Pemigewasset River Local Advisory Committee

VIA EMAIL AND US MAIL

January 12, 2018

Ms. Pamela G. Monroe, Administrator
New Hampshire Site Evaluation Committee
21 South Fruit Street
Suite 10
Concord, NH 03301

RE: SEC Docket 2015-06

Dear Ms. Monroe:

I attach the Post-Hearing Memorandum for the above matter on behalf of the Pemigewasset River Local Advisory Committee.

We regret this document is arriving after the 4:30 p.m. work hours. However, the PRLAC team lost electric power this morning (NH Electric Cooperative, not Eversource) and the delay in restored power held up this filing.

We request that this filing will be accepted with our apologies.

If you have any questions, please do not hesitate to contact me.

Sincerely,
Gretchen Draper
423 Blake Hill Rd.
New Hampton, NH. 03256

On Behalf of the PRLAC Intervenors
Max Stamp
Barry Draper

cc. Docket No. 2015-06 Distribution List

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
DOCKET NO. 2015-06

Joint Application of Northern Pass Transmission, LLC
and Public Service Company of New Hampshire
d/b/a/ EverSource Energy for a Certificate of Site and Facility

POST-HEARING MEMORANDUM OF THE PEMIGEWASSET RIVER LOCAL ADVISORY COMMITTEE

January 12, 2018

Pemigewasset River Local Advisory Committee

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SUMMARY OF ARGUMENT

Each drop of precipitation that falls in New Hampshire lands in one of five major watersheds: the Connecticut, Androscoggin, Merrimack, Saco and Piscataqua.

The Pemigewasset River is part of the Merrimack Watershed, the largest catchment basin in New Hampshire. Rain that falls on high ground in Franconia and Woodstock, Lincoln and Plymouth, Holderness, Ashland and New Hampton becomes the rivulets and streams, the brooks and tributaries. They flow above and below the surface of the land. They refill aquifers for town drinking water and private wells. They grow in volume and become the rivers and lakes, the jewels of New Hampshire tourism.

We all live in a watershed. All living things depend on watersheds for clean, available water. What happens in one area of a watershed can affect the rest of the entire river system downstream[1].

Of the five major New Hampshire watersheds, the Northern Pass Transmission Project directly impacts four: the Connecticut River, the Merrimack, the Androscoggin and the Piscataqua.

[1] Exhibit PEMI 1, pg. 22. Pemigewasset River Management Plan. 2013

As an organization charged with a state mandate[2] to protect "the outstanding qualities of a designated river for future generations", the Pemigewasset River Local Advisory Committee opposes the Northern Pass Transmission Project as it parallels and crosses rivers, streams, wetlands and tributaries from Pittsburg to Deerfield and beyond.[3]

The Applicant and its experts fail repeatedly to prove that the construction, operation and presence of this Project will not have "unreasonable adverse effects" on the environment, the people and the long-range quality of water bodies within the state of New Hampshire in accordance with the SEC rules and regulations.[4]

BACKGROUND

In the 1950's and 60's, the Pemigewasset was a dead river. Towns dumped raw sewage into it. Industrial waste from the paper mills created anaerobic conditions. Hydrogen sulfide gas released by paper mill sludge fouled the air and turned lead house paint black.[5] There were no fish, no swimming, no river activities.

By 1965, the federal Water Quality Act began a decade of legislation aimed at the nation's waterways. River corridor towns received funds for sewage treatment facilities. Paper companies had to limit industrial waste and install pollution control systems onsite. Water quality improved and the river began its recovery.

However, this recovery was upended when certain paper mills violated discharge permits and got waivers for more time to finish their pollution control. By 1971, the Pemigewasset River was again polluted and unsafe.

