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February 20, 2020

Via Email and Hand Delivery

Pamela Monroe, Administrator
New Hampshire Site Evaluation Committee
c/o New Hampshire Public Utilities Commission
21 South Fruit St., Suite 10
Concord, NH 03301-2429

Re: SEC Docket No. 2019-02, Application of Chinook Solar, LLC for a Certificate of Site and Facility for the Construction and Operation of a 30MW Solar Generating Facility in Fitzwilliam, New Hampshire – Supplemental Motion for Protective Order and Confidential Treatment – Replacement Pages

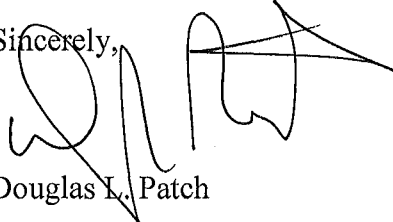
Dear Ms. Monroe:

Enclosed is a Supplemental Motion for Protective Order and Confidential Treatment with regard to Pages 56 and 57 of the Application and Appendix 15C to the Application that was filed in the above-captioned docket on October 18, 2019. It was recently brought to our attention that these pages include confidential information from New Hampshire Natural Heritage Bureau records pertaining to the location of wood turtles in the area of the Project. We are providing this in redacted and unredacted form. The unredacted copies are included in a separate envelope marked "CONFIDENTIAL." We are requesting confidential treatment of the redacted versions pursuant to RSA 91-A, as well as RSA 217-A:2, 212-A:3 and 212-B:2.

We would respectfully request that you replace the double-sided pages 55-58 of the original Application and Appendix 15C which are available for public viewing with the redacted versions of these pages which are enclosed. Also enclosed is a thumb drive with the redacted and confidential versions of Appendix 15C, which has been marked as "CONFIDENTIAL". We have enclosed nine copies of the redacted replacement pages for the Application and one hard copy of the redacted Appendix 15C.

We apologize for any inconvenience which this causes. If you have any questions, please do not hesitate to contact me. Thank you for your assistance.

Sincerely,


Douglas L. Patch

DLP/eac

Enclosures

cc (via email): Service List in SEC Docket 2019-02

2683972_1

**THE STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

SEC DOCKET NO. 2019-02

**APPLICATION OF CHINOOK SOLAR, LLC FOR A
CERTIFICATE OF SITE AND FACILITY FOR THE CHINOOK
SOLAR PROJECT IN FITZWILLIAM, NEW HAMPSHIRE**

Applicant's Supplemental Motion for Protective Order and Confidential Treatment

NOW COMES Chinook Solar, LLC ("Chinook"), by and through their attorneys, and respectfully requests that the New Hampshire Site Evaluation Committee ("the Committee") issue a protective order to preserve the confidentiality of information related to the status, location and distribution of rare, threatened and endangered wildlife species, native plants, and natural communities. In support of this request, Chinook states the following:

1. On October 18, 2019 Chinook filed an Application for a Certificate of Site and Facility to construct a 30MW solar generating facility in Fitzwilliam, New Hampshire ("the Application"). On the same date Chinook filed a Motion for Projective Order and Confidential Treatment pertaining to financial information and information relating to archaeological resources data. As required by the Committee rules, the Application contains information related to the status, location and distribution of rare, threatened and endangered wildlife species, native plants, and natural communities. The information related to the status, location and distribution of rare, threatened and endangered wildlife species, native plants, and natural communities is included in Appendix 15C of the Application. The information for which Chinook is seeking confidential treatment has been redacted from the copies now being filed with the Committee and provided to others. We have submitted one unredacted hard copy to the Committee that includes the confidential information; this has been placed in an envelope marked as

“CONFIDENTIAL” and contains markings clearly delineating which portions of the filing are those for which Chinook is seeking confidential treatment.

