

STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE

SEC DOCKET NO. 2015-06

JOINT APPLICATION OF NORTHERN PASS TRANSMISSION LLC & PUBLIC SERVICE
COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY FOR A CERTIFICATE OF
SITE AND FACILITY

Pre filed Testimony of Jeanne Menard on Behalf of Menard Forest Family Partnership

The purpose of my testimony, on behalf of the Menard Forest Family Partnership, is as follows:

1. To testify that the proposed Northern Pass Transmission project (NPT) will undermine 3 generations of land use planning on our family's 229 acre forest and diminish property value as set forth in Site 301.16(b) and that this project is in direct conflict with the property's conservation easement deed.
2. To attest that the Menard Forest is a conservation parcel that is part of an identifiable land use development pattern in Deerfield and that the NPT is not consistent with conservation land uses as described in Site 301.09 (a) (2) Effects on Orderly Development of Region.
3. To attest that NPT will create an unreasonable adverse effect on aesthetics as described in Site 301.14 (a) (1). and forever negatively alter the existing character of the area of potential visual impact from our conservation land parcel.
4. To testify that the impact of construction of the NPT will have a devastating effect on our property's wetlands that will not be avoided even with Best Management Practices on file.

Background of Jeanne Menard's role in the Menard Forest Family Partnership:

The partnership was created in 1994 when Frances Menard donated a conservation easement which is held by the Society for The Protection of New Hampshire Forests (SPNHF). Jeanne Menard is a limited as well as general partner and has the primary responsibility of overseeing the Forest Management Plan for this property.

1. When the property was placed in conservation easement deed, were the development rights donated?

My mother chose to relinquish future profits of residential development when this property was conveyed by conservation easement deed to SPNHF.

2. What are the goals of the Forest Management Plan for this property?

Our landowner management objectives for this property identified 5 goals and they are categorized as follows:

Degree of Importance

High- Recreation and Scenic beauty

Medium- Wildlife and Wood Productivity

Low- Income

3. How long has this forest been under a management plan?

My grandparents were diligent stewards of this property and worked extensively with the Cooperative Extension Service since their purchase of the property in 1950 (exhibit #1, picture of my grandfather, PK Lindsay). My parents continued to make sound forest management decisions and it was Frances Menard who paid a licensed forester to develop an official forest management plan in 1992. The original plan was updated in 2014.

4. How is NPT in conflict with your management plan?

The Menard family has always been proactive with regards to forest management to meet the goals of our planned objectives. NPT has created a conflict; the balance of the aesthetic beauty and forest productivity is compromised as cutting of trees in some sections of the property would open up views that historically, even after a harvest, would have blocked the view of the existing ROW structures. Jeanne Menard has held off on certain planned harvests to try to resolve priorities. Our forest is under siege due to diseases in the ash and hemlock stands which require cutting. The trees that my grandparents planted in the early 1950's for the sole purpose to buffer the ROW are needing to be cut. The replanting and regrowth of new trees will not be able to provide the vegetative buffer necessary to maintain the aesthetic beauty of our property if NPT is constructed. NPT also detracts from the recreational value and experience for all who frequent the trails with views of power lines undermining the goals of this conservation land easement and management plan. The purpose of the Forest Management Plan is not designed to block the views of a utility project.

5. Do you have any concerns about loss of property value due to the NPT?

The Menard easement co exists with the ROW. Massive steel towers in this ROW will diminish the recreational experience of the property and defy attempts of maintaining aesthetic beauty of this forest. I liken NPT to graffiti on the landscape. It will reduce this parcels property value as the tolerance for HVTL project like NPT is nil amongst conservation minded landowners such as myself, several Deerfield & host community towns intervenors, and as evidenced by the efforts of SPNHF and other NGO's intervenors to defend against NPT.

