

## Allwarden, Christopher

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**From:** McNaughten, Elizabeth <Elizabeth.McNaughten@wildlife.nh.gov>  
**Sent:** Wednesday, May 8, 2019 9:43 AM  
**To:** Allwarden, Christopher  
**Cc:** Oehler, James  
**Subject:** PUC Order - Additional Rights over NHFG Lands  
**Attachments:** SUP FINAL for Temp Access.pdf

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Attorney Allwarden -

Thank you for returning my phone call this morning. NH Fish and Game received the PUC Order No. 26239, and as we discussed, Section 4 needs additional information.

I have attached the NHFG Special Use Permit granted to Eversource in December 2018 over the subject property in Goffstown know as Glen Lake, Glegg Falls Wildlife Management Area. Eversource's rights which they reserved when the property was conveyed to the State are accurately described in the Order. However, the terrain of the line easement is virtually impossible to traverse with any vehicles, so additional rights were needed and granted in the attached SUP. Permanent rights via a utility easement are forthcoming, as stated in the SUP.

NHFG worked with Eversource over the past year to improving their access, so we are aware of this future line work. The Department has no issue with the Order, we were expecting it.

Please let me know if you need any more additional information.

Thank you.

Betsey McNaughten, Land Agent  
NH Fish and Game Department  
11 Hazen Drive, Concord, NH 03301  
(603) 271-6640 ~ Fax (603) 271-6938  
[elizabeth.mcnaughten@wildlife.nh.gov](mailto:elizabeth.mcnaughten@wildlife.nh.gov)  
[www.wildnh.com](http://www.wildnh.com)  
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# New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500  
(603) 271-3421  
FAX (603) 271-1438

www.WildNH.com  
e-mail: info@wildlife.nh.gov  
TDD Access: Relay NH 1-800-735-2964

December 3, 2018

Natacha Morales Project Manager  
Eversource Energy  
13 Legends Drive  
Hooksett NH 03106

**RE: Goffstown - Glen Lake, Gregg Falls WMA  
SUP for Improved Access to Existing Utility Easement**

Dear Ms. Morales:

This is in response to a request received from your office, Eversource Energy, to establish and construct an improved access to an existing utility easement located on NH Fish and Game (herein NHFG) property known as Glen Lake & Gregg Falls Wildlife Management Area (herein WMA). Site visits were conducted with Eversource and NHFG personnel on July 26, 2018 and September 13, 2018, in addition to discussions at the August 21, 2018 NHFG Lands Team meeting, where it was agreed that a safer maintenance and management access to the 328 Line utility easement corridor is indeed necessary.

This Special Use Permit (SUP) has been approved and will expire on **December 31, 2020**. This will provide time to draft a long term, permanent access easement solution for the maintenance of the utility infrastructure, mainly the future pole replacement, known as 328 Distribution Line 2018 Rebuild Project.

## **FACTS OF RECORD**

Eversource has an existing permanent easement (herein Easement) for the 328 Line corridor reserved in a Quitclaim Deed from Public Service of New Hampshire to the State of New Hampshire recorded April 9, 1968 at Book 1972, Page 415. The subject property is identified in section I(B), the reserved rights begin at the bottom of page 4.

The Easement is 150 feet in width according to the survey entitled "Glen Lake and Greggs Falls Property, Goffstown, NH. Public Service of New Hampshire dated 8-9-1967" and recorded December 13, 1967, as Plan #3705.

In March 2018, Eversource made an emergency cut across the WMA to access existing Pole 56, within the Easement which snapped during a storm event. The location of the emergency access route is northerly of the corridor and is a significant improvement to the Easement. The proposed

### **REGION 1**

629B Main Street  
Lancaster, NH 03584-3612  
(603) 788-3164  
FAX (603) 788-4823  
email: reg1@wildlife.nh.gov

### **REGION 2**

PO Box 417  
New Hampton, NH 03256  
(603) 744-5470  
FAX (603) 744-6302  
email: reg2@wildlife.nh.gov

### **REGION 3**

225 Main Street  
Durham, NH 03824-4732  
(603) 868-1095  
FAX (603) 868-3305  
email: reg3@wildlife.nh.gov

### **REGION 4**

15 Ash Brook Court  
Keene, NH 03431  
(603) 352-9669  
FAX (603) 352-8798  
email: reg4@wildlife.nh.gov

access, which includes the "emergency access route," avoids vernal pools, a critical habitat type, and will, when fully constructed continue to allow safer access to the lines for Eversource employees and contractors, in addition to any future NHFG habitat management.