2. The New Hampshire Right-to-Know law, RSA 91-A, provides that governmental records are generally made available for public inspection, subject to certain exemptions which are spelled out in RSA 91-A:5. *See also* Admin. Rule Site 104.01(b). One of those exemptions is for “confidential, commercial, or financial information...and other files whose disclosure would constitute invasion of privacy.” RSA 91-A:5, IV. The Endangered Species Conservation Acts and the New Hampshire Native Plant Protection Act of 1987 also exhibit a clear legislative intent to protect the disturbance, taking or abuse of rare, threatened or endangered wildlife species, native plants and natural communities. *See* RSA 217-A:2, and RSA 212-A:3 as well as RSA 212-B:2. This Committee has long recognized the need to keep this category of information confidential. *See* Order Granting Applicant’s Motion for Protective Order and Confidential Treatment, May 20, 2016 in SEC Docket No. 2015-05 (“MV Confidentiality Order”); *see also* Order on Motion for Protective Order and Confidential Treatment, December 22, 2016 in SEC Docket No. 2015-04 (“SRP Confidentiality Order”).

3. In evaluating whether to grant a motion for confidential treatment the Committee has indicated that the standard of review requires that it undertake a three-step analysis to determine whether information should be exempt from public disclosure. SRP Confidentiality Order at 2. The first prong of that analysis is to determine if the Applicant has identified a privacy interest. If there is a privacy interest, the second prong of the analysis involves an assessment of whether there is a public interest in disclosure, recognizing that disclosure should inform the public of the activities and conduct of government. Finally, if there is a public interest in disclosure, then the third prong requires a balancing of the public interest in disclosure against any privacy interests in non-disclosure.

4. When the Committee has undertaken this analysis in the past it has made it clear that it views information pertaining to rare, threatened endangered native plants and animal species and natural communities as being exempt from disclosure under RSA 91-A:5. MV Confidentiality Order at 5. We submit that the same analysis that the Committee has used in the past applies here and that this category of information should be granted confidential treatment, subject to similar provisions as the Committee imposed, and the execution of a similar protective agreement as was attached to the MV and SRP Confidentiality Orders.

5. Chinook also requests that should it be required to submit additional confidential materials or documents relating to this category of information later in this docket, or to the extent that any of this information is offered as evidence at any hearing before the Committee, that the Committee afford similar protection to such information.

WHEREFORE, Chinook respectfully requests that the Committee:

- A. Grant Chinook's request that the materials described above remain confidential and issue a protective order to preserve that confidentiality; and
- B. Grant such other relief as the Committee deems appropriate.

Respectfully submitted,

Chinook Solar, LLC

By (its Attorneys)



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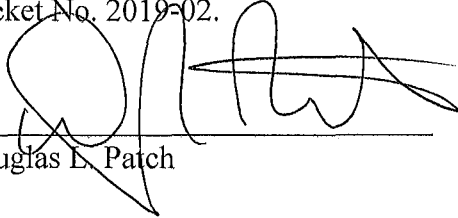


Nathaniel B. Morse
Orr & Reno, P.A.
45 South Main Street
PO Box 3550
Concord, NH 03302
(603) 223-9182
nmorse@orr-reno.com

Dated: February 20, 2020

Certificate of Service

I hereby certify that a copy of the foregoing motion has on this 20th day of February 2020 been sent by email to the service list in SEC Docket No. 2019-02.

By: 

Douglas L. Patch

2683780_1.docx

**APPENDIX 15C:
NEW HAMPSHIRE NATURAL HERITAGE BUREAU CORRESPONDENCE**

Memo



NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Tracy Sudhalter, TRC Environmental
670 North Commercial Street
Manchester, NH 03101

From: Amy Lamb, NH Natural Heritage Bureau

Date: 10/24/2017 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB17-3211

Town: Fitzwilliam

Location: Route 119

Description: Proposed solar development

cc: Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: Please contact NH Fish & Game.

Vertebrate species

	State ¹	Federal	Notes
Blanding's Turtle (<i>Emydoidea blandingii</i>)	E	--	Contact the NH Fish & Game Dept (see below).
Wood Turtle (<i>Glyptemys insculpta</i>)	SC	--	Contact the NH Fish & Game Dept (see below).

