

1. Please state your name and address.

Regis C. Miller
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2. Why are you providing this supplemental testimony?

I want to provide new information regarding a family of bald eagles that live on our waterfront property. I am very concerned about the impact the Seacoast Reliability Project will have on this family of bald eagles that have been living in a large nest in a tree on our waterfront property. They have been there for at least four years, since we have owned our home. Our waterfront property directly abuts the proposed Project. I am also concerned that the transmission lines will not be buried, but rather housed in enormous, unsightly towers that will negatively impact the visual entrance to our property, result in loss of privacy between our driveway and our neighbor's home, adversely impact our property value, and obstruct eagles and other birds flying in the area.

3. Is the bald eagle an endangered species in New Hampshire?

No longer. Only recently, March 2017, the bald eagle was removed from the endangered species list in New Hampshire.

4. Has anyone with expertise in bald eagles come to your property and observed the nest and family of eagles?

Yes. On July 18, 2018, I met with Mr. Christian Martin, Senior Biologist from New Hampshire Audubon. His area of specialty is bald eagles and noted that he has been studying them for 29 years. He observed the nest, the two adult eagles, and the two eaglets (juveniles).

5. Did Mr. Martin provide an opinion with regards to the placement of the eagles on your property and the proposed Project?

Yes. Mr. Martin noted that while the bald eagle is considered a resilient bird as it could sustain a temporary disturbance, that is not the case for ongoing disturbances. He noted that ongoing disturbances can jeopardize the eggs and the eaglets. Mr. Martin explained that when adult eagles are disturbed by ongoing human activity, they will often repeatedly leave the nest to fly over the activity and screech in protest. In so doing, they are leaving the eggs/eaglets exposed.

6. Did Mr. Martin make any other observations?

Yes. He observed that the adult eagles on our property preferred to perch in the direct line of sight to the proposed Project, right above the proposed Project. He took pictures of this. The picture of the eagles perching right above the area of the proposed Project and other pictures are also provided in the following website: <http://littlebaybaldeagles.weebly.com/>

7. Do any Acts exist to protect bald Eagles?

Yes. The Eagle Act is explained in the National Bald Eagle Management Guidelines, published by the U.S. Fish and Wildlife Service, May 2007.

<https://www.fws.gov/northeast/ecologicalservices/pdf/NationalBaldEagleManagementGuidelines.pdf>.

The Eagle Act (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from “taking” bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who “take, possess, sell, purchase, barter, offer to sell...any bald eagle alive or dead, or any part, nest, or egg thereof.” The Act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb.”

“Disturb means to agitate or bother a bald eagle or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

8. Do you think the proposed Project will “disturb” the eagles?

There is NO DOUBT in my mind that the Project proposed by Eversource will have a negative and detrimental impact on these eagles. I have seen first hand how easily these eagles become agitated when unfamiliar human activity occurs (noted in the paragraph below). The Act explains that not all bald eagles react to human activities in the same way and that their reaction may be related to “a number of factors, including visibility, duration, noise levels, extent to the area affected by the activity, prior experience with humans, and tolerance of the individual nesting pair.” As explained by Eversource, this will be a very noisy project, will continue for months at the very least, and involves enormous acreage on land and sea.

My husband and I recently had some work done on our dock. A small barge was parked alongside our dock and workmen were in the area for three to four hours for three or four days.

At this time, June 2018, the eagles were hatching/ rearing their young. We could see the little heads/beaks of the eaglets as they peered over the edge of their vast nest. Upon the arrival of the small barge, the parent eagles went crazy, flying low, back and forth over the dock workers and loudly screeching to the point where the dock workers came to shore, ran to their trucks and put on hard hats! The dock workers were afraid the eagles would harm them as the eagles appeared very threatened. And this is the eagles' reaction to a small barge! Both adult eagles left their newly born eaglets unattended while flying over the dock workers and their barge. Can you imagine the eagles' reaction to months of assault on the Bay? Their reaction to the barge was exactly the behavior that Mr. Martin described when eagles are confronted by unfamiliar human activity and they left their nest and the eaglets exposed. Thankfully, the barge was only there for a few days.

9. What is the outcome to Eagles being “disturbed”?

The Act notes that “if agitated by human activities, eagles may inadequately construct or repair their nest, may expend energy defending the nest rather than tending to their young, or may abandon the nest altogether...Disruptive activities in or near eagle foraging areas can interfere with feeding, reducing chances of survival. Interference with feeding can also result in reduced productivity (number of young successfully fledged.” Chris Martin, Senior Biologist from New Hampshire Audubon confirmed this.