THEREFORE, NHFG grants permission to Eversource and its agents (hereinafter referred to as Contractors) the following:

- 1) More fully construct the new route as a permanent all-season forest access road. The location of the new access route is shown on Exhibit A identified as the "Proposed Access Subject to Special Use Permit". This includes access leading to poles 56, 55, 54, 53.5 and 53, as shown.
- 2) The widening of the Proposed Access is limited to 20 feet in width.
- 3) Trees to be felled to construct the permanent all-season forest access road, shall be felled in place, bucked up and piled to make brush piles for wildlife habitat. Brush piles shall be limited to 5 in total, with a size limit of 8x8 feet, and 5 feet in height. All other trees need to be removed from the site. Tree poles will be piled to create the base of the brush pile with tree tops piles on top.
- 4) Development of the permanent all-season forest access road shall be carried out in accordance with all applicable local, state, federal, and other laws and regulations, and in accordance with current, generally accepted best management practices for the sites, soils, and terrain of the WMA. For reference, see "A Landowner's Guide to Building Forest Access Roads" US Department of Agriculture, Forest Service, 2017 publication ID NA-TP-06-98, Richard L. Wiest (available on-line).
- 5) Any permits required for the development of the road are the responsibility of Eversource.
- 6) The installation of a NHFG approved gate at the intersection of the Proposed Access and Elm Street. Staff from NHFG should be onsite during installation to approve installation location.
- 7) The placement of boulders generally 3 feet by 3 feet in size or larger, and spaced no more than 3 feet apart at the edge of the Proposed Access and the National Grid corridor.

#### **TERMS AND CONDITIONS OF USE**

Any and all use of the Proposed Access herein by Eversource, or its contractors shall conform to the following terms and conditions, which shall be included in any contract entered into between Eversource and its contractors. Eversource and its contractors agree to observe all restrictions and provisions of this agreement.

- 1) Eversource and its contractors shall enter the WMA at their own risk, and shall assume liability for, indemnify and hold NHFG harmless from any and all claims arising from any injury to person or damage to property which may arise directly or indirectly from the use of or access to the WMA. Any contract entered into between Eversource and its contractors shall include an express warranty by the contractors holding NHFG harmless from any and all claims arising

from any injury to persons or damage to property which may arise directly or indirectly from the use of or access to the NHFG property.

- 2) As a condition of this approval, the access road allowed herein, Eversource and its contractors shall obtain and maintain in force: (1) comprehensive general liability insurance against all claims of bodily injury, death or property damage, in amounts of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate; and (2) Workers' Compensation coverage to the extent required by N.H. RSA chapter 281-A. Eversource and its contractors shall provide NHFG with a certificate(s) of insurance for all insurance required and for all renewal(s) of insurance no later than thirty (30) days prior to the expiration date of each insurance policy.
- 3) During times of soft ground, rain, melting snow and frost, weather conditions conducive to rutting, mud or damage to the existing ground where construction best management practices cannot reasonably protect from such damage, all operations on the WMA, allowed herein must be suspended until ground conditions improve to be able support the movement and use of same equipment without damage or significant disturbance to the existing ground conditions on Fish & Game land, with the sole exception of emergencies
- 4) Eversource shall notify NHFG upon the initiation and completion of the Proposed Access so that the site can be inspected before the operation is closed out. Eversource shall carry out site restoration or erosion control measures deemed necessary by the State within 30 days of notification of the completion of maintenance or construction operations. The NHFG contact is Jim Oehler, Habitat Biologist, who can be reached at 603-271-0453, or by email at [james.oehler@wildlife.nh.gov](mailto:james.oehler@wildlife.nh.gov).
- 5) This SUP may not be assigned, transferred, sold or made over to another party. The parties hereto do not intend to benefit any third parties and this agreement shall not be construed to confer any such benefit.
- 6) No failure of the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of provision hereof. No such failure or waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Purchaser.
- 7) Eversource and its contractors shall comply with all applicable laws concerning sanitation and disposal of wastes so as to prevent stream pollution and land littering. All refuse including but not limited to cans, bottles, papers and oil resulting from maintenance operations shall be removed from the State land or disposed of in an approved manner and at approved locations. In addition to reporting of a discharge of oil as required under the provisions of RSA 146-A: 5, any oil spill shall be reported immediately to the Agent of the State.
- 8) Eversource and its contractors shall comply with all applicable federal, State and local laws, rules, and regulations in connection with operations under this agreement.

