

**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 AMMY HEISER ON BEHALF OF THE  
TOWN OF PEMBROKE**

**APRIL 17, 2017**

**Background and Qualifications**

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

A. My name is Ammy Heiser. My address is 604 Buck Street, Pembroke, NH 032705.

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

A. I have served as Chairman of the Conservation Commission since 2008.

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

A. On March 13, 2017, at our regularly scheduled Conservation Commission meeting, the CC unanimously voted to authorize me to provide testimony regarding our objections to the NPT project as submitted.

**Purpose of Testimony**

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

A. My supplemental testimony is being presented on behalf of the Town of Pembroke to respond to new information regarding the Project and to respond to questions raised at my technical session.

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

A. NPT will have an unreasonable adverse visual impact in Pembroke. Our townspeople have indicated that they want to preserve the rural character of our community. This is based on the community survey results from 2003 when updating the Town's Master

1 Plan. (MP, NR Chapter VII, p.1). See attached Exhibit 1. This new transmission line will not be  
2 in keeping with this rural character but will more likely have a more industrial appearance.

3 **Q. Have you reviewed TJ Boyle's Dec 30<sup>th</sup> submission regarding visual impacts**  
4 **pertaining to Pembroke? Do you agree with the findings for the particular locations in**  
5 **Pembroke, and if so, why?**

6 A. As TJ Boyle's report states, the proposed facility will be dominant and prominent  
7 and thus have unreasonable adverse affects on the aesthetics. The height of the poles is out of  
8 scale and this increased height is due to not having a wide enough ROW. This increased height  
9 will significantly increase the visibility and prominence of the Project (p. 11). TJ Boyle's report  
10 goes on to say that NPT hasn't explored using vegetative mitigation. Structures aren't designed  
11 to blend into the environs. Wooden structures or weathered steel monopoles would achieve that  
12 and also using the same forms and colors would help to unify the project. Burial of the lines  
13 would avoid visual impact and should be considered for additional areas.

14 **Q. With respect to impacts on historic/culturally significant properties in town,**  
15 **did Victoria Bunker, Cherylin Widell, or the Preservation Company (working on behalf of**  
16 **NPT) contact you or anyone else at town to determine significant views or viewsheds in**  
17 **Pembroke? Are there scenic resources in town that NPT failed to identify and evaluate?**

18 A. I was not contacted by any of these people.  
19

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

1           A.     Varney did not reach out to the Pembroke Conservation Commission.

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

4           A.     During the construction phase, there will be increased heavy vehicular traffic on  
5 the Range Roads. These roads have deteriorated over the past 2 decades due to increased use by  
6 heavy 4x4 trucks who choose the worst times, i.e. after heavy rainfalls, to splash through the  
7 mud, thus resulting in much erosion. Roadside streams have been diverted and are flowing out  
8 and down these roads causing an increase in the siltation of these brooks and streams and vernal  
9 pools. The flora and fauna have been impacted due to this abuse. Construction vehicles will add  
10 to this problem. The Range Roads are closed to vehicles over 2000 pounds from December 15th  
11 until May 31st in order to minimize this impact.

12 The expansion and construction on the forested ROW will create a major disturbance which will  
13 impact connectivity. The ROW runs through our Range Roads which is our town's most rural  
14 area. This area is significant because of the large tracts of land mainly protected by their current  
15 use rating. Pembroke has tried to protect this area of town because of the historic, recreation,  
16 ecologic, and aesthetic value of these Class VI roads and their surrounds. Within this area are  
17 high valued wetlands which the town would like to designate as Prime Wetlands in order to  
18 better preserve them. Pettingill Brook, February 2016 Plan Sheet 166-167, and the area by the  
19 Soucook River near the Concord Well Field, February 2016 Plan Sheet 163-164, where critical  
20 habitat for the pitch pine barren species has been found, are two such high valued wetlands  
21 within the ROW. The expanded utility ROW's will certainly contribute to vehicular destruction

1 of our unfragmented lands by allowing those motorists alternative access. I do hope that gates  
2 and barriers will be installed where needed most.

3 I also have a concern about the construction period and delays which will increase the time that  
4 species are displaced. If this construction is prolonged, there is an increased likelihood that  
5 effected species will not easily be able to rebound.

