

Status Report and Summary of Findings  
As of September 16th, 2015

Relative to:

The Proposed Northeast Energy Direct Pipeline  
A Project of Tennessee Gas Pipeline Company

Nashua Regional Planning Commission  
Energy Facilities Advisory Committee



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## EXECUTIVE SUMMARY

NRPC convened an Energy Facilities Advisory Committee (EFAC) in response to the proposed Tennessee Gas Pipeline Company's proposed Northeast Energy Direct (NED) natural gas transmission pipeline that would traverse eight towns in the NRPC region. EFAC is comprised of representatives appointed by each town's elected board who are charged with general fact-finding in order to inform recommendations to the full Commission.

EFAC began its schedule of regular weekly meetings on February 27, 2015. During that time, EFAC has completed an extensive review of published information, had conversations with industry subject matter experts, and hosted a number of speaker presentations from Kinder Morgan, Liberty, other competing utilities, FERC, the NH SEC, academia, industry, and public opposition groups.

The working draft whitepaper is essentially a factsheet reflecting the information gathered during these activities. The FERC decision-making philosophy is presented for overall context. Next is a brief examination of natural gas need from the point of view of industry and academia, which is then contrasted with relative to key impact areas related to economic factors, construction, historic resources, infrastructure and safety, general environmental impacts, and rivers. During the course of its involvement EFAC has captured anecdotes that summarize the groundswell of opposition to the NED, which is also reflected in the relative unanimity of opposing actions taken by municipalities. Lastly, EFAC is closely monitoring processes at the federal and state levels that will initiate at the close of the FERC pre-filing stage.

It should be noted that EFAC began its process from a neutral standpoint. On June 5th, 2015, the EFAC passed a motion to issue the following opinion statement:

*The Nashua Regional Planning Commission Energy Facilities Advisory Committee (EFAC) has significant concern that the impacts of the proposed Northeast Energy Direct project outweigh its perceived benefits based on the information received to date.*

Over time, EFAC strengthened its articulation of various concerns and drafted a draft Resolution of Opposition for consideration by the Full Commission at the September 16th, 2015 meeting. This whitepaper, therefore, should be considered direct supporting documentation for the conclusions made in the Draft Resolution.

## INTRODUCTION

### Background

At the request of the NRPC Executive Committee the NRPC formed an Energy Facilities Advisory Committee in late winter 2015. This Committee was a response to our communities' collective concerns regarding the challenges of obtaining objective and trustworthy information relative to the proposed Tennessee Gas Pipeline Company's (TGP) Northeast Energy Direct (NED) project. The proposed NED pipeline project would introduce approximately 35 miles of 30" transmission main through eight communities in the NRPC region as well as five miles of a smaller 14" lateral that would flow south from the mainline through Mason into Massachusetts.

### EFAC Charge

The formation of EFAC stems from the NED project, however the EFAC charge is written without reference to any particular energy project. Therefore, the EFAC could reconvene as necessary to consider other energy initiatives as they are brought forward.

### NRPC Energy Facilities Advisory Committee

#### Established:

There is hereby established a temporary, Energy Facilities Advisory Committee (EFAC).

#### Membership:

Membership of the EFAC shall consist of a maximum of 13 members: one representative from each of the Commission's member municipalities including a chairman.

The representatives shall be appointed by their respective governing bodies. In the absence of a new appointment from a governing body, the Executive Committee will appoint an NRPC Commissioner to represent that community's interests.

Members should be able to fully participate in committee meetings, and are expected facilitate the flow of information and ideas between the committee and their respective communities.

#### Charge of Committee:

To conduct fact findings regarding the impacts of construction and operation of energy facilities in the region will have on local land use, economy, and employment, and the effects on the orderly development of the region; and to report findings and recommendations to the full NRPC Commission. Energy facilities could include proposed construction or retirement of natural gas facilities such as pipelines, electrical facilities such as transmission lines, or other energy facilities including but not limited to wind, solar, hydro, or geothermal renewable sources.

**Duties:**

The duties of the EFAC shall include the following:

1. Identify the issues related to energy facilities impacts and benefits to local land use, environment and economic development.
2. Obtain information through in-person meetings, reports or other sources, from industry, citizen groups, and appropriate government agencies.
3. Analyze the information with respect to consistency with the Regional Plan.
4. Provide a progress report to the Full Commission at its March 18, 2015 meeting.
5. Provide a compilation of the information collected, with an executive summary of the analysis.
6. Develop a white paper of findings that analyzes the impacts of the energy facilities on the orderly development of the region, including the impacts the project will have on local land use, economy and employment that includes recommendations or next steps for consideration by the Full Commission.

**Timeline:**

The EFAC will meet between February and June of 2015 and report progress at the June 17, 2015 Full Commission meeting. The Executive Committee will conduct a special Full Commission meeting if action is needed prior to June 2015.

**Meetings:**

The EFAC shall meet as often as necessary to fulfill their duties. Meetings will be posted per NRPC public meeting protocol under RSA 91:A. The proceedings of the subcommittee are open to the public.

**Quorum:**

A quorum for committee action shall be a majority of its members. The Committees shall take action by vote of a simple majority.

**EFAC Membership**

Town	Member	Lead Responsibility
Amherst	Eric Hahn	Infrastructure and Safety Impacts
Brookline	Tad Putney	Economic Impacts
Hollis	Kat McGhee	Demand Need Analysis
Hudson	Elvis Dhima	Infrastructure and Safety Impacts
Litchfield	Thomas Young	Construction Impacts
Lyndeborough	Vacant	
Mason	Steve Wells	Demand Need Analysis
Merrimack	Tim Thompson	Historic Impact
Milford	Mark Bender	Construction Impacts
Mont Vernon	Vacant	
Nashua	Sarah Marchant	Economic Impacts
Pelham	Hal Lynde	Historic Impacts
Wilton	Kermit Williams (Chair)	

Additionally, the NRPC staff of Tim Roache, Sara Siskavich, and Karen Baker provided support for EFAC admin, GIS, and analysis of environmental impacts.

