

THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

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 for the Construction of a New High Voltage Transmission Line in New Hampshire

Docket No. 2015-06

**TOWN OF HOLDERNESS'S MOTION TO INTERVENE**

NOW COMES the Town of Holderness ("town"), by and through its attorneys, Mitchell Municipal Group, P.A., and petitions the Site Evaluation Committee ("SEC") to allow it to intervene in the above-captioned matter pursuant to RSA 541-A:32 and NH Site 202.11, stating as follows:

1. On October 19, 2015, Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy ("Applicants") filed an application for a Certificate of Site and Facility with the SEC ("Application"). By December 18, 2015 Order Accepting Application, the SEC determined that the Application contains sufficient information to satisfy the requirements of each state agency having jurisdiction to regulate any aspect of the construction or operation of the proposed facility, as well as that the Application contains sufficient information to carry out the purposes of RSA 162-H, *et seq.* By December 22, 2015 Procedural Order, the SEC set a deadline of February 5, 2016 for interested parties to seek intervention.

2. For the reasons set forth below, the Town of Holderness seeks to intervene in the above captioned matter.

3. RSA 541-A:32 and NH Site 202.11 provide that the SEC, or its presiding officer, shall grant a petition for intervention if:

(1) The petition is submitted in writing to the presiding officer, with copies mailed

to all parties named in the order of notice of the hearing or prehearing conference, not less than 3 days before the hearing or prehearing conference;

(2) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law, including a state agency pursuant to RSA 162-H:7-a, VI; and

(3) The presiding officer or hearing officer, as applicable, determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.

4. As currently proposed, the project does not go through the Town of Holderness. Regardless, the Town of Holderness has an interest in the proposed facility because the proposed path will pass in close proximity to many sensitive areas that are significant to the view shed and watershed of the Pemigewasset River and Livermore Falls in adjacent Plymouth, and the Squam Rivers as well as Squam Lake in Holderness. These areas and resources are critical to the environmental and economic interests of Holderness and the Squam Lakes area and must be adequately protected. To that end, the Holderness Conservation Commission has been actively involved in protecting those areas and developing them for appropriate use by the public. See Attached Letter from Conservation Commission. In Plymouth, there are 5.5 miles of the proposed project underground along public roads.

5. The town is very concerned about the impact the project will have on the town's rural character, land use, employment, tourist driven economy, and property values as a result of the lines. As currently proposed and viewed from the town, the

project could severely blight the landscape and thereby reduce the number of tourists and those seeking to enjoy the vast opportunities for outdoor recreation. For these reasons the town is supportive of the objectives in the attached Intervention document prepared by a broad coalition of interested communities, and incorporates by reference those objectives herein. See attached.

6. The proposed facility will impact the rights, duties, privileges, immunities and other substantial interests of the town. In addition, the interests of justice and orderly and prompt conduct of the proceedings will not be impaired by allowing this intervention, as the town's concerns are identical or similar to numerous communities hosting the project whose input is essential to the SEC's review of the Application for compliance with RSA 162-H.

WHEREFORE, the Town of Holderness respectfully requests that the SEC:

- A. Grant the town's Motion to Intervene; and
- B. Grant such other and further relief as the SEC deems just and necessary.

Respectfully submitted,


**TOWN OF HOLDERNESS**

By Its Attorneys

**MITCHELL MUNICIPAL GROUP, P.A.**

Date: Feb 4, 2016

By:




Steven M. Whitley, Bar No. 17833  
25 Beacon Street East  
Laconia, New Hampshire 03246  
(603) 524-3885

CERTIFICATION

I hereby certify that a copy of this motion has been emailed to persons named on the Service List of this docket.

Feb 4, 2016  
Date

  
\_\_\_\_\_  
Steven Whitley



## **Holderness Conservation Commission**

31 January 2016

Holderness Select Board  
1089 US Route 3  
Holderness, NH 03245

Dear Folks:

The Holderness Conservation Commission asks that you add our interests when you petition for intervenors status in the Northern Pass/Eversource efforts to build a direct current line through the middle of northern and central New Hampshire. We had applied to be intervenors last August, but at that time the SEC had not accepted the application and we were asked to re-apply after acceptance. The SEC has now accepted the application. Since the Town Attorney thinks that a single effort would be stronger, we hope that you will include some of our points in your petition.