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

NHB17-3211



0 0.1 0.2 0.3 0.4 0.5
Miles

New Hampshire Natural Heritage Bureau - Animal Record

Blanding's Turtle (*Emydoidea blandingii*)**Legal Status**

Federal: Not listed
State: Listed Endangered

Conservation Status

Global: Apparently secure but with cause for concern
State: Critically imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Not ranked
Comments on Rank:

Detailed Description:

General Area:

General Comments:

Management

Comments:

Location

Survey Site Name:

Managed By:

County: Cheshire

Town(s): Fitzwilliam

Dates documented

First reported:

The New Hampshire Fish & Game Department has jurisdiction over rare wildlife in New Hampshire. Please contact them at 11 Hazen Drive, Concord, NH 03301 or at (603) 271-2461.

New Hampshire Natural Heritage Bureau - Animal Record

Wood Turtle (*Glytemys insculpta*)

Legal Status

Federal: Not listed
State: Special Concern

Conservation Status

Global: Rare or uncommon
State: Rare or uncommon

Description at this Location

Conservation Rank: Good quality, condition and landscape context ('B' on a scale of A-D).
Comments on Rank:

Detailed Description:

General Area:

General Comments:
Management
Comments:

Location

Survey Site Name:
Managed By:

County:
Town(s):
Size:

Precision:

Directions:

Dates documented

First reported: 2008-04-12

Last reported: 2008-06-09

The New Hampshire Fish & Game Department has jurisdiction over rare wildlife in New Hampshire. Please contact them at 11 Hazen Drive, Concord, NH 03301 or at (603) 271-2461.

New Hampshire Natural Heritage Bureau - Animal Record

Wood Turtle (*Glyptemys insculpta*)

Legal Status

Federal: Not listed
 State: Special Concern

Conservation Status

Global: Rare or uncommon
 State: Rare or uncommon

Description at this Location

Conservation Rank: Not ranked
 Comments on Rank:

Detailed Description:

General Area:

General Comments:

Management

Comments:

Location

Survey Site Name:

Managed By:

County: Cheshire

Town(s): Rindge

Size:

Precision:

Directions:

Dates documented

First reported: 2009-07-29

Last reported: 2009-07-29

The New Hampshire Fish & Game Department has jurisdiction over rare wildlife in New Hampshire. Please contact them at 11 Hazen Drive, Concord, NH 03301 or at (603) 271-2461.

CONFIDENTIAL – NH Dept. of Environmental Services review

Memo



NH NATURAL HERITAGE BUREAU
NHB DATACHECK RESULTS LETTER

To: Tracy Sudhalter, TRC Environmental
670 North Commercial Street
Manchester, NH 03101

From: Amy Lamb, NH Natural Heritage Bureau

Date: 3/5/2019 (valid for one year from this date)

Re: Review by NH Natural Heritage Bureau

NHB File ID: NHB19-0727

Town: Fitzwilliam

Location: Tax Maps: Multiple

Description: Proposed Solar Development. Previous NHB request NHB17-3211

cc: Kim Tuttle

As requested, I have searched our database for records of rare species and exemplary natural communities, with the following results.

Comments: Please continue to coordinate with the NH Fish & Game Department.

Vertebrate species

	State ¹	Federal	Notes
Blanding's Turtle (<i>Emydoidea blandingii</i>)	E	--	Contact the NH Fish & Game Dept (see below).
Wood Turtle (<i>Glyptemys insculpta</i>)	SC	--	Contact the NH Fish & Game Dept (see below).

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list. An asterisk (*) indicates that the most recent report for that occurrence was more than 20 years ago.

