

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

**MOTION OF THE DEERFIELD ABUTTER
INTERVENOR GROUP FOR REHEARING
ON 6/23/2016 ORDER ON APPLICANTS REQUEST FOR
PARTIAL WAIVERS UNDER THE NEWLY ADOPTED SEC RULES**

The Movant respectfully request of the SEC a rehearing of the Order. We are asking for this reconsideration because it is our belief that at the hearings, the Committee had inadequate and erroneous information regarding Project maps as they relate to mapping of structures and wetlands.

Background:

Movant filed objections to the Applicants Request for Partial Waivers under the Newly Adopted SEC Rules:

- 1) Proposed Deerfield Abutting Property Owners Intervenors on 4/04/16.
- 2) Jo Anne Bradbury's Objections filed on 4/07/16.
- 3) Abutting Property Owners from Ashland to Deerfield on 4/7/16

Movant attended both meetings where the SEC was deliberating the Applicants Request for Partial Waivers. At the end of the day on April 12, Movant was not aware that this hearing was going to be the only opportunity to present information regarding these issues. Many hours of the meeting on April 12 had to do with Intervenor Groupings and Movant believed at the time that there was going to be a continuation of discussion regarding Partial Waivers on May 19. Movants were prepared to present information regarding partial waivers at the May 19 meeting but it was apparent early on the SEC was not opening the floor for further discussion from the intervenors.

The Movant request for a rehearing is specific to Site 301.03 (c) (3)-(4).

(3) The location, shown on a map, of property lines, residences, industrial buildings, and other structures and improvements within the site and on abutting property with respect to the site, (emphasis added) and within 100 feet of the site if such distance extends beyond the boundary of any abutting property.

(4) Identification of wetland and surface waters of the state within the site, on abutting property with respect to the site, and within 100ft of the site if such distance extends beyond the boundary of any abutting property, except if and to the extent such identification is not possible due to lack of access to the relevant property and lack of other sources of the information to be identified.

Identification and mapping of structures:

At the May 19th meeting there was repeated discussion regarding the importance of identifying structures while the Committee attempted to balance the potential burden the additional mapping may have on the Applicant.

The Movant has heard repeatedly that the Applicants Project Maps are sufficient for the SEC purposes. In Site 301. 16, one of the Criteria Relative to Finding of Public Interest is the consideration of the Committee on (b) Private Property.

The Movant contends that there are important structures not located on the required mapping. See attached tax card which refers to a log cabin on Map 409, Lot 62. This structure is on an abutting property to the ROW and should have been mapped on the Applicants Project Sheet Map 179. For example, see attached Project Map. This structure is clearly visible from the ROW, has a property Town tax card, and has a driveway which goes under the ROW to the log cabin which should have been a clue for the Applicant's structures mapping team.

Similarly, on a neighboring parcel know as Map 415, Lot 49 (see attached property tax card), there is a structure which would fall under the required mapping status as it too is on an abutting property to the ROW. It has a significant roadway that leads under the ROW and is clearly visible from aerial photos. This structure is beyond the ¼ mile of the ROW.

The Applicant has been asked on several occasions to identify the number of properties along the ROW that will be affected by the project. The Movants believe that the Applicant does not have an accurate number of properties that this project affects both within the site, on abutting properties with respect to the site, and within 100 ft. of the site if such distance extends beyond the boundary of any abutting property. The Movant believes that the waivers granted for ID and mapping properties serves the interests of the Applicant but does not serve the Public Interest. Granting of the Partial Waiver places an unjust burden on the Intervenor who are trying to protect their property interests before the SEC, particularly if their properties are not even located on the Project's maps.

The Applicant has argued that apart from the visual effect, it is unlikely that the Project will have any effect on residences, industrial buildings, other structures and improvements located farther than ¼ mile from either side of the right of way and that the Visual Impact Assessment submitted by the Applicant addresses the visual effects of the project. This statement reflects an attitude that these structures do not matter and therefor do not need to be counted. None of the Deerfield Intervenor properties are included in the Visual Impact Assessment which contradicts the Applicant's assertion.

Site 301.16 Criteria Relative to Finding of Public Interest

(j) Public Health and Safety

Movant suggests that the reasons for mapping structures also serves in the Public Interest in that accurate and complete mapping could potentially aid in protecting construction workers as well as property owners. The log cabin mentioned earlier, located on Nottingham Road has an 1800 ft. underground electric line and large switch box behind a garage (another structure not mapped). The location of a new NP HVTL structure is very close to this underground line. This error in mapping could have disastrous and life threatening consequences should this underground line be drilled into by an

unsuspecting work crew. Correct mapping puts everyone on notice, serves the Public good, and also helps protect private property assets.

