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To: Pamela Monroe, Administrator (pamela.monroe@sec.nh.gov)
The New Hampshire Site Evaluation Committee (SEC)
Public Utilities Commission, Martin Honigberg, Chairman
21 South Fruit Street, Suite 10, Concord, NH 03301-2429

Date: January 12, 2018

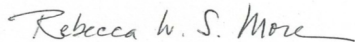
RE: The Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a/ Eversource Energy for a Certificate of Site and Facility (SEC Docket No. 2015-6)

Dear Ms. Monroe,


On behalf of the Weeks Lancaster Trust (WLT) Lancaster NH, interveners in the Non-Abutters Stark to Bethlehem group (NAPO-SB), I am submitting a hard copy of this Post Hearing Memorandum in the above captioned matter. I have sent an electronic pdf. copy by email to the updated distribution list.

Thank you and your team for your assistance.

Sincerely,



Rebecca Weeks Sherrill More, PhD



Timothy T. More, Esq., Trustee
Weeks Lancaster Trust

cc: Copies of this letter and enclosure have of this date been forwarded via email to all parties on the SEC email distribution list for Docket # 2015-06.

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

submitted by

Rebecca W. S. More, Ph.D., and Timothy T. More, Esq.

on behalf of the Weeks Lancaster Trust, Intervener

Non-Abutter Group: Stark, Northumberland, Lancaster, Jefferson, Whitefield,
Dalton, Bethlehem [NAPO-SB]

January 12, 2018

POST HEARING MEMORANDUM

I. SUMMARY OF ARGUMENT:

The Applicant has failed to meet its burden of proof that Weeks State Park in Lancaster NH will not be subject to *Unreasonable Adverse Effect* by the proposed Northern Pass Transmission Project LLC (NPT). Furthermore, the Applicant does not hold a good title to a ROW easement through Cape Horn State Forest, Northumberland NH.

A. Weeks State Park

The two (2) parallel rows of proposed NPT lines and 203 towers between Cape Horn State Forest and Bray Hill in Whitefield NH would have a material and *Unreasonable Adverse Effect* on both the Aesthetics (1-5: Historic, Scenic, Conservation and Landscape Resources) and on the Public Interest (a, c, d, f, g & i) regarding Weeks State Park in violation of Site 301.14 and 301.16 of the Site Evaluation Committee (SEC) Regulations.¹ The representatives of the NH Division of Historic Resources (DHR) concur with the assessment of Adverse Effect.² The SEC should require that proposed transmission lines should be buried from Cape Horn to Bray Hill (approximately 30 miles), just as Hydro-Québec/ Northern Pass recently agreed to do for eleven (11) miles in East Hereford Québec and has proposed for the NPT segment from Bethlehem to Ashland NH.

B. Cape Horn State Forest

Based on land evidence records, the Applicant lacks any right to maintain its existing *utility* lines or to construct the proposed NPT *transmission* lines across Parcel 92 within Cape Horn State Forest in Northumberland NH, in violation of Site 301.13 and Site 301.15 of the SEC Regulations.³ Until this issue is resolved, no Permit of any sort should be issued to the Applicant.

II. ARGUMENT/ANALYSIS:

A. Weeks State Park

Since February 2016, the Weeks Lancaster Trust has filed with the SEC four (4) documents (NAPO-SB Exhibits 1 - 4) and testified under oath before the SEC as to the *Unreasonable Adverse Effect* the proposed Project would have on the historic and scenic *integrity* of Weeks State Park as well as the Cultural Landscape within which it is located.⁴

The Applicant and their experts have *incorrectly* separated "the Weeks Estate" from "Weeks State Park" for the purposes of their assessment.⁵ The Applicant has argued that only the East Overlook on the Mountain Road Scenic Byway would sustain any "Adverse Effect." Because the Applicant's experts stated that they did not climb to the *open* porch of the Observation Tower and assess the extraordinary

360o View from the John Wingate Weeks Historic Site (NR 85001190) they determined "No Adverse Effect."⁶ However, the DHR, however, has recently disagreed with the Applicant and recommends an "Adverse Effect" finding.⁷

