THE STATE OF NEW HAMPSHIRE

BEFORE THE

NEW HAMPSHIRE SITE EVALUATION COMMITTEE

DOCKET NO. 2015-06

Regarding 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)

PRE-FILED DIRECT TESTIMONY OF

ABUTTING PROPERTY OWNERS – BETHLEHEM TO PLYMOUTH

PROPOSED UNDERGROUND ROUTE

December 27, 2016

Q: How is this testimony being presented?

A. This testimony includes the video found at the web address below, a summary of which is provided herein. Please copy and insert into your browser address bar:

https://drive.google.com/file/d/0ByxQQjIa48huaDJMdE5URU1sMkU/view?usp=drive_web

Copies of the video on DVD will also be made available to Pamela Monroe for distribution as needed.

Q. Who makes this testimony?

A. This is the testimony of the following members of the "Abutting Property Owners -- Bethlehem to Plymouth," speaking on behalf of their intervener group:

Eric and Barbara Meyer, Easton

Robert Thibault, Easton

Russell and Lydia Cumbee, Franconia

Walter Palmer and Kathryn Ting, Franconia

Carl and Barbara Lakes, Easton

Bruce Ahern, Plymouth

Peter and Mary Grote, Franconia

Q: Describe the relevant background of the group members providing testimony.

A. The seven, above-named interveners (and spouses) who present this testimony on behalf of their group own approximately $4 million of property along the proposed route. They have a strong commitment to their community, having held, in the aggregate 15 positions on civic boards, and having owned their abutting properties for an average of 23 years. For all of them, this is their primary residence.

Q. Please provide a short summary of your video testimony.

A. The video pertains to the proposed underground portion of the route through Franconia and Easton, showing the close proximity of our homes and businesses to the roads where excavation, including blasting and drilling, would occur.

The video covers an eight mile stretch of Route 116, and includes photographs of approximately 40 homes located, on average, 29 feet from the road. There are easily a dozen more homes in this 8-mile stretch similarly situated in terms of distance to the road. However, counting only those shown, there are at least 5 homes to a mile that are in close proximity to the proposed excavation. Some homes shown are as close as 14 feet, some barns as close as 6 feet. Several historic homes dating back to the 1800s are located between 15 to 28 feet of the proposed excavation. We raise livestock within 11 feet of the route and have iconic stone walls within 7 feet. And based on data from a survey we sent to landowners along the route, we know we have at least 26 wells within 200 feet of the excavation. (Note that NH-DES recommends monitoring wells within 2,000 feet of blasting.)

This close proximity contrasts sharply with a message from a Hydro-Quebec brochure about the project (shown at 4:18 in the video) which states that they "avoid siting near homes as much as possible."

There is an alternative route that would allow the Applicant to avoid siting near homes and that is to use I-93. The video offers a split-screen comparison of I-93 against the proposed route. The I-93 alternative would be about 5 miles shorter than the proposed siting. And I-93 offers a virtually treeless median up to four lanes wide in places, meaning less disturbance to vegetation and wildlife. (Also note the light traffic on the interstate this far north.)

The Applicant has indicated that the I-93 median is off limits to projects like the Northern Pass, and that alternative placements on the interstate are not feasible – which is ironic given that I-93 has been designated an energy corridor. Moreover, as shown in the video, we see that other states have found it feasible to construct a range of projects in interstate medians. Light rail transportation is a common use. In Illinois, the interstate median was the site of a McDonald's fast food restaurant. And in nearby Massachusetts, an interstate median accommodates even a 500-bed PRISON!

Q. Do you have additional information to present beyond that which is in the video?

A. Yes. When the Applicant presented the project at public meetings in the Fall of 2015, we were told that the entire project would be buried under the pavement. The only equivocation at the time was about whether both sides of the road would be repaved or only the one that had been excavated.

In subsequent meetings, the Applicant's representatives began to talk about using disturbed areas adjacent to the roadway or using the shoulder of the road. And the DOT indicated that their preference is for the project to go at the edge of the ROW as far from the pavement as possible. (In parts of Easton, the ROW extends 22' into front yards.) Abutters are outraged to think that we might have been misled in this way.

Abutters have serious concerns about the project migrating out from under the pavement and moving to the edge of the ROW, such as:

- Cutting back of trees and permanent loss of vegetation in our front yards
- "Buried Cable" warning signs in these cleared areas
- Loss of tourism due to scenic impact on Rt. 116, a designated scenic byway
- Loss of use of our land, presuming digging near the line would be dangerous/prohibited
- Greater loss of property value if the Northern Pass is in our yards rather than under the pavement
- Blasting and drilling will be even closer to our wells and building foundations

This issue was not clarified in any meaningful way by the updated drawings that the Applicant made available via Sharefile on December 18, 2016. Those drawings show the project typically

straddling the edge of the pavement – which while better than being 22 feet into our front yards is not as good as being completely under the pavement, as promised. With excavation for splice vaults measuring roughly 10' by 10' by 30' (and roughly 4' by 4' for the lines), even placing this project at the edge of the pavement involves a significant encroachment into our front yards, and is not consistent with the way it was initially presented. In addition, given the inconsistencies, it is difficult to accept these latest drawings as definitive, especially when they are marked as being not for use in actual construction.

Q. How does the information you are presenting relate to the statutory findings the SEC is required to make?

A. Listed below in (red) italics are required findings or other regulatory hurdles related to the process of granting a transmission line application. The relevant information we have follows in regular black text.

From the "State Generation Transmission Siting Directory/ New Hampshire", one of the criteria that triggers the entire application process is if the transmission line is to be sited "over a route not already occupied by a transmission line."

