

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2015-06

**RE: APPLICATION FOR CERTIFICATE OF SITE AND FACILITY
NORTHERN PASS TRANSMISSION, LLC – EVERSOURCE ENERGY**

PREFILED TESTIMONY OF ERIC M. OLSON

November 15, 2016

1 Q. Please state your name, address and occupation.

2 A. My name is Eric M. Olson. I live in Rindge, New Hampshire. My address is P.O. Box 252,
3 Rindge, NH 03461. I have been in the real estate development business for over 35 years.

4 Q. What is your interest in this proceeding?

5 A. My wife Elaine, my son Joshua and I are intervenors in this proceeding. We are trustees of
6 revocable family trusts that own sixteen abutting parcels of real estate in Dummer, New Hampshire
7 containing in excess of 1,000 acres. We have built an all season residence on our Dummer property near
8 the summit of Cummings Mountain. Our home there is maintained "off the grid" with no local electric
9 power distribution lines on the property. We had planned to develop the Dummer properties into smaller
10 lots containing approximately 50 acres each which would be suitable for sale to persons interested in
11 building wilderness homes in the Great North Woods tourist region of New Hampshire. Unfortunately,
12 the development plans for our Dummer property have been placed on hold because of the devastating
13 impact that the transmission line facility proposed by the Applicants would have on our use and
14 development of these gorgeous wilderness parcels of land.

15 Q. How will your Dummer, New Hampshire properties be impacted if the Applicants' proposed
16 project is permitted and built?

17 A. Our Dummer properties have been carefully developed, in part, as a wildlife and hunting
18 preserve which would serve as common areas to attract buyers of smaller parcels who are interested in

1 building year round adventure homes to use a launching points for enjoyment of the vast outdoors and the
2 scenic wonders of the Great North Woods. With the exception of our off the grid house and related
3 equipment storage buildings, all of the land we own in Dummer consists of wetlands, forestland and
4 carefully maintained grass meadows connected by privately owned country roads and ATV trails used for
5 wildlife observation, wildlife propagation and very limited hunting. For several years, we and our guests
6 have seen great potential for the private development of our Dummer property into separate parcels with
7 log or post and beam homes being built with expansive views and all constructed on very large lots in
8 keeping with the current wildlife and hunting preserve use. Our Dummer properties also have significant
9 wetland values, including small ponds, streams and natural springs that run year round. The sole
10 exception to this peaceful and tranquil setting is a PSNH transmission line that runs east to west for more
11 than one mile through our properties in a 150 foot wide right of way held by the Applicant PSNH by
12 virtue of an easement deed granted approximately 70 years ago by our predecessors in title. That PSNH
13 transmission line is a 115 kV line built in the center of the right or way on wooden poles approximately
14 40 to 50 feet high. Also built and co-located within the PSNH right of way is a buried 24 inch diameter
15 natural gas pipeline in a 50 foot wide easement area. That natural gas transmission line was built and
16 placed in operation in 1999. It is owned by Portland Natural Gas Transmission System ("PNGTS") and
17 its use of the PSNH easement area was consented to by PSNH. The Northern Pass plans published on its
18 website call for removal of all wooden structures in the PSNH right of way crossing our property and the
19 erection of at least nine new metal structures that would be at least twice as high as the replaced wooden
20 structures. These new metal structures designed to carry the replaced 115 kV transmission line would be
21 erected only 35 feet from the south side of the PSNH right of way well within the fall line of trees outside
22 the right of way. This move of the 115 kV line was apparently necessitated by the need to find room to
23 cram the proposed Northern Pass HVDC line in to the north side of the existing PSNH easement area
24 where the PNGTS underground natural gas transmission line is co-located. Northern Pass plans thus call
25 for the construction of at least nine additional metal towers on our property to carry the proposed HVDC
26 transmission line on the other side of the PSNH easement area. These new HVDC structures would range

1 in height from 95 to 120 feet. According to NPT's published plans, these nine HVDC structures would
2 actually be built within the PNGTS 50 foot right of way with footings very close to the 24 inch pipeline
3 itself. Those HVDC structures would have fall zones literally on top of the PGNTS natural gas pipeline;
4 and would also be within the fall zone of trees outside the PSNH right of way. Presently, the wooden
5 structures carrying the 115 kV transmission line are not visible from the home on our property and many
6 of the separate lots that held great promise for development when we purchased the land. However, the
7 new configuration proposed by NPT would put up to 18 new high voltage transmission structures along
8 with both the HVAC and HVDC transmission lines on our property with dozens more of the structures
9 located on abutting parcels within the viewshed of our home. Given the enormity of the Applicants'
10 project proposal, we believe that the loss in potential value to our Dummer home and properties would be
11 well in excess of \$5 million if the Northern Pass project is built.

