

**THE STATE OF NEW HAMPSHIRE
BEFORE THE
SITE EVALUATION COMMITTEE
DOCKET NO. 2015-04**

PRE-FILED DIRECT TESTIMONY OF ROBERT W. VARNEY

**APPLICATION OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY FOR CONSTRUCTION OF A
NEW 115 kV TRANSMISSION LINE**

THE SEACOAST RELIABILITY PROJECT

April 12, 2016

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Qualifications and Purpose of Testimony

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Q. Please state your name and business address.

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A. My name is Robert W. Varney and my business address is 25 Nashua Road, Bedford, NH 03110.

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Q. Who is your current employer and what position do you hold?

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A. I am President of Normandeau Associates, Inc.

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Q. Please describe your background, experience and qualifications.

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A. Currently, I serve as President of Normandeau Associates, an environmental science consulting firm based in Bedford, NH. Founded in 1970, Normandeau is an employee-owned company serving a broad range of clients in the public and private sectors including: federal, state, and local governments; transportation agencies; energy generation and transmission companies and many others. Normandeau employs about 300 staff, with 18 offices in 12 states. Our professional staff includes marine, aquatic, wetland terrestrial ecologists, environmental and land use planners, fisheries biologists and limnologists, soil scientists, geologists, public involvement professionals, statisticians and GIS and data processing specialists.

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Prior to joining Normandeau, I served 8 years as Regional Administrator of the United States Environmental Protection Agency (“EPA”), New England, where I was responsible for implementation and enforcement of numerous federal environmental laws and programs and the review, evaluation and resolution of numerous high-profile and complex Environmental Impact Statements (“EIS”) and permitting issues involving major highways, airports, energy facilities and developments within the six New England states. I also undertook many initiatives on issues such as climate change, energy efficiency and renewables, integration of energy and environmental programs and restoration of rivers, lakes and coastal areas.

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From 1989 to 2001 I served as Commissioner of the NH Department of Environmental Services. By virtue of that position, I also served as a member and as Chairman of the NH Site Evaluation Committee for that same 12 year period. Projects before the SEC during this period included the Portland Natural Gas Transmission (“PNGTS”) pipeline in Coös County, the Maritimes and Northeast gas pipeline in Rockingham County, the Newington Energy and Granite Ridge (Londonderry) power

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1 plants, the Tennessee Gas pipeline from Dracut to Londonderry, a NH Electric
2 Cooperative electric transmission line in Carroll County, a PSNH electric transmission
3 line in Carroll County, the Champlain Pipeline project in Cheshire County, and the
4 Northeast Expansion Tennessee Gas pipeline project in southern New Hampshire.

5 I was appointed by the Governor as Director of the New Hampshire Office of
6 State Planning (“NHOSP”) in 1989 before being appointed as NHDES Commissioner in
7 that same year. NHOSP was responsible for local, regional and statewide planning,
8 growth management and interagency coordination. It has since been merged with the
9 former Governor’s Energy Office, and is now the Office of Energy and Planning
10 (“OEP”).

11 I have extensive experience with local and regional planning in New Hampshire,
12 having served as Executive Director of the Nashua Regional Planning Commission for 2
13 years (1987-1989), as Executive Director of the Upper Valley Lake Sunapee Regional
14 Planning Commission for 4 years (1983-1987), and as a local and regional planner at the
15 Lakes Region Planning Commission for 4 years (1979 – 1983). During this time I was
16 involved in the preparation of numerous regional plans, and dozens of municipal land use
17 ordinances and master plans.

18 I hold a bachelor’s degree in economics from the University of New Hampshire
19 and a master’s degree in urban planning from Michigan State University. A copy of my
20 resume is attached as Attachment A.

21 **Q. Are you involved with any organizations outside your duties as**
22 **President of Normandeau?**

23 A. Yes. I am on the Board of Trustees of The Nature Conservancy (“TNC”),
24 the Board of the New Hampshire Lakes Association, and as a governor-appointed
25 commissioner of the New England Interstate Water Pollution Control Commission. I also
26 serve as a president-appointed member of the Joint Public Advisory Council (“JPAC”),
27 which I chaired in 2014. The JPAC is an independent tri-national committee which
28 provides advice and promotes public involvement and transparency in the administration
29 of the NAFTA environmental side agreement through the Commission for Environmental
30 Cooperation (“CEC”) and the governments of Mexico, Canada and the United States.