### **EFAC and NRPC Summary of Activities**

- Subscribed to FERC docket to keep up with project changes, other inputs.
- Created lead teams to focus investigation on areas of concern. The teams were staffed by EFAC members as described in the table, above.
- Established a Dropbox for EFAC members to store and share information and documents with each other.
- Joined bi-weekly agency conference calls with FERC to track progress of project.
- Consulted with various agencies and bodies including:
  - Kinder Morgan (presentation)
  - Liberty Utilities (presentation)
  - Eversource and Spectra Gas (presentation)
  - Portland Natural Gas Transmission System (PNGTS) (presentation)
  - NH Office of Energy and Planning (meeting)
  - NH Public Utilities Commission (meeting)
  - FERC (conference calls and on-site presentation)
  - ISO-New England (meeting)
  - Prof Mike Mooiman, Franklin Pierce University (presentation)
  - Ken Hartlage, NH Pipeline Awareness Network (presentation)
  - New Hampshire Business Association (BIA) (meeting)
- Passed a motion to articulate a statement of concern that that the impacts from the NED pipeline outweigh any perceived benefits, based on information gathered to date. This statement of concern has been further developed into a detailed Draft Resolution for consideration for adoption by the Full NRC Commission.
- Applied for a US Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) Technical Assistance Grant (TAG) to potentially bolster the activities of EFAC, specifically in the areas of public process involvement and pipeline safety awareness related to the permitting and operation of new and existing pipelines in the region.
- Publicized the EFAC document collection as an online public-facing resource using Zotero.
- Submitted a letter to FERC on the NED docket requesting an extension of the formal comment period.
- Created a *Quick Guide to Commenting on the FERC Docket* for distribution at Old Home Days and for publication on the NRPC Pipeline webpage.
- Distributed comment cards at Old Home Days, Town Halls, and Libraries to offer a direct communications channel between NRPC and the general public.
- Attended and testified at both the Nashua and Milford FERC scoping meetings.
- Partnered with Massachusetts Regional Planning Agencies and Southwest Region Planning Commission to author technical justification language for for additional scoping studies to be considered by FERC during FERC's drafting of their Environmental Impact Statement (EIS).

## THE FERC DECISION-MAKING PHILOSOPHY

- The Federal Energy Regulatory Commission (FERC) is an independent federal regulatory agency that:
  - Regulates the interstate transmission of natural gas (siting & rates);
  - Regulates electricity and oil (rates only);
  - Reviews proposals to build interstate natural gas pipelines and liquefied natural gas (LNG) terminals, and natural gas storage fields.
  - Licenses and inspects non-federal hydropower projects.<sup>1</sup>
- Energy Policy Act of 2005 names FERC lead agency for National Environmental Policy Act (NEPA) review and coordinator of all federal authorizations.<sup>2</sup>
- The phases of FERC project review include:
  1. Marketing and Preliminary Project Design: the applicant working on its own
  2. Pre-Filing: FERC staff work with the applicant and stakeholders before the filing of an application.
  3. Application Review: FERC prepares NEPA document that is reviewed by cooperating agencies prior to public issuance for comment
  4. Post-Authorization: FERC works to ensure compliance with conditions to the FERC approval.<sup>3</sup>
- Currently the NED is in the Pre-Filing stage of project review. A Notice of Intent is imminent, after which scoping meetings will be scheduled. FERC expects TGP to file the application in the October, 2015 timeframe.<sup>4</sup>
- FERC follows analytical steps to balance the public benefits against the potential adverse consequences of an application for new pipeline construction. In summary these steps are:
  - Whether the project can proceed without subsidies from their existing customers
  - Whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the existing customers of the pipeline proposing the project, existing pipelines in the market and their captive customers, or landowners and communities affected by the route of the new pipeline.
  - If the project has no adverse effects relative to the three interests above, no balancing of effects is necessary and the Commission would proceed to issue a final order or preliminary determination;
  - If the project does have any adverse effects Commission will proceed to evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. If the result of the balancing is a conclusion that the public benefits outweigh the adverse effects then the next steps would be the same as for a project that had no adverse effects.<sup>5</sup>

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<sup>1</sup> Tomasi, "FERC Introduction Meeting, Northeast Energy Direct Project."

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Federal Energy Regulatory Commission, "Interagency Pre-Filing Conference Call."

<sup>5</sup> Federal Energy Regulatory Commission, "PL99-3-000 Statement of Policy."



## DEMAND & NEED

### The Broad Picture<sup>6</sup>

- The factors that should be considered in any energy policy or recommendation operate at a geography beyond any one city or town, planning region, or even the entire state.
- There is general agreement on the fact that there is a natural gas crunch in New England.
- The characterization of need is intertwined an increasing call for natural gas power generation in New England.
- Failure to not complete energy projects will lead to increased consumer costs, particularly electric default rates.
- The gas crunch will likely be solved through the intersection of various major factors including
  - More pipelines to provide more capacity
  - Regulatory changes that will influence changes in planning
  - Market changes that will influence pricing
  - Influx of Canadian hydro
- Counter-measures such as the following may not play a significant factor in solving the immediate gas crunch
  - Energy efficiency measures: rely on individual altruism, generally unlikely on a broad scale
  - Renewables: have their own sets of challenges relative to permitting, manufacturing, and pricing.
- Over-reliance on a single energy source would be prevented with a portfolio approach that is more balanced.
- The New Hampshire Business and Industry Association is New Hampshire's statewide chamber of commerce. The BIA has chosen not to endorse or oppose particular energy projects. Their energy policy acknowledges an energy crisis in New Hampshire and encourages both short and long-term cost-reducing energy solutions.<sup>7</sup>

### Liberty Utilities<sup>8</sup>

- Liberty Utilities has electric and gas distribution companies; the natural gas distribution company has 87,000 customers serving 31 communities.
- In the NRPC region, the Liberty Utilities gas service territory includes the towns of Milford, Amherst, Hollis, Merrimack, Litchfield, Hudson, and the City of Nashua. There are a total of 38,437 Liberty gas customers in the NRPC region, 72% of which are in the City of Nashua.
- The majority of gas servicing the NRPC region is supplied by the Concord Lateral of the Tennessee Gas Pipeline system (106,833 Dth/day) that originates from the hub in Dracut, MA; Liberty's portfolio also

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<sup>6</sup> Mooiman, "Presentation to NRPC."

<sup>7</sup> Roche, Williams, and Lambe, Re: EFAC questions on NED submitted to BIA.