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[2] PEMI Exhibit 26. DES Fact Sheet on NH River Management and Protection. 2017.
[3] PEMI Exhibit 10. Stormwater PPP. Section 2.8.1. "Receiving Waterbodies."
[4] http://www.gencourt.state.nh.us/rules/state_agencies/site100-300.html/
[5] PEMI Exhibit 1. Management Plan 2013. Section J. "History of Pemi Restoration." pp. 51-59

Local citizens, environmentalists and legislators organized on behalf of the Pemigewasset River. They joined with state agencies and the paper industry to stop the pollution. They nominated the Pemigewasset River for "designated river status"[6] under the New Hampshire Rivers and Protection Program (RMPP) RSA 483. In 1991 when the legislature passed its approval, these local citizens became the first Pemigewasset River Local Advisory Committee (PRLAC).

Twenty-seven years later, PRLAC continues its mandate to protect the Pemigewasset River for its outstanding natural and cultural resources for "future generations". Other duties outlined in 483:8-a include:

- member nomination by towns to represent a diversity of interests
- develop and adopt a local river corridor management plan (RSA 483:10)
- provide on-site reviews and comments to NH DES on activities affecting the river that require state or federal permits.
- advise communities within the watershed and NH DES on matters pertaining to the integrity and and management of the river.[7]

When the Northern Pass Project started its informational meetings in New Hampshire, members of PRLAC attended and at times provided public comment.[8] In October 2015, the NH SEC accepted the Northern Pass Project application. PRLAC considered implications to the Pemigewasset watershed and decided to intervene in the process. PRLAC's Petition to Intervene was granted in March 2016.

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[6] PEMI Exhibit 25. "Pemigewasset River Report to the General Court 1991."
[7] PEMI Exhibit 1. Pemigewassset River Management Plan. 2013. p.2
[8] PEMI Exhibit 32. "Environmental Impact Statement". Barry Draper. March 18, 2011.

The decision by the SEC stated: "*The Pemigewasset River Local Advisory Committee has a substantial interest in ensuring that rivers and wetlands will not be negatively impacted by the Project.*" PRLAC was accepted as a full party in the proceedings.

ARGUMENTS

I. The Applicant fails to satisfy Site 301.16 Criteria Relative to Finding of Public Interest: (h) WATER QUALITY

PRLAC: Stormwater runoff is one of the most significant threats to surface water quality in New Hampshire, contributing to approximately 80% of impaired waters.[9]

- NPT potential sources of sediment and other pollutants to Stormwater Runoff:
  - -clearing operations
  - -grading and site evacuation
  - -access road building
  - -foundation hole excavation
  - -vehicle tracking
  - -topsoil stripping and stacking
  - -landscaping

  - -staging areas: maintenance, fueling operations
  - -materials storage areas, including trash and debris
  - -construction activity: concrete, structure framing
  - -concrete washout areas.[10]

- Receiving water bodies within the NPT Project limits and ROWs includes:
  - -313 perennial streams
  - -350 intermittent streams
  - -438 ephemeral streams
  - -2 ponds[11]

[9] PEMI 1. Pemigewasset River Corridor Management Plan. 2013 p. 7. NHDES 305(b) Surface Water Quality Report. 2008.
[10] PEMI Exhibit 10: Stormwater Pollution Prevention Plan. Burns and McDonnell. Oct. 2015.
[11] Ibid. p. 2-11.

Each stream, pond, vernal pool and tributary within the Northern Pass construction activities -- not simply the ROW -- is at risk for a spill, accident, or contamination.

The Project proposes **Best Management Practices** (BMPs) to be developed by "NPT contractors" to minimize and avoid potential impacts within the ROW, including impacts to stormwater runoff. They have been characterized as "standard BMPs used for normal construction activities."[12]

- **PRLAC finds:** Best Management Practices are not fully written nor distributed as of the closing of the Record on December 22, 2017.
- There is a lack of site-specific BMPs and other non-specific actions in response to conditions required by NH DES and NH DOT.[13]
- The oft-mentioned Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetland and Waterbodies in New Hampshire was updated in 2010. It is not intended for new construction of utility assets, new access roads, permanent crossings of streams and wetlands, nor use of herbicides or pesticides to control vegetation.[14]
- The Project intends to provide BMPs in response to conditions from state agencies "not less than 90 days before the start of construction". In his review Adam Zysk PE, of Dewberry, on behalf of Counsel for the Public, said the 90-day minimum requirement would not provide sufficient time for a thorough review of the documents from the Applicant.[15]
- NPT's Stormwater Pollution Protection Plan 2.6.1. "Sufficient and appropriate BMPs will be installed and maintained where necessary *when surface water is*