1 I am a member of professional planning organizations such as the American
2 Planners Association (“APA”), New Hampshire Planners Association and Plan New
3 Hampshire.

4 **Q. What is the purpose of your testimony?**

5 A. The purpose of this testimony is two-fold. First, I provide the New
6 Hampshire Site Evaluation Committee with my assessment of and opinion on potential
7 impacts of construction and operation of the Project on local land use. Second, I offer my
8 opinion that the Project will not unduly interfere with the orderly development of the
9 region.

10 **Local Land Use**

11 **Q. Did you prepare a report on potential land use impacts and local and**
12 **regional planning documents?**

13 A. Yes, I provided a report titled “*Review of Land Use and Local and*
14 *Regional Planning, The Seacoast Reliability Project*”, included as Appendix 43 of the
15 SEC application. I developed the report with the support of Normandeau staff who
16 assisted with research, mapping and editing.

17 **Q. What was the methodology you used for developing your report?**

18 A. I began my review with a thorough examination of existing land uses in
19 each community along the Project right-of-way (“ROW”) and conducted an in-depth
20 review of local, state, and regional long-range planning documents. I also considered
21 comments received through the Applicant’s public meetings and discussions with local
22 and regional planners.

23 In order to assess the impacts of construction and operations on local land
24 uses, I reviewed existing land use patterns and other land use data. This information was
25 obtained principally from the applicant, local communities, regional planning
26 commissions, state agencies, University of New Hampshire GRANIT, as well as Google
27 Earth and a windshield survey conducted at numerous locations along the ROW.

28 I considered a wide range of information relating to land use planning and orderly
29 development. Land uses along the corridor include forestry, agriculture, residential,
30 commercial/industrial, transportation, institutional/government, recreation areas,
31 conservation, historical, and natural features such as rivers, wetlands, and wildlife habitat.

1 This information was compiled into detailed existing land use descriptions for each of the
2 four communities in the Project corridor, which are summarized in my report. I compared
3 these summaries with the SEC application for the Project. I also reviewed and considered
4 comments received during the applicant's pre-application Public Information Meetings.
5 For each community, I considered the potential impacts of construction and operation of
6 the Project on the existing land use within or adjacent to the ROW.

7 Separately, I reviewed the recently completed regional plans from each of the two
8 regional planning commissions and other regional planning documents such as local river
9 corridor management plans in the project area.

10 **Q. Please summarize your conclusions on land use implications.**

11 A. I have concluded that the Project will not have an adverse impact on local
12 land use. The details of my assessment are contained in my report.

13 In summary:

14 1. Almost all of the Project is located within or along existing electric utility
15 line ROW and transportation corridors. The electric transmission and distribution system
16 in New Hampshire was constructed beginning in the early 1900's. The existing ROWs
17 across the state contain transmission and distribution lines constructed at different times,
18 which are regularly upgraded and maintained as electric utility corridors. Similarly,
19 roadway corridors have traditionally been used as a route for utilities, including electric
20 lines, throughout the state. PSNH's use of these corridors will not change land uses in the
21 area.

22 2. The Project is consistent with prevailing land uses. Land uses along the
23 corridor include forests, agriculture, residential, commercial, industrial, transportation,
24 utilities, historic, natural resources, conservation and recreation areas, as well as
25 government/institutional uses. These uses have coexisted with existing electric utility and
26 transportation corridors as a part of the fabric of local and regional development. The
27 Project will not prevent these uses from continuing in the future.

28 3. Much of the Project route is within or along the edge of forested areas and
29 does not require clearing outside the existing utility corridor.

1 4. In an effort to lower the heights of transmission structures, PSNH will be
2 relocating portions of the current distribution lines in the Project corridor in Newington
3 onto public streets which already have poles and wires.

4 5. About 1.8 miles of the Project route will be placed underground and
5 underwater. This includes the crossing of Main Street along the railway in the vicinity of
6 the Whittemore Center, Amtrak/Dairy Bar and Field House/Cowell Stadium in Durham,
7 the submarine cable crossing under Little Bay and the underground crossing of the
8 Gundalow Landing area in Newington. This will result in no permanent impact on
9 adjacent land uses.

10 6. Siting a new transmission line along an already developed corridor is a
11 sound planning and environmental principle because it reinforces local patterns of
12 development and is consistent with local and regional land use planning.

13 7. Considering the length of the Project and its location in rapidly-growing
14 southeastern New Hampshire, which is one of the more densely populated regions in the
15 state, relatively few homes are located near the Project corridor. The existing electric line
16 corridor was in place before many of these homes were constructed or purchased.