<sup>8</sup> Licata, "Liberty Utilities Info for NRPC."

includes LNG (22,800 Dth/day), propane (34,600 Dth/day), and gas for the Berlin, NH service area from the Portland Natural Gas Transmission System (1000 Dth/day).

- Liberty projects that ahead of NED, they will have a deficiency of resources to serve customers in NH by winter 2016/2017.
- Under the initial NED petition Liberty would **replace** 50,000 Dth/day of supply sourced from Dracut; 65,000 Dth/day would be **incremental** supply devoted to system growth.
- Under an executed Amendment to the Precedent Agreement negotiated by Liberty and NHPUC staff, Liberty would be authorized to exercise a no-cost option to reduce the 115,000 Dekatherms commitment down to **100,000 Dth/day** if projected growth doesn't materialize, leaving 50,000 Dth/day for growth. It also puts in place target growth incentives that if met would ensure Liberty's cost-recovery for costs from the NED pipeline through the Company's winter rate.<sup>9</sup>
- To tap NED directly, Liberty will need to site new metering facilities along the NED route; the new metering location(s) has not yet been determined.
- Liberty cites the following benefits of NED:
  - With an alternate feed, the reliability of the Liberty system will improve
  - Gas sourced from Dracut is expensive; NED gas would be cheaper, and those savings would be passed on to existing Liberty Utilities customers
  - Additional gas capacity could potentially avoid a growth moratorium.
  - Additional gas capacity could allow growth in the Liberty system without an expansion of the Concord Lateral (which is at capacity).
- In terms of system growth in the NRPC region, Liberty's growth is driven somewhat organically through developer interest; Liberty does have strategic interest in supplying natural gas to its propane air system in Keene.
- Several new development projects in the NRPC region will be on the Liberty system (**note, units are Dth/year**)
  - Merrimack Commercial Conversion (47,213 Dth/year)
  - Merrimack New Two Phase Residential/Commercial Development (25,925 Dth/year)
  - Nashua New Two/Phase Residential Commercial Development (47,000 Dth/year)
- Until growth on the system is achieved, the excess gas capacity on the Liberty system will be sold to gas-supplied electric generators who do not enter into long-term supply contracts.

Other pipeline expansion projects are in various stages of FERC process to address the region's demand for additional gas:

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<sup>9</sup> NH Public Utilities Commission, "State of New Hampshire Before the Public Utilities Commission RE: Liberty Utilities Petition for Approval of Long-Term Firm Transportation Agreement, Docket NO. DG 14-380, Stipulation and Settlement Agreement."

### **Access Northeast and AIM<sup>10</sup>**

- Access Northeast is a partnership between Spectra, Eversource, and National Grid to increase the capacity of the Spectra System. The project would increase natural gas supplies to power plants by .9 Bcf/day, with a planned in-service date of November 2018.
- As opposed to using “greenfield construction,” the Spectra Access Northeast project would install a 42” pipe within the existing Spectra pipeline trench; 70% of the project is co-located within existing gas pipeline ROW.
- Access Northeast is distinctly different from the TGP NED project in that the design of the project is to meet the growing needs of gas-fired electricity generation.
- As the NED appears to be positioned to address the needs of LDCs, the Access Northeast project is not necessarily a directly competing project, as their markets are distinct.
- Additionally, Spectra Energy’s Algonquin Incremental Market (AIM) project would expand their existing Algonquin Gas Transmission system pipeline from 24 to 42” and enhance compression to deliver an additional 342,000 Dth/day to the Algonquin City Gates, just south of Boston, by an in-service date of November 2015.

### **Portland Natural Gas Transmission System (PGNTS) Expansion Potential<sup>11</sup>**

- The Portland Natural Gas Transmission System operates approximately 300 miles of 24” and 30” pipe through NH, MA, and ME. All pressure is provided upstream by TransCanada. Currently PNGTS’ major markets are located outside of the NRPC region.
- The traditional supply area for PNGTS is western Canada; however the lower cost of Marcellus shale supply is causing a shift in emphasis for connecting gas to markets.
- “C2C” is a “No Build” expansion project on the Portland Natural Gas Transmission System. Through an increase in upstream compression, the increased volume on the PGNTS system is planned for 100,000 Dth/day. C2C lists an in-service date of November 2017.
- Because the PGNTS system is not yet operating at maximum, the Company says it could theoretically ramp up to as much as 500,000 additional Dth/day in 100,000 Dth/day increments along the existing pipeline from Wright, NY to Dracut, MA via Canada and Pittsburg, NH. PNGTS added that one benefit of this potential capacity is that it would require no construction or looping; it would be accomplished by adding compression facilities along the route.

### **Demand and Need, In Summary**

- FERC relies on an applicant’s secured contracts to demonstrate demand.
- EFAC has been working to document the perceived need for NED at a regional and overall domestic level. The three largest anchor shippers in New England have filed requests for approval for the following incremental and replacement gas commitments.

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<sup>10</sup> Ausere, “Access Northeast: Meeting New England’s Energy Needs.”

<sup>11</sup> Armstrong, “Natural Gas for New Hampshire, NRPC Meeting.”

LDC	Regulatory Authority	Filing	Incremental	Replacement gas	Total firm commitment
National Grid	MA Department of Public Utilities	3/31/15 <sup>12</sup>	0.108	0.079	0.187
Liberty Utilities	NH Public Utilities Commission	12/31/14 <sup>13</sup>	0.065*	0.050	0.115*
Columbia Gas	MA Department of Public Utilities	3/31/15 <sup>14</sup>	0.061	0.052	0.114
Total			<b>0.234 bcf/d</b>	<b>0.181 bcf/d</b>	<b>0.416 bcf/d</b>

- Liberty is the only NH LDC that has made a firm commitment to the project. Project demand includes commitments all along the pipeline, not just NH.
- Export of natural gas is allowed by FERC, but it is unclear if that demand is given the same consideration as domestic demand.

\* Under an executed Amendment to the Precedent Agreement negotiated by Liberty and NHPUC staff, Liberty would be authorized to exercise a no-cost option to reduce the 115,000 Dekatherms commitment down to **100,000 Dth/day** if projected growth doesn't materialize, leaving 50,000 Dth/day for growth.

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<sup>12</sup> Boston Gas Company d/b/a National Grid, "Petition for Approval of Firm Transportation Contract with Tennessee Pipeline Company, LLC. Docket 15-34."