Our previous request was initiated because Holderness was going to be directly affected by the power-line as at that time, the line was going to use the Public Service right-of-way that runs through Holderness. In the accepted application, North Pass/Eversource has indicated that the line will now be buried along the Route 3 right-of-way in the towns of Campton and Plymouth. This means that we are no-longer directly affected.

It is our understanding though, that towns that may have indirect outcomes due to the construction and passage of the power-line may still ask to be intervenors. The Holderness Conservation Commission has been actively involved in a project involving the Pemigewasset River segment running from approximately the covered bridge in Campton to a beach on the east side of the Pemigewasset River just south of the Plymouth Water and Sewer Treatment Plant. In particular, much effort has been extended to develop the state-owned property located immediately at the Livermore

**Holderness Conservation Commission  
Town of Holderness, PO Box 203  
Holderness, NH 03245-0203**

Falls into functioning state park. Much progress has been made on the east side and in fact, the state will be building a parking lot there this spring. This side not only contains historical remnants of New Hampshire's past, but also a lovely beach and a put-in for kayaks and tubes. Our efforts have now been moving towards the west side of the river. The foundations of the old pulp mill reside on that side of the river. There are also plans to build a parking lot on that side so that visitor can see not only the pulp mill foundations, but also have a different view of the gorge area.

We believe that the Northern Pass/Eversource project will have a negative impact on our project because during the review process by the SEC, there will be much confusion as to what will actually happen on Route 3. Then if the project is granted, access to the worksite will be obstructed. We've have a tough enough time just trying to make progress with all the various groups associated with the project, and the Northern Pass/Eversource project will be just one more obstacle blocking our progress.

If you need further information, I will be happy to supply it.

Sincerely yours,

A handwritten signature in cursive script that reads "Larry T. Spencer". The signature is written in dark ink and is positioned above the typed name.

Larry Thomas Spencer, Chair  
Holderness Conservation Commission

CC: Holderness Conservation Commission; Jane Kellogg, Chair Campton  
Conservation Commission

## INTERVENTION PLATFORM

### Platform Objective #1

***The fundamental platform of the coalition is to promote underground construction*** of the newly, revised proposal for the Northern Pass HVDC transmission line ("Proposed Line"). The underground construction should be from the Canadian border to Franklin, NH in either PSNH/Eversource ("Utility") claimed rights-of-ways or the Interstate I-93 right-of-way corridor. This proposal is anticipated to be part of the SEC intervention.

### Platform Objective #2

The second platform is intended to address the current proposal to construct the line above ground and underground in Utility owned rights-of-ways, land, and in municipal and state roadways in various towns. The objective is to present a streamlined group of municipal concerns and issues, and ***common municipal interests*** shared by all the towns along the Proposed Line. These concerns and interests generally include the following, which are anticipated to be part of the SEC Intervention:

1. Hazards on highway shoulders and paved surfaces caused by unique heating/cooling dynamics as well as related frost heaves.
2. Safety concerns expressed by municipal fire, police, highway, & EMT departments.
3. Construction issues impacting the installation of storm drainage, municipal water, municipal sewer, electric power, telecommunications, cable television, and any future utilities constructed in the municipal right-of-way.
4. Maintenance issues impacting the installation of storm drainage, municipal water, municipal sewer, electric power, telecommunications, cable television, and any future utilities constructed in the municipal right-of-way.
5. Addressing the remediation of any reluctance by developers to construct new residential, commercial, or industrial property adjacent to the underground HVDC line and the attendant extra cost of that construction.
6. Addressing the remediation for the existing residential, commercial, and industrial properties regarding the additional costs and interferences with the use and operation of their existing properties.
7. Addressing utility reimbursement for cost on municipal budgets related to both the construction and operation of the Proposed Line for:
  - a. Management & administration
  - b. Law enforcement
  - c. Safety services
  - d. Traffic Congestion
  - e. Timely emergency & accident response



