



We are aware that the federal Natural Gas Act grants private natural gas companies that have received a FERC certificate of public convenience and necessity the power of condemnation through eminent domain proceedings. This authority is a powerful tool providing significant regulatory advantage over landowners. Therefore, FERC must exercise *extreme diligence and restraint* before granting such power. Given that staff of the New Hampshire Public Utilities Commission recommended that the Commission *deny* Liberty Utilities' Petition for Approval of a Firm Transportation Agreement with Tennessee Gas Pipeline Company, LLC<sup>1</sup> related to the NED Project, we do not feel that substantial public 'convenience and necessity' has been demonstrated to warrant condemnation of conservation lands. Removing permanent restrictions on conservation land for a temporary utility use (30-50 years) is unwise. We encourage the Commission to require conditions in its certification process that totally avoid impacts to conserved lands such as ours.

Regarding our conservation lands specifically, over the last several months we have begun to assess the potential impacts the NED project could have on our Towne Hill and Converse Meadow conservation easements and their natural resources. Our recent assessments of these properties discovered many significant natural resources that warrant avoidance<sup>2</sup>. These resources contribute to the high level of ecological integrity found on these two properties and include:

- Intermittent and perennial streams delineated by the NH Department of Environmental Services.
- 20 acres of palustrine wetlands, more than 16 acres of which have a high probability of meeting NH state criteria for prime wetland designation under RSA 482-A:15. These 16 acres comprise more than twice the total wetland acres listed for the entire Town of Rindge in NED Resource Report 2, Water Use and Quality, Table 2.3-8 (page 98), dated July 2015.
- Occurrences of two animal species of special concern according to the NH Natural Heritage Bureau. One of these two species of special concern is the ebony boghaunter (*Williamsonia fletcheri*), which is not listed in NED Resource Report 3, "Fish, Wildlife and Vegetation", section 3.4.1.5, dated July 2015.
- Potential occurrences of several endangered plant and animal species according to the NH Natural Heritage Bureau.
- Natural community types not included in NED Resource Report 3, "Fish, Wildlife and Vegetation", dated July 2015 or in NED Resource Report 2, "Water Use and Quality", section 2.3.1.4, dated July 2015.
- Hydrologic connectivity to portions of a stratified drift aquifer which has the potential to serve as a source for municipal drinking water, as delineated by the NH Department of Environmental Services.

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<sup>1</sup> Source: Redacted Direct Testimony of Melissa Whitten on behalf of the staff of the New Hampshire Public Utilities Commission May 8, 2015; Docket No. DG 14-380

<sup>2</sup> Sources: "Site Evaluation and Analysis, Monadnock Conservancy – Towne Hill Farm, Robbins Road, Rindge, New Hampshire" prepared by LEC Environmental Consultants, Inc., August 14, 2015; and "Site Evaluation and Analysis, Monadnock Conservancy – Converse Meadow Conservation Area, Converseville Road, Rindge, New Hampshire" prepared by LEC Environmental Consultants, Inc., August 18, 2015.

- Documented turtle nesting habitat and rare snake habitat<sup>3</sup>.

We are concerned that potential impacts to the above resources resulting from construction and maintenance associated with the NED project would severely degrade the conservation values protected by and for the public of the State of New Hampshire and visitors to these properties. For this reason and those stated previously, we oppose siting the NED project on our conservation lands.

Finally, in the interest of greater natural resource conservation, we expect that the draft Environmental Impact Statement (EIS) for this project will include inventory and consideration of the following natural resources on *all* potentially impacted lands: wetland and vernal pool complexes, floodplains and riparian corridors, seeps, bogs and fens, unfragmented forest blocks, rare plant and animal occurrences, rare natural communities, important agricultural soils, high-ranking wildlife habitat and migratory bird habitats.

Sincerely,



Ryan Owens  
Executive Director

CC: US Senator Kelly Ayotte  
US Senator Jeanne Shaheen  
US Representative Ann Kuster

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<sup>3</sup> Source: Converse Meadow Conservation Area Land Management Plan, Version 1.0, Rindge, NH” prepared by Bluepoint Ecological, LLC in collaboration with the Rindge Conservation Commission, April, 2006