<sup>13</sup> Liberty Utilities (EnergyNorth Natural Gas), "Order of Notice: Petition for Approval of Long-Term Transportation Agreement."

<sup>14</sup> Bay State Gas Company d/b/a Columbia Gas of Massachusetts, "Request for Approval of Firm Transportation Contract."

## AREAS OF IMPACT

### Economic

- With respect to real estate valuation, sale data indicates that property values may decrease in the short-term due to construction impacts; over longer timelines, the pipeline must be very close to an external structure for significant impact on property values to occur. For neighboring property owners (i.e. the pipeline is within 100-ft of the property boundary), impact is minimal to negligible.<sup>15</sup>
- In the region there is historical evidence of disagreement between pipeline operators and municipal assessors as to the rate of depreciation of pipeline assets over time; a court found in favor of the municipal argument that depreciation is more modest than was argued by the pipeline operator.<sup>16</sup>
- Pelham and Hudson are the communities in the NRPC region that have pipeline assets.<sup>17</sup> Neither town received additional fire or safety equipment upon installation of the pipelines; however Hudson receives free annual fire safety training from the pipeline operator.<sup>18</sup>
- Job creation and economic stimulus related to the project would be likely felt only in the short-term due to construction; TGP will add three permanent jobs as a result of the project.<sup>19</sup>
- It is possible that the availability of more low-cost natural gas may encourage growth in the manufacturing sector or other high energy use businesses, but EFAC at present has no information to support this.
- The following table is an NRPC summary of the estimated annual tax revenue from the NED pipeline; **these estimates were provided by Kinder Morgan,<sup>20</sup> the basis of this estimate is undocumented, and the numbers may** not reflect what a town may actually receive annually.

Town	Proposed Mileage	KM Estimated Annual Tax Revenue
Amherst	4.03	\$510,000
Brookline	2.73	\$441,472
Hudson	2.48	\$260,033
Litchfield	2.68	\$281,153
Mason	8.98	\$492,000
Merrimack	4.49	\$530,000
Milford	3.11	\$428,000
Pelham	5.45	\$495,000

<sup>15</sup> Martin, Conversation Avitar Associates.

<sup>16</sup> The Supreme Court of New Hampshire, Tennessee Gas Pipeline v. Town of Hudson (The Supreme Court of New Hampshire; Hillsborough-southern judicial district 2000).

<sup>17</sup> U.S. Department of Transportation, "National Pipeline Mapping System (NPMS)."

<sup>18</sup> Dhima, Re: safety history of TGP transmission lines in Hudson.

<sup>19</sup> Kinder Morgan, "Northeast Energy Direct. New Hampshire Power Line Alternative. Benefits to New Hampshire."

<sup>20</sup> Kinder Morgan, "Northeast Energy Direct Project Overview."

### Construction

- The following table describes the NED Project road crossings in the region and their associated mileposts.<sup>21</sup>

Town	Total Road Crossings	Cul-de-sacs and dead-ends	Class VI roads
Mason	n=4		Mitchell Hill Rd MP 11.3
Mason Lateral	n=7		
Milford W	n=1		Mile Slip MP 12.1
Brookline	n=3		Hutchinson Hill MP 13.5
Milford E	n=6	Bear Ct MP 16.7; Wildflower Way MP 16.9	
Amherst	n=9	Sunshine Way MP 18.5	
Merrimack	n=12		Gauthier Rd MP 22.5; Old Kings Road MP 23.5
Litchfield	n=3	Hamel Ct MP 27.3-4	
Hudson	n=6		
Pelham	n=7	Tina Ave MP 38.8	Briarwood Rd MP 40.1

- The proposed NED will cross the F.E. Everett Turnpike at MP 25.5
- Particular areas of concern noted by our communities include the potential for general damage from the construction process including damage to wells and roads, traffic control and communication during construction, and general landscape disturbances.
- Specific recommendations to concerned parties include the following:
  - Request TGP bond all roads, bridges, and railroad crossings
  - Monitor TGP’s evaluation and proposed use of epoxy coatings, abrasion-resistant overlays, concrete coatings, cathodic protection, etc.
  - Request that the pipeline be protected within a tube that extends under the entire roadway including shoulders at all road and railroad crossings completed with either standard open cut or conventional boring methods.
  - Monitor TGPs proposed locations of remote controlled valves (RCVs) and sectionalizing block valves as they relate to protecting neighborhood locations
  - Request TGP designate all residential neighborhoods along the route as Class 3 locations, which would require an incremental increase in wall thickness for the pipe.
  - Plant fast-growing trees to restore tree-lined borders along ROW.

<sup>21</sup> Nashua Regional Planning Commission, “GIS Compilation: Sensitive Environmental Areas in Vicinity of Proposed NED Pipeline.”

- All pipeline project facilities must comply with FERC and USDOT regulations under the Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards and Siting and Maintenance Requirements.<sup>22</sup>
- Additionally, Tennessee Gas Pipeline Company, L.L.C. has stated in the March 2015 Environmental Report, Northeast Energy Direct Project, Resource Report 1, General Project Description<sup>23</sup> that they would comply with The Upland Erosion Control, Revegetation and Maintenance Plan; The Wetland and Waterbody Construction and Mitigation Procedures; Unanticipated Discovery Plan for cultural resources; Waste Management Plan; and typical construction workspace layout drawings.
- Despite these regulations and assurances, many construction details are “TBD - to be determined” as noted in the March 2015 Environmental Report, Northeast Energy Direct Project, Resource Report 1, General Project Description (ER RR1). Many of these details will be resolved as surveys are completed and the route, if the project is approved, is finalized.

### Historic Resources

- The Federal “Section 106” project review is the process of assisting federal and state agencies and their applicants in determining whether or not their projects will affect significant historic properties. This process allows for consideration of alternatives that may avoid or reduce any potential effect while the projects are still in the planning stages.<sup>24</sup>
- The following table describes historic sites and locally-designated scenic roads near the NED Pipeline.<sup>25</sup>

Town	Mile Post	Item	Notes
Mason	8.4	Pickety Place – 1786 cottage	1800’ south of pipeline
Mason	3.54	Jackson Rd crossing	Scenic road
Milford	12.1	Mile Slip Rd. crossing	Scenic road
Milford	15.2	James Johnson House – historic building, circa 1800	0.25mi north of pipeline
Milford	16	Timothy Coburn House – Historic building - 1803	0.48 mi south of pipeline
Milford	16.34	Federal Hill Rd. crossing	Scenic road
Milford	16.34	Moses Foster Homestead –Historic building - 1788	600’ north of pipeline

<sup>22</sup> U.S. Government Publishing Office, “Electronic Code of Federal Regulations.”

