

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2015-06**

**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**

**SUPPLEMENTAL DIRECT TESTIMONY OF KATE HARTNETT ON BEHALF OF  
THE TOWN OF DEERFIELD**

**APRIL 17, 2017**

**Background and Qualifications**

**Q. Please state your name and address.**

A. My name is Kate Hartnett. My address is 40 Thurston Pond, Deerfield, NH 03037.

**Q. Please describe your official capacity in the Town of Deerfield?**

A. I have been a member of the Conservation Commission since 1987 and the Planning Board since 1991 and have served as Vice Chair on the Planning Board for the last 10 years.

**Q. Has the Planning Board authorized you to submit this supplemental testimony, and if so on what date?**

Yes the Deerfield Conservation authorized my testimony on March 13, 2017 and April 10, 2017; the Board of Selectmen authorized this testimony on March 20, 2017; the Planning Board authorized this testimony on March 8, 2017 and March 22, 2017; and the Board of Selectmen and Planning Board held joint sessions wherein I gained authorization on April 5, 2017 and subsequent review on April 11, 2017 and April 12, 2017.

**Purpose of Testimony**

**Q. What is the purpose of this supplemental direct testimony?**

A. Deerfield Select Board (BOS), Planning Board (DPB), and Conservation Commission (DCC) represent the interests of the residents. Deerfield strenuously objects to the premise of Northern Pass Transmission (NPT) which is a voluntary transmission upgrade, and

1 not a reliability project. We conclude as detailed below that while there may be private benefit,  
2 it does not serve the public interest of Deerfield, or other New Hampshire communities, except  
3 perhaps Franklin.

4 Deerfield BOS and DPB findings are based on guidelines of NH Site Evaluation Committee  
5 (SEC) Ch. 162-H:1, *et seq.*, SEC Rules adopted thereunder, input from multiple NPT and public  
6 meetings in Deerfield over years not previously addressed, relevant Technical Sessions,  
7 materials submitted by Applicant, Counsel for the Public (CFP) experts, and other parties as  
8 referenced below, as well as discussions at meetings listed in (1), and local knowledge.

9 DPB members include members with P.Es, surveying and engineering background, construction  
10 contracting, and land use planning. All are very experienced in reviewing and assessing  
11 technical information, and have extensive Deerfield specific knowledge.

12 **Q. Do you believe the project will have an unreasonably adverse visual impact**  
13 **in New Hampton, and if so why?**

14 A. YES, and this is more fully explained in the response to the following question.  
15 Also, I reviewed the following:

- 16 • NPT construction plan sheets 173-180, (Oct 2015 & revised Feb 2016)
- 17 • NPT Wetlands Aerial & Topo Plans Set (Oct 2015 & revised Jan 2017)

18 The plan sheets were of limited use in assessing visual impact, so we supplemented with visual  
19 impact assessments (VIA) and personal knowledge of the Town.

1 As far as BOS and DPB are aware, no NPT experts working on Aesthetics/Visual Impact  
2 Assessment (VIA) contacted Deerfield for input. After reviewing the NPT Dewan VIA for  
3 Deerfield Center, BOS and DPB found that it did not accurately portray visual impact in the  
4 historic village center. Other significant and important views throughout Town were missed (see  
5 answer to #3 below).

6 . **Q. Have you reviewed TJ Boyle's Dec 30th submission regarding visual impacts**  
7 **pertaining to New Hampton? Do you agree with the findings for the particular locations in**  
8 **New Hampton, and if so, why?**

9 A. Yes I have reviewed the referenced submission. I also reviewed the following  
10 described documents:

- 11 • NPT Dewan & Assoc. report
- 12 • CFP TJ Boyle's Prefiled Testimony: summary from TJ Boyle (16 pages),  
13 Exhibit CFB-Boyle-4, Chapters 3 & 4 & Appendices D & F re: "Deerfield"
- 14 • Dodson VIA for Deerfield (uses Dewan & TJB; does comparison of  
15 methodology, provides alternative view in Deerfield Center, and identifies  
16 new sites)
- 17 • AMC Prefiled Testimony (Kimball & Garland)

18 **Q. Are there areas in town that NPT failed to identify and evaluate?**

19 A. Yes, these areas include, but are not limited to the following:

- 1       • Sections of Mount Delight Road as it crosses regional watershed divide (in addition
- 2       to ROW crossing at county/Allentown line, where both Kearsarge & Ragged
- 3       Mountains are visible west of Concord, and Pat's Peak in Henniker to the southwest).
- 4       • View to north after "10 mph" 43/107 junction with South Road (high visibility for
- 5       Dfld Fair visitors)
- 6       • North Rd (43/107) at gateway to Deerfield Center where ROW crosses
- 7       • Middle Rd as it goes over Mt Delight, where towers/poles/wires likely will be above
- 8       ridgeline
- 9       • Sections of Reservation Road
- 10      • Whittier Road near end
- 11      • Thurston Pond Road where towers will be visible in both directions (8-10 monopoles
- 12      currently visible in each direction). The resident maintained, gravel surface, stone
- 13      wall lined Class VI road was laid out in 1772, with sections lined with large oaks and
- 14      sugar maples from that era. It is a popular low traffic destination for area walkers,
- 15      runners, families with kids on bicycles, horse riders, dog walkers, mountain bikers,
- 16      etc.