Contact for all animal reviews: Kim Tuttle, NH F&G, (603) 271-6544.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

CONFIDENTIAL – NH Dept. of Environmental Services review

NHB19-0727



0 0.2 0.4 0.6 0.8 1 Miles

New Hampshire Natural Heritage Bureau - Animal Record

Blanding's Turtle (*Emydoidea blandingii*)

Legal Status

Federal: Not listed
State: Listed Endangered

Conservation Status

Global: Apparently secure but with cause for concern
State: Critically imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Not ranked
Comments on Rank:

Detailed Description:

General Area:

General Comments:

Management

Comments:

Location

Survey Site Name:

Managed By:

County: Cheshire

Town(s): Fitzwilliam

Size:

Precision:

Directions:

Dates documented

First reported: 2012-09-22

Last reported: 2012-09-22

The New Hampshire Fish & Game Department has jurisdiction over rare wildlife in New Hampshire. Please contact them at 11 Hazen Drive, Concord, NH 03301 or at (603) 271-2461.

New Hampshire Natural Heritage Bureau - Animal Record

Wood Turtle (*Glyptemys insculpta*)

Legal Status

Federal: Not listed
State: Special Concern

Conservation Status

Global: Rare or uncommon
State: Rare or uncommon

Description at this Location

Conservation Rank: Good quality, condition and landscape context ('B' on a scale of A-D).
Comments on Rank:

Detailed Description:

General Area:

General Comments:
Management
Comments:

Location

Survey Site Name:
Managed By:

County: Cheshire
Town(s): Fitzwilliam
Size:

Precision:

Directions:

Dates documented

First reported: 2008-04-12 Last reported: 2008-06-09

The New Hampshire Fish & Game Department has jurisdiction over rare wildlife in New Hampshire. Please contact them at 11 Hazen Drive, Concord, NH 03301 or at (603) 271-2461.

New Hampshire Natural Heritage Bureau - Animal Record

Wood Turtle (*Glyptemys insculpta*)

Legal Status

Federal: Not listed
 State: Special Concern

Conservation Status

Global: Rare or uncommon
 State: Rare or uncommon

Description at this Location

Conservation Rank: Not ranked
 Comments on Rank:

Detailed Description:
 General Area:
 General Comments:
 Management
 Comments:



Location

Survey Site Name:
 Managed By:



County: Cheshire
 Town(s): Rindge
 Size:



Dates documented

First reported: 2009-07-29 Last reported: 2009-07-29

The New Hampshire Fish & Game Department has jurisdiction over rare wildlife in New Hampshire. Please contact them at 11 Hazen Drive, Concord, NH 03301 or at (603) 271-2461.

From: [Lamb, Amy](#)
To: [Moody, Kara](#)
Subject: RE: Chinook Solar Project - Forest Composition Memo
Date: Friday, March 15, 2019 2:34:09 PM
Attachments: [image001.jpg](#)

Hello Kara,

Thank you very much for sending this document, and apologies for my slow reply. This site appears to consist primarily of hemlock - beech - oak - pine forest in various stages of succession. This forest type is common in New Hampshire, and while it can support the rare species small whorled pogonia (*Isotria medeoloides*), that species is very uncommon in this part of the state. Overall, this site appears unlikely to support rare plant species. In terms of a planting plan, could you please send me the criteria for species to be planted onsite, and any proposed management regimes that should be considered when selecting species for site restoration.

Thanks very much,

Amy

PS – It was nice meeting you too!

Amy Lamb
Ecological Information Specialist
(603) 271-2834
amy.lamb@dncr.nh.gov

NH Natural Heritage Bureau
DNCR - Forests & Lands
172 Pembroke Rd
Concord, NH 03301

From: Moody, Kara [<mailto:KMoody@trcsolutions.com>]
Sent: Friday, March 01, 2019 2:24 PM
To: Lamb, Amy
Cc: Singer, Matthew; Isabel Johnson (isabel.johnson@nexteraenergy.com); Barefoot, Heath; Jon Gravel (jonathan.gravel@nexteraenergy.com)
Subject: Chinook Solar Project - Forest Composition Memo

Hi Amy,

It was nice meeting you yesterday at the pre-application meeting for the Chinook project. The project team is glad you were able to attend, and we look forward to working with you in the coming weeks/months. I've attached a copy of the forest composition and clearing memo we prepared for NHF&G. As I mentioned yesterday, we conducted this survey to determine the condition of existing forest in the project area and to estimate the amount of anticipated clearing within the different forested areas. One thing to note is the survey was performed in December of 2017. The project

design has undergone numerous revisions since 2017 to minimize impacts to natural resources, and as such, the anticipated clearing limit depicted on the figure within the memo has been reduced. Please feel free to reach out if you have questions about the memo or anything else.