[12] Transcript Day 17 AM, Birchard-Varney. p. 99: 3-10, 22-24.
[13] CFP Ex.133. Pre-filed Supplemental Test. of Adam Zysk (Dewberry). p. 5: 28-30; p. 6: 1-4.
[14] PEMI Ex.22. Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetland and Waterbodies in New Hampshire. 2010. p.2
[15] CFP Ex. 133. Supplemental Testimony of Adam Zysk (Dewberry). p. 7:3-29.

located within 50 feet of the project activity and where there is a lack of a natural vegetated buffer." [16] (italics added). PRLAC has found that Invasive Species have no boundaries. For example, Milfoil traveled over 5 miles to infiltrate the river from other sources. The "50 foot" buffer in this BMP is grossly inadequate.

- Current BMPs do not address current and future "extreme weather events."

Environmental and Construction Monitors are key to the implementation and enforcement of the Best Management Practices and site-specific conditions. This is one fact all parties agree upon.

However, **PRLAC finds no agreement** and **a lack of NPT commitment** for:

- Number of Monitors assigned to the entire Project -- Pittsburg to Deerfield
- Who has authority over Monitors? Monitors report to _____?
- Monitors' authority to stop construction at once if there is a breach of BMPs
- Monitors independent of the Project and EverSource
- Degree state agencies are involved in the Monitoring Process
- Consequences for breach of BMPs
- Role and responsibilities of Monitors to town officials and boards.

The Dewberry Report on behalf of Counsel for the Public identified concerns with BMPs for rainfall erosion on steep slopes and lack of specific detail as to BMP type by location. The authors underscored BMPs in the Applicant's Stormwater Pollution Protection Plan (SWPPP) that required additional clarification before the work could be approved. For example, who is responsible for reporting and tracking "temporary BMPs that may become permanent".[17]

[16] PEMI Ex. 10. p. 2-10.
[17] CFP Ex. 129 Dewberry Taylor Pre-filed Testimony. Ex. D. Report: Northern Pass -Overhead Transmission Lines. pp. 11-12.

Lack of Confidence in PSNH/ EverSource/ and NPT Compliance with BMPs

Over the course of the SEC Hearings, Intervenor groups questioned Project Panels regarding the commitment of NPT to comply with environmental BMPs in the field. Examples follow from southern, central and northern parts of the proposed project:

- **Deerfield**. **February-March 2017**. Power line maintenance project (insulator replacement) resulted in significant rutting on a slope leading to a "major wetland that is part of the Lamprey River watershed." No matting, no BMPs were in evidence.[18] When presented to the Construction Panel during cross-examination, Mr. Bowes agreed this was not acceptable practice. He assumed EverSource contractors did the work.[19]
- **Brook Rd., New Hampton. January 2016-October 2017.** EverSource ROW comes down a steep slope to Blake Brook, then crosses Brook Rd. and continues to parallel the Pemigewasset River and Coolidge Woods Rd. Stormwater runoff and erosion has been photographed and shared with EverSource and NPT since November 2016.[20] Discussions with the Construction Panel confirmed this was an obvious problem to be corrected.[21] No corrections made at this location as of the close of the Record 12/22/17.
- **ROW Crossovers on the Pemigewasset River.** PRLAC has ongoing concerns for ROW Maintenance practices, i.e. mowing vegetation to the river's edge with no buffers. These concerns are within the protected shoreline (RSA 438 B).[22] NPT commissioned a report[23] and made suggestions with the common qualifiers -- "as practical". PRLAC is uncertain

[18] DFLD-ABTR Ex. 34. Cote-Adami Supplemental Pref-file Testimony. pp.5-7.
[19] T. Day 12 AM. Cote-Bowes. pp. 19:23 to 20:24.
[20] PEMI Ex. 3 Pre-file Testimony B. Draper. p.4. PEMI Ex. 7. Supp. Test. B.Draper pp.2-3. PEMI Ex. 21-13. Photo. Oct. 2017. Flood conditions. Blake Brook.
[21] Tr. Day 11 PM B.Draper-Bradstreet and Johnson. pp.184:18 to187:8.
[22] PEMI Ex. 21-1 Photo of New Hampton to Bridgewater crossover (Pemigewasset River)
[23] App. Ex. 125. "Eversource Transmission Right of Way Field Review of Pemigewasset Crossing." Work done June to September 2016.

if these suggestions will become full BMPs.