17       **Q.     Do you agree with the [DEWAN] findings for the particular locations in**  
18      **Deerfield, and if so, why?**

19       No, I do not agree with the referenced findings. As noted above, the BOS and DPB  
20      reviewed four VIAs and used personal knowledge of Deerfield. BPS and DPB agree there would

1 be significant Unreasonable Adverse Visual Impact in many areas of Deerfield, at those sites  
2 identified by Dewan, those added and analyzed by Dodson, as well as, at a minimum, the  
3 additional sites identified by Board members at our 5 April 2017 joint meeting cited above. Our  
4 assessment is that the visual impacts would be unreasonably adverse because:

- 5 • They are contrary to rural character as defined in Deerfield planning documents;
- 6 • They are inconsistent with prevailing viewsheds in a rural town;
- 7 • The natural scenic quality of a working landscape of forests, fields, and small scale  
8 development would be overpowered by an industrial scale presence;
- 9 • Residents and visitors would lose enjoyment of the town character that they chose to  
10 live in or visit.

11 **Q. Did Victoria Bunker, Cherylin Widell, or the Preservation Company**  
12 **(working on behalf of NPT) contact you or anyone else at town to determine significant**  
13 **properties in town, OR to identify significant views or viewsheds in Deerfield?**

14 A. Not that BOS or DPB know of.

15 **Q. Do you believe the project will interfere with the orderly development within**  
16 **Deerfield?**

17 A. Yes, I believe the project will interfere. See Nov 2016 Prefiled testimony which  
18 states that the industrial character and increased intensity of NPT is NOT consistent with

1 prevailing land uses and the Rural Character desired and reflected in zoning and site plan review  
2 regulations, which are written to implement the findings of the master plan, open space plan, and  
3 energy chapter.

4 **Q. Do you agree with the assessment by Mr. Varney on the project's stated**  
5 **consistency with the town's orderly development, and why or why not?**

6 A. No. There are many factors that reinforce our conclusion, particularly based on  
7 informed and consistent resident input on what people do and do not want in Deerfield:

- 8 • DPB believes the project is inconsistent with the various provisions referenced in  
9 previous testimony.
- 10 • Extensive public outreach and participation informed those integrated Town planning  
11 documents (Zoning, Master Plan, Site Plan Review).
- 12 • Many residents have taken the time to attend NPT public meetings and hearings to  
13 learn more before they voted in opposition.
- 14 • Deerfield residents consistently voted against NPT in 2013 and 2017. In 2017, voting  
15 on three different petition warrant articles (EXHIBIT 1) was against NPT, despite a  
16 NPT tax benefit mailer that arrived right before the vote, a blizzard that made voting  
17 difficult, and a misleading and factually inaccurate mailer to all household from the  
18 “Deerfield Taxpayers”.

- 1       • An ad-hoc committee of Deerfield residents, coordinated by a BOS-appointed liaison  
2       has contributed extensive personal time and money over the past three years to  
3       provide accurate information to residents.
- 4       • As discussed at the DPB meeting on 12 April 2017, the new or expanded 16 acre  
5       transformer facility is huge compared to anything else in Deerfield, and will  
6       significantly change the current rural residential neighborhood into an industrial zone,  
7       directly reducing the quality of life for many residents of eastern Deerfield and  
8       western Nottingham Road. Recent vegetative management in the vicinity will  
9       increase that impact.

10   Those same residents already have lost rural quiet—they have been living for decades with  
11   transformer hum (in Data Request reply EXHIBIT 2). The noise from this existing transformer  
12   disrupts the Rural Character desired by residents, but despite multiple complaints, the impacts  
13   have not been addressed by Eversource.

