

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

Docket No. 2015-04

Joint Application of Seacoast Reliability Project, LLC Public Service Company of New  
Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility

**Vivian and Jeff Miller/ Durham Residents Intervenors Post-Hearing BRIEF 11/15/2018**

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In this post hearing brief, Jeff and Vivian Miller summarize the key evidence presented in prefiled testimony and during the evidentiary hearings as they relate to their personal property, riparian rights, the natural environment and local municipal and zoning regulations and process. The brief is organized to follow the statutory findings required under RSA 162-H:16, IV

The four specific findings the SEC is required to make prior to issuing a certificate will be addressed separately:

**1) *That the Applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate:***

The Applicants technical and managerial abilities demonstrated in their Application is lacking.

First and foremost alternate routes available were not vetted or explained. Decision based on cost and time to implement. SEC has asked for that analysis and we have yet to see the reasoning. Seacoast Reliability Project route did not consider impacts to Little Bay prior to ISO/Eversource decision.

- Testing of Little Bay sediments incomplete
- Wind factors and tide impacts on sediment dispersion were not evaluated
- Sediment testing data provided in the application were inaccurate.

- Jet Plowing never performed in an Estuary with the depth and characteristics of Little Bay
- Depth of cable proposed altered after application was submitted
- Concrete Mattresses not represented
- Concrete Mattresses mischaracterized
- Testing not done relating to Ledge to determine amount of concrete mattresses
- Ongoing negotiations and changes with DES outside of the SEC hearings
- Master Plan for Durham not included with Application as required
- Formal notification to Abutters not performed
- Visual Impact Assessments of all scenic resources not completed
- Zoning laws regarding changing a Distribution corridor to a HVTL completely ignored
- Historic sites purposely overlooked and local Historic Associations not contacted to work together

These inadequacies indicate the Application, the technical details and the management of information is incomplete and improperly prepared. The quality of the Application leads to many more concerns regarding future project management, relating to work standards, subcontractor selection, training and follow through on requires methods and independent monitoring.

**2) *That the site and facility 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:***

Durham is known for the significant amount of conservation land, easements and public trails. The Master Plan and Zoning Laws clearly protect and preserve open space and Durham's natural surroundings, including Little Bay. The Master Plan was not included in the Application, as required.

- A distribution "right of way" corridor is not the same "use" as an HVTL corridor. The change in use requires the Applicant go before the Town Planning Board and formally notify all Abutters. This clearly interferes with orderly development, residential zoning and reduced property values.
- Durham has invested significant amounts of money to improve the waste water treatment plant in order to improve the health of Great Bay and Little Bay. Those efforts may be negated by the proposed jet plowing.
- The Applicant has no decommissioning plan in a time when technology and alternate methods of energy are rapidly changing. This interferes with the orderly development of rural communities.

3) ***That the site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.***

***Site 202.19 (b) RSA 162-H:16 states that the Applicant bears the burden of proving facts and the proposition by a preponderance of the evidence and provide full and timely consideration of environmental consequences.***

- Applicant did not consider the wide variety of scenic resources in Durham and Newington for further assessment, including: designated scenic resources for further assessment, conservation lands or easements, ponds and rivers and Little Bay. Aesthetic Impacts to Historic Sites and Town Villages were disregarded.
- Bare Earth visibility analysis was not used
- Applicant has not presented scientific data demonstrating that jet plowing is "safe" for Little Bay
- Concrete Mattresses will be exposed completely during low tide impacting the view and use, particularly those who kayak and live on Little Bay
- DES and the State of NH have never approved or completed a jet plow project in an Estuary with the specific characteristics of Little Bay. Short and Long Term impacts are unknown
- Oyster Farms will be displaced and impacted and that indicates damage to shellfish and other fauna and unique species in Little Bay.

Much has been done to help improve the quality of our treasured Estuary. It is a fragile ecosystem that should not be stressed by any further by an electrical infrastructure. Particularly when there are several other options that would avoid destroying nature on land and sea.

***4) The Project is in the Public Interest:***

- The Public Hearing Session clearly showed unified opposition from those who live, work and play in the Seacoast region.
- This project claims to be redundant power in the unlikely event of a black out. In addition the increased power primarily will be servicing MA, CT and NY. This is not in the public interest of NH.
- The communities and Little Bay will be damaged permanently by Eversource's lack of due diligence in investigating other routes with existing HVTL. This is not in the public interest of NH

**CONCLUSION:**

The Impacts to our Property Value, the use of Little Bay and the 1/2 mile deeded driveway are significant and permanent. This project will change the nature and environment of where we chose to live, build a house and had protection from any commercial development or electrical infrastructure. How is any resident of Durham able to protect their family's health, safety and enjoyment when zoning laws are disregarded?

This project is wrong on many levels.

- ISO did their analysis over 8 years ago and much has changed.
- There are other routes that the Applicant can utilize without doing damage.
- Cost and Time are not the most important factors
- The cost to NH is very small if this project is denied
- The cost to NH is great if it is approved
- Any damage to Little Bay is too great
- Disrespecting the Public Interest and destroying Durham and Newington are not in the Public Interest.
- This Project provides little to NH and is designed to service other states
- Do the right thing for NH and deny this project.

Respectfully submitted,

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