<sup>23</sup> Tennessee Gas Pipeline Co., “Northeast Energy Direct Docket No. PF14-22-000. Draft Environmental Report. Resource Report 1. General Project Description.”

<sup>24</sup> Advisory Council on Historic Preservation, “Protecting Historic Properties: A Citizen’s Guide to Section 106 Review.”

<sup>25</sup> Nashua Regional Planning Commission, “GIS Compilation: Sensitive Environmental Areas in Vicinity of Proposed NED Pipeline.”

Milford	16.4	Daniel Goodwin house – historic building - 1790	850’ north of pipeline
Milford	16.4	Nehemiah Barker Homestead – Historic building - 1782	1200’ south of pipeline
Milford	17.14	Ponemah Hill Rd. crossing	Scenic road
Amherst	18.32	Hollis Rd. crossing	Scenic road
Amherst	20.5	Boston Post Rd. crossing	Scenic road
Merrimack	23.5	Old Kings Hwy	Historic road
Litchfield	26.1	Cromwells Trading Post	0.25 mi south of the pipeline
Litchfield	26.27	Small Site	2000’ south of pipeline
Litchfield	26.3	Nesenkeag Site	0.25 mi south of pipeline

- Specific recommendations to concerned parties include the following:
  - Ensure that local heritage commissions, historic district commissions, or historical societies are aware of the proximity of historic or potentially historic resources to the proposed pipeline route;
  - Ensure that all appropriate local public hearing processes and state statutory requirements for construction impacts to state-designated scenic roads are adhered to; and
  - Monitor and provide feedback as applicable to the Federal “Section 106” project review, which is the process of assisting federal and state agencies and their applicants in determining whether or not their projects will affect significant historic properties. This process allows for consideration of alternatives that may avoid or reduce any potential effect while the projects are still in the planning stages (The review process is administered by the Advisory Council on Historic Preservation, an independent federal agency, with assistance from the State Historic Preservation Office).

### Infrastructure and Safety

- Existing pipeline assets in the NRPC region include a 20” and a 12” main along an approximately seven-mile trench in Pelham, and four miles of 8” main in Hudson.<sup>26</sup> There have not been any significant failures along the existing TGP pipelines in Pelham and Hudson.<sup>27</sup>
- The proposed pipeline now calls for a 30 inch-diameter pipe that will carry gas at a pressure as high as fourteen hundred (1,400) pounds per square inch. The proposed depth of the pipe will vary based on soils and will have a minimum cover of two feet over ledge area and three feet over soils other than ledge. The projects calls for automatic pressure sensor shut offs along the route, which would be installed at (twenty) 20, twelve (12) and eight (8) mile increments based on the population density. The construction and pipe thickness will also vary based on population density.<sup>28</sup>

<sup>26</sup> U.S. Department of Transportation, “National Pipeline Mapping System (NPMS).”

<sup>27</sup> Dhima, Re: safety history of TGP transmission lines in Hudson.

<sup>28</sup> Tennessee Gas Pipeline Co., “QA between NRPC and Tennessee Gas Pipeline Re: Northeast Energy Direct Project Construction Impacts.”



- Particular areas of concern noted by our communities include how the proposed pipeline will clear existing utilities such as sewer, water, and drainage, the strategies communities should use to replace/repair infrastructure adjacent to the proposed pipeline, the risk of material failure and associated safety consequences, and how to obtain Emergency Response Plans and Evacuation Route plans in case of failure.
- Specific recommendations to concerned parties would be:
  - The towns should be allowed to witness construction within their right of way.
  - A sleeve should be installed if the proposed pipeline is installed over existing utilities.
  - Towns should request traffic control and detour plans prior to construction.
  - TGP should be required to submit bonds for every right of way crossing.
  - Towns should request contact information during construction and post-construction.
  - Towns should request that TGP provide Emergency Response Plans and Evacuation Route Plans in case of failure.
- The following table describes schools and daycares within the vicinity of the NED Pipeline.<sup>29</sup>

Town	Mile Post	Item	Notes
Amherst	18.36	Sonshine Inn – pre school	300’ south of pipeline
Amherst	19.28 – 19.34	RFSC Academy/Summit school	200’ west of pipeline at closest point
Amherst	20.5	Souhegan HS, Amherst MS	1000’ east of the pipeline
Litchfield	27.65	Tiny Turtles Child Care	1700’ south of pipeline
Pelham	39.12	Perfect Place Day Care	1100’ SW of pipeline

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<sup>29</sup> Nashua Regional Planning Commission, “GIS Compilation: Sensitive Environmental Areas in Vicinity of Proposed NED Pipeline.”

## Environmental Impacts – General

Major impacts to the NRPC communities vary across the proposed route of the NED. Noted issues of concern range from proximity to neighborhoods and schools (Litchfield, Milford, Amherst), impacts to natural resources (Amherst, Merrimack), impacts to water supplies (all towns and particularly Merrimack, Pelham), impacts on town-owned land (all towns and particularly Brookline), and disproportionate overall pipeline mileage (Mason).

Specific impacts to the region with respect to environmental impacts include, but are not limited to, the following:<sup>30</sup>

- Within a 660-ft corridor along the NED route there are 283 structures, all but a handful of which are classified as residential structures in the NRPC GIS.
- The proposed NED pipeline would transect stratified drift aquifer resources in every town along the route in the NRPC region.
- The proposed NED pipeline would transect town-owned land in every town along the route in the NRPC region.
- There are over 200 private wells within 300-ft of the route
- There are two public drinking water wells and 13 wellhead protection areas within 300 ft. of the proposed alignment
- There are 16 Natural Heritage locations within a .25 radius of the alignment, plus the route transects two prominent and large nature preserves.
- The route makes five Designated River Crossings in the NRPC region.
- Both new and existing pipeline facilities in the region traverse areas of high population density.
- An NRPC growth model based on zoning predicts suggests that certain areas along the proposed NED route, particularly Southern Merrimack, Hudson, and Pelham, NH have a high potential to support future residential growth and development, in terms of number of new structures.
- The following table describes detailed environmental impacts in the vicinity of the NED Pipeline in more detail:<sup>31</sup>

Additionally, the NH Office of Energy and Planning noted that the lands permanently protected by the LCHIP program are impacted by the current route in Amherst, Mason, Try, and Richmond. These lands are held in public trust and the State law specifies that the sale, transfer, conveyance, or release of such land is prohibited, absent legislative action.<sup>32</sup>

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<sup>30</sup> Siskavich, *Nashua Regional Planning Commission GIS*.