12 Q. Do you have other concerns about this project?

13 A. Yes. The plans filed by the Applicants show that they intend to construct an entirely new
14 roadway for more than a mile through the middle of our property within the PSNH right of way area. We
15 believe that this is the height of folly. Numerous wetland areas lie within the PSNH right of way,
16 including a year round spring, and these important resources would all be needlessly damaged and
17 impacted. The only sensible alternative that could possibly be acceptable is to bury any new proposed
18 transmission line in the North Country under the roadbed of Route 3. There is simply no excuse for
19 devastating the beauty and potential of the Great North Woods in any way other than by complete burial
20 in previously disturbed roadbeds such as Route 3. As importantly, the SEC must also consider the
21 dangers posed by the construction of these new towers and the presence of an HVDC transmission line
22 literally built on top of a buried 24 inch natural gas pipeline. Burial in an existing roadbed would avoid
23 this potential safety hazard. We contend that these plans show an unreasonable, let alone highly
24 dangerous, use of the existing PSNH transmission line right of way and the co-located PNGTS natural gas
25 transmission line. The PSNH easement encumbering our property did not contemplate that a co-located
26 natural gas transmission line with a 50 foot easement would also be built within the same easement area.

1 Thus the use of the PSNH easement area for crowding in twice as many transmission lines on towers
2 twice as high as the existing 115 kV line on top of a major natural gas transmission line is an
3 unreasonable use creating a danger that the original parties to the easement would never have
4 countenanced. In addition, we have notified Northern Pass and PSNH that they may not use our private
5 roads, including Kelly Brook Road, for any of their planned activities to construct the HVDC
6 transmission line in the PSNH right of way on our land. Our opposition to the construction of the NPT
7 proposed transmission line on our property will include, if necessary, litigation to determine all of these
8 issues of local property law in the New Hampshire courts. The proposed NPT transmission line also
9 parallels and impacts much of the scenic Upper Ammonoosuc River and Route 110 in Dummer, Stark and
10 Northumberland. The Upper Ammonoosuc River is part of the 740 mile Northern Forest Canoe Trail.
11 The proposed line would cross the Upper Ammonoosuc River in Stark and cross sensitive conservation
12 lands around nearby Lake Christine, also in Stark. The HVDC transmission line would also cross Route
13 110 in Stark with structures standing up to 130 feet high on either side of the highway. Route 110 has
14 been designated as a Scenic and Cultural Byway in New Hampshire. It is a core route on New
15 Hampshire's Woodland Heritage Trail. Route 110 brings thousands upon thousands of tourists to the
16 area. It also brings many property owners and their guests to Dummer. Both the Upper Ammonoosuc
17 River and Route 110 will be irreparably and adversely impacted by the Northern Pass proposal. These
18 impacts must be avoided. New Hampshire's tourists and its tourism industry are too important to the
19 people of the region for the current Northern Pass plans to be allowed to proceed with the construction of
20 the above ground HVDC transmission line and towers standing over 100 feet high above, along, across
21 and over these important scenic and cultural assets. The NPT project is classified by ISO-New England
22 as an "elective project." As such, it is not necessary to keep the lights on. Home-grown New England
23 energy efficiency and conservation combined with the anticipated future expansion of distributed energy
24 and renewable energy projects must be given the first chance to succeed before we allow more "elective"
25 foreign power to be imported especially at the devastating and massive expense that the current Northern
26 Pass plan would impose on NH's environment, its people and their economic and cultural assets. When