14       **Q.     Did you or anyone you know of in town speak to Robert Varney on behalf of**  
15   **NPT to discuss whether the project is consistent with New Hampton's master plan, zoning**  
16   **ordinance, or prevailing land uses? If so, please describe.**

17       A.     YES. Mr. Varney has stated in his report (Appendix 41 to the Application) that  
18   he reached out to many of the 31 host communities to discuss the respective municipality's  
19   relevant local regulations to arrive at his conclusion that the project is consistent with the town's  
20   master plan and zoning. In fact, at the Technical Session, he specified that he only contacted the



1 seven “professional planners working with Towns along the corridor,” including one telephone  
2 call in November 2016 with DPB member Fred McGarry and Consultant Planner Jerry Coogan.

3 BOS and DPB reviewed Appendix 41, notes from the planner meetings (including cited 4 Nov  
4 2016 telephone call with McGarry and Coogan), and the 13 and 14 Mar 2017 reply memos from  
5 DPB McGarry and Coogan. Our assessment is that local outreach was minimal, and not  
6 accurately conveyed. No agenda, minutes, data or context was provided to any Deerfield person  
7 or Board, before or after the Deerfield calls. No meeting with any full boards occurred.

8 Specifically, the Deerfield reply memos outline conflicting interpretation of outcomes as  
9 understood by:

10 Mr. Coogan (14 Mar 2016 email, EXHIBIT 3):

- 11 • No clarity was provided on Mr. Varney’s role
- 12 • The discussion was general in nature
- 13 • There was no mention of consistency/inconsistency of NPT with Deerfield planning
- 14 tools and documents

15 Mr. McGarry (13 Mar 16 email, EXHIBIT 4):

- 16 • The telephone call he remembers was much earlier (2014 or 2015, not in 2016)
- 17 • There was no mention of DBOS positon for burial

- There was no reference to Deerfield's objection to exemption for Substation to Site Plan Review regulations

- There was no NPT follow-up to meet with DPB on Substation, as suggested by McGarry

Also, outlined in Nov 2016 Prefiled Testimony, Mr. Varney's review was not sufficient to evaluate or understand the town's land use goals or documents, nor planning strategies and tools. Those tools and documents are understood by many Deerfield residents, who have frequently cited the Master Plan Vision in their comments and testimonies at many meetings over the years.

In addition, Mr. Varney stated in the Technical Session that "rural character" is not well defined. DPB and DCC have worked very hard over years to define "rural character," and continue to implement the strategies and land use planning tools that protect it.

**Q. Do you believe the project will have net positive or negative economic benefits in town, and why or why not?**

**A.** Materials reviewed:

- NPT: London Economics, Inc.
- CFP: Brattle Group & Kavet Rockler
- NH Clean Energy Week: Analysis Group, Carsey, TNC
- New England Power Generators Association Testimonies
- Foulkes memo

1 The presence of the Deerfield Substation increases the significance of future potential valuation  
2 disagreements that significantly impact our local tax base. The Town has had to expend  
3 significant local resources over decades on legal costs to defend the town's valuations, and  
4 therefore has seen far less net revenue than expected as a result of those utility assets being  
5 located in town.

6 BOS and DBP members found:

- 7 • In contrast to the NPT London Economics Inc. "Cost Benefit" study, CFP Brattle  
8 Group provided a more balanced analysis that found that while tax revenue would  
9 result, both employment and tax revenues would be lower.
- 10 • NPT would provide additional revenue, but at a significant depreciation rate, that  
11 is counterbalanced by other adverse impacts. And, any increased tax revenues  
12 will be offset by increased rates to recover those utility expenses.
- 13 • Some local businesses and services likely will see short-term benefits from NPT  
14 during the construction phase: Deerfield Market, a local convenience store; The  
15 Lion and Yanni's restaurants; and local residents who are utility employees or  
16 contractors. As documented in SEC and Technical Session testimony by local  
17 Parade Properties realtor Ms. Menard, and discussed at the 5 April joint  
18 BOS/DPB meeting, her real estate business already has experienced significant  
19 disruption and uncertainty that influences interest and sales, at both the Town  
20 wide and lot specific scale. And, although many of the contractors associated with

1 ROW O & M, and pre NPT surveys and construction may be local hires, they  
2 appear to work for out of state companies. So while some staff salaries support  
3 NH residents, most of the revenue, and profits, leave NH.

- 4 • Moreover, the proposed NPT Guarantee program to reimburse a set fee of \$1,500  
5 for a waiver on any future claims for economic loss is complex and not to the  
6 benefit of any land or homeowner, with stipulations that few will be able to meet  
7 and a timetable that is too short (24 Mar 2017 Quinlan Supplemental Prefiled  
8 Attachment L). Phil and Joan Bilodeau would not qualify for the program,  
9 although as Substation abutters, they may be the residents most impacted by NPT  
10 along its entire route.