- **July/ August 2016. Geotechnical Test Borings. Northern Grafton County.** Test borings in the shoulder along Rt. 112 in Woodstock, NH resulted in a spill of "slurry" into a stream. NPT contractor PAR had subcontracted this activity. Ms. Saffo, Grafton County attorney, shared a letter dated August 8, 2016 to NHDES explaining the accident.[24] Ms. Saffo questioned Mr. Tinus of the NPT Environmental Panel about the impacts and implications for monitoring and accounting for accidents the Project deems "temporary".[25]

PRLAC River Corridor Town: Ashland Waterfront and Aquifer

Ashland, NH is a river corridor town with two representatives in PRLAC. This area of river hosts Ashland Water and Sewer, the confluence of the Pemigewasset and Squam Rivers, wellhead sanitary protection area, monitoring wells, lagoons, and a highly rated stratified drift aquifer. PRLAC considers this area critical for potential damage from NPT construction and maintenance activities.[26]

PRLAC finds:

- The existing ROW runs on top of the Ashland stratified drift aquifer -- rated a High Potential acquifer.[27]
- The 100-year statutory floodplain of the Pemigewasset encroaches on the ROW in the area of the lagoons (and construction).[28]
- The PSNH/ EverSource ROW runs between Ashland Water and Sewer and the Pemigewasset River where NPT proposes to build 4 lattice towers.[29]
- Aquifers do not "trigger a different level of scrutiny" or changes in construction

[24] Grafton Ex. 34. Aug. 8, 2016 letter from George Dana Bisbee to Rene Pelletier, NHDES.
[25] Tr. Day 19 AM. Saffo-Tinus and Carbonneau. pp. 21:22 to28:7.
[26] PEMI Ex. 6. Supplemental Pre-file Testimony of Max Stamp. pp. 2: 37-45; p. 3:48-58 to 65; p. 4:67-75
[27] Ibid. p. 3:65-66.
[28] PEMI Ex. 18. April 13, 2017 Letter from Ashland Conservation Committee to Pam Monroe, SEC. p.2
[29] Tr. Day 8 AM Whitley-NPT Construction Team. pp.53:18 to 54:15.

- methods.[30]
- **Unresolved issues**: Nobis Engineers were not hired to assess issues or conditions related to NPT construction (near the Ashland lagoons) and the river.
- Nobis engineers did not assess hazardous materials, dumping or toxic debris at the property.
- Nobis engineers did not assess the impact of tree cutting (98,277 square feet) to the buffer zone along the river.[31]
- Lagoons are believed to lose approximately 50,000 gallons per day through seepage into groundwater. Chloride, nitrate and TKN contaminant concentrations showed an upward rise and and "need to be further assessed".[32]
- NPT has not expanded its evaluation of construction activities and negative effects to the Pemigewasset River at this site.

In her prefile testimony, Lee Carbonneau of Normandeau Associates said, *"The greatest amount of construction activity within the protected shoreline will be near the Pemigewasset River in New Hampton, Ashland and Campton."*[33]

Ms. Carbonneau's statement suggests to us there are consequences when we work within protected areas -- shorelines, conservation areas, high-ranking wetlands or aquifers. Thus, PRLAC expects more rigor and scrutiny on NPT activities within the New Hampton, Ashland and Campton river frontage -- not "business-as-usual".

PRLAC urges the SEC to deny this Project based upon the arguments presented in defense of Water Quality and the greater Public Interest to protect and preserve Clean Water for generations to come.