Deerfield Abutter Intervenor Group respectfully propose that the SEC require the Applicant to review all the tax cards along the ROW to ensure that all properties are counted and mapped correctly. Recognize that having a stack of tax cards without a corresponding map to show the placement of the structures in their relation to the ROW, is meaningless.

Identification and Mapping of Wetland and Surface Waters:

Movant requests a rehearing on wetland waivers because existing maps and calculations provided by the Applicant to the SEC depict an understated Project effect on wetlands.

The Applicant states that "it is extremely unlikely that the Project, a linear transmission line, will have any effect on any water body that is over ¼ mile away from the edge of the ROW". The Movant embraces the concept that HVTL are linear however water systems are not linear and there is nothing convenient about mapping them. Water systems mapping should not be limited because the Applicant ROW linear project maps and scale have to be reworked.

The Applicant states that the information beyond 100 ft. of the project is "old and unreliable". It is unreasonable for members of the SEC to expect nothing less than current and accurate information when depicting wetlands and expect the Applicant to take the lead in updating this all important database with available technology and rigorous field work.

Movant believes that Project Impacts have been understated with regards to wetlands. Not unlike the structures mapping, the summary of wetland impacts is not valid when data that should be incorporated or calculated is not present in the analysis.

Site 301.16 Criteria Relative to Finding of Public Interest (h) Water Quality

Applicant state that runoff from the project will be controlled but does not address impacts when structure construction itself is in water bodies such as a spring fed pond that will be subject to drilling. See NHDES Wetland Sheet # 671 and refer to structure 3132-304. The water in this pond is at the beginning of a long journey (not linear) to the ocean.

Movant believes that this waiver does not serve in the Public Interest. This waiver request demonstrates the Applicants attempt to minimize the importance of the wetland water systems which are prominent and prevalent resources in Deerfield and so vital to all our NH communities and the granting of Partial Waivers is unjust as it would allow the Applicant a path of convenience rather than judicious and necessary mapping of wetlands. Private property, conserved lands, and water quality stand to be compromised by this waiver which is burdensome and unjust to property owners. Concerns about the Applicants poor track record with regards to runoff and examples of poor ROW construction practices which have threatened our wetlands is already well documented in the 2015-06 Docket.

In accordance with NH Administrative Rule, Site 202.14, Deerfield Abutter Intervenor Group has attempted to obtain concurrence from the parties. The following parties concur with the relief sought:

Steven Whitley, Town of Deerfield, Danielle Pacik, City of Concord, Amy Manzelli, Forest Society, Kris Pastoriza, Schibanoff, Susan, Mark Orzeck, cholahan@nepga.org, NE Power Generators, Charlotte Crane, Southern Abutters/Webster Family, Eric Jones

No Position

Christopher Boldt Cities of Berlin, Franklin

Deerfield Abutter Intervenor Group respectfully request that:

- 1) **Please Grant the Movant's request for a rehearing on the Motion for Partial Waivers with regards to ID and mapping of structures.**
- 2) **Please Grant Movant's request for a rehearing on the Motion for Partial Waivers with regards to Wetland ID and Mapping beyond ¼ mile of the Site.** Mapping beyond the ¼ mile is essential to the Project. To use an analogy of an electrical grid, if one structure gets knocked over, it certainly will affect the transmission line in both directions. Similarly, if wetlands are impacted, it is not isolated to a particular location, it could affect the whole water system.
- 3) SEC require the Applicant to do whatever it takes to complete the task to Identify and map wetlands and obtain accurate and updated information for mapping beyond the ¼ mile.

Respectfully Submitted on the Behalf of Deerfield Abutter Intervenor Group

Jeanne Menard

6/30/2016

Bruce Adami and Robert Cote

Erick and Kathy Berglund

Jo Anne Bradbury

Kevin and Lisa Cini

Rebecca Hutchinson

Torin and Brian Judd

Eric and Sandra Lahr



Certificate of Service

June 30, 2016

I hereby certify that a copy of the foregoing Motion of the Deerfield Abutter Intervenor Group for a Rehearing on Order regarding Applicant Request for Partial Waivers has been forwarded this day to persons named on the Service List in this docket.

Jeanne M. Menard

