

To: New Hampshire Site Evaluation Committee, Pamela G. Monroe, Administrator
From: Lulu Pickering, Pickering Farm Newington
Date: June 22, 2018
RE: Seacoast Reliability Project (SRP), Docket No. 2015-04

I am getting a terrible runaround from folks at Eversource, and do not know who else to turn to except the SEC. I think Eversource has been making misleading comments to me, the public, and the SEC about its intentions during the *construction phase* of SRP versus ongoing and future *maintenance phases* in their ROWs.

Please consider the issues below, and perhaps you can help us and others.

Background

1. We have had an excellent relationship over the decades with John C. Brown & Sons, the contractor who has been clearing Eversource's ROW. They do what Eversource asks them to do. I do not believe the problem lies with them, but with Eversource decision makers.
2. In the past we have allowed John Brown folks to cross our property to access the ROW with their brontosaurus, which can flail at trees and brush and turn the debris into small, dispersed pieces that rot into the ground over time. We have had to take down fences by the barn and remove sections of paddock fence – well outside the ROW – so their men and machines can cross the animal paddocks to get to the ROW.
3. I sat at an SEC meeting in Concord last June when a member of the committee asked if Eversource had all the access roads and ROWs they needed for the SRP. They answered “yes,” which surprised me. Why were they asking to cross our property every time a contractor needed to do something in the ROW?
4. I sent a letter to the SEC on February 7, 2017 that included this issue....

Page 13 – “Construct and maintain a permanent bridge made of wooden piers and timber planks, which is wide enough and strong enough to provide vehicle access, across the wetland bisecting the Alfred Pickering Farm. This timber bridge will provide access to future Eversource contractors to access and maintain the ROW and new transmission lines. Currently, most all contractors ask to cross our hayfields with their heavy equipment when accessing the ROW in either the East or West directions. If Eversource is allowed to introduce a new use into the existing ROW, its contractors should be able to service and maintain that new use solely in the existing ROW and not by crossing private property outside the ROW.”

5. Starting about January 2018, Ian Farley, an Eversource arborist, began to call us about allowing John Brown contractors to cross our land for maintenance in the ROW. We said “No” because of the comments at the SEC meeting, and the lack of any response to our February 2017 letter to the SEC about access issues. If they told people they can do all their work in the ROW, then that is what they should be doing.
6. Ian keep calling and then asked to meet to discuss a one-time access agreement from their real estate department. This solution is not a good one because it means that each time Eversource wants to do something in the ROW, they will call and ask for a one-time access agreement. With the new, larger SRP project on the table, now is the time for the company to address this problem and remedy it.
7. Rather than address the issue, Ian Farley sent the John Brown crew in by foot to hand cut brush and trees. I only knew the contractors were here because their truck was in the driveway at 375 Little Bay Road and I could hear the chainsaws.
8. I spoke with someone on the John Brown crew about the work, and he told me that all the tree debris – with tree trunks up to 20 feet long and more than a foot in diameter – would be left in the ROW.

We discussed an apple tree whose branches were within 3 feet of the electric lines. He could not easily get to that area because of the wetlands, but he said the tree limbs proximity to the lines was a danger. I told him (and later Ian Farley and Lauren Cote) about my experience while I was on my tractor in the ROW with ear protectors on and my bush hog running. There was a tremendous “CRACK” that was so loud I turned off the bush hog, took off the ear protectors, and looked around behind me for the huge tree that must have just fallen.

The John Brown contractor said it was likely a discharge from the electric line to a tree limb, and “yes” it could be loud enough to hear it over the tractor and bush hog cutting noise while wearing ear protection. He also alerted me to a maple tree that was too close to the wires and said I should not be working close to it in case something similar happened.

I don’t think you should be afraid to work in your own paddock, outside the ROW, for fear of a power line discharge. I have discussed all this with Eversource and am still getting a run-around. The trees are still there as shown in these photos:





9. On May 15th I contacted Lauren Cote, Eversource Siting and Construction Services, by email. She has repeatedly indicated that the recent tree work in the ROW is routine maintenance and has nothing to do with SRP. Two of my comments to her were:

“I appreciate that the overgrown limbs/trees need to be cut for safety purposes but am concerned about all the tree limbs and tree trunks that they are lining up along the ROW. The amount of material is extensive and will prevent us from easily accessing the woods on the other side of the ROW for the bush hogging that we are doing. In addition, small brush will grow up through the debris piles and be several feet high in a very short period of time, which will create an even bigger problem.”