Just as stone walls have been attributed to a period of NH history coinciding with the introduction of sheep, conserved land has played a significant role in Deerfield's development patterns starting in the 1980,s (see map, exhibit #2). To conserve land, careful decision making takes place on the part of landowners with related expenses. Several landowners in Deerfield, as evidenced by the map, joined in an effort to create greenways or open space between Pawtuckaway State Park, Bear Brook State Park, and Northwood Meadows. Regionally this will be addressed by Deerfield's Municipal testimony. These conserved lands create value. When property is for sale, the words "abuts conservation land" is a selling feature, it enhancing the property around it as far as marketability. NPT will detract from market value and marketability in a negative direction. NPT did not address these impacts in their application. More importantly, conserved lands create an identifiable sense of place. Our family's conservation land is just one of many in Deerfield's landscape. NPT does not belong in this picture.

6. Why did your mother want to protect this land in perpetuity with a conservation easement deed? (exhibit #3)

I think that is best answered with the following announcement (exhibit #4) that was published by SPNHF in Early Winter 1994 Edition of FOREST NOTES:

Menard Forest, Deerfield

230-acre conservation easement

"Part of a growing web of protected lands in Deerfield, this scenic property adds a significant piece of wildlife habitat and recreation land to the town. In addition to the diverse forest, the property includes nearly 16 acres of ponds and wetlands. Other notable features include deer yards, rocky brooks, and scenic stone walls lined with ancient oak trees. The Menard family is working to improve the trails on the property, so that it may be better enjoyed by the public for hiking and skiing."

This prominence of conserved lands in NH's land use planning is not unique to Deerfield. Carl Maitland from Sugar Hill posted on the NP Environmental Impact Statement website (11/23/15) a detailed report which contains a table depicting large parcels of town owned and conserved lands in Sugar Hill (exhibit 5). He argues that the DEIS underestimates the impacts of NPT to undeveloped lands abutting or adjacent to the ROW. Even though the Sugar Hill route has changed, that fact does not take away from the point that conserved lands are an important aspect of several NH communities' orderly development and that NPT impacts the aesthetics of a community as a whole, not just an individual property.

The highest and best use for conservation land is not be a pass through for a massive HVTL project but rather to preserve our rural landscapes.

The easement granted consists for the scenic enjoyment of the general public. NH RSA Chapter 79- A states that:

"It is hereby declared to be in the public interest to encourage the preservation of open spaces in the state by providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, by maintaining the character of the state's landscape, and by conserving the land, water, forest, and wildlife resources."

7. Why are you concerned about construction impacts on your conservation easement wetlands?

Habitat for turtles, specifically Blandings and Yellow Spotted, and herons depend on these wetlands. These residents of Deerfield are stakeholders in this proceeding. One of the stated purposes of the easement is the unusual natural habitat of Ardea herodias or Great Blue Heron as well as consistent with the 1987 Deerfield Master Plan which stated as a natural resource goal "to preserve and protect environmentally sensitive areas." NPT does neither. Construction impacts to nesting and feeding sites in all of Deerfield's wetlands will occur. Raising of tower heights will interfere with the heron's fly patterns that have been established for years. NPT is an elective project. NPT's environmental damage is not justified, from its desecration of the Canadian rivers to the cumulative effects of environmental impact the whole length of the proposed route. For the record, the Menard Forest Family Partnership takes an ethical stand against this project, the ends do not justify the means. The claimed benefits to my family do not outweigh the true costs to the natural environment.

8. Do you have any safety concerns about this project as it relates to your property?

This property suffered damage from a wind shear event in the mid 1990's which took down 18,329 bd. f t. of pine and hemlock. The wind came out of the west and up the power line. The downed trees were such a jumble that no logger was willing to harvest with conventional machinery. We hired a draft horse team and driver to pull the logs out from the piles like the "pickup sticks" game of my youth. Deerfield has had a litany of serious and life threatening weather events in the last 20 years, from tornado to multiple floods. Adding steel towers to the mix in

the ROW is a serious concern for the safety and welfare of my family how may happen to be in the wrong place at the wrong time if such an untimely event were to occur again.

This concludes the testimony of Jeanne Menard on Behalf of Menard Forest Family Partnership.