1 weighing the “elective” Northern Pass proposal against this certain and enormous damage, it is
2 respectfully submitted that a denial of the requested permit is a far better alternative. In addition to these
3 considerations, it is submitted that importing power from a foreign country will damage the burgeoning
4 renewable energy industry and projects being built out in New England. Real jobs in New England
5 would be sacrificed for the benefit of Canadian workers; and tremendous progress in the evolution and
6 development of smaller scale renewable energy projects in this country would be discouraged and set
7 back. Thus a no-build decision on Northern Pass’s proposal would have substantial economic and policy
8 benefits for New England and the country as a whole. In considering the no-build alternative, it is also
9 important to assess the lack of reliability of Hydro-Quebec as an energy provider. Over the past 30 years,
10 its grid has been vulnerable to ice storm, forest fire, equipment failure and coronal mass ejection events.
11 Those demonstrated and repeated failures should give rise to a rule of caution in preventing New England
12 from relying on more power than it currently imports from Quebec. For example, in early July of 2013,
13 Hydro-Quebec suddenly cut off the export of all power to New England, New York, Ontario and New
14 Brunswick due to forest fires in Northern Quebec. According to news reports, this sudden disruption
15 occurred without any notice to U.S. grid operators; and it came perilously close to causing cascading grid
16 failures in New York and New England. This cut off of Hydro-Quebec exports without warning should
17 raise a huge red flag signaling the importance of the no-build alternative. The no-build alternative must
18 also be considered when weighing the threat of terrorism. Co-locating two major transmission lines in a
19 corridor with a 24 inch gas transmission line through many miles of unprotected New Hampshire
20 wilderness and countryside could present a very attractive target for terrorists looking to inflict maximum
21 damage on our country’s energy infrastructure. This concern alone dictates that the Northern Pass
22 proposal be turned down and not built as planned. Even if additional power imports from Quebec as
23 proposed by Northern Pass had marginal value, current difficulties, dangers and adverse impacts could be
24 substantially reduced if it were built underground in previously softened state owned transportation
25 corridors. Many federal and New Hampshire officials, including NH DES have expressed interest in
26 exploring this alternative, but Northern Pass has simply dismissed it as “too costly” without any detailed

1 engineering analysis or support. We urge the SEC to carefully and independently evaluate the option and
2 costs of additional burial of the proposed transmission line—especially through the Great North Woods
3 tourist region. As side benefits, burial of the transmission line would also provide more temporary jobs
4 for workers in New Hampshire and greater local tax revenue than the current plan for use of above
5 ground structures.

6 Q. Do you have any other concerns and interests you wish to make known to the SEC?

7 A. Yes.

8 Q. What are those concerns and interests?

9 A. We want the Site Evaluation Committee (“SEC”) to know that we do not consent to the SEC
10 determining or adjudicating in this administrative law proceeding whether or not the Applicants can use
11 our property to build their proposed project. More specifically, the PSNH easements over our Dummer
12 properties and nearby properties in Stark are limited in the uses which PSNH may reasonably make of the
13 easements granted 70 years ago. We contend that the Applicants’ proposed project violates both the
14 terms of the PSNH easement deeds with respect to the number of structures permitted and the intent of
15 our predecessors in interest in entering into the easement deeds. We also contend that PSNH has no right
16 to allow the use of the easement area by Northern Pass by way of a partial assignment of its limited
17 interests in our land. We recognize that the Applicants contend otherwise and that our respective
18 contentions regarding the use of our property are in direct conflict. We believe and assert that this
19 presents a classic private property dispute between us and PSNH and Northern Pass over the meaning and
20 intent of a private easement deeds that were recorded approximately 70 years ago. We further believe and
21 assert that the SEC has no power to adjudicate or determine a resolution of our private property dispute
22 with the Applicants. We insist that such a private property dispute can only be resolved in the New
23 Hampshire Superior Court after trial and entry of a final judgment. The New Hampshire Constitution Bill
24 of Rights speaks directly to this issue in Article 20 of the New Hampshire Constitution Bill of Rights,
25 which provides in relevant part as follows:

1 "In all controversies concerning property, and in all suits between two or more persons
2 except those in which another practice is and has been customary and except those in
3 which the value in controversy does not exceed \$1,500 and no title to real estate is
4 involved, the parties have a right to a trial by jury."

5 The value in controversy in our private property dispute with the Applicants over their proposed rights in,
6 title to and use of our Dummer properties is far more than \$1500 and we insist on preserving and
7 exercising our Constitutional right to a jury trial. Unless and until the Applicants obtain a final judgment
8 of the Superior Court after a trial by jury awarding them the right to build their proposed project on our
9 properties, the Applicants cannot demonstrated in this proceeding that they control our properties as a site
10 that they can use for their proposed HVDC transmission project facility. Moreover, unless and until the
11 Applicants obtain a final judgment of the Superior Court that resolves in their favor the private property
12 dispute between us, we will not permit them to use our properties for their project and we will bar and
13 prevent them from trespassing on our properties for any such purpose furthering their efforts to construct
14 their proposed HVDC project which we contend would violate the terms of the PSNH easement
15 encumbering our properties and which would use our properties in a manner which is unreasonable and
16 never intended by the parties to the PSNH easements.

17 Q. Does this conclude your testimony?

18 A. Yes.

I hereby affirm, under penalty of perjury, that this testimony is true to the best of my knowledge and belief.


Eric M. Olson