE application photo fails to mention the laydown area/construction pad that would cover the location from which this photo was taken as well as all the cleared terrain shown in the photo.

The project plans do not show the altitudes of the contour lines which are also obscured by the grey of the construction pad markings and completely obscured by the wetlands hatching.

Below: structure 362 marked with dot (right) and left hand dot marking 325'. Orientation is reversed horizontally from the project plans. The rise over 325' is 44'. The 32500 ft.² (.75 acre) impact accepted by the Forest Service would actually be something less than 283,400 ft³ in this area.



Note: The cleared width of the SUP area and easement is narrower than the work areas shown on Eversource's plans (right.)

February 10, 2015 letter from Eversource to the Easton Conservation Commission:



"As you're aware, the terrain within the power line corridor makes it very difficult to access the pole locations for removal efforts. As a result, we anticipate utilizing helicopters to remove the poles. By utilizing helicopters we can eliminate the environmental impacts of transporting the necessary heavy equipment through the corridor to each pole location.

The analysis that was conducted by our consultant identified the locations where there are specific environmental and safety challenges associated with accessing the poles. Our team has reviewed every pole that was identified in the corridor along with all the data for each pole. *A determination was made for each pole as to whether the pole could be removed without disrupting sensitive resources identified in the corridor.*"

(Emphasis added)

In WMNF 43.5 poles were removed, 35 were left on the ground (16 more were left as a bridge.) Poles dumped on private land were not removed.

https://nhconservation.org/lib/exe/fetch.php?media=x178_final_report.pdf



#224 cross arm not removed to reduce wetland impacts

A cross-arm was left in place at the base of structure #224 “to reduce wetland impacts” yet the Forest Service plans to allow Eversource to auger two 4’ diameter, 10’-15’ holes in the same location, place two permanent corrugated metal caissons in these holes, place 20” diameter metal “poles” in the caissons and backfill them with gravel trucked to this location on 2.5 miles of roads that would need to be constructed on the easement and on a substantially widened and “upgraded” off-easement woods road in WMNF.

Eversource estimates the service-life of these new metal poles as 60 years. Its wood structures in this area have lasted 78-80 years on its three oldest lines (O-154, D-142 and W-179), which Eversource completely replaced in 2023-2024.

In its application for a Categorical Exclusion Eversource states (p. 12) "A portion of the Appalachian Trail (Kinsman Ridge Trail) passes through the existing X178 Transmission Line ROW by existing Structure 259. Existing Structure 259 is a three-pole wooden structure and will be replaced in-kind with a three-pole weathered steel structure. Therefore, it is not anticipated the pole replacement will have a negative aesthetic impact on the Appalachian Trail in the long term. During active construction, it is anticipated there will be construction equipment in and around the Kinsman Ridge Trail and hikers may need to be rerouted around the construction area."

The photo from Eversource's CE application was taken from a location where trees hide the Appalachian Trail and extensive views of the powerline over Bog Pond, and the Pemigewasset Wilderness.



Photograph No. 96: Looking southeasterly at proposed work pad location for Structure 259.



Structure 259 (5/27/2025), AT, and view from it (9/21/2023)



The metal structures are not “in-kind.” These 10-sided metal “poles” have an industrial appearance that is dramatically different from the wood poles. The metal “poles” would be 16’ taller, 25% wider and set farther apart. Some of Eversource’s metal “poles” have attached ladders and OPGW splice boxes. They require more guy wires.



Eversource did not provide the Forest Service with its specifications for the configuration of structure 259 (or any others.)



(Eversource U-199 rebuild, 7/11/2025)



Above: X-178 wood pole #259

Left: U-199 metal “pole.”

The post-construction terrain of the Appalachian Trail and surrounding area would be not be in-kind. This is shown on the project plans and noted in an Eversource email to the Forest Service 8/9/2024:

“Structures in uplands that are proposed to be constructed using helicopters with micropile foundations will likely have a smaller footprint and will not need a 100’x100’ work pad area. We are still vetting what the on the ground requirements are at each structure location to support this work but we are confident that our total ground disturbance

impacts will not exceed the amount that we are showing on the environmental plan set.”

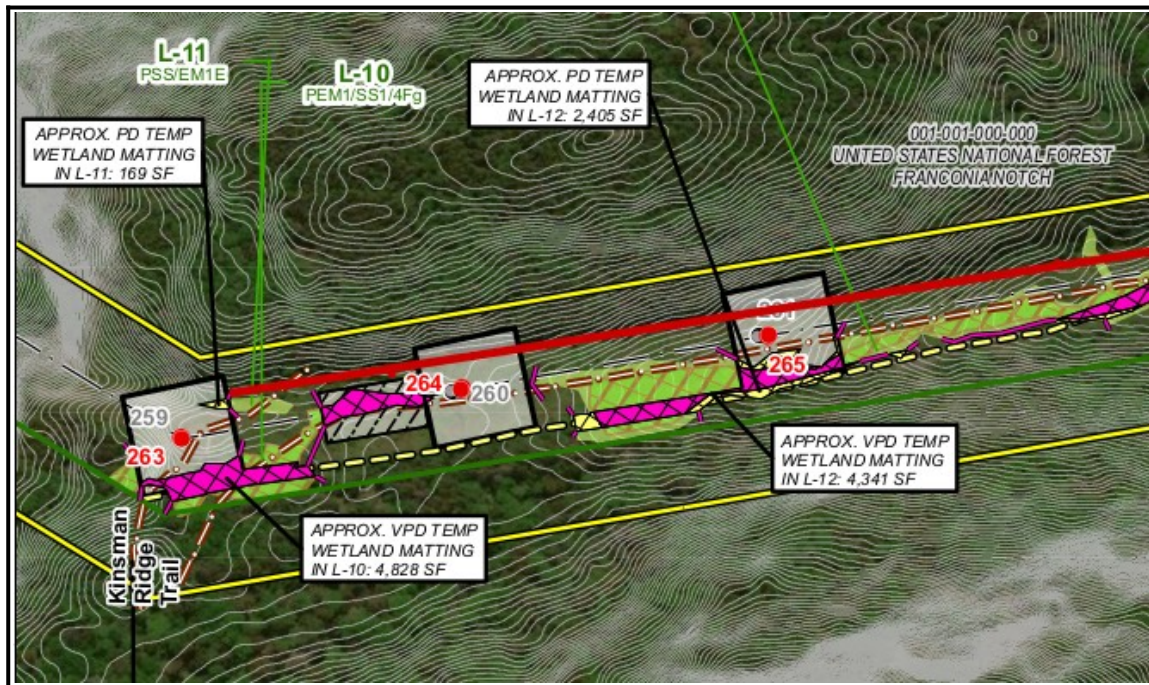
The micropile foundations planned for the AT crossing are not “in-kind” but substantially more intrusive and industrial than the existing directly embedded wood poles, as shown in a document Eversource produced for the Forest Service.



Above: Eversource document. Below, AT structure 259.



Below: Eversource AT plans. Red line added to show the edge of the existing clearing:



Finally, the X-178 transmission line will be a major construction project that will have serious and substantial consequences for the White Mountain National Forest. Those consequences demand that the Forest Service require full compliance with NEPA, and the consequences be comprehensively detailed and examined through the Environmental Impact Statement (EIS) process.

The Forest Service must understand that the very large Eversource X-178 project is an elective project chosen by Eversource without FERC jurisdictional regulatory scrutiny of need, long-term planning approval, prudence of costs and assurance that rates charged to New Hampshire ratepayers will be just and reasonable

Very truly yours,

/s/ Arthur B. Cunningham

Arthur B. Cunningham