I plan to submit an NHB datacheck request refresh next week. Also, please let me know if there's anything I can provide to assist you with developing a list of recommended plant species for the project.

Thanks and have a great weekend!

Kara

Kara D. Moody, CWB®

Project Manager / Wildlife Biologist



6 Ashley Drive, Scarborough, ME 04074

T: 207.274.2652 | F: 207.879.9293 | C: 207.205.2689

[LinkedIn](#) | [Twitter](#) | [Blog](#) | www.trcsolutions.com

performing inadequately. The BMPs and ESC devices that will be employed during Project construction and operation are illustrated on the civil design drawings provided in Appendix 8A and the AOT permit application contained in Appendix 4.

Spill Prevention, Control, and Countermeasures Plan

To manage hazardous substances in accordance with federal regulations, Chinook Solar will prepare a Spill Prevention, Control, and Countermeasures Plan (SPCC Plan) prior to commencing construction. The SPCC Plan will describe the procedures, methods, and equipment that will be used to comply with the USEPA's oil spill prevention, control, and countermeasures standards during construction. Likewise, the SPCC Plan will comply with federal inspection, reporting, training, and record keeping requirements. An example of the anticipated SPCC Plan for the Project is provided in Appendix 15B.

Blasting Best Management Practices

The NHDES developed BMPs entitled *Rock Blasting and Water Quality Measures That Can Be Taken To Protect Water Quality and Mitigate Impacts* (NHDES, 2010). These BMPs state that "[a]ll activities related to blasting shall follow Best Management Practices (BMPs) to prevent contamination of groundwater including preparing, reviewing and following an approved blasting plan; proper drilling, explosive handling and loading procedures; observing the entire blasting procedures; evaluating blasting performance; and handling and storage of blasted rock." It is anticipated that blasting will be required for Project construction. As such, these BMPs will be incorporated into the Blasting Plan developed by the blasting contractor. Any blasting will be conducted in accordance with all state requirements.

Stormwater Management

The Project will result in a small amount of new impervious area, this, combined with the proposed stormwater system will help ensure that there will not be an increase in the rate of stormwater runoff from the site. Project components contributing to new impervious area include equipment pads, pilings for racking to install the solar panels, fence posts, the Substation, and access roads. These components comprise approximately 333,000 square feet. According to a stormwater runoff analysis performed by Tighe & Bond and contained within the AOT application (included in Appendix 4), construction of the Project will not result in an increase in peak rates of runoff from the site.

The stormwater management system has been designed to minimize impacts to the existing natural drainage ways, and overall drainage patterns and directions of flow will remain generally the same. Swales and culverts have been designed to manage and direct stormwater. Culverts have been designed to convey the 25-year storm event.

The Project has been designed to avoid direct wetland and stream impacts. There will be no impacts to wetlands. Two streams will be crossed by Project access roads using open bottom crossings. Both crossings have been designed in compliance with the NHDES stream crossing guidelines.

As stated above, the Project has been designed in accordance with the New Hampshire Stormwater Manual and the NHDES Solar Guidance (January 2019). BMPs for the Project will address the applicable water quality treatment standards for this Project and are intended to improve stormwater quality from the Project site. BMPs will consist of stormwater pretreatment

practices including vegetated buffers of various widths with a minimum distance of 75 feet to resource areas, and level spreaders to reduce the potential for concentrated flows in defined areas of the Project. Stormwater treatment practices also include detention basins that have been sized for use as sedimentation basins during construction and will remain as permanent detention basins to ensure that post-construction stormwater flows do not exceed pre-development runoff rates. A copy of the complete Stormwater Management Plan is contained in the AoT application provided in Appendix 4.