Weeks State Park's 446 acres were given *as a whole entity*, including the summit buildings, to the State in 1941 by the Weeks family for the benefit the people of New Hampshire and its visitors.⁸ The DHR writes, "The Weeks Estate is located on the summit of Mt. Prospect within Weeks State Park and the Mount Prospect-Martin Meadow Pond Cultural Landscape."⁹

The gift of the entire property as a Whole was intended to be and remains important to the Public Interest throughout the region. Thousands of visitors from around the world visit Weeks State Park. Visitors ascend the historic *Mountain Road*, a State Scenic Byway. They climb the historic Observation Tower to marvel at the remarkable 360o combined view of the natural and historic landscape from Mt. Monadnock near Colebrook, Mt. Washington, Mt. Moosilauke near Haverhill on the Connecticut River and the Green Mountains of Vermont. Visitors tour the John Wingate Weeks Lodge Museum, maintained by the NH Bureau of Historic Resources (NH BHR), to learn about the Weeks Act of 1911 and the creation of the eastern National Forests, including NH's Crown Jewel, the White Mountain National Forest (WMNF). In 2018, the WMNF will be celebrating its Centennial.

Weeks State Park also benefits the entire region through the economic benefits (dining, lodging, visiting other area sights) that visitors bring to Lancaster and its neighboring towns of Whitefield, Jefferson, Northumberland, Lunenburg and Guildhall Vermont.¹⁰ Not least, Weeks State Park is the acknowledged centerpiece of the National Register-eligible Mt. Prospect - Martin Meadow Pond Historic and Cultural Landscape (#47) currently under review by the NH DHR.

Using Bare Earth assessment measures, the two-hundred and three (203) 80' - 110.5' high transmission towers would be the highly visible for approximately 30 miles from the historic Observation Tower of Weeks State Park. The existing 45' *wooden* distribution poles and lines are largely below the tree level. Viewers may be aware of the cleared pathway, but the poles largely blend into the overall landscape as they come south from Cape Horn State Forest, through the North Road-Lost Nation Cultural Landscape, across Israel's River at Otter Brook and below Weeks State Park en route to Bray Hill in Whitefield. The proposed two (2) parallel lines of Towers, each hung with 3 to 5 tiers of wires would constitute a dramatic change to the *Integrity* of the existing Cultural Landscape between Cape Horn State Forest and Bray Hill.¹¹ Many would be seen from multiple locations throughout the area: including Weeks State Park, the North Road Agricultural district, Lost Nation, from Sand Hill and LeGro Hill in Lancaster; from the Presidential Highway, the National Register Waumbek Cottages, and Owl's Head Trail in Jefferson, and from Mt. Washington itself. These landscapes would be forever changed. If the State were to continue to cut trees throughout Weeks State Park, as good forest

management suggests, or the existing trees were to be removed due to natural aging and/or blight, more towers would be easily visible from the Lodge and the Observation Tower. The visible intrusion of the transmission towers into this landscape would also violate John Wingate Weeks's legacy as the sponsor of the Weeks Act of 1911 that was passed to create and protect the White Mountains from the fires, flooding and visual depredations caused by over-logging.

In addition, the Towers would have an unreasonable adverse effect on the aesthetics of other cultural landscapes in Lancaster and adjoining towns which have been identified by the Public Archaeology Laboratory and the DHR as National Register- eligible.¹² For example, the DHR also notes the North Road-Lost Nation Road Cultural Landscape, located in both Northumberland and Lancaster would sustain "Adverse Effect." The Towers would impact these natural and cultural landscapes of high scenic and historic integrity.¹³

Furthermore, according to DHR statements at a Section 106 Consulting Parties meeting on January 2, 2018, the Section 106 Review of the newly identified Cultural Landscapes will not be complete until the spring 2018 at the earliest. These Cultural Landscapes are the first component of the entire NPT application process that attempts to place the project into a larger physical and historic *Context*. From an historical perspective, it is context that permits broad-scale nuanced and integrated understanding of how the NPT proposal might impact the complex physical, cultural, economic and social elements that comprise the State of New Hampshire. The landscape in which these human activities occur, whether today or a century ago, is the fundamental basis for all impact analysis. The DHR will use these Cultural Landscapes to set the criteria for management of the Historic Properties Treatment Plan (including NH's above-ground, archaeological and cultural landscape resources) under the Section 106 Programmatic Agreement signed between the Applicant and the DOE in August 2017. For this reason, the SEC should not issue any permit until completion of the Section 106 Cultural Landscape Review process.

