

RE: NH SEC Docket No. 2015-06 Northern Pass Transmission LLC (McLane – FID1340229)

To the NH SEC; 3/2/16
Attn. Pam Monroe

Re: Northern Pass intervention.

Rebuttal:

The applicant's law firm filed an application to reject my petition to intervene on the basis that I was a non-abutter. The applicant failed to address other reasons given as grounds for intervention.

“As a threshold matter, non-abutting property owners whose properties are more than one hundred feet from the Project (“Non-Abutters”) have not demonstrated substantial interests that would be affected by the proceeding.” This is contrary to SEC rules and precedent.

First, the SEC rules regarding visual impact assessment recognize visual impact from the proposed project at distances up to 10 miles. They require:

“(4) A computer-based visibility analysis to determine the area of potential visual impact, which, for proposed:

d. Electric transmission lines longer than 1 mile if located within any rural area shall extend to:

2. A radius of 10 miles if the line would be located in a new transmission corridor or in an existing transmission corridor if either or both the width of the corridor or the height of the towers, poles, or other supporting structures would be increased; (Site 301.05 (b) (4) (d) (2))

Second, in SEC Docket 2015-05 Eversource made a motion to reject Ms. Huard's petition to intervene because she was not an abutter to their transmission project: “The Applicant asserts that Ms. Huard is not a direct abutter to the Project and the interests she alleges are indistinguishable from the public at large. In Attachment A to its objection, the Applicant demonstrates that Ms. Huard is not an actual abutter to the right of way in which the project was constructed. The Applicant further asserts that traveling under the Project’s lines and the view of one of the Project’s towers do not constitute an injury in fact. As to other alleged injury, the Applicant asserts that Ms. Huard expressed generalized concerns regarding electromagnetic fields and aesthetics that can adequately be addressed by Counsel for the Public.

This motion was rejected by the SEC:

“Ms. Huard has expressed a combination of interests that may be affected by the outcome of this proceeding. Ms. Huard’s residence, while not directly abutting the right of way is located close to the Project. It is likely that her home and her general neighborhood will be affected by construction activity and the operation of the Project. Ms. Huard’s photograph and Attachment A to the Applicant’s objection both demonstrate proximity to the proposed transmission line and 4 the right of way. This proximity supports Ms. Huard’s contention that she has a direct interest that will be affected by the Project.”

http://www.nhsec.nh.gov/projects/2015-05/documents/2015-05_2015-11-30_order_granting_huard_motion_intervene.pdf

Third, water like light, travels, and in both above ground construction and burial, water resources will be affected by excavation, trucking, construction and concrete. The toxins in fly-ash in the concrete, chemicals used in boring and sealing during burial, lubricants, exhaust and dust, will be discharged into the watersheds. Anyone downriver is an abuttor. My property has 3 miles of perennial stream frontage, all fed by streams which cross NH Route 116 where construction is proposed. The applicant has provided no evidence to support their assertion that no chemicals will enter the watershed or air and move downwind/downstream. The DES, which monitors water pollution no doubt has a deeper understanding of pollutants and water movement. The applicant's asserted boundaries for effects of their project do not exist. The Society for Protection of New Hampshire Forests hold a conservation easement on this property, so it will remain undeveloped in perpetuity and held to a high standard of preservation. Pesticides and sludge are forbidden in the terms of the easement, and in this spirit any chemical trespass will be prosecuted.

Fourth, noise and odor, like sound and light, travel, and I will be directly affected by them should the project be buried under Route 116. NPT has submitted no sound studies for burial, though blasting is expected. In addition, DOT requires that: "All backfill shall be compacted... in layers not exceeding six (6) inches compacted thickness, using pneumatic tampers, vibratory compactors, or other approved means." Tampers operate at 90-96 decibels, a backhoe, 80 decibels. Other expected equipment: concrete trucks, pavement cutting machines, asphalt trucks, cranes. For comparison, a chain-saw runs at about 100 decibels. If the 3.5 miles of burial (by NP's chosen contractor) of the Chino Hills 500kV project is now projected to take 2 years, how long would the noise and diesel and dust pollution of burial along the 9.5 miles of road in Easton last? It is well-documented that noise pollution can cause anxiety, stress, irritability and sleep problems in humans. Animals also suffer stress from noise. In the Easton Valley, noise echoes off mountains on either side, increasing effects.

Fifth, the applicant attempts to unreasonably limit the scope of rights, duties and substantial interests of intervenors. As a person concerned with the Ham Branch watershed I have the right and duty to intervene. Any person who suspects that a child is being abused is bound to report this to Health and Human Services. In the same way, a person who suspects that land will be abused by a project before the SEC has the right and duty to intervene. Land ownership is not a requirement for rights and duties toward land, any more than parenthood is a requirement for rights and duties toward a child. DES operates on a similar system. Throughout, the applicant has asserted that all issues connected with their project can be expressed, quantified and compensated monetarily. This contrary to human experience and law.

Sixth, the applicants are attempting to limit the number of intervenors by citing their "right to a prompt and orderly" hearing. Justice demands that the hearing time be appropriate to the scope of the project. If the applicants choose to propose a 192 mile project with massive effects that could have been minimized by the alternative of full burial, they have also knowingly and willingly forfeited their right to a prompt hearing with few intervenors.

Kris Pastoriza
Easton, NH