J.3.c. Natural environment

For the purpose of this discussion, information pertinent to the natural environment will be described in the following categories: wildlife; natural communities; and wetlands, waterbodies, and vernal pools. Each of these categories, including potential impacts and mitigation measures, is discussed below.

Chinook Solar initiated consultations with state and federal agencies with permitting or regulatory authority over fish, wildlife, and other natural resources in 2017 and consultations continued through the spring of 2019 (see Table J-1). Additionally, consultations with the SEC began in the fall of 2017. Consultations with several non-agency stakeholders with interest in fish, wildlife, and other natural resources have also occurred, including NH Audubon, The Nature Conservancy, and The Society for the Protection of New Hampshire Forests.

Table J-1. Agency Consultation Summary for Fish, Wildlife, and Other Natural Resources	
Agency	Date
NHNHB Datacheck Letter	October 24, 2017
USFWS Official Species List	November 1, 2017
NHF&G	November 15, 2017
NHDES	November 15, 2017
NHF&G	May 3, 2018
USACE	January 8, 2019
SEC (including NHF&G and NHDES)	February 28, 2019
NHNHB Datacheck Letter	March 5, 2019
NHF&G	March 21, 2019
NHDES	March 21, 2019
NHDES	June 10, 2019
NHF&G	September 4, 2019

Wildlife

As described above, Chinook Solar consulted with the NHF&G, NHNHB, and USFWS to identify any documented significant wildlife species in the vicinity of the Project. Based on consultation with the NHNHB in October of 2017 and in March of 2019, three records of wood turtles (*Glyptemys insculpta*) and one record of Blanding's turtle (*Emydoidea blandingii*) have been documented in the Project vicinity. Wood turtles are considered a Special Concern species in New Hampshire, and Blanding's turtles are listed as state endangered. Two of the wood turtle records identified by the NHNHB are located [REDACTED]. These documented wood turtle records are associated with [REDACTED]. The documented Blanding's turtle and the other wood turtle record are located [REDACTED].

The NHHB response letters are provided in Appendix 15C.

Upon identifying nearby NHHB records for these turtle species, Chinook Solar consulted with the NHF&G on numerous occasions to discuss BMPs and conservation strategies to implement during construction to protect turtles. A summary of recommendations discussed with the NHF&G is included in Appendix 15F. To help minimize the potential of turtles entering the Project area during construction, a perimeter silt fence will be installed around the entirety of the construction area following turtle hibernation and prior to spring emergence. The perimeter silt fence will serve as a turtle exclusion barrier. Small ramps will be installed intermittently along the interior of the perimeter silt fence so if a turtle enters the construction area, it will be able to exit the exclusion area using a ramp. An environmental monitor (qualified biologist) will also inspect the perimeter of the construction area prior to the start of construction each day to search for any turtles that may have entered the exclusion area and to inspect the conditions of the perimeter silt fence. If a turtle is found within the exclusion area, it will be relocated outside of the construction area. Additionally, environmental training will be provided to all individuals working at the Project during construction and operations. Training will include information regarding BMPs to implement if a turtle is encountered in the Project area.

During consultations with the NHF&G, vegetation maintenance was also discussed. As described elsewhere in this Application, Chinook Solar will use a seed mix to revegetate the Project following construction. The seed mix will consist of low-growing plant species to minimize the need for mowing and vegetation maintenance. If mowing is required to control the height of vegetation growing under and around the solar panels, the blade height of mowers will be set to a minimum of 6 inches to avoid harming turtles and snakes. A summary of vegetation maintenance recommendations discussed with NHF&G is provided in Appendix 15F.

Chinook Solar requested a list of federally listed threatened and endangered species that may occur in the Project area and/or may be affected by the Project. The USFWS generated an Official Species List for the Project, which did not identify any critical habitats within the Project area. The USFWS Official Species List determined that one species protected under the Endangered Species Act, the federally threatened northern long-eared bat (*Myotis septentrionalis*), had the potential to occur in the vicinity of the Project. The USFWS Official Species List is contained in Appendix 15D.