Jeanne Menard will be filing supplemental environmental testimony as it relates to NPT impact on turtles and Great blue herons along with aesthetic impacts as per scheduling order of the SEC.

Jeanne M Menard *11/15/16*

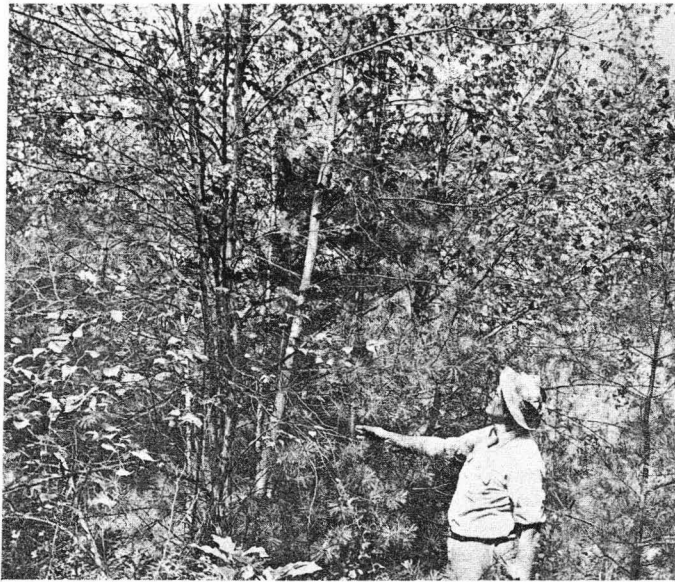
Extension Circular 401

Introduction to FOREST MANAGEMENT in New Hampshire



Cooperative Extension Service
University of New Hampshire
Durham, New Hampshire

Exhibit 1 pg 1



These pictures show a forest stand before and after releasing. Note that crop trees are now free to grow. Jonelle Forest, Canterbury, N. H.

4. Remove inferior trees and brush which may damage desirable trees.

5. Do not spend time weeding in areas that are unproductive. Very shallow, droughty or very wet soils are not likely to produce enough growth to warrant the expense of improvement practices.

6. More than one weeding may be necessary, particularly on good sites where growth is very rapid.

Releasing

Releasing is the second step in timber management when stands are 15 to 30 years old. This is the further removal of inferior trees to improve growing conditions of crop trees and to further improve species composition.

The following recommendations will help you complete releasing operations:

1. Remove trees of poor quality that are crowding or overtopping desirable crop trees.

2. If the stand is receiving its first treatment (weeding was not done at an earlier stage), potential crop trees should be well distributed throughout the stand to warrant the expense. At least 150 such crop trees per acre spaced about 17 feet apart must be present. If weeding has been done previously, sufficient crop trees will be present.

3. It is not necessary to remove small inferior trees that are below the crowns of crop trees. They act as "trainers" and "whips", thus keeping live limbs on the crop trees from growing too large and also helping to assure self-pruning of lower limbs.

Remove only what is necessary to gain rapid growth of the crop trees during the next five to ten year period.

5. A second releasing may be needed to maintain rapid growth and to improve the composition of the stand.

Thinning

Thinning is the removal of trees from dense stands to gain faster growth of trees that will be held another

30-50 years. Thinnings every five to ten years are needed to maintain maximum growth and continually improve quality until final harvest is reached.

The rules below can be applied to all thinnings:

1. Locate and designate potential crop trees. On well-stocked stands, this should average 100 to 200 trees per acre, approximately 15-20 feet apart.

Thinning will be needed in this stand within five to ten years. Future crop trees have been pruned to a height of 17 feet (trees 1, 2, 3). Pitch pine (4) could be classed as a cull tree. Lindsey land, Deerfield, N. H.