<sup>31</sup> Nashua Regional Planning Commission, "GIS Compilation: Sensitive Environmental Areas in Vicinity of Proposed NED Pipeline."

<sup>32</sup> NH Office of Energy and Planning, "State of New Hampshire, Office of Energy and Planning Submits Comments Re the Northeast Energy Direct Project under PF14-22."

	Town	Wilton	Mason	Mason Lateral	Milford 1	Brookline	Milford 2	Amherst	Merrimack	Litchfield	Hudson	Pelham	
Buffer	Approximate Extent	MP 6.9-8.4	MP 8.0-11.9	MP 0-5.1	MP 11.9-13.0	MP 13.1-15.5	MP 15.5-17.8	MP 17.8-21.8	MP 21.8-26	MP 26.2-28.9	MP 31.5-34.0	MP 36.1-41.5	
300 ft	Public Drinking Water Wells									Drinking Water Wellhead MP 28.3 (S) Serves 16,000 persons (est)		Drinking water wellhead @ MP 39.7- MP 39.8, serves 25 persons (est)	
	Wellhead Protection Areas	N/A				2 Overlapping WHPAs MP 13.5 -14.6		1 WHPA MP 18.3-19.6	1 WHPA MP 23.5-MP 25.1	2 Overlapping WHPAs MP 27.7 -28.5	2 Overlapping WHPAs MP 31.4-31.6	5 WHPAs: MP 34.8-35.2, MP 36.6 -37, MP 38.9-39.3, MP 39.5-40, MP 41.2 -41.6	
	Estimated # of Private Drinking Water Wells	N/A	4 Residences: MP 10.1 (N), MP 10.2 (S), MP 10.3 (S), MP 10.4 (S)	3 wells confirmed in NHDES Well inventory, MP 0.6 (W), MP 1.8 (W), MP 3.3 (SE); potentially 8 additional wells: MP 0.6 (E), MP 0.7-0.8 (E), MP 1.7-1.8 (E), MP 3.0 (W), MP 3.2 (W), MP 3.3 (E), MP 3.6 (W), MP 4.6 (NW)		3 residential dwellings MP 15 - 15.2, one of which confirmed in NHDES well inventory	Neighborhood has approximately 32 homes on private water -- see map	46 buildings (one of which has 10 units) on residential parcels along route in Amherst - all assumed private well	13 buildings (one of which has two housing units) along Fields Farm, Peaslee Rd have no associated MVD service valves = assumed private well	Cummings/Brickyard area: 8 homes with wells in NHDES inventory; Mockingbird Ln/Wren St, 3 homes have wells in NHDES inventory, 38 others unknown (DES indicates water service is available)	37 buildings (16 of which are multi-family) on residential parcels along route in Hudson -- assume all on private well	34 buildings (4 of which are multi-family) on residential parcels along route in Pelham, assume all on private well	
	Estimated Population on Private Drinking Water Wells (# dwelling units x 2.5 persons)	0	10	28	0	8	80	138	35	122.5	138	145	
	Reservoirs	No reservoirs identified within 300 ft of proposed alignment											
	Springs	No springs identified within 300 ft of proposed alignment											
.25 miles	Aquifers & Associated Protection Areas	TMAX = 2000 ft2/day MP 7.2-8 (N), corresponding Aquifer Protection Overlay District	TMAX = 1000 ft2/day: MP 9.3-10 (N&S), MP 10.6, MP 11.8 (N&S), corresponding DRAFT Aquifer & Wellhead Protection Overlay District	TMAX = 1000 MP 0-1.4, MP 2.4-2.6, MP 4.5-5 corresponding DRAFT Aquifer & Wellhead Protection Overlay District	TMAX = 1000-4000 MP 11.9 and 12.5 - Level II Groundwater Protection	TMAX = 2000-4000 MP 13.2; TMAX = 2000-4000 MP 13 and 13.1 (N&S), corresponding municipal Aquifer Protection District protects all stratified drift areas	TMAX 2000 MP 14.4-16.2 Level II Protection Area	High Transmissivity Aquifer along essentially entire alignment in Amherst - see map, corresponding aquifer protection district	TMAX = 2000 MP 21.8-28.9; TMAX >8000 ft2/day MP 25.4-25+, corresponding Aquifer Conservation District	TMAX 4000 ft2/day MP 26.5 -27.9 (N), TMAX > 8000 ft2/day MP 27.7-28.5. Aquifer Protection District projects all areas of stratified drift	TMAX 1000-8000 MP 31.5-31.8, TMAX 1000-2000 MP 33.5-34.1, MP 34.5-36.1	Aquifer resources along entire route (see map); TMAX > 8000 ft/day between MP 38.4-MP 39. Associated Aquifer Conservation District	
	Surface Waters that supply public drinking water	Town wells north of alignment in Wilton draw water from Souhegan River. Merrimack River is a secondary water supply to Pennichuck (Nashua intake downstream of proposed alignment). No water supply intake areas within .25 miles of proposed alignment											
	Surface Water Protection Areas	Entire NED route is within two HUC12 Watersheds that are under direct influence of surface water. These watersheds are supplies to Pennichuck WW											
	Lands with Conservation Significance (see report detail)	4	10	10	1	15	8	4	9	4	5	23	
	Natural Heritage Locations (see report detail)							6 sites plus Ponemah Bog Sanctuary	3 sites plus Horse Hill Nature Preserve	7 sites			
	Historic and Cultural						3 sites: Moses Foster and Daniel Goodwin Homesteads MP 16.3-16.4 (N), Nehemiah Barker MP 16.4 (S).		Cromwell's Trading Post MP 26.1 (S)	Nesenkeag Archeologic site MP 26.4 (S)		Old Cotton Mill MP 36 (W), Atwood Cemetery MP 39.3 (W)	
	Significant (NH Designated) Rivers	Souhegan River crossing at MP 7.3						Souhegan River crosses 4x between MP 19.5-21.0	Lower Merrimack crossing MP 26.2				
	Parks								Watonic Bowman Archery Range MP 23.3 (S)	Brickyard Recreational Park MP 28.8 (N)		Newcomb Field MP 38.3 (E)	
	ballfields							Souhegan High/Bean Field track , soccer, baseball fields MP 20.4		Soccer Fields Brickyard Recreational Park MP 28.8 (N)		Newcomb Field E MP 38.3 (E)	
	trails	Mason Rail Trail, Heald Tract Trail MP 7.3-8	Mason Rail Trail crossing at MP 9.6	Trails MP .7 and 1.5 (W) and MP 4.5	extensive trails - see map	extensive trails - see map	extensive trails - see map	Extensive Trails associated with Ponemah Bog - see map	Extensive Trails in HH Nature Preserve - see map		Bockes Memorial Forest Trails MP 33.6.	extensive trails in Town Forest areas	