A summer presence/absence survey was conducted in 2016 by Tetra Tech to determine the presence of northern long-eared bats within the Project land control area. The presence/absence survey was performed in accordance with the USFWS *Range-wide Indiana Bat Summer Survey Guidelines* (USFWS Guidelines). The northern long-eared bat presence/absence survey report is provided in Appendix 15E.

Wildlife Acoustics Song Meter-3 BAT (SM3) ultrasonic bat detectors were deployed at eight locations and collected data over two nights in mid-July 2016. For both nights, detectors were programmed to begin monitoring one hour before sunset and to end monitoring at one hour after sunrise in full-spectrum mode. Each detector was equipped with a microphone that was mounted at a height of 2.5 to 4 meters. Acoustic data were processed using Kaleidoscope Pro v 3.1.7, and data were analyzed according to the USFWS Guidelines. The detectors recorded 861 bat passes. The presence of northern long-eared bat was not detected. Based on the analysis, the following four bat species are likely present within the Project land control area: big brown bat (*Eptesicus fuscus*), eastern red bat (*Lasiurus borealis*), hoary bat (*L. cinereus*), and little brown bat (*M. lucifugus*). Little brown bat is a state endangered species in New Hampshire; however, little brown

bats were not detected in high numbers during the survey, representing only 3% of all bat passes recorded.

Potential impacts to bats as a result of the Project are limited to indirect impacts associated with habitat loss. However, habitat loss from timber harvesting that removes summer roosting habitat is listed as a low-ranking threat to northern long-eared bat and little brown bat (NHF&G, 2015), as white-nose syndrome has been identified as the primary driver of *Myotis* population declines (USFWS, 2015).

The northern long-eared bat presence/absence survey report was provided to the NHF&G. Based on recommendations from the NHF&G, tree removal for Project construction will occur in the winter, between November 1 and March 31, to avoid potential impacts to roosting bats during the summer maternity seasons. Additionally, the Project is designed to maintain forested corridors connecting suitable bat foraging habitat. A copy of the correspondence received from the NHF&G regarding the presence/absence survey report is included in Appendix 15F.

Natural Communities

Based on consultation with the NHHNB in October of 2017 and in March of 2019, no records of exemplary natural communities or rare plant species occur within the vicinity of the Project. The most recent NHHNB response letters are provided in Appendix 15C.

The Project land control area is comprised of undeveloped forest lands that have been subject to timber harvesting over the past several decades. During consultations with the NHF&G in November of 2017, the NHF&G requested an estimate of tree clearing needed for the Project, along with an estimate of the site that has been cleared by the current landowners. Based on this feedback, TRC conducted a forest composition survey to estimate the forest cover types and vegetative composition within the proposed Project footprint. During the survey, six primary forested cover types were identified. Results of the forest composition survey indicated that most forest clearing required for the Project would occur in an area that had been selectively cut within the past five years and was approximately 60% forested.

Subsequent to the 2017 forest composition survey, some of the current landowners have performed ongoing timber harvesting within the Project footprint, resulting in significant changes to the forested cover. To accurately document existing conditions at the Project, a drone flight was conducted in May 2019 capturing photographs and video footage of the landscape. The photographs and video footage demonstrate extensive harvesting has occurred since the 2017 field survey, and much of the Project footprint area has been harvested. Photographs captured during the drone flight and a figure depicting the corresponding photo locations are provided in Appendix 1, and the complete summary of the forest composition survey is contained in Appendix 15G.

The forest composition survey results were provided to the NHF&G and the NHHNB. The NHHNB concluded that within the surveyed area, hemlock-beech-oak-pine forest in various stages of succession was the primary forest type, which is common in New Hampshire. The NHHNB also concluded that area reviewed for the forest composition survey is unlikely to support any rare plant species. A copy of this correspondence with the NHHNB is included in Appendix 15C.

Wetlands, Waterbodies, and Vernal Pools

Wetland and waterbody surveys were conducted for the Project between the summer of 2016 through the summer of 2019. This effort identified wetlands and waterbodies within the Project