A further consideration is that *none* of the suggested Mitigation criteria measures set out by the NH DHR in its December 21, 2017 letter would be reasonable choices in the case of Weeks State Park.¹⁴ None of the standard mitigation measures set forth would be able to "hide" or "minimize" the alteration caused by the scale, swath and mass of the proposed NPT transmission line either in the short or the long term on the views from the John Wingate Weeks Historic Site and the Mountain Road Scenic Byway, or the surrounding Cultural Landscapes in this region. As a result, *Avoidance of Adverse Effect*, burial, would be the only possibility with regard to Weeks State Park and the region.

B. Cape Horn State Forest - ROW Easement title:

Eversource/PSNH does not hold an easement for Lot 92 in Northumberland that their existing distribution line crosses. Eversource only holds easements granted in 1947 for Lots 83, 90 and 91. The SEC should not issue a Permit until Eversource establishes good title.¹⁵

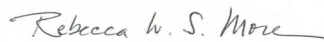
III. CONCLUSION:

The Northern Pass Transmission project is a transmission line intended to provide electricity to southern New England. Therefore, it does not serve the Public Interest of NH residents. The NPT proposal would involve massive disruption to the lives of the residents of and visiting public/tourists to the State of New Hampshire. The scale and length of the proposed project, through remarkable areas of outstanding natural beauty, historic landscapes, historic towns and even the capital city of Concord, has already created an unnecessary climate of contention and anxiety throughout the State. Public Comments have come in from elected officials, property owners and visitors.¹⁶

Furthermore, there is no guarantee that the proposed transmission towers, as in Québec, might not be replaced with much taller structures in the future. The Hydro-Québec transmission towers along CAN - 10 en route to Montréal or across the St. Lawrence River at Île d'Orléans have almost doubled in the past decade. Erecting and maintaining such structures would disrupt and impact people, businesses and locations all along the 192-miles from Pittsburg to Deerfield for many years in the future.

Weeks State Park commands a significant position in pathway of the proposed project. The Applicant has been unable to demonstrate that it would *not* be subject to Unreasonable Adverse Effect. Therefore, Avoidance is required and the undersigned respectfully requests that the SEC adhere to its regulations and require that the proposed Northern Pass transmission lines be relocated or buried throughout the entire area which is visible from Weeks State Park, from Cape Horn (Northumberland) to Bray Hill (Whitefield).

Respectfully Submitted,



Rebecca Weeks Sherrill More, Ph.D, Spokesperson



Timothy T. More Esq., Trustee

Weeks Lancaster Trust

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¹ Adoption of Final Rules, December 15, 2015.

² NH DHR: SHPO & staff: Letter from Richard A. Boisvert, PhD, Deputy State Historic Preservation Officer (SHPO) and State Archaeologist, to Pamela Monroe, Administrator, NH Site Evaluation Committee, dated December 21, 2017 and listed on the SEC Docket 2015-06 website on that date as "DHR Findings of Effect," page 3 and "Table 1: NH DHR Findings of Effect," p. 3.

³ See Applicant's Testimony under cross-examination by the Counsel for the Public (Samuel Johnson, Construction panel, by Thomas Pappas), Hearing Day #7, May 2, 2017, pp. 111 - 115. The existing line crosses Lot 92, owned in 1942 by the Groveton Paper Company, later Diamond International. The Applicant's witness and DRED records indicate that there is no 1947 PSNH [aka Eversource] easement for Lot 92.