## Environmental Impacts - Rivers as a Special Concern

- In the NRPC region, both the Lower Merrimack River and the Souhegan River are "Designated Rivers" under New Hampshire's Rivers Protection and Management Program (RMPP) per RSA 483.<sup>33</sup>
- Artifacts of construction and operation of a pipeline may compel revisions of the affected rivers' Corridor Management Plans (CMPs).
- Concerns expressed by the Lower Merrimack River Local Advisory Committee (LMRLAC) that pertain to both the Souhegan and Lower Merrimack Designated Rivers include potential river contamination with drilling fluids, gas release under the river and disruption to the river bed and shoreline, effect of riverbed and shoreline scouring on the pipeline's structural integrity, the fact that temporary work sites will not be replanted after construction is complete, and potential restrictions on access to and use of the river.<sup>34</sup>
- It is clear from the literature that Horizontal Directional Drilling (HDD) provides far better environmental protection for the River Corridor than does alternate construction techniques; the most recent NED Environmental Report establishes the NED project's intent to use HDD to cross the Merrimack and Souhegan rivers.<sup>35</sup>
- On the issue of Rivers, the EFAC suggests the following:
  - Clarify the timing of the release of FERC-required construction plans for water crossings
  - Request TGP's construction process includes the use of carrier sleeves for the full-length of the HDD bore.
  - Monitor the adequacy of pig launch and exit locations to ensure the rivers have successful in-line inspections at a frequency consistent with industry best practices.
  - Facilitate emergency planning with Pennichuck Water who operates a secondary water supply in close proximity downstream from the proposed alignment.

## Impact on the Orderly Development of the Region

- NH RSA 162-H:16, IV (a)-(c) compels the NH Site Evaluation Committee to determine that a project:

*Will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.*<sup>36</sup>

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<sup>33</sup> The New Hampshire General Court, *NH RSA 483: New Hampshire Rivers Management and Protection Program*.

<sup>34</sup> Lennon, "QA between LMRLAC and Tennessee Gas Pipeline Re: Northeast Energy Direct Project."

<sup>35</sup> Tennessee Gas Pipeline Co., "Northeast Energy Direct Docket No. PF14-22-000. Draft Environmental Report. Resource Report 1. General Project Description."

<sup>36</sup> The New Hampshire General Court, *NH RSA 162-H:16, IV (a)-(c) Energy Facility Evaluation, Siting, Construction, and Operation*.

- “Orderly Development” is not formerly defined under NH State Law. Under the SB99 Rulemaking a working group attempted to clarify criteria to define “orderly development” but failed to reach a consensus.<sup>37</sup>
- The NRPC Regional Plan highlights the problem of high electricity costs being a barrier to economic growth and suggests that the expansion of natural gas pipelines should be balanced in an energy portfolio which includes renewables. The Plan also suggests that many residents in the region would be interested in greater access to natural gas, presumably for home and/or commercial use. At the same time, the Plan underscores that the region places high value on the preservation of natural, agricultural, recreational, and historic resources.<sup>38</sup>
- Planned Developments within .5 miles of proposed route include the following:<sup>39</sup>

Town	Planned residential subdivisions	Planned commercial or industrial developments
Wilton	none documented	Area is within Research and Office Overlay is designed to attract Research, Office, and light manufacturing activities
Amherst	16-unit affordable housing unit development abuts the route	none documented
Merrimack	none documented	four large commercial developments planned including Anheuser Busch additions, Merrimack Outlets Phase II and Pad site, and Eversource Eagle Substation
Litchfield	Hamel Ct Subdivision Map 15	none documented
Pelham	Garland Woods, 46-unit subdivision; 8-unit development on Dutton Road	Mixed Use Zoning Overlay District represents a significant percentage of remaining developable land in Pelham for large commercial projects

## PLAN-NE AND GENERAL PUBLIC OPPOSITION

- PLAN-NE, of which NHPLAN is a part, is a multi-state citizen group that opposes NED. PLAN-NH is an intervenor on the NHPUC Liberty docket for approval of its “precedent agreement” with TGP.<sup>40</sup>
- NHPlan speculates strongly that excess NED capacity is destined for liquefaction and export, based upon Kinder-Morgan’s interests in the LNG industry.<sup>41</sup>
- In NH only 25% of impacted landowners have granted survey access to TGP and this percentage has been relatively stable; as some landowners have recently approved access, about an equal number have rescinded prior approvals.<sup>42</sup>

<sup>37</sup> NH Office of Energy and Planning, *SB99 Pre-Rulemaking Process OEP Stakeholder Convening*.

<sup>38</sup> Nashua Regional Planning Commission, “NPRC Regional Plan: A Story Worth Telling.”

<sup>39</sup> Nashua Regional Planning Commission, “GIS Compilation: Sensitive Environmental Areas in Vicinity of Proposed NED Pipeline.”

<sup>40</sup> MassPLAN, “Precedent Agreements for KM/TGP NED Project - in New Hampshire.”

<sup>41</sup> Nashua Regional Planning Commission, “EFAC Minutes 7/24/15.”