17 8. There will be no new crossings of local or state scenic roads by the Project.
18 The crossing of town-designated scenic roads and Newmarket Road/Route 108 (part of a
19 state scenic byway) will occur at existing electric line rights-of-way.

20 9. The Project intends to utilize best management practices to manage the
21 impacts of construction and operation, which is consistent with recommendations set
22 forth by the Oyster River and Lamprey Rivers Corridor Management Plans.

23 10. Electric utility corridors are known to provide suitable habitat for a variety
24 of wildlife species, including mammals, birds, reptiles, amphibians, and invertebrates.
25 Regular right-of-way maintenance already occurs in the corridor, and continued
26 maintenance of the right-of-way will be coordinated and consistent with efforts to provide
27 suitable habitat for the New England Cottontail.

28 11. The potential impacts of construction and operation of the Project on local
29 land use are minimal because the Project follows existing electric utility and
30 transportation corridors. Potential construction impacts associated with the Project are
31 temporary in nature and include noise, traffic, erosion and sedimentation controls and

1 laydown areas. The Applicant will coordinate these issues with nearby residents and
2 property owners, local government, UNH and relevant state and federal agencies prior to
3 and during construction.

4 **Orderly Development of the Region**

5 **Q. Have you also considered the overall question of whether the Seacoast**
6 **Reliability Project will interfere with the orderly development of the region?**

7 A. Yes, I have.

8 **Q. Please explain.**

9 A. In addition to my own analysis of the local land use aspects of the orderly
10 development criterion in RSA 162-H, I have also reviewed and considered the expert
11 testimony and related information included in the Project's SEC application on other
12 factors relevant to the SEC's review of regional orderly development. This includes:

13 (1) The pre-filed direct testimony of James Chalmers and information presented in
14 the Chalmers & Associates study, High Voltage Transmission Lines and Real Estate
15 Markets in New Hampshire: A Research Report, June 30, 2015 (Appendix 45), which
16 demonstrates that despite public perception to the contrary, there is no evidence that high-
17 voltage transmission lines result in consistent measurable effects on property values, and,
18 where there are effects, the effects are small and decrease rapidly with distance; and
19 overall, there is no basis to expect that the Project would have a discernible effect on
20 property values or marketing times in local or regional real estate markets; and

21 (2) The information presented in the pre-filed direct testimony and related
22 attachments of Lisa Shapiro of Gallagher, Callahan & Gartrell, P.C., which indicates that
23 the Project's significant investments in local and State infrastructure will substantially
24 increase property taxes received by local communities, counties, and the State; additional
25 benefits to the local and State economy include job creation, increased economic output
26 (sales), gross state product (GSP), and personal income during the planning and
27 construction phase.

28 **Q. Have you reviewed this Project with respect to impacts on tourism**
29 **and recreation?**

30 A. Yes. I evaluated tourist-oriented attractions and recreation facilities in the
31 seacoast area promoted by chambers of commerce, the State of New Hampshire, and local

1 communities. This assessment revealed that the Project will not have an impact on tourism
2 and tourist-oriented recreation because there are no tourist-related facilities in or near the
3 Project corridor. Some local trails have been established near the Project ROW, especially
4 in the town of Durham where the town has been considering building a bike path in the
5 ROW after construction.

6 **Q. What is your opinion of whether the Project will unduly interfere with**
7 **the orderly development of the region?**

8 A. The Project will not unduly interfere with the orderly development of the
9 region. By using existing electric line ROW and transportation corridors, and locating
10 portions of the Project underground and underwater, the Project will have minimal impact
11 on prevailing land uses and is consistent with local patterns of development. The electric
12 transmission system in New Hampshire was constructed beginning in the early 1900's.
13 The existing ROWs across the state contain several transmission and distribution lines
14 constructed at different times, and have been regularly upgraded and maintained as
15 electric utility corridors through to the present day. Similarly, roadway corridors have
16 traditionally been used as a route for overhead or underground electric lines throughout
17 the State. The use of these corridors will not change, and SRP's use of the corridor will
18 not change land use patterns in the surrounding area. Siting a new transmission line in
19 existing corridors is a sound planning and environmental principle because it reinforces
20 local patterns of development and minimizes environmental impacts. There will be no
21 changes to prevailing land uses as a result of the operation of the Project.