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[30] Tr. Day 11 PM. Stamp-Bowes. p.165:13-20.
[31] JTMUNI Ex. 201. Draft report by Nobis Engineering for Ashland Water and Sewer.
[32] Ibid. JTMUNI 008316. Condition Assessment Report.
[33] APP Ex. 22. Pre-file direct Testimony of Lee Carbonneau. p. 9: 18-21.

II. Site 301.14. The Project will have an Unreasonable Adverse Effect on THE NATURAL ENVIRONMENT.

PRLAC recognizes its mission extends to protecting and preserving the living systems that depend upon the watershed for habitat. New Hampshire's Wildlife Action Plan (WAP) identified a number of areas in the Pemi Basin as "highest ranked habitat in the biological region".[34]

The NH Natural Heritage Bureau has identified: two exemplary ecological systems, 14 exemplary natural communities, nine threatened species and three state endangered species within the Pemigewasset Watershed.[35]

- **NPT Project** potential threats to the natural environment of Watersheds:

  -lack of information on natural resources and populations
  -fragmentation of significant habitat resources and migration corridors
  -loss of wetlands or change in wetland functions in the watershed

  -ignores effects of climate change on the natural environment
  -construction, maintenance and lack of restoration plans
  -pollution, loss of vegetation and shade, species destruction
  -development.

PRLAC finds:

- The Project limits its expert panels to investigations within the ROW.
- There is no Mitigation for impacts outside of the ROW.[36]
- CFP Experts and Intervenors cite significant omissions in NPT studies.[37]

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[34] PEMI Ex. 1. Pemi River Corridor Management Plan. 2013, p.13

[35] Ibid. p. 14 and 42.

[36] Numerous references. T. Day 18 AM. Manzelli-Carbonneau. p.33:13-21. T..Day 20 AM Publicover-Carbonneau. p, 52:14 to 53:2.

[37] Numerous references: JTMUNI Ex. 96. Pre-file Testimony Cheryl Jenkins. Appendix A. Assessment. Tr. Day 60 PM. Aslin -Van de Poll pp. 37:11 to 38:9. CFP Ex. 136. Pre-filed Testimony (Arrowwood). (December 30 2016). pp. 5:4 to 9:3.

Omissions in the Projects Environmental Reports include wetlands, vernal pools, species of note (Blanding's turtles and Spotted turtles), insects and rare butterflies (Frosted Elphin). Arrowwood scientists chronicle a substantial list of inadequate mapping of deeryards, moose concentration areas and mast stands.

While testifying as part of the panel for the City of Concord, Dr. Rick Van de Poll expressed his concern for the number of wetlands overlooked by Normandeau Associates in their report. He said, "My point is simply that, on the very small sample set that I used in the City of Concord, there were some considerable errors that should give pause to the SEC".[38]

PLRAC finds: Fragmentation of Habitat and Migration Corridors:

- Existing ROWs parallel water bodies in areas along the proposed route.
- The overhead ROW parallels Coolidge Woods Rd. in New Hampton.
- Wildlife cross the ROW from Hersey Mountain to the river and back.
- Conservation lands extend from the ROW east, up the mountain.[39]
- The river at Coolidge Woods Rd. is protected floodplain (Army Corps.)
- Perennial streams flow across this ROW and into the Pemigewasset.

NPT activities propose to widen the ROW (cut trees and vegetation), increase impervious surfaces with concrete pads and construct lattice towers (i.e.in a beaver pond). Access roads will run the length of the ROW.

Wildlife may return in time, post-construction. However, other species -- mainly amphibians -- will be stopped by the lack of water and increased sun exposure of the wider ROW. Corridor habitats and functions will forever change.

[38] Tr. Day 60 PM. Boepple-Van de Poll. p. 50:21 to 51:1.
[39] Tr. Day 48 PM APP Ex. 221. Reimers- Conkling p.175: 7-21. Draper-Conkling. p. 190:22 to 191:9.

PRLAC finds: Wetlands Loss and Change in Function Response Deficient.