11 **Q. Do you believe the project's construction in town will have local negative**  
12 **impacts, and if so, please explain and describe?**

13 A. YES. DPB and Contract Planner Sylvia von Aulock discussed at 22 Mar 2017  
14 meeting, and concluded that local construction impacts are to be expected. The following  
15 actions were identified to avoid, minimize, or mitigate those impacts:

- 16 • As with any developer, NPT should post Performance Bond or other financial surety.
- 17 • NPT should cover expenses to work with Town Administrator, DPB, and Road Agent to  
18 identify likely problem areas, including roads used to access ROW, stockpile and  
19 laydown areas, and Substation.

- 1       • All areas should be photo inventoried to document existing conditions.
- 2       • Deerfield specific Avoidance, Minimization, and Mitigation Measures (AMM) and/or
- 3       BMPs as appropriate should be jointly developed and approved, including hours of
- 4       operation, plans for extreme weather or other emergencies, etc.
- 5       • Work at the Substation should include improvements to significantly reduce current and
- 6       any future noise from transformers or other electrical equipment.
- 7       • An independent entity such as the Town Engineer should evaluate performance and sign
- 8       off on satisfactory completion.

9       In addition, Ms. von Aulock's planning and community impact concerns are outlined in  
10       EXHIBIT 5.

11           **Q.       Do you believe the wetlands or other natural resource impacts in town will be**  
12       **permanent? If yes please explain.**

13           A.       YES.

14       **Wetlands and Uplands:** Based on local field research, DCC believes that many natural  
15       resource impacts to wetlands, including exemplary vernal pools, will be at least "long term,"  
16       rather than "temporary." On 30 March 2017, DCC visited four varied wetland sites in Deerfield  
17       to evaluate what actual long term impacts to wetlands could be expected from the potential list of  
18       impacts. Findings detailed in EXHIBITS 6 -10 by Natural Resources and Wetlands expert Frank  
19       Mitchell (background in EXHIBIT 11 ) are summarized below:

- 1       • Construction and use of the proposed “access road” will create “long term” impacts on at  
2       least 40 acres across Deerfield, including: erosion, soil compaction, altered runoff patterns,  
3       increased imperviousness reducing recharge, loss of vegetated cover, increased habitat  
4       degradation, and the likely spread of invasive species that results from the those stressors.  
5       Construction of towers/poles/wires and impacts beyond the ROW will add to that  
6       acreage.
- 7       • NPT wetland evaluation only included jurisdictional wetlands within the ROW, while  
8       impacts will be experienced well beyond the sources in that ROW.
- 9       • Documented steep slope erosion already exists within the ROW in Deerfield, and has not  
10      been restored. Similar such long-term impacts along river and stream banks have been  
11      documented in other areas of the Lamprey and Pemigewasset River watersheds.
- 12      • Uncontrolled secondary access adds to construction and Operations and Maintenance  
13      impacts, and has been extensively documented by communities and organizations  
14      throughout the corridor.

15   If the access road and shoulders are to be made of gravel, additional turtle mortality may result.  
16   Exposed gravel banking is the natural nesting habitat for many turtles. Both adults and  
17   hatchlings would be exposed to crushing from vehicles and construction activity over the years.

18   **Wetland Restoration:** NH Certified Wetlands Scientists Rick van de Poll and Ray Lobdell  
19   testified that typically, wetland restoration plans are site specifically developed. NH Certified

1 Wetlands Scientist Mark West provides similar testimony in EXHIBIT 12. All three cite their  
2 professional experience, science, and usual NHDES practice.

3 **Upland Restoration:** According to NPT, once the construction is completed, the access road  
4 will be removed. Soil compaction will remain. And future access for maintenance will again  
5 disturb the route, so full restoration likely will never be realized.

6 **Habitat:** It is essential to understand that most “*significant wildlife species, rare plants, rare*  
7 *natural communities, and other exemplary natural communities*” fare better farther away from  
8 human activity. There is an abundance of research showing “critical wildlife habitat and  
9 significant habitat resources” increasingly are threatened by urbanization and other human  
10 related actions that cause “*fragmentation and other alteration of terrestrial or aquatic significant*  
11 *habitat resources.*” DCC developed the 2010 Deerfield Open Space Plan (DOSP) to address  
12 those trends and retain the rural character and ecological system functions that provide the  
13 ecological services essential to support human needs and quality of life, and for wildlife to  
14 thrive. The Deerfield Open Space Committee identified the following charge for the updated  
15 2010 DOSP:

16 **“Deerfield Open Space Committee Town Charge:** *The Deerfield Open Space*  
17 *Committee shall update and develop an open space plan that identifies an open space*  
18 *network known as the “Green Infrastructure.” This network consists of high natural*  
19 *resource value land areas, and the connections between them. **These lands are***