22 About 1.8 miles of the transmission line will be placed underground or underwater,
23 including the crossing of Main Street and the Whittemore Center, Amtrak/Dairy Bar and
24 Field House/Cowell Stadium areas in Durham, the submarine crossing of Little Bay and the
25 Gundalow Landing area in Newington. There will be no change to existing land uses in
26 these areas.

27 As noted above, operation of the line will not place any new demands on local or
28 regional services or facilities and will not have an impact on tourism or recreation facilities
29 in the region.

30 As demonstrated in Jim Chalmers' report and testimony, there will be no
31 discernible effect of the Project on property values or marketing times in local or regional

1 real estate markets. Finally, as presented in Lisa Shapiro's testimony, the Project will
2 increase revenue generated from property taxes in local communities, the region, and
3 throughout New Hampshire, and provide significant economic benefit to the local and State
4 economy by creating jobs, increasing economic output (sales), gross state product (GSP),
5 and personal income during the planning and construction phase.

6 **Q. Please summarize your conclusions on the orderly development of the**
7 **region.**

8 A. I have concluded that the Project will not have an adverse impact on the
9 orderly development of the region. The details of my assessment are contained in my
10 report.

11 In summary:

12 1. The Project is generally consistent with regional long-range plans. These
13 plans present vision statements and goals for the orderly development of the region. They
14 include recommendations and action strategies to implement the goals. The goals,
15 objectives and recommendations in the regional plans are summarized and assessed in my
16 full report. In most instances, these plans do not directly relate to the construction or
17 operation of the Project; however, the Project is consistent with the general goals and
18 objectives of those plans and will not interfere with their implementation.

19 2. The Project is also generally consistent with local master plans and zoning
20 ordinances and the project will not interfere with their implementation. I am aware that
21 the Newington Planning Board made a sudden revision to the Utility Easement section of
22 its master plan in February, 2015 shortly after the Project was presented to the town. This
23 section continues to note that "while planning for future development, easement
24 restrictions obviously need to be taken into account" (page 25). It also explains that
25 electric lines run within a "protective easement" of about 300 feet for 345 and 115 kV
26 lines and 100 feet for 34.5 kV lines. The new revision of February 2015 on page 26
27 incorrectly asserts that any utility towers above 65 feet would have considerable negative
28 impacts on views from many homes and on property values. It also suggests a preferred
29 alternative route, which would require new/additional easements and ROW's across Little
30 Bay, the Great Bay National Wildlife Refuge and along the northwest boundary of the
31 Pease Development Authority property. The Applicant does not have property rights to

1 cross these state lands and waters and the federal wildlife refuge as proposed by the town.
2 Please also see the pre-filed testimony of James Jiottis.

3 3. The operation of the line will not place any new or increased demands on
4 community services or regional infrastructure such as school facilities, police or fire
5 stations, roads, transit services, solid waste disposal, drinking water or wastewater
6 treatment facilities or services, recreation facilities, medical facilities or services, or any
7 other community services or infrastructure.

8 4. The Applicant responded to concerns expressed by local communities and
9 UNH by locating segments of the Project under Main Street in Durham and offered to
10 construct the Project underground in the vicinity of the Newington Center Historic
11 District. Across the entire Project route, the Applicant also responded to concerns raised
12 by local communities by lowering or relocating some structures.

13 5. An examination of tourist attractions and recreational facilities in the
14 Seacoast Area, as well as along the corridor, reveals that there will be no impact to
15 tourism because there are no tourist-oriented facilities in or near the Project corridor. In
16 addition, the Project may provide opportunities to enhance recreational trails in the area.

17 6. There is no evidence that the Project will have a discernible effect on
18 property values or marketing times in local or regional real estate markets.

19 7. The Project will increase revenue generated from property taxes in local
20 communities within Rockingham and Strafford counties, and throughout New Hampshire.

21 8. Construction of the Project will have a positive impact on employment and
22 the economy locally, regionally, and within the state of New Hampshire. Operation and
23 maintenance of the project will not have an adverse impact to the local, regional or state
24 economy or employment.

25 **Q. Will the project unduly interfere with the orderly development of the**
26 **region?**

27 A. No. Based on a careful review of the Project, and the materials cited
28 herein, I find that the construction and operation of the Project will have little impact on
29 local land use, tourism and recreation, and community facilities and services. The Project
30 also will have economic benefits, create jobs during construction, and will provide
31 additional State and local tax revenues. Therefore, this Project will not unduly interfere

1 with the orderly development of the region.

2 **Q. Does this conclude your testimony?**

3 A. Yes, it does.