- The Project only addressed impacts to wetlands within the ROW.
- The Project did not assess the full functions and values of wetlands.
- The Project failed to assess the relationship of wetlands to watersheds.
- There continue to be no detailed Restoration Plans for over 800 sites.
- Restoration plans lack pre-construction conditions. [40]
- The Project does not recognize a "change in wetland function" is a permanent impact. [41]
- The Project underestimates the number of all High Grade Wetlands.[42]
- Wetland functions are even more critical now given climate changes.

Here's what wetlands do: They filter and recharge drinking water. They prevent flooding and provide stormwater control. They protect coastlines. They provide habitat for diverse wildlife populations. Some even compare wetlands to rainforests and coral reefs in terms of diversity, function and importance.

Wetlands are the link between upland and open waterbodies. They provide erosion control and pollution treatment. They are an ideal habitat for organisms (i.e. isopods)[43] at the bottom of the food web. Birds and mammals rely on wetlands for food, water and shelter, especially for migration and breeding.

Interveners testify they purchase extensive wetlands to conserve them for generations to come.[44] Yet, the only wetlands impacts assessed are on the ROW.

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[40] SPNF Ex. 63 Pre-filed Testimony of Ray Lobdell (Dec. 2016);Supplemental Testimony April 2017.
[41] Tr. Day 70. AM Manzelli-Lobdell. pp. 73:21 to 74:12.
[42] Tr. Day 70. AM Menard-Lobdell. p. 98: 8-12.
[43] Tr. Day 70. PM Draper Redirect. pp.131:16 to 138:21.
[44] Tr. Day 48. PM Pappas-Jones. pp.21 to 99:7.

PRLAC finds ineffective use of BMPs, Monitors and Waivers.

The Project relies upon Best Management Practices, Environmental Monitors and waivers to meet its permit requirements for wetlands and other potential impacts to the Natural Environment.

Interveners, including PRLAC, express concerns and objections for:

- lack of site-specific details
- authority and independence of the Monitors
- effectiveness of BMP's in avoiding or minimizing negative impacts
- what has been seen as an "Engineering-needs-first" approach.[45]

This is significant because ineffective use of BMPs, Monitors, Waivers and Exceptions impacts most issues discussed in this document. This suggests "unreasonable adverse effects" on the Natural Environment will not be avoided, only mitigated.

PRLAC finds the Project failed to consider the effects of Climate Change.

- **January 5, 2018**. 7 a.m. New Hampton, NH. -10 degrees F. Wind and blowing snow. Frozen ground.
- **January 12, 2018**. 7 a.m. New Hampton, NH. 40 degrees F. Red-bellied woodpecker at birdfeeder. Species expanding its range into northern NH. Noted in 2014. (NH Audubon). Weather alerts for heavy fog and flooding. (WMUR).

If the Project had been approved and was engaged in Construction, the "winter conditions" and frozen ground of early January would meet the BMPs

[45] Tr. Day 20 PM Oldenburg-Carbonneau. pp. 140:19 to 141:8 and 142:18 to 143:14.

and AMMs provided by NH DES and Normandeau for Time of Year Restrictions and work within wetlands.[46]

However, PRLAC speculates that heavy trucks and machinery already in place on a ROW wetland site would be mired in mud and most likely, sinking today. Just a hypothetical situation -- but based on the weather extremes we've experienced in New Hampshire over the last two-three winters.

For PRLAC's Direct Examination before the SEC,[47] we updated information on Extreme Weather Events in the Pemigewasset Watershed.

PRLAC finds:

- National Climate Assessment: 71% increase in the amount of "very heavy precipitation" in the Northeast (including NH) over the period 1958 to 2012. [48]
- Pemigewasset River flooded -- Feb. 26, July 14, October 31, 2017.
- July 14 rain event measured more than 5 inches an hour in parts of the Pemigewasset Basin.[49]
- The Project has based reports and impact analysis on weather data collected in 2012 and 2013[50] and not updated them.
- The Project has reviewed complaints of stormwater runoff during drought conditions.[51]
- The Project continues to use design standards, BMPs, construction plans based on outdated climate data.