1       *considered to be the most important for protection from residential, commercial and*  
2       *industrial growth to preserve the Town's natural and cultural resources, agricultural*  
3       *character and quality of life...."*

4       The recommendations in DOSP benefit from increasing understanding of the needs of wildlife.

5       The NH Wildlife Action Plan (WAP) has contributed significant landscape scale data on non-  
6       game species and habitat that informs the planning and land management work of state and local  
7       environmental organizations. The site specific listings in the NH Natural Heritage Bureau  
8       (NHB) reports are based on information gathered by qualified biologists. NH Fish and Game  
9       Reptile and Amphibian Reporting Program (RAARP) is informed by public reporting. All of the  
10      sources improve understand of likely non-game wildlife occurrences, while the WAP informs  
11      habitat needs.

12      DOSP Map 4 identifies the relatively undisturbed area in central western Deerfield east and  
13      south of Mount Delight Road and west of Thurston Pond Road as an important area in "Green  
14      Infrastructure" network of the Town, which identified a composite of highest quality natural  
15      resources co-occurrences. That specific area provides habitat and essential connectivity  
16      between the Lamprey Headwaters to the north and Bear Brook to the south. Recent observations  
17      of moose and bobcat confirm the value of the area for a wide variety of species. DCC believes  
18      that the impact to this wildlife habitat from NPT includes additional fragmentation and  
19      disruption of wildlife movement, caused by increased intensity of use and frequency of human  
20      disturbance. Such impact will be "permanent."



1 Deerfield Case Study #1 on the Vernal Pool illustrates how project engineering did not Avoid or  
2 Minimize environmental impact on an identified high quality resource, even in revised plans.

3 DCC believes that the Deerfield examples are not exceptions, but rather illustrate the range of  
4 realistic impacts to be expected for uplands, other wildlife habitat, and 800+ wetlands along the  
5 NPT corridor, as also asserted in the written and Technical Session testimony of NH Certified  
6 Wetlands Scientists Rick van de Poll and Lobdell.

7 **Q. Do you think that BMP's and/or other certificate conditions suggested by**  
8 **DES will adequately address your concerns for impacts to natural resources? Why or why**  
9 **not?**

10 A. NO. Per Mr. Quinlan Supplemental Prefiled, 24 Mar 2017 ATT H: EXHIBIT A:  
11 **“All work performed by NPT contractors in NH** will follow NHDES BMP Manual for Utility  
12 Maintenance In and Adjacent to Wetlands and Waterbodies in NH (DRED 2008) &  
13 Supplemental BMPs similar to CT NU Transmission Construction & Maintenance BMP  
14 Training 2008 (??) for items not addressed by NHDES/DRED.”

15 Per Mr. Quinlan, for land clearing (forestry) must comply with NH DRED UNHCE 2016 BMP  
16 for Erosion Control (Forestry), which has a “Riparian Management Zone” minimum distance of  
17 50-165 feet (depending on slope) to limit impacts.

Recent brief Deerfield Case Studies (following page 10) illustrate practices that appear to be exceptions to those BMPs:

- 1) Environmental threats to a highest quality vernal pool
- 2) Impacts from recent “vegetation management” work in the vicinity of the Substation
- 3) Abutter experience with vegetation management on 391 line (Bilodeau)
- 4) Work at former JCR Yard on North Road
- 5) Utility maintenance on G-146 line
- 6) Contractor field performance that may compromise safety

Case Study # 3 specifically illustrates likely shortcomings in proposed Environmental Monitoring standards and practices (see 11 below).

DCC notes that none of the BMPs cited incorporate recommendations from *Buffers for Wetlands and Surface Waters* (<https://www.nh.gov/oep/planning/resources/documents/buffers.pdf>), which recommends maintaining a minimum 100 foot naturally vegetated buffers adjacent to surface waters. The recommendation is based on review of scientific literature and consultation with natural resource professionals and state and federal regulators to benefit from their field experience and observations.

Mr. Quinlan stated that storm water would be managed to protect sensitive wetlands and habitat during site preparation activities by following:

- 1           • BMP in NH Storm water Manual (NHDES 2008)
- 2           • SEC Certificate conditions
- 3           • NPDES Construction General Permit Storm Water Pollution Prevention Plan
- 4           (SWPPP) BMPs

5   However, during the Technical Sessions, Deerfield Abutter Robert Cote raised the issue of  
6   significantly differing interpretations on the definition of “Discharge Points” and “Outfall.” His  
7   environmental engineering work includes preparing industrial storm water discharge pollution  
8   prevention plans (SWPPPs) under Federal law. His Supplemental Testimony will provide  
9   photos from recent utility line work on his property that exemplifies his understanding of the  
10   definition of “outfall.” The issue remains unresolved as of 12 April 2017. Deerfield Planner von  
11   Aulock also expressed concerned with those issues (EXHIBIT 5).