“As you know from my previous conversations with Ian Farley, [if accessing the ROW to cut brush/trees and remove debris is a problem now, it will certainly remain a problem for maintaining the ROW under the Seacoast Reliability Project, if approved. I appreciate the fact that the SRP application says all work on that project will be done in the ROW for the construction phase. But no one has addressed the maintenance phase going forward.](#)”

10. On May 25th, Ian Farley, Lauren Cote, and I walked the ROW to see the debris left by the contractors and to understand what the underlying issues were. Photos of some of the debris are at the end of this letter. In a nutshell:

- Ian says technically they can leave all the cut debris in the ROW because it is within the company’s best management practices to pile it into windrows and leave it. He also told me the existing easement document for our property indicates that Eversource has the “option” to remove the debris but is “not obligated” to do so. Ian also says that maintenance work after SRP will pass to some other group, not his.
- Lauren says that contractors should do all their work in the ROW, but it is too expensive to put timber mats across the wetlands for routine maintenance, that effort and expense will only be done during the SRP *construction* phase if that project is approved.
- I feel that interacting with Eversource is like poking the Pillsbury doughboy. I should not have to police their work or have to talk to contractors or numerous unknown Eversource groups on an ongoing basis. They have the right to work in the ROW, but they need to clean up any mess they create – especially because if the ROW is maintained the way it is supposed to be maintained, there will be no huge trees or tree limbs to cut in the first place. If everyone knows *now* that parts of the ROW are inaccessible due to flanking wetlands, they should fix the problem and not pretend it does not exist.

- We have been working in our fields and woods to open them up for our animals and wildlife. This includes portions of the woods flanking the ROW, where we have bush hogged, removed fallen logs, and trimmed low hanging tree branches. Our side of the woods (the ROW is the bright area in the sunlight) looks like this:



11. Lauren and Ian spoke with internal stakeholders in all the related departments. Lauren proposed having John Brown hand carry all the debris out of the ROW. I said it is not up to me to say how the debris is removed, but it has to be removed. The 1955 easement agreement for our property (Rockingham County Registry of Deeds Bk1363, page 289) says *“It is understood and agreed that all wood, timber, and debris shall be removed by the Grantee”* who was then NH Electric Company, and now Eversource.

12. On Jun 19th, Ian Farley sent an email:

As far as future wood management. Eversource maintains the right to maintain the facility and we always attempt to work with our abutting property owners to make sure our maintenance activities do not have any adverse repercussions that can be avoided, as we have demonstrated by agreeing to return and remove the debris by hand. I believe moving forward [the only formal agreement that will discuss wood management is the original easement rights](#) and Eversource will continue to be to neighborly and attempt to work with you on all future projects.

13. I am frustrated. I think Eversource has misled the SEC by talking about ROW access only in terms of the construction phase of the SRP project and is deliberately not addressing problems in the ongoing and future phases of maintaining the ROW.

I have spent hours interacting with them.

Their hand cutting of all the debris in May was done to circumvent the issues I raised.

Their solution of sending in a team of men to hand carry 20-foot tree trunks and literally tons of branch debris over wetlands to trucks ¼ to ½ mile away is not credible, and seems a stalling tactic, either to just ignore the issue over the months to come, or to pass the buck on to some future team at the company, or to wear us down until we forget about it.

Their easement deed for the ROW obligates them to remove wood, timber, and debris during maintenance, but their actions speak louder than their words when working with property owners.

14. We have not been able to make any headway with Eversource over this issue and fear that if it is not addressed now, that the problems will continue during any future maintenance work, whether the SRP is approved, or not.

15. Is the SEC able to help?

Thank you for your time and consideration,

Lulu Pickering

Pickering Farm, Newington NH

9 photos of just some of the debris piles created by Eversource in May 2018

