Land Conserved, 1990 – 2015, Deerfield, NH



Exhibit 2 pg 1

500 0 500 1000 Feet

1:8000

Nottingham Rd



Mountain Rd

Menard CE-G Ex 2 p92
230 acres in Deerfield, NH

Created by: S. Callaghan, SPNHF
2003 orthophotoquads
Source: USGS, GRANIT

THIS IS A NON-CONTRACTUAL
CONVEYANCE PURSUANT TO NEW
HAMPSHIRE RSA 78-B:2 AND IS EXEMPT
FROM THE NEW HAMPSHIRE REAL ESTATE
TRANSFER TAX.

CONSERVATION EASEMENT DEED

FRANCES L. MENARD, single, of 65 Nottingham Road, Deerfield
Parade, Town of Deerfield, County of Rockingham, State of New
Hampshire, 03037 (hereinafter referred to as the "Grantor", which
word where the context requires includes the plural and shall,
unless the context clearly indicates otherwise, include the
Grantor's executors, administrators, legal representatives,
devisees, heirs, successors, and assigns),

for consideration paid, with WARRANTY covenants, grants in
perpetuity to

the SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS, a
corporation duly organized and existing under the laws of the
State of New Hampshire, with a principal place of business at 54
Portsmouth Street, City of Concord, County of Merrimack, State of
New Hampshire, 03301-5486, having been determined by the Internal
Revenue Service to be an income tax exempt, publicly supported
corporation, contributions to which are deductible for federal
income tax purposes pursuant to the United States Internal
Revenue Code (hereinafter referred to as the "Grantee" which
shall, unless the context clearly indicates otherwise, include
the Grantee's successors and assigns),

the Conservation Easement (herein referred to as the
"Easement") hereinafter described with respect to that certain
parcel of land (herein referred to as the "Property") being
unimproved land situated on Mountain Road in the Town of
Deerfield, County of Rockingham, State of New Hampshire, more
particularly bounded and described in Appendix "A" attached
hereto and made a part hereof.

1. PURPOSES

The Easement hereby granted is pursuant to NH RSA 477:45-47,
exclusively for the following conservation purposes:

A. The preservation of the land subject to the Easement granted
hereby for outdoor recreation by and/or education of the general
public, through the auspices of the Grantee; and

B. The protection of the unusual natural habitat of Ardea
herodias (great blue heron); and

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ROCKINGHAM COUNTY
REGISTRY OF DEEDS

C. The preservation of open spaces, particularly the 229.9 +/- acres of productive forestland and wetland of which the land area subject to the Easement granted hereby consists for the scenic enjoyment of the general public. This purpose is consistent with the clearly delineated open space conservation goals and/or objectives as stated in the 1987 Master Plan of the Town of Deerfield, which states:

As an overall objective, to "encourage the preservation of open space (fields, forests, wetlands, scenic areas, mountaintops, hilltops, etc.)";

As a natural resource goal, "to preserve and protect environmentally sensitive areas"; and

As a natural resource objective, to "encourage landowners of forests, farmlands, open space, etc., to participate in State and private programs designed to acquire the development rights to land that may have an important natural resource value";

and with New Hampshire RSA Chapter 79-A which states:

"It is hereby declared to be in the public interest to encourage the preservation of open spaces in the state by providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, by maintaining the character of the state's landscape, and by conserving the land, water, forest, and wildlife resources."

These purposes are consistent and in accordance with the U.S. Internal Revenue Code, Section 170(h).

The Easement hereby granted with respect to the Property is as follows:

2. USE LIMITATIONS

A. The Property shall be maintained in perpetuity as open space without there being conducted thereon any industrial or commercial activities, except agriculture and forestry as described below, and provided that the productive capacity of the Property to produce forest and/or agricultural crops shall not be degraded by on-site activities.

i. For the purposes hereof, "agriculture" and "forestry" shall include animal husbandry, floriculture, and horticulture activities: the production of plant and animal products for domestic or commercial purposes; the growing, stocking, cutting, and sale of Christmas trees or forest trees of any size capable of producing timber or other forest products; and the processing

< Moody Mountain Farm, Ossipee

466-acre conservation easement

This 466-acre property was part of a Revolutionary War grant given to Cecily Clark's great-great-grandfather. Because of that legacy, Cecily Clark has always felt a great sense of commitment to the land. "Nobody knows what's going on in the future," she commented. "I wanted to see that the land was maintained as one large piece." The easement protects most of Moody Mountain with its views of Lake Winnepausaukee, extensive wildlife habitat, and scenic pastures.