12   Contractor Oversight and Safety: Although not addressed by Environmental BMP, Case Study 6  
13   illustrates concerns with contractor oversight and subcontractor performance and safety:

- 14           • DigSafe—two different crews surveyed Thurston Pond Road several weeks apart  
15           in advance of permitted Utility Maintenance to replace insulators. The first crew  
16           left flags indicating that no utilities were present. The second crew (from Maine)  
17           marked presence of both buried power and telephone lines. In reality, the  
18           accurate situation is buried telephone, no power. The telephone line existence is  
19           cited in a Utility Franchise Agreement between the residents who maintain the

1 Road and the Town, and is recorded at the Rockingham Registry of Deeds. Also,  
2 it is shown on Eversource ROW maintenance maps, which neither crew had.

- 3 • Deep holes left unfilled—several deep holes were found by residents in the area  
4 of a school bus turnaround in eastern Deerfield. One resident placed timbers and  
5 flagging over the deepest one to warn others. Wildlife and people easily could  
6 have fallen into the hole, which was left open for at least seven weeks.

7 **Q. Do you think that the project has adequately set up an environmental**  
8 **monitor to ensure compliance with any BMP's and certificate conditions, and why or why**  
9 **not?**

10 A. No. A recent example on inadequate environmental monitoring is included with  
11 Case Study #3 on 391 line/Bilodeaus. Early in the week of 10 April 2017, record breaking heat  
12 was experienced in southeastern NH (87 degrees, breaking the old record of 84). On 10 April,  
13 Frank Mitchell observed 15 painted turtles basking in a wetland not far from the 391 Line work.  
14 On 11 April, the first wood frogs and spring peepers were heard in Deerfield (*recording*  
15 *available*). Proposed monitoring for Blandings, Wood, and Spotted turtles do not begin until 15  
16 April, so it is not known if any of those species had yet emerged from hibernation, vulnerable to  
17 the tree felling and vegetation management.

18 The extent and magnitude of monitoring required was discussed at Technical Sessions. DCC  
19 members are aware of the work load of NHDES staff, who do not have the resources to oversee a

1 project of this scale. To be effective, specific monitoring details will require many trained field  
2 staff, and a well-designed and earnest process. We do not think that the Environmental  
3 Monitoring can be accomplish that, given the scale, pace, schedule, and intensity of the proposed  
4 construction activity, the generic nature of BMPs, an under-resourced NHDES, and past  
5 Eversource performance.

6 **Q Has the DPB or DCC ever denied a permit, conditioned an approval, or**  
7 **indicated a non-recommendation or disapproval of a development due to concern over that**  
8 **development's impact on the Blanding's turtle and/or its habitat? If so, please describe and**  
9 **provide the meeting minutes and/or written decisions.**

10 A. YES.

- EXHIBIT 13: DPB conditioned the Browns Mills Subdivision Open Space Plan on a non-game wildlife based reclamation, jointly developed with DCC and NH Fish & Game (29 Jun 16 plan, 31 Oct 16 cover)
- EXHIBIT 14: DCC Browns Mill meeting minutes (5 December 2016 and 13 Feb 2017)
- EXHIBIT 15: DCC evaluation and alternatives analysis to protect Blandings confirmed in the vicinity for proposed Coffeetown Road Wetlands Dredge & Fill (2016)

11  
12 **RECENT DEERFIELD CASE STUDIES (pages 11 on):**

- 13 1) Environmental threats to a highest quality vernal pool

- 1        2) Impacts from recent “vegetation management” work in the vicinity of the Substation
- 2        3) Abutter experience with vegetation management on 391 line (Bilodeau)
- 3        4) Work at former JCR Yard on North Road
- 4        5) Utility maintenance on G-146 line
- 5        6) Contractor field performance that may compromise safety

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8

**Deerfield Case Study #1 Highest Quality Vernal Pool, east of Thurston Pond Road**

DCC learned during Technical Session that Normandeau, in their environmental assessment work, found this pool to have many ecological attributes that made it one of the top three highest quality vernal pools along the 192 mile corridor.

In Oct 2015 Application, construction plans called for covering the pool with timber mats, and part of a construction pad. In the revised plans in January 2017, the pad was shift slightly west. The access road remained immediately adjacent to the pool edge.

