

Comment DE-24-087, SEC 2024-02 and VT 24-3579-PET

The New Hampshire Department of Environmental Services has allowed Eversource to sign its DES Alteration of Terrain and Dredge and Fill Wetlands permit applications for its transmission line rebuild projects as the landowner of the hundreds of properties over which it has easements.

These projects include the construction of permanent roads and raised/leveled/bermed construction “pads.”

Eversource’s Rights-of-Way-Guidelines states “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.” (Emphasis added. I submit this document, which I can no longer find online.)

On Jun 8, 2024 I submitted a 91-a request to the New Hampshire AG:

“Please, in accord with RSA 91A, provide the following information:

All advice, opinions, interpretations and/or instructions, written, digital or oral that your office has provided to any state agency or other party regarding power line easements, including but not limited to NH DES, NH DOT and NH DOE.”

The response included the redacted document below. When pressed for a Privilege Log, DOJ responded on October 8, 2024:

"Good Afternoon,

As explained in N.H. Right to Life v. N.H. Charitable Trusts, 169 N.H. 95 (2016), the State is not required to provide an index. The reference to RSA 91-A:5, XII was sufficient to satisfy the State’s obligations under RSA chapter 91-A. Notwithstanding, we are providing the additional information.

The records withheld under RSA 91-A:5, XII include seventeen (17) emails sent between DOJ and DES from October 5, 2021, through December 29, 2021, pertaining to the emails disclosed as RTK000007 – RTK000021.

Thank you,

Tia M. Komisarek, Investigative Paralegal, Bureau of Public Safety and Infrastructure  
New Hampshire Department of Justice, Office of the Attorney General  
1 Granite Place South , Concord, NH 03301"

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# Redaction Log

Total Number of Redactions in Document: 3

## Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	ATTY CLIENT Priv	RSA 91-A:5, XII, Records Protected under attorney-client privilege or attorney work product doctrine	1
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# Redaction Log

## Redaction Reasons by Exemption

Reason	Description	Pages (Count)
ATTY CLIENT Priv	RSA 91-A:5, XII, Records Protected under attorney-client privilege or attorney work product doctrine	1(1) 2(1) 3(1)

The title of this document is **PRIVILEGED\_2024-05-30\_Atty\_Lockwood\_RE\_X-178\_AoT\_R.pdf**

The emails “disclosed as RTK000007 – RTK000021” are between an Eversource-easement-encumbered-landowner whose property was subject to an Eversource rebuild, NH DES, and NH DOJ, and discuss the lack of landowner signatures on Eversource’s DES permit applications.

kris pastoriza

January 24, 2024