- FERC has indicated that the NED Pre-filing docket may set a new record for total comments filed,<sup>43</sup> the overwhelming majority of which are critical of or state outright opposition of the project.
- Sentiment from the public and elected official at both the Nashua and Milford FERC scoping meetings agrees with the docket filings, with testimonies in favor of the project extremely few.<sup>44 45</sup>

### SUMMARY OF MUNICIPAL ACTIONS TO DATE

Town	Municipal Task Force Exists	Crosses any Town-Owned Land?	Actions on Permission for Survey Town Land	Expression of Board/Council Position	Regular Warrant Articles	Experts Retained
Mason	Y	Y	Explicitly denied	Board unanimously opposes Signed coalition letter	1) \$80K funding 2) Resolution of Opposition	In process
Brookline	In process	Y	Explicitly denied	Board unanimously opposes Signed coalition letter.	\$80K funding for <ul style="list-style-type: none"> <li>• Env. Impact</li> <li>• Land appraisal</li> <li>• Hydrological</li> <li>• Legal</li> </ul>	Env. experts
Milford	Y	Y	Denied, then rescinded to allow access	Opposed 4-1		
Amherst	Y	Y		Board opposes current route	Become an Intervener	
Merrimack	N	Y	Prelim Y, negotiating on terms	Opposed; Signed Coalition Letter	None	<ul style="list-style-type: none"> <li>• Drummond/Woodsum – Atty</li> <li>• Env. consultant for CC</li> <li>• Engineering consultant for Wastewater Division</li> <li>• Eng/Geotechnical consultant for Merrimack Village</li> </ul>

<sup>42</sup> Federal Energy Regulatory Commission, “Interagency Pre-Filing Conference Call.”

<sup>43</sup> Tomasi, “FERC Presentation - Town Meetings.”

<sup>44</sup> “Transcript of the July 29th, 2015 Scoping Meeting Held in Milford, NH Re: The Northeast Energy Direct Project under PF14-22.”

<sup>45</sup> “Transcript of the July 30th, 2015 Scoping Meeting Held in Milford, NH Re: The Northeast Energy Direct Project under PF14-22.”

Town	Municipal Task Force Exists	Crosses any Town-Owned Land?	Actions on Permission for Survey Town Land	Expression of Board/Council Position	Regular Warrant Articles	Experts Retained
						District
Litchfield	N	Y		Opposed; Signed Coalition Letter		
Hudson	N	Y		BOS Opposed		WSE analysis of public well impacts
Pelham	N	Y		Opposed; Signed Coalition Letter		

Note: The City of Nashua has not taken any formal position on the NED project.

### Federal FERC Process<sup>46</sup>

- FERC has extended the pre-filing Formal Comment Period to October 16, 2015.
- FERC has scheduled their final project scoping meeting in Rindge, NH on September 29<sup>th</sup>, 2015.
- At this point Tennessee is expected to file their formal application with FERC on October 23, 2015.<sup>47</sup> The formal application ends the pre-filing period. At that point the Pre-filing Agency calls will end.
- FERC will continue to accept public comment through eComment and eFiling throughout the duration of the project.
- FERC will hold additional public meetings and accept comments on the draft Environmental Impact Statement (EIS) on a schedule TBD.
- Details on filing for Intervener Status:<sup>48</sup>
  - Parties who are materially-affected by FERC decision
  - Parties are then granted the right to challenge FERC in court.
  - Must serve the other intervening parties in the case

<sup>46</sup> Federal Energy Regulatory Commission, “Pre-Filing Environmental Review Process.”

<sup>47</sup> Federal Energy Regulatory Commission, “Interagency Pre-Filing Conference Call 8/20/15.”

<sup>48</sup> Federal Energy Regulatory Commission, “Frequently Asked Questions; Active Participation in FERC Cases.”

- Deadline is 10 days following FERC's Notice of Application; FERC allows interventions for a limited time after it releases Draft EIS.



## NH Public Utilities Commission (PUC) Hearings

- In order to issue a "Certificate of Public Convenience and Necessity" FERC requires binding "Precedent Agreements" between the pipeline applicant and "Project Shippers". These long-term agreements to ship specific quantities of gas are used as evidence of a "need" for a pipeline. Kinder Morgan/Tennessee Gas Pipeline has listed Liberty Utilities in New Hampshire as one of the "Project Shippers" for its NED project.<sup>49</sup>
- Public utilities require approval of their state Public Utilities Commissions before they can sign such binding Precedent Agreements. The state PUC determines whether such an agreement would be in the best interests of the consumers. In the case of Liberty Utilities, the New Hampshire Public Utilities Commission (NH PUC) is the relevant commission.<sup>50</sup>
- The PUC hearings on the market path component of the project concluded in early August; Pipeline Action Network (PLAN), the Office of Consumer Advocacy, and the PUC staff attorneys all stated their cases.<sup>51</sup> The Commission is still in deliberations and therefore the PUC decision is pending.<sup>52 53</sup>
- The PUC hearings on the supply path component will follow in September/October timeframe.<sup>54</sup>
- The NH Municipal Pipeline Coalition may intervene on hearings relative to the supply path component of the project.<sup>55</sup>

## State of NH SEC Process<sup>56</sup>

- The National Gas Act likely grants federal pre-emption over authority over state-level permitting; however, FERC encourages applicants to comply with state-level energy permitting processes.<sup>57</sup>
- Kinder Morgan/TGP has indicated they will seek application with the NH SEC concurrently with their application to FERC.
- Once initiated, the NH SEC process will involve Pre-Application Public Information Sessions, Post-Filing Public Information Session, and Post-Filing Joint Public Hearing with other "agencies with interest." Like FERC, the NH SEC will also accept written public comments throughout proceeding.
- Details on Become an Intervener

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<sup>49</sup> MassPLAN, "Precedent Agreements for KM/TGP NED Project - in New Hampshire."

<sup>50</sup> Ibid.

<sup>51</sup> McGhee Kat, Re: status of NH PUC docket.

<sup>52</sup> Putney, Re: status of NH PUC docket.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Iacopino, "The New Hampshire Site Evaluation Committee; an Introduction to the Committee and Its Process."

<sup>57</sup> Ibid.

- Rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding. NH CODE OF ADMINISTRATIVE RULES, SITE 202.11
- Interests of justice and the orderly and prompt conduct of the proceedings will not be impaired. NH CODE OF ADMINISTRATIVE RULES, SITE 202.11

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