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[46] APP Ex. 75. NH DES Final Decision. Wetlands Bureau. p.1 item 2 and p.5. item 40. March 1, 2017.
[47] Tr. Day 70 PM Iacopino - Draper. pp. 82:11 to 83:4.
[48] PEMI Ex. 28.
[49] PEMI Ex. 30.
[50] Normandeau. Fisheries and Aquatic Invertebrates Resource Report and Impact Analysis. Oct. 2015.
[51] Tr. Day 70. PM Iacopino - Draper. pp.74:12 to 76:17.

The oversight of not considering climate change calls into question all of the Project's analysis and conclusions regarding invasive species, stormwater runoff, erosion, water quality, and other issues involving temperature and precipitation.

The Pemigewasset River Corridor Management Plan 2013 recognizes that **Development** is a major factor in what happens within the Pemigewasset Watershed now and in the future.[52]

In cross-examination with the Project's Environmental Panel, PRLAC asked: "What do you consider to be the greatest threats to the environment and the species of New Hampshire at this time?[53]

The Panel's answers were: Development, Piecemeal Loss of Habitat, and Climate Change. PRLAC agrees and urges the SEC to judge the Project using these opinions of its own Environmental experts.

III. The Applicant Fails to Satisfy Criteria for Site: 301.14 (a) - Unreasonable Adverse Effects on Aesthetics

PRLAC: The PRLAC's 2010 Survey asked "anyone who lives, works or plays in the Pemi Corridor" to tell us what objectives were "most important" to them for the future of the river corridor.[54] Results helped formulate the 2013 Pemigewasset River Corridor Management Plan. The two highest objectives were:

- protect water quality
- protect the scenic beauty of corridor shorelines.

[52] PEMI Ex. 1. pp. 18-20.
[53] Tr. Day 19 PM. Draper- Applicant Environmental Panel. pp.121:8 to 122:11.
[54] PEMI Ex. 9.

With that mandate from the public who live and enjoy the river, **PRLAC finds the Applicant and its Visual Aesthetics Experts utterly failed to understand what people want and expect to see when they are in the watershed.**

- Visual experts did not survey the population who lived in or visited NH.
- The Project used restrictive and narrow methodology that proved to minimize and skew the analysis.
- There were no "Intercept Surveys" used on-site.
- Intervenors objected to the Visual Experts' rationale for omitting sites or for portraying them with the "least impacted" view.
- The Project did not use "balloons" or other visual models to portray structures "in real life".
- The Project's characterization of "visual impacts" was taken as an insult to Town Planners, Planning and Zoning boards, Selectman and town residents. (see transcripts of town officials).
- Analysis concluded no adverse impacts to existing ROW -- even though Overhead Structures could be two to three times higher than existing poles and of an entirely different, more intrusive material.
- The Project's erratic design with Overhead and Underground sections adds adverse visual effects --with additional industrial-style Transition Stations in rural woodlands and extensive tree-cutting along the entire route.
- There were no credible Mitigation Plans[55] to offset the damage the Project threatens to the visual landscape, rural character and "Sense of Place" so key to the well-being of a community.[56]
- "Gateway" areas such as Concord and the Lakes Region I 93 corridor to the White Mountains would have Overhead Structures accompanying travelers, sometimes on either side or across the roadway.

[55] Isn't there a song: "Ain't No Buffer High Enough."
[56] Written and oral public testimony. Tr. Day 49 AM Video presented by People of North Country.

IV. The Applicant fails to meet the spirit and intent for Site: 301.16. Criteria Relative to Finding of the Public Interest.

As "pro se" Intervenors, PRLAC values the Legislature's focus on the Public Interest in the Site Evaluation process. We appreciate the legal platform that confirms the Public Voice will be part of the Record and considered in the SEC decision.

We all have stories. Every person who lives, visits or works in this state has a story to tell -- and what we have learned is that no one story is more important than another.

PRLAC has participated for nearly two years (and more before that) listening to public comments, then the "expert" witnesses and organizations, and finally the people who live and love their rural state. People shared deep family memories about the White Mountains, favorite places along the 192 -mile route and the harder realities of living and working in small towns and on farms.