Natacha Morales  
Eversource Energy  
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9) The SUP is revocable at NHFG's sole discretion upon 90 days prior written notice to Eversource.

If you have any question or concern regarding this SUP approval, please do not hesitate to call Betsey McNaughten, Land Agent, at 603-271-6640, or by email at [elizabeth.mcnaughten@wildlife.nh.gov](mailto:elizabeth.mcnaughten@wildlife.nh.gov).

Sincerely,



Glen Normandeau  
Executive Director

Exhibit A - Line 328 Rebuild Project (2 pages)

ecc: Ashley Ruprecht, Eversource  
Jim Oehler, Habitat Biologist NHFG  
Betsey McNaughten, Land Agent NHFG  
Officer Jeffrey Pushey, NHFG

cc. Goffstown - Glen Lake Gregg Falls WMA file





<p><b>INDEX MAP</b></p>	<p><b>Legend</b></p> <table border="0"> <tr> <td>● Redundant Features</td> <td>X Corner</td> <td>Work Pad</td> </tr> <tr> <td>● Existing Structure</td> <td>○ Overlaid</td> <td>Wetland Marking</td> </tr> <tr> <td>● Culvert</td> <td>▭ Stone Wall</td> <td>○ Evidence Owned Parcel</td> </tr> <tr> <td>● Sign</td> <td>▭ Stone</td> <td>▭ Approximate RDW</td> </tr> <tr> <td>● Virtual Post</td> <td>▭ Rail Trail</td> <td>▭ Parcel Boundary from Deed/Convey</td> </tr> <tr> <td>● Single Tree</td> <td>▭ Fire/Road/Utility Access Road</td> <td>▭ Approximate Parcel Boundary</td> </tr> <tr> <td>● Multiple Tree Structure or Foundation</td> <td>▭ Proposed Access Road</td> <td>▭ Tree Clearing Area within Wetlands (within 30' Buffer from Contours)</td> </tr> <tr> <td>● Distribution Canals</td> <td>▭ Wetland Access Subject to Easement (See Plans)</td> <td>▭ Tree Clearing Area (within 30' Buffer from Contours)</td> </tr> <tr> <td>● 10' Ft. Canals</td> <td>▭ Wetland</td> <td></td> </tr> <tr> <td>● Ephemeral Swale</td> <td>▭ Wetland Boundary</td> <td></td> </tr> <tr> <td></td> <td>▭ Wetland Area</td> <td></td> </tr> </table>	● Redundant Features	X Corner	Work Pad	● Existing Structure	○ Overlaid	Wetland Marking	● Culvert	▭ Stone Wall	○ Evidence Owned Parcel	● Sign	▭ Stone	▭ Approximate RDW	● Virtual Post	▭ Rail Trail	▭ Parcel Boundary from Deed/Convey	● Single Tree	▭ Fire/Road/Utility Access Road	▭ Approximate Parcel Boundary	● Multiple Tree Structure or Foundation	▭ Proposed Access Road	▭ Tree Clearing Area within Wetlands (within 30' Buffer from Contours)	● Distribution Canals	▭ Wetland Access Subject to Easement (See Plans)	▭ Tree Clearing Area (within 30' Buffer from Contours)	● 10' Ft. Canals	▭ Wetland		● Ephemeral Swale	▭ Wetland Boundary			▭ Wetland Area		<p><b>LL 100</b> Line L/R Survey</p> <p><b>REMARKS:</b>          This is a New Hampshire Geographic Information System (GIS) file. It contains spatial data and metadata. It is not intended for use as a legal boundary definition, regulatory or planning tool or as an "as built". The user should not be used for construction purposes. This information should be printed on 11x17.</p> <p>0 25 50 100 Feet</p> <p>11,200</p>	<p><b>Exhibit A</b></p> <p><b>2018 Rebuild Project</b></p> <p><b>Goffstown, New Hampshire</b></p> <p><b>Mapsheets 2 of 2</b></p>	<p><b>EVERSOURCE ENERGY</b></p> <p><b>Tighe &amp; Bond</b>          Engineers   Environmental Specialists</p> <p>September 24, 2018</p>
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