During the Technical Sessions, NPT legal and environmental representatives assured all that the project design and construction will adheres to a strategy to first, Avoid, then Minimize, and then Mitigate any environmental impacts, with emphasis on avoidance and minimization to reduce the need for mitigation. And that all mitigation will follow Best Management Practices (BMP), as referenced in the Application, and proposed in the conditionally approved NHDES permits. Those BMPs are again referenced in Mr. Quinlan's 24 March 2017 Supplemental Prefiled Testimony, as Exhibit A (Attachment H).

On NHDES Wetlands & US Army Corps of Engineers Sec 404/10 Permit Application Plans, NPT depicts a 100 foot buffer for vernal pools (which is a type of wetland). All work proposed is within that buffer.

The BMP's referenced by NPT, which are for minimization and mitigation, include:

- 1) CT BMP Field Guide, pp 51-54: Maintain a minimum 50 foot undisturbed vegetated buffer around the pool; locate roads outside the buffer; and keep all sediment out of the buffer and the pool
- 2) DRED/Utility Maintenance 2010 BMP 5.6, p 24: "...there must be no excavations, fills, or grading done adjacent to wetlands."
- 3) DRED /UNHCE Timber Harvesting 2016 references the recommended practices in Good Forestry in the Granite State, 2010, Sec 7.3, p 160: within 200 feet, "...avoid removing stumps, stones, or other large cover objects, maintain existing understory vegetation, limit the activity of heavy equipment, and locate truck roads outside the buffer."

Despite the proposed modification, EXHIBITS 6-10 summarizing recent DCC field work identify the impacts from the road and line construction that will destroy the highest qualities, and ensure long term degradation of that pool. Concerns were raised initially in Supplemental Prefiled Testimony section 9 and testimony and questions at Technical Sessions.

No avoidance or realistic minimization is in evidence.



**Deerfield Case Study #2 Vegetation Management at Deerfield Substation, 2016-2017**

**(See also Case Study #3 Bilodeau)**

Prefiled Testimony submitted for 30 Dec 2016 by the Deerfield Conservation Commission

documents permitting confusion, no use of local input, consistency with previous negative

experiences, likely non permitted work under “vegetation management” at or around the existing

Substation that included:

- leaving large tree boles, and tops in wetlands and streams,
- blocking drainage,
- causing erosion and sedimentation off cleared slopes that eventually washed into wetlands
- clearing right up to the wet areas, despite NH DRED UNHCE 2016 BMP for Erosion Control (Forestry), which cites the need for a “Riparian Management Zone” with minimum distances between 50-165 feet (depending on slope), to limit impacts.

Photos were included, as Attachment 3 to that submittal.

Additional photos are provided with this Supplemental Testimony:

- Diamond plates instead of timber mats



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**Deerfield Case Study #3 391 Line Veg Mgmt vs. Community Outreach and Environmental Monitoring (Bilodeau)**

(a) CMTY OUTREACH—ABUTTER EXPERIENCE:

1 On 11 April 2017, Joan Bilodeau, a Substation abutter, contacted Town representatives regarding  
2 cutting by John Brown contractors in the ROW south of the Substation that started on 10 April.  
3 She only saw the two operators. No environmental monitor was seen. She took some pictures,  
4 and left.

5 Another resident provided her with the name and number for George Samaras, Project Outreach  
6 Specialist for Watkins Strategies from Massachusetts, hired by Eversource to provide  
7 Community and Media Relations. She stated her concern about the 30"+ dbh size and location  
8 of trees being cut, which currently serve as a visual, particulate, and sound buffer from the  
9 substation area.

10 On 12 April, she spoke with the contractors who told her that their work was not related to NPT,  
11 and were removing "danger trees," although the distance from existing lines made that difficult  
12 to understand. She received a return call from Mr. Samaras, referring her to Mike Stanek of the  
13 Eversource Vegetation Management unit. He explained that the work was related to an upgrade  
14 from Scobie Pond in Londonderry and not related to NPT (although DPB understanding is that  
15 power from the NPT will leave the substation and travel those lines to Scobie Pond and south).

16 The Bilodeaus and other residents attended a DPB meeting on 12 April, and reported their  
17 experience. Other residents attended to share their experiences and concerns.

18 The events outlined above do not match the Community Outreach actions outlined in Mr.  
19 Quinlan's 24 March 17 Supplemental Prefiled Attachment E. Nor do previous experiences  
20 reported elsewhere by Deerfield residents and Boards.

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2 (b) ENVIRONMENTAL MONITORING:

3 Early in the week of 10 April 2017, record breaking heat was experienced in southeastern NH  
4 (87 degrees, breaking the old record of 84). On 10 April, Frank Mitchell observed 15 painted  
5 turtles basking in a wetland not far from the 391 Line work. On 11 April, the first wood frogs  
6 and spring peepers were heard in Deerfield (*recording available*).