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

8 A. According to the December 30, 2016 Pre-filed Testimony of Lew-Smith, Parsons,  
9 Amaral and Reynolds on behalf of Counsel for the Public, general construction methods for open  
10 water wetlands may be inappropriate. NPT hasn't provided suitable analysis or field surveys to  
11 determine the impact to wetland-dependent birds (p.7). They also state that NPT hasn't  
12 conducted analysis of the secondary impacts to vernal pools. NPT's Wetland Application states  
13 that there will be 10,622 feet impact to vernal pools.

14 Particularly, I am concerned about the crossing of the Soucook River which is a fourth  
15 order river at this point, map 614 in the Wetland Plan, Volume 36. A new 3 pole structure will be  
16 installed within the Pembroke Shoreland Protection Zone. Pembroke ZO 143-71 is attached as  
17 Exhibit 2. This has a very steep slope and is in a very environmentally sensitive area. An access  
18 road for construction vehicles will need to be built and construction pads installed in buffer  
19 zones. Numerous species are present in this area, many of them RTE. There will be impacts to  
20 these as mentioned already. The Arrowwood Report shows concern for this specific site and  
21 quotes Normandeau "this site and all BMPs will be carefully monitored during construction...",

1 but BMPs haven't been available for review and there is no commitment to seasonal restrictions  
2 by NPT. (p. 71)

3 Pembroke Zoning established the Soucook River Development (SR) District under Zoning  
4 Ordinance, Article IXA, 143-72.1 and states that the purpose of this Article is to "encourage  
5 environmentally sound and aesthetically pleasing development compatible with the unique  
6 character of the Town of Pembroke." (143-72.3, part D, p. 106.) Part F is concerned about "  
7 Permanently protect Pembroke's important natural resources such as the Soucook River corridor,  
8 adjacent floodplains, wetlands, aquifers, and other important uplands. (p.106).)

9 The ROW also crosses the Suncook River, Map 636 in the Wetland Plan, Volume 36,  
10 which is a fifth order river at the site of the tower. This is within the Shoreland Protection Zone.  
11 There will be a new 130 foot monopole structure and 250 feet of tree clearing is planned here.  
12 Two RTE species have been identified here, Brook floaters and Swamp darters. In the NHDES  
13 Application, Volume 31 of the Wildlife Assessment on p. 117 it states there is a potential hazard  
14 for avian collisions at this location. The pre-file testimony of Lew- Smith... says that "NPT fails  
15 to provide a formal commitment to implement the suggested practices for both new and relocated  
16 distribution and transmission structures.. and the Project does not avoid, minimize or mitigate  
17 adverse impacts on avian species from electrocution." (p. 9). The Arrowwood Report also states  
18 that "Mitigation of avian collision risk is commonly attained through the use of line marking  
19 devices that make the aerial conductors more visible to flying birds....NPT has offered no formal  
20 commitment to either conduct the undefined monitoring activities proposed by Normandeau, nor

1 to install line marking devices preemptively or even following discovery of avian collision  
2 impacts.” (p. 67-68)

3 Both the Soucook and the Suncook Rivers are within the ROW for this project.  
4 Pembroke’s Shoreland Protection (SP) District, ZO Section 143-71, Part A, has restrictions in  
5 place for the purpose “to control erosion, protect the water quality, visual character, recreational  
6 use, economic value, and wildlife habitat of the shoreland areas.” (p. 101).

7 This Article also states restrictions shall apply such as “ no roads, driveways or parking  
8 areas, no permanent or temporary structures established, with the exception of docks, and  
9 structures necessary for the housing of pumps, provided that exceptions require a special use  
10 permit from the Planning Board.” (Part C., 1 and 2, p. 101). Pembroke's proposed 2017 NR  
11 Chapter, VII, p. 5, under Objectives and Recommendations, suggests "enhancing protective  
12 regulations under current SP District by maintenance of the 125 foot setback for all uses...and  
13 disallowance of any earth-moving activities or other soil disturbances within the 125 foot  
14 setback." Disturbance in these very sensitive shoreland areas may have permanent impacts.  
15 NPT hasn’t provided the necessary plans to insure that impacts are temporary.