Northern Pass is a project willing to dig beside peoples' wells and over town aquifers. We lose countless acres of trees and important tree cover. They are willing to destroy wetlands, threaten wildlife and move endangered species, all the while telling us how temporary or minimal the impacts will be.

They will bury high voltage lines down the center of small towns and next to gas pipelines. They request waivers from state agencies, because in truth, they cannot build this project without hundreds of "exceptions and exemptions" from laws and regulations the rest of the public are required to follow.[57]

PRLAC opposes the Northern Pass Transmission Project for its lack of respect for

[57] Excerpt from Public Comments. Letter by G. Draper, New Hampton. December 22, 2017.

the Public Interest. That criteria alone should stop this application in its tracks. We find the Project threatens the welfare and health of the population. It disrupts how towns plan for their futures. The confusion and large scale construction will drive the public away from local roads and local businesses.

The Northern Pass Project has already lost public trust and confidence by its own actions. The Legislature has given the Site Evaluation Committee new and powerful criteria to apply in their work. "In the Public Interest" holds the key to whether this project moves ahead or not.

Pemigewasset River Local Advisory Committee respectfully requests the Applicants' Joint Application for Certificate of Site and Facility be denied.

If the SEC finds the decision to allow this Project to move forward, PRLAC has offered conditions at the end of this document.

Date: January 12, 2018

Respectfully submitted,

/s/ Max Stamp

Spokesperson
Pemigewasset River Local Advisory Committee
2110 Summer Street
Bristol, New Hampshire 03222

Certificate

I certify this document was served in accordance with the New Hampshire Site Evaluation Committee Rules.

/s/ Gretchen D. Draper

Pemigewasset River Local Advisory Committee

SUMMARY OF CONDITIONS

For the Joint Applicants' Application for Certificate of Site and Facility

1. Destabilized riverbanks at PSNH ROW river crossovers have been a maintenance issue for a long time. **Recommendations** to stabilize banks and prevent silting, toxic stormwater runoff:

   - Require a 100' buffer from normal river high water mark to the 1st structure. This would apply to all new structures and existing structures scheduled to be moved to allow for the additional transmission line.
   - No mowing or other equipment allowed in the 100' shoreland buffer area.
   - Shrubs, short trees (20'), other deeprooted vegetation will be planted in shoreland buffer.
   - These regulations will be incorporated into the SWQPA RSA 483 B.

2. A minimum of three "Project Monitors" with appropriate technical credentials will be hired by NH DES. They will report to NH DES. At least one shall participate in all NPT pre-construction and construction planning meetings and make recommendations on BMP's plus provide council on stormwater and other environmental issues. NPT will provide financial support to the Department.

3. At least 90 days before construction begins, the applicant will provide well-documented erosion and sediment control plans as per NH Stormwater Manual: Volume 3 – Revision 1.0. The document will consist of an outline (a menu) of

specific BMP details and will identify on the maps where site-specific BMPs will apply. Write the Plan in a way that it is useable by Interveners and town officials.

4. The Applicant should be required to take a more serious look at rerouting the ROW exiting Plymouth. This would call for staying underground when exiting Plymouth, tying into River Road south to where the existing ROW crosses River Road. Benefits: - Avoid extremely sensitive Ashland ROW – town well (protected), waste water treatment ponds plus 10-15 critical monitoring wells

- No further encroachment into 150' SWQPA RSA: 483 B protected area
- Avoid further encroachment into the 100 year floodplain
- Avoid two Pemigewasset River crossings
- Avoid two I -93 crossings
- Avoid new construction in New Hampton east of I-93
- Avoid 50 above ground structures in tourist sensitive I-93 area between Exits 23 - 24.

5. Restore wetlands to pre-existing conditions in and outside of ROW. Pre-existing conditions require inventories, flagging, and photos of all wetlands prior to construction. Include all stream cross overs of ROW and Access Road wetland crossings.

6. Any mitigation plans must be within the Pemigewasset Watershed.

7. Review all NH DES waivers that respond to "Extreme Weather Conditions".

8. Add "extreme weather conditions"/ "climate changes" into the regulatory language.