8. Require a pre-construction ground survey and inventory of natural and man-made structures among the Proposed Line including streets, intersections, highways, bicycle lanes, traffic control devices, signs, bridges prospective staging & parking areas for Utility's construction vehicles, gravel pits, parks, playgrounds, open spaces driveways, cross country ski and hiking trails, horseback riding including access and parking areas as well as the natural landscape used by or impacted by the construction of the Proposed Line.
9. Require a pre-construction video taping of all the impacted areas and abutting land and buildings to the Proposed Line.
10. Require a Municipal Infrastructure Reimbursement Fund, indexed for inflation and contributed to annually, for the reimbursement of costs incurred by the municipalities to construct, operate, and maintain municipal infrastructure in and around the Proposed Line. This fund will include additional impacts of the HVDC line construction in and around any other municipal land, and or easements and rights-of-way in addition to highway rights of way. This fund shall be intact for as long as the line is in the ground.
11. Provide for and fund an inflation indexed Damages Mitigation Fund to reimburse the municipalities', their citizens', and their property owners' costs for:
  - a. Unforeseen events and/or unintended circumstances, including highway accidents, related to the construction and operation of the line;
  - b. From earthquakes, floods, fires, overloads, short circuits, explosions, or other catastrophic events that impact the line and the abutters' property; and
  - c. To include the costs of post construction restorative landscaping for both sides of the proposed line.
12. Provide for and fund an inflation index Decommissioning Trust Fund to be held in escrow and used to remove the line, all of its appurtenances, and restore the right-of-way to a green field state.
13. Require Utility to annually report all ad valorem property tax information including annual historic original costs by FERC account. As part of this item, require Utility to agree to valuation methodology of replacement cost new less depreciation over an economic life of 100 years with a 20% to the good floor.

### Platform Objective #3

The third platform objective relates to potential ***concerns & issues unique to each town*** that will be part of the SEC intervention. Some examples are listed below:

1. Bethlehem will require relocation of Utility's Proposed Line and/or transition station around wetlands and an area that abuts a prospective hotel development project.
2. Franconia will require special attention to local utility infrastructure that abuts both the Gale River and the Proposed Line.



3. Local planning board & master plans will need to be considered and consulted, as would safety services departments, schools, cemetery trustees, churches, eleemosynary institutions, and recreation & sports committees.
4. The SEC order that Utility negotiate with each community for which has buried lines in municipal rights of way both state and local, a Construction and Maintenance Agreement, that protects towns and cities by paying for movement of all interferences realignments and future maintenances as required by the towns and cities so as to keep the town and city financial whole as if the line had not been constructed.
5. Mitigation and payment for the construction impact on lost business for local businesses, contractors, inns, motels, B&Bs, farm stands, campgrounds & related visitor facilities impacted by the construction of the Proposed Line, maintenance of the Proposed Line, and any unforeseen emergency on the Proposed Line.
6. Address local conservation commissions, which have concerns about wetlands, beaver ponds, wild life & aquatic habitats, stream, brook, and river crossings, and any other impacts created by the Proposed Line.
7. Provide mitigation for access and parking for recreation and sports including but not limited to:
  - a. Swimming, bicycle races, hiking, cross-country skiing, mountain biking, horseback riding, and road-side walking
  - b. Hunting, fishing, snowmobiling, and ATV activity
  - c. Scenic views and picnic grounds
8. Address and mitigate any other environmental or operational impacts unique to each of the towns not yet identified.

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**APPEARANCE**

Please enter our appearance as counsel for the Town of Holderness.

I hereby certify that a copy of this notice has been mailed, postage prepaid to: persons named on the Service List of this docket.

Respectfully submitted,

**MITCHELL MUNICIPAL GROUP, P.A.**

Date: Feb 4, 2016

By: 

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