Marks Forest, Alton

236-acre donation of well-managed forest land

In 1993, George A. Marks, Jr. contacted Paul Bofinger about donating 236 acres of land in memory of Marks' father. The senior Dr. Marks had always planned on donating land to the Society, and now his family was fulfilling that wish. This well-managed woodlot, located near the Marks Wildlife Management Area (previously donated by Dr. Marks to NH Fish and Game) has fine stands of oak and pine. A large beaver pond provides habitat diversity, and good interior woods roads offer an opportunity for a trail system. The Marks Memorial Forest is the Society's 90th permanent ownership.

Menard Forest, Deerfield

230-acre conservation easement

Part of a growing web of protected lands in Deerfield, this scenic property adds a significant piece of wildlife habitat and recreation land to the town. In addition to the diverse forest, the property includes nearly 16 acres of ponds and wetlands. Other notable features include deer yards, rocky brooks, and scenic stone walls lined with ancient oak trees. The Menard family is working to improve the trails on the property, so that it may be better enjoyed by the public for hiking and skiing.

Highland Lake Island, Washington

One-acre island donated to the Society

When the town of Washington took ownership of a one-acre island in Highland Lake, the selectmen decided to donate it to the Society. With this gift, the town has assured that a scenic spot on the lake is permanently protected, and the Society has added a small but important tract to its growing list of protected lands in Stoddard.

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Exhibit 4 Menard Forest Easement Announcement

Open Space Next to the Transmission Lines in Sugar Hill

There are 1,356 acres of parcels of undeveloped land that include portions of the existing ROW or are adjacent to such parcels. More than half of this land is taken up by nine large parcels, most of which are owned by the town or under conservation easement. Table 14 describes these properties and also shows the number of towers that would be visible if Northern Pass's original plan were implemented.

Table 14 Large Parcels of Undeveloped Land Near the Existing ROW

Name	Description	Towers Visible	Acres
Coffin Pond Park	Conservation land around Coffin Pond south of Streeter Pond Road, approximately 2/3 mile south of ROW	21-40	116
Sugar Hill Town Forest	Forested land bi-sected by one half-mile of ROW	>40	101
Ammonoosuc Conservation Trust	Forested land on the west side of Bronson Hill, extending down to Salmon Hole Brook and Hadley Road; largely forested with some views to existing ROW approximately 1/2 mile to east	6-10	96
Pinney Family	Hillside to west of Center District Road that is bisected by the existing ROW.	>41	94
Young Family	Largely forested land west of Crane Hill Road approximately 1/4 above ROW	6-10	88
King Family	Three large parcels; largely open fields; above Jesseman Road looking over valley with existing ROW clearly visible approximately 1/4 mile to southeast	>40	87
Johnston Trust	Largely forested land above Jesseman Road, approximately 1/3 mile above ROW; a few locations with views of lines	?	59
Martland Family	Two parcels on either side of Pearl Lake Road that are bordered by Hadley Road and Salmon Hole Brook. The hillsides, valley, fields and wetlands are bisected by approximately 1/2 mile of ROW.	>41	47
Sullivan Trust	Largely forested land along Crane Hill Road	Mostly <5	46
Total			734 acres

Other open space includes 54 other parcels that average 19 acres apiece:

- 37 lots of less than 10 acres
- 17 lots of 10 to 45 acres

Overall, there are 1,356 acres of open space in lots that are on or adjacent to the existing ROW. The average assessed value per acre is low (approximately \$1,700 for land on the ROW and \$1,500 for land off of the ROW) because much of the land is assessed as "current use". When land is developed, or when land is subdivided into lots for development, the average assessed value is much higher. For example, there are 16 properties of 4-7 acres on Nason Road and Hadley Road that are within a quarter mile of the