16  
17 **Q. Do you believe the natural resource habitats of rare, threatened, endangered**  
18 **species impacts will be permanent? If yes explain.**

19 A. The December 30, 2016 pre-file testimony of Lew-Smith, Parsons, Amaral and  
20 Reynolds on behalf of Counsel for the Public, have pointed to the lack of ample studies on  
21 population numbers of RTE insects in the project area and haven’t determined what the extent of

1 impact will be on many of these including the pine pinion moth and the frosted elfin as well as  
2 the Karner Blue butterfly (p. 10). The Arrowwood Report shows similar concerns. In the  
3 studies conducted regarding Karner Blue butterflies and wild lupines this Report states:  
4 Eversource and its representatives “have not demonstrated an analysis or discussed those impacts  
5 in the context of effects on status of local or regional populations. Absent this analysis, its  
6 unclear how Normandeau concluded no unreasonable adverse effects.” (Arrowwood Report, p.  
7 A-17)

8 The Arrowwood Report explains that there are 4 types of impacts to the Black Racer and Eastern  
9 Hognose snakes as a result of this project: “impacts to habitat, impacts to individuals during  
10 construction/maintenance, impacts to nests, and impacts to hibernacula. (p. 76)

11 Turtles will also be similarly impacted and are known to be present in the ROW. According to a  
12 memo from Sarah Barnum to Normandeau on March 22, 2011, Blandings turtles as well as  
13 Wood turtles use the power line ROW’s for nesting habitat. The latter is considered a severe  
14 conservation concern by NEPARC (2011). NPT hasn’t made a commitment to impose seasonal  
15 restrictions to mitigate impacts. (Arrowwood Report, p. 80)

16 There hasn’t been enough consistent information provided by NPT regarding RTE species to  
17 know what the permanent impacts will be. Much will depend on the length of the construction  
18 period. It will also depend on to what level are BMP’s are utilized.

19 **Q. Do you think that BMP's and/or other certificate conditions suggested by**  
20 **DES will adequately address your concerns for impacts to natural resources? Why or why**



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

A. No. According to Normandeau's Report, Pembroke has three exemplary communities, Pine Barrens, Pitch Pine and Scrub Oak Woodland, all within the ROW. These communities are habitats for numerous RTE species. The NH Wildlife Action Plan (2015) notes that the Pine Barren habitat in Concord and Pembroke is among the "Highest Ranked Habitat" in the state.

The December 30, 2016 pre-file testimony of Lew-Smith... questions the lack of adequate BMP's for RTE species including Karner Blue butterflies, frosted elfins, wild lupines, spiked needlegrass, branching needlegrass, fall witchgrass, licorice goldenrod, wood turtles, eastern hognose snakes, Northern black racers, green smooth snakes, bats, herons, nesting raptors, upland sandpipers, and three-toed woodpeckers. The above mentioned are found in Pembroke and most are found in these exemplary communities. Pembroke has one of the largest populations of licorice goldenrod within the ROW and the Project will have direct adverse impacts on these. (p. 11). In the Arrowwood Report it states that 7 of 15 patches in Pembroke will be impacted which is 13% of total in Town. The report further states that NPT hasn't provided an adequate mitigation plan and that there is no construction BMP or transplantation plan for this species. The Arrowwood Report also points out that 6 species of birds on the RTE list in the Project area were not considered likely to be effected due to their rarity and limited distribution. However, there wasn't any analysis offered to support this conclusion. ( p. 40).

Where are the BMPs for these species?

1 According to the Arrowwood Report, there are inadequate BMPs for numerous species. There  
2 has been limited assessments and inadequate details to insure avoidance, minimization and  
3 mitigation procedures have been taken. This conclusion is echoed throughout this Report.

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

7 A. No. Due to the expansiveness of this Project, I have serious concerns about the  
8 environmental monitoring that will occur along the full length of this transmission line. For the  
9 past two years, I have read numerous reports addressed to the SEC and DES by SPNHF and  
10 other organizations and individuals which have expressed concerns about the NPT personnel  
11 who have been working along the route and have not had permission to be boring and conducting  
12 other tests without oversight. The Arrowwood Report also expresses concern about the lack of  
13 BMPs and proper documentation, insufficient information and the lack of demonstration of  
14 sufficient efforts to avoid, minimize and mitigate adverse impacts in sensitive areas. This lack of  
15 necessary oversight and detailed plans especially regarding RTE species may have permanent  
16 impacts to our diminishing species and their habitats.

17 NPT project is not in keeping with Pembroke's goals to protect our natural resources particularly  
18 in areas of special ecological significance defined as those areas, by virtue of their physical,  
19 chemical, and/or biological characteristics, support unