

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
DOCKET NO. 2015-06

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

PRE-FILED DIRECT TESTIMONY OF JANE DIFLEY

ON BEHALF OF THE SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS

NOVEMBER 15, 2016

1 **Q: Please state your name and business address.**

2 A: Jane Difley, 54 Portsmouth Street, Concord, New Hampshire 03301.

3 **Q: What is the name of your organization?**

4 A. Society for the Protection of New Hampshire Forests ("Forest Society").

5 **Q: What is your current position at the Forest Society?**

6 A: My title is President/Forester, and I serve as chief executive officer of the
7 organization. I oversee the management of the organization, our forest reservations, the
8 staff, stewardship of the conservation easements we hold, the budget and all other
9 organizational activities. I report to a 20-member Board of Trustees of volunteer citizens
10 from around the state.

11 **Q: What is your background?**

12 A: I have an MS in Forestry from the University of Massachusetts and 24 years of
13 experience as a conservation executive, 20 of those at the Forest Society. I am licensed by the
14 State of New Hampshire to practice forestry (license #297). I have an undergraduate degree in
15 English literature from Connecticut College.

16 I came to the Forest Society in 1996 as the fourth president/forester of the organization
17 since its founding in 1901.

18 Before coming to the Forest Society, I was the executive director at the Vermont Natural
19 Resources Council in Montpelier (1994-1996). Prior to that, I was the Vice President for
20 Forestry Programs and national director of the American Tree Farm Program in 1993 at the
21 American Forest Foundation (AFF) in Washington, DC. During that year I was also the
22 president of the Society of American Foresters, the national professional association for
23 foresters. I worked for AFF for ten years, first in New England, then adding the mid-Atlantic

1 states and the mid-west to my area of service before going to Washington. I worked with
2 volunteers who ran state Tree Farm programs, working with landowners to improve and
3 recognize the management of their forest lands.

4 **Q: Do you have other experience relevant to this testimony?**

5 A: During my career I have served on numerous panels, committees and programs
6 aimed at improving the management of private lands. For example, I serve on the Leadership
7 Council of the national Land Trust Alliance, chartered to: “create a forum for dialogue,
8 collaboration and innovation amongst the top conservation leaders in the country... [T]he
9 Council will help integrate advanced practices in its training and publications so that they can be
10 shared widely in the land trust community. The Council will also advise the Council president
11 and senior staff and appropriate board committees on strategies for addressing emerging issues in
12 land conservation.” (Land Trust Leadership Council Charter, January, 2013).

13 I also serve on the NH Forest Advisory Board, a group of forestry experts that advises the
14 State Forester. “Authorized under RSA 227-I:5, the New Hampshire Forest Advisory Board
15 advises the Division of Forests and Lands on ‘factors affecting the use, ownership, and
16 management of forest resources.’ The mission of the New Hampshire Forest Advisory Board is
17 to advocate implementation of the recommendations of the New Hampshire Forest Resources
18 Plan, to coordinate forest policy development, facilitate dialogue between diverse interests, to
19 assure opportunities for public participation in forest policy development, and to advise the State
20 Forester in the development of state programs and policies.” (DRED Division of Forest and
21 Lands Website).

22 **Q: What is the purpose of your testimony?**

23 A: The purpose of my testimony is to provide background on the Forest Society’s

1 mission and history, and to offer some context to the reasons why we have intervened in this
2 docket.

3 **Q: What is the Forest Society?**

4 A: The Forest Society was founded in 1901 to protect the White Mountains from
5 irresponsible logging and the accompanying forest fires. In coalition with other organizations,
6 businesses, newspapers and conservationists from around New England, the Forest Society
7 advocated protection of the mountains. After ten years of effort the Weeks Act was passed in
8 1911, authorizing the creation not only of the White Mountain National Forest but all eastern
9 national forests. Since then the Forest Society, a 501(c)3 educational organization, has worked
10 to “**perpetuate the forests of New Hampshire by their wise use and their complete**
11 **reservation in places of special scenic beauty.**” This mission statement was adopted by the
12 Trustees in 1904. Today we fulfill this mission by being advocates for the sustainable
13 management of natural resources and the permanent protection of wilderness and natural areas.

14 The Forest Society is a land trust, accredited by the national Land Trust Alliance. This
15 means we practice and uphold the *Standards and Practices* of the Alliance. We both own land
16 and hold conservation easements on lands owned by other individuals, municipalities and
17 organizations. We publish the quarterly conservation magazine *Forest Notes*.

18 **Q: Why is the Forest Society obligated to defend conserved land?**

19 A: We hold conserved lands in the public trust. It is our duty to defend them against
20 those who would adversely affect the conservation values for which the conserved lands were
21 protected. As a tax exempt charitable organization we are responsible to our members who have
22 contributed to our organization and expect us to defend the land and easements we conserve. If
23 tax deductions were taken for any land or easement gifts, the IRS also requires us to uphold any

1 restrictions our donors place on their land or easement gifts. Lastly, in New Hampshire
2 conservation easements are considered to be charitable trusts, so the Director of Charitable
3 Trusts in the Attorney General's office has oversight in assuring that we fulfill the terms of the
4 easements we hold and properly steward and protect lands we own in fee.

5 **Q: How much land does the Forest Society own?**

6 A: We own 55,000 acres of land in more than 100 New Hampshire municipalities,
7 establishing the Forest Society as the third largest private landowner in the state. We manage
8 this land as 179 separate forest reservations. Our reservations are certified by the American Tree
9 Farm System, assuring that they are sustainably managed not only for forest products (timber,
10 firewood, chips, etc.), but also for wildlife, recreation and clean water. We harvest trees to
11 improve the growth and quality of the trees on our lands while enhancing habitat for wildlife,
12 protecting water quality and enhancing recreation (hiking, birding, snowmobiling, snowshoeing,
13 fishing, hunting, etc.). We also provide educational field trips on our lands, exploring natural
14 history, sustainable forest management, wildlife tracking and other conservation topics.

15 The Rocks in Bethlehem is our North Country Conservation and Education Center and
16 Christmas Tree Farm where we grow and sell Christmas trees, make maple syrup and welcome
17 visitors from around the state, the region and the globe. We lease Lost River to White Mountain
18 Attractions to run as Lost River Gorge and Boulder Caves, a North Country attraction. We lease
19 Mount Monadnock to the State for a state park. As such, our reservations are very much a part
20 of the state's forestry and tourist economies.

21 **Q: How big is the Forest Society Staff?**

22 A: The Forest Society has a staff of 40, including foresters, outdoor educators, land
23 conservation agents and stewardship personnel, financial staff, development professionals,

1 facility managers, support staff and communications professionals. We have 3 staff foresters who
2 manage our reservations along with over 150 volunteer land stewards. The Rocks in Bethlehem
3 is managed by an on-site farm director with a number of seasonal personnel and volunteers. Our
4 conservation easements are monitored annually by a staff of six who ensure that the stipulations
5 of each easement are upheld by the owner.

6 **Q: How is the Forest Society Supported and Overseen?**

7 A: The Board of Trustees sets policy for the organization. The annual operating
8 budget for the Forest Society is approximately \$5.7 million. We are supported by 10,000
9 individual, family and business members; investment income; income from our lands (rents,
10 harvested forest products and Christmas trees); and foundation and government grants for
11 specific projects.

12 The Forest Society is guided by our mission and our members who support that mission
13 through their membership dues. Our work is defined not only by our legal and ethical
14 obligations as a land trust, but also by what our members care about—such as sustaining the
15 scenic and ecologic integrity of natural landscapes we have been protecting for more than a
16 century which continue to draw visitors from around the globe.

17 **Q: What policy initiatives has the Forest Society been involved with?**

18 A: The Forest Society not only led the effort to establish the White Mountain
19 National Forest, we also helped the State acquire Franconia Notch State Park in 1928. We
20 subsequently fought for ten years to prevent the construction of a four lane interstate highway
21 through the Notch and the State Park. Working with the NH Department of Transportation, the
22 Federal Highway Administration, the Appalachian Mountain Club, the then Governor of New
23 Hampshire, and the US District Court, the Forest Society helped to secure a legal settlement

1 agreement that created the two-lane Franconia Notch Parkway through 10 miles of the Park. The
2 agreement memorializes a commitment on the part of the State to forever minimize the imprint
3 of Interstate 93 on the natural beauty of the Park.

4 In addition to securing Franconia Notch as a state park, the Forest Society has assisted in
5 the acquisition and establishment of many other state parks and state forests. One of our largest
6 forest reservations is on Mount Monadnock, which totals approximately 4,000 acres, including
7 the summit. We lease this land to the State which the State operates as Monadnock State Park.
8 We acquired lands on Mount Sunapee and Mount Kearsarge which we later conveyed to the
9 State. Both today are heavily visited state parks.

10 In the 1980s the Forest Society established The Trust for New Hampshire Lands, which
11 led to the State creating the Land Conservation Investment Program (LCIP). This unique
12 initiative was a public-private partnership. The state funded the land acquisition done by the
13 LCIP and the TNHL provided the funds to staff and administer the LCIP. This partnership was
14 the brainchild of my predecessor, Paul Bofinger. This program protected over 100,000 acres in
15 six years.

16 The Forest Society recently acquired land on Mt. Major in Alton, securing public access
17 to trails that host more than 80,000 visitors a year. Mt. Major is the second most hiked
18 mountain in New Hampshire, after Mt. Monadnock. The Forest Society manages the Mt. Major
19 parking area, the trail head and the main trail to the summit as a public recreational resource (at
20 no charge to the public).

21 **Q. Why does the Forest Society oppose the Northern Pass project?**

22 A: In the 1970's the Forest Society introduced conservations easements to the state.
23 As Mr. Abbott's testimony discusses in detail, 13 conservation easements held today by the

1 Forest Society are directly affected by the Northern Pass project as proposed. They are located
2 within 8 of the 31 municipalities referred to by the Northern Pass as “host communities.”

3 The Forest Society has a direct obligation to steward each of the individual lands in
4 which we hold a real estate interest. We also share with the public an obligation to assure that
5 public lands—some of which we have helped to establish as public lands—are properly
6 stewarded. For this reason we are directly engaged in the variety of public planning processes
7 used by federal, state and local governments to assure that public lands (and public interests in
8 lands) are appropriately managed.

9 After extensive discussion, the Forest Society Board of Trustees first voted in January,
10 2011 to “oppose the Northern Pass project as proposed.” Importantly, the Board did not object
11 to the idea of bringing power from Quebec to southern New England through New Hampshire.
12 Rather, it objected to the way it was being transported to market through the (currently proposed)
13 192 miles of the Granite State on more than 2000 new steel towers that would dwarf New
14 Hampshire trees, ruin our scenery, and cause avoidable and permanent environmental damage as
15 it was built, among other adverse impacts. The Board felt it was our obligation to defend
16 conserved lands, historic scenic landscapes, and the forest products economy, including wood for
17 energy. The Board also chose this position to defend forests from fragmentation and to defend
18 the public benefits New Hampshire forests provide to citizens and visitors in support of our
19 tourist economy.

20 The current Northern Pass proposal includes putting private commercial infrastructure on
21 the Forest Society’s Washburn Family Forest, which is contrary to the conservation purposes for
22 which we protected the property and detrimental to the public benefits derived from the

1 permanent protection of that land. It is our duty as a land trust to defend those lands from such
2 use.

3 Given our mission and our history of working to protect the special places and scenic
4 views in New Hampshire, the Forest Society's Board of Trustees could not stand by and watch
5 Northern Pass ruin the very landscape we've worked to protect for over 115 years. These
6 include, but are not limited to, the White Mountain National Forest, the view as from The Rocks
7 in Bethlehem, the Kaufmann Forest in Stark, and the Washburn Family Forest in Clarksville, not
8 to mention the dozens of other conserved properties we and others hold all along the proposed
9 route.

10 **Q: How has the Forest Society responded to the proposed Northern Pass**
11 **project?**

12 A: The Forest Society has responded in at least three ways.

13 First, our board and staff continue to work to fulfill our legal and ethical obligations as a
14 land trust, defending existing conserved lands from the unreasonable adverse impacts of
15 Northern Pass as proposed. These adverse impacts and efforts are described elsewhere.

16 Second, we worked with willing landowners along the proposed route to acquire
17 conservation easements that would prevent a development such as Northern Pass from crossing
18 their lands. We protected nearly 8,000 acres of additional lands in Grafton and Coos counties. It
19 was the desire of those landowners to protect natural resources while specifically prohibiting
20 overhead and underground transmission facilities.

21 Third, the Forest Society has responded by providing regular updates and information
22 about the proposed Northern Pass project to the general public and in particular to people in
23 those communities who would be most affected. We have helped facilitate public input in the

1 federal and the state permitting processes. For example, we received and forwarded more than
2 6,000 postcards to the U.S. Department of Energy as part of the NEPA process for the Draft
3 Environmental Impact Statement. We also helped facilitate a petition signed by more than 8, 700
4 people calling on Gov. Hassan to insist that the Northern Pass transmission line be buried
5 entirely or not built at all.

6 Our advocacy on behalf of New Hampshire's landscapes in opposition to Northern Pass
7 as proposed has elicited 8,076 donations, and thus has become the largest such effort in the
8 Forest Society's 116-year history.

9 **Q: Has the Board of Trustees taken any additional action?**

10 A: In September, 2013 the Board updated its position and voted as follows: "The
11 Forest Society remains opposed to Northern Pass's proposed overhead towers and lines. If the
12 Northern Pass project is to move forward, in order to protect NH's scenic and environmental
13 resources, we believe it should be completely buried, preferably along appropriate existing state-
14 owned transportation corridors."