10. Does the Act address high voltage transmission lines as they relate to eagles?

Yes. The Act recommends that high voltage transmission power lines be kept away from nests, foraging areas, and communal roost sites. The Act also states, “employ industry-accepted best management practices to prevent birds from colliding with or being electrocuted by utility lines, towers, and poles. If possible, bury utility lines in important eagle areas”, (emphasis added).

11. Have you discussed your eagle concerns with Eversource?

Yes. On July 19, 2018, I met with Eversource consultants. They observed the large eagles' nest, the two eaglets sitting on a branch beside the nest, and an adult eagle roosting on a tall pine tree above the proposed project site. They noted that the adult eagle was perched right above the cable house for the proposed Project. Eversource consultants felt confident the eagles would not be disturbed as they have encountered eagles on other projects. I do not share their confidence.

12. Where other topics discussed with Eversource while they were observing the eagles and the nest?

Yes. When we were standing on the shore of our property, Adam Dumville asked, while observing the vast mud flats surrounding and extending from the shoreline way out into Little Bay, if this was dead low tide. I wasn't sure, so I left to go back to my house to check our tide clock. I informed Mr. Dumville that dead low was, in fact, an hour and a half before Eversource arrived. I share this to note that Eversource consultants got a clear view of how far-reaching and extensive low tide is at the proposed Project site, which they could see from where we were standing. They were not able to witness this on the bus tour. I wondered if they were trying to visualize concrete mattresses covering this enormous area abutting my shoreline property, but I did not ask.

13. Is there any other information you would like to include pertaining to the eagles?

I conclude my written advocacy for the bald eagles that have been nesting on our property for at least four years, property that directly abuts the proposed Seacoast Reliability Project, with a final quote from the National Bald Eagle Management Guidelines:

“Where a human activity agitates or bothers roosting or foraging bald eagles to the degree that that causes injury or substantially interferes with breeding, feeding, or sheltering behavior and causes, or is likely to cause, a loss of productivity or nest abandonment, the conduct of the activity constitutes a violation of the Eagle Act’s prohibition against disturbing eagles.”
(emphasis added)

14. Have you discussed your concern about the high voltage transmission towers with Eversource?

Yes. In an email I sent to Lauren Cote on July 13, I informed her that my husband and I were concerned about the high towers and wanted the towers buried. I stated in my email that this was a concern I wanted to discuss with Eversource when we met on my property. Ms. Cote responded in an email on July 16 that this topic was not up for discussion: “changing the design in that area, and the SEC Application, is not something the team will discuss at this point.” She continued to explain that towers were cheaper, “overhead line construction is less expensive than underground construction.”

Why then, is the town of Newington blessed with underground construction and not Durham? Is it because Eversource reached out to Newington residents much sooner than they contacted Durham? Did the peaceful, nature-loving citizens of Durham not make enough noise about overhead construction? Moreover, in the overall scope of the cost of this hundreds-of-millions-of-dollars proposed Project, would burying a few more poles make a huge difference in Eversource’s budget?

On July 19, 2018, I met with Eversource consultants and together we walked my property where the transmission towers will be erected alongside my driveway. Eversource consultants explained to me which trees would be removed and which would be left standing. They admitted that some privacy would be lost, but in years to come, new pine trees will grow to replace those that are removed. I commented that it takes decades for pine trees to reach 25 feet and that I would no longer be around to see that. I did appreciate their candor and their efforts to help me visualize what my property would look like as they plowed through their right of way. They also offered to mitigate privacy loss with landscaping at the completion of the project. Ms. Cote said she would document Eversource's offer to provide me with a landscaping plan and subsequent landscaping in an email to me. I explained to them that I love the entrance to our property, the camouflaging effect of the multiple trees shadowing our neighbor's property, the beautiful marshland and the overall sense of serenity I feel when I enter my driveway, obviously not currently faced with high voltage transmission towers.

I did ask the Eversource consultants about the burying of the utility lines, even though Ms. Cote cautioned me that it was not up for discussion. Eversource stated that it was too expensive to do that. I asked how much more expensive. They looked at one another and one of the consultants (I do not remember which one) responded that would be 10 times the cost of erecting high voltage transmission towers. This person responded something like, "isn't that how we're explaining it?"

This concludes my testimony.