7 Under proposed BMP, monitoring for Blandings, Wood, and Spotted turtles does not begin until  
8 15 April, so it is not known if any of those species had yet emerged from hibernation, vulnerable  
9 to the tree felling and vegetation management. Also, Ms Bilodeau was informed that the work  
10 was not related to NPT, so she and DCC are not sure then if NPT considers the BMPs in effect.  
11 Photos follow.





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2 Pines do not appear diseased

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1 View south toward Nottingham Road



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1 View north toward Substation



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3 **Deerfield Case Study #4 former JCR Yard, North Rd**

4 A complaint on possible 2 ½ -3 acre land disturbance without an Alteration of Terrain permit  
5 from 11 April 2016 filed with NHDES (Land Resources Mgmt File #3195, 27 North Rd, Tax  
6 Map 210, Lot 54) is still open. The site is crossed by the NPT ROW.

7 Page 2 of the Substation summary from Prefiled Testimony on Environment from Dec 2016:

8 **Associated possible local impacts:** 11 April 2016 letter of complaint from NHDES  
9 Land Resources Management File # 3195, to Joseph C. Reed Jr (JCR) property off North  
10 Road in Deerfield, (Map 210, lot 54) cites reported 2 ½ to 3 acre disturbance without



NHDES Alteration of Terrain (AOT) or other proper authorization. No record of AOT permit found on file as of 27 Dec 2016. No subsequent correspondence received by Deerfield Conservation Commission.

Field Update (Dec 2016) from Jim Page: Site is currently used as a construction yard. No proper matting or bridging of wetlands. Severe siltation.

Since then, DCC and DPB have heard from volunteers monitoring the site that 2,000-7,000 timber mats have been or are being stored there, at least one culvert has been installed recently and an access road extended. It appears that the area may be now or intended as a major construction yard.

#### **Deerfield Case Study #5 G 146 Line Wetlands Utility Maintenance**

DCC received the annual 2017 Wetland Utility Maintenance permit for the G-146 line that runs west-east across Deerfield.

On the permit DCC received, three work areas were identified:

- East of Mt Delight
- West of Thurston Pond Road
- West of Church Street

Based on reports from residents to DCC and to DPB at the 12 April 2017 DPB meeting, maintenance work not included in the application was done south of Deerfield Parade and north of Mountain Road. Residents documented travel in wetlands, ruts in mud, and damage to a

- 1 paved private driveway apron on the south side of Mountain Road from truck turn arounds. Mr.  
2 Robert Cote of Mountain Road took photos.
- 3 **Deerfield Case Study #6 Safety**
- 4 **DigSafe**—see Deerfield Supplemental page 9
- 5 **Deep Hole left open for seven weeks, school bus turnaround, eastern Deerfield (posts and**  
6 **flagging placed by resident)**



1    **Deerfield EXHIBITS:**

2    EXHIBIT 1 Question 5: Deerfield Warrant Vote on 3 NPT articles with results

3    EXHIBIT 2 Question 5: Four letters from residents commenting on Substation hum

4    EXHIBIT 3 Question 6: Email reply from Planner Jerry Coogan on RWV memo

5    EXHIBIT 4 Question 6: Email reply from DPB Fred McGarry on RWV memo

6    EXHIBIT 5 Question 8: Planner Sylvia von Aulock memo on planning and community concerns

7    EXHIBIT 6 Question 9: List of NPT expected wetland impacts

8    EXHIBIT 7 Question 9: Conclusion regarding expected NPT wetlands impacts based on field  
9    observations of 4 sites in Deerfield, 30 Mar 2017 by Frank Mitchell

10   EXHIBIT 8 Question 9: ROW and watersheds with field sites, 30 Mar 17

11   EXHIBIT 9 Question 9: National Wetland Inventory (NWI) wetland aerial west of Thurston  
12   Pond Rd

13   EXHIBIT 10 Question 9: NWI aerial NPT ROW Hartford Brook

14   EXHIBIT 11 Question 9: Frank Mitchell professional background and qualifications

15   EXHIBIT 12 Question 9: Comment on wetland restoration from Mark West, NH Certified  
16   Wetland Scientist

17   EXHIBIT 13 Question 12: Browns Mills Open Space Subdivision Reclamation Plan to provide  
18   habitat and protection for non-game species identified the NH Fish & Game Wildlife Action Plan

1 EXHIBIT 14 Question 12: DCC minutes re Browns Mills

2 EXHIBIT 15 Question 12: DCC evaluation for Coffeetown Road Dredge & Fill in vicinity of  
3 Blandings

4 **Q. Does this conclude your testimony?**

5 A. Yes it does.