⁴ See Exhibits filed and accepted per SEC Order 10 January 2018: NAPO-SB 1: WLT Prefiled Testimony November 15, 2016; NAPO-SB 2: WLT *amended* Supplemental Prefiled Testimony, April 21, 2017; NAPO-SB 3: WLT Addendum Exhibit #3, August 22, 2017; NAPO-SB 4: WLT Exhibit #4 (Direct Testimony), October 18, 2017.

⁵ See Applicant's Exhibit #112 (RPR#4680). Effects Tables: #39 the "Weeks Estate, 202 Weeks State Park Road, Lancaster" [NH]; and #47 the "Mt. Prospect -Martin Meadow Pond Cultural Landscape, Lancaster"[NH]. See also NAPO-SB Exhibit #2 for a description of the entire area and its significance as a Cultural Landscape. For DHR's acceptance of two (2) parts of NAPO-SB Exhibit #2, see DHR Letter December 11, 2017 from Nadine Miller, DHR Preservation Project Reviewer to Pamela Monroe, SEC Administrator, p. 5 - 7.

⁶ See NAPO exhibit #1: p. 4, #3: "However, the *Summit* of Mt. Prospect is crowned by an historic 1913 Stone Observatory Tower that commands 360o panoramic views of the entire region. Boyle Associates states that it did not choose to use the *Summit* for its assessment for the following reason, "The fire observatory is locked when inactive, and the views from immediately below the fire observatory do not offer a wide view of the existing transmission corridor due to the enclosed nature of the stone fire tower itself, which obstructs the view." This is false information: a) the Lodge and Lookout Tower/Observatory are open at the same time as the Auto Road, therefore any of the several thousands of annual Visitors coming by that route would be afforded the opportunity of the full Panoramic View, not just the one from the restricted Lookout; 2) The Lookout Tower is not "enclosed" as stated by Boyle Assoc., therefore the view is not "obstructed." Boyle Assoc. does not appear to have climbed the Lookout Tower nor entered the Lodge to make a full assessment of Visual Impact from the Summit. The assessment concludes, "The proposed HVDC structures and some new right-of-way clearing would be visible from this location (the KOP)", but UNDERESTIMATES the Impact by an extraordinary amount." [Boyle Assoc.: July 10, 2015: http://media.northernpasseis.us/media/Visual_Impact_Assessment.pdf, p. 271]

⁷ DHR Letter from Richard A. Boisvert, (SHPO) to Pamela Monroe, Administrator, SEC, *loc.cit.*

⁸ The Hon. Sinclair Weeks, Secretary of Commerce, and his sister Katherine Weeks Davidge gave 446 acres of their father, Secretary of War John Wingate Weeks's, c. 1500 acre estate to the State for a Park and site for teaching the public about sustainable forestry in 1941.

⁹ DHR Letter from Richard A. Boisvert to Pamela Monroe, *op. cit.*, page 3.

¹⁰ Please note that for residents on either side of the Connecticut River, the river has always been a *connector*, from the earliest times until the present. In the case of Lancaster NH and Lunenburg VT, these two townships were chartered and settled by the same peoples in 1763. The long-standing exchange amongst these peoples, whether marriage or agricultural produce, continues to knit them together in a commitment to the long-term well being of the area.

¹¹ See NAPO-SB Exhibits #1. These calculations are based on NPT's February 2016 Revised Proposed Route Maps #51 - 63 (pdf #s 39-67). According to the Route Maps, the 203 Towers are: 1) 97 relocated new 115-kV Distribution Poles #DC 486 - 583; and 2) 106 *new* HVDV towers ranging from up to 110.5' #D142-314 to D142-420.

¹² See Applicant's Exhibit #112. These Section 106 findings are the result of NPT's contractor the Public Archaeology Lab and the volunteer efforts of the Consulting Parties, including the author of this Post Hearing Memorandum, Rebecca W. S. More, PhD among others.

¹³ NH DHR to the SEC, December 21, 2017, *op. cit.*, Table, p. 4.

¹⁴ NH DHR to the SEC, December 21, 2017, *op. cit.*, pp. 5-7.

¹⁵ See endnote # 3 above.

¹⁶ See the SEC website: Docket 2015-06, Public Comments.