While it is obvious that the Northern Pass would have to go through the application process, we bring up this point to show that regulators care about whether the route is already an energy corridor. In this underground portion of the proposed route using Rt. 116 and 112, there are no transmission lines now, either above or below ground. This project would establish a whole NEW ENERGY CORRIDOR when existing ROWs are available that transverse this region and when I-93 has been established legislatively as an energy corridor.

Second, that same source lists as another trigger for this process: "anticipated adverse public response."

While the adverse public response has been evident in many ways, we offer additional specific evidence: See online petition at change.org entitled "Deny Northern Pass" which has approximately 2,250 signatures as of December 26, 2016.

*Site 301.14 (a) In determining whether a proposed energy facility will have an **unreasonable adverse effect on aesthetics**, the committee shall consider:*

*(1) The **existing character of the area…***

*(2) The significance of affected scenic resources and their **distance from the proposed facility**…and*

*(7) The effectiveness of the **measures proposed by the applicant to avoid, minimize, or mitigate** unreasonable adverse effects on aesthetics…*

If this project is sited at the outside edge of the DOT right-of-way, it will advance significantly into abutters' front yards. For example, in many places in Easton, that could place it about 22

feet into our yards. Vegetation would have to be permanently removed in the vicinity of the line to avoid infiltration by roots. Presumably, signs warning of the buried cable would replace those trees. This is currently a heavily forested area particularly in Easton. Respondents to our survey (results shown in video at 12:56) reported 599 trees with a diameter in excess of 10" located within 15 feet of the pavement. Removal of this vegetation would have a significant and adverse impact on the "nestled in the woods" character of this community. Resultant secondary impacts would be a reduction in both property values and tourism.

In terms of mitigation, the Applicant presented this project as being located entirely under the pavement at the Public Information Session at Loon Mountain on Sept 8, 2015. That would certainly lessen the adverse affects on aesthetics along this portion of the route. However, it appears that the statements made may have been promises that now will not be kept.

*Site 301.14 (f) …unreasonable adverse effect on **public health and safety**…*
(1)…potential adverse effects of construction and operation of the proposed facility on public health and safety…

Although part of Franconia is served by a public water system, most people living in Easton and Franconia have private wells. In sending out our survey to 188 abutters in those two towns, we identified 26 wells within 200 feet of the road. Because our survey had a response rate of 36%, there are undoubtedly many more wells at comparable distances from the road that have not been identified. These wells are vulnerable to the effects of construction, which would include blasting and drilling. We note that in the "Draft Environmental Impact Statement and Supplement, NHDES Comments, April 4, 2016," the Dept of Environmental Services advised monitoring wells within 2,000 feet of where blasting would occur.

Rerouting of this project to the energy corridor on I-93 would expose fewer wells to construction risks.

*Site 301.14 (f) …unreasonable adverse effect on **public health and safety**…*
*(4)For electric transmission lines, consider the **proximity and use of buildings, property lines, and public roads**…*

Proximity and Construction: As evidenced by our video, many homes in Franconia and Easton are in close proximity to the proposed routing of the Northern Pass. This threatens the stability of foundations of older homes, especially those with hand fit stone foundations (which was the type of foundation reported by 60% of respondents to our survey). Proximity makes any potential health hazards worse. Construction dust and vibration will be worse the closer the lines are to our homes, so too, the impact on wells and water quality.

Proximity after Construction: If the lines and vaults are placed anywhere outside the pavement, they will be more vulnerable to human activity. These lines are there in perpetuity. At some point, someone somewhere along the route may accidentally dig into the line. This kind of human interference with the line would be significantly reduced if the project were buried under

the pavement. It would be reduced further still if the project were relocated to I-93, or elsewhere away from homes.

Site 301.16 Criteria Relative to a Finding of ***Public Interest***
*(b)…****private property****…*

We believe significant property rights issues exist with this proposed siting of the Northern Pass, particularly as it pertains to the use of state roads. Eversource is claiming for the first time ever, the right to bury long-distance high voltage **transmission** lines along/under state roads relying on Section 231:160, the section that has historically been used for the placement of utility **distribution** lines along local roads.

We dispute Eversource's presumption that 231:160 was intended to include high voltage transmission lines like Northern Pass. To date, all such transmission lines in NH have been aerial lines – requiring tall towers and wide easements. Easements along state roads are typically not wide enough to accommodate such towers and so 231:160 could not have been written with the intention of including transmission lines like Northern Pass.

In addition, Eversource says that 231:160 allows them to use state roads to route this project without landowner permission and without compensation. We object in that the legislature has said that eminent domain cannot be used in siting this project because it is not a reliability project. However, landowners in this portion of the proposed route would wind up being treated worse than under eminent domain in that there is no compensation offered at all for the use of their land.

This is especially pertinent now that it seems the project may be forced out from under the pavement and moved further into front yards. In Easton, for example, the ROW in some front yards extends 22 feet from the pavement edge. This placement of the lines across our land prevents us from fully utilizing it. From putting an addition on the house, to putting in a fence line, abutters will, for safety's sake, need to give a wide berth to the billion-watt line in the yard. This does represent a taking of our properties, a taking done without compensation – which leaves us worse off than if they had used eminent domain.

Site 301.15 …unduly interfere with the ***orderly development of the region****…*
*(a)…****affect land use****…*

People of the state need to understand that no transmission lines exist now on Rts. 116 and 112; there are no negotiated easements allowing transmission lines along those roads. But because using existing easements through the vicinity of the WMNF was proving too difficult, Eversource decided in the Fall 2015 to move the project down to the state roads though the valley, claiming for the first time ever, that it can bury transmission lines on ANY state road in NH. And that they can do so for free. And that landowners can't object.

If they succeed in setting this precedent, state roads throughout NH will become easy and cheap magnets for energy projects. This has the potential to severely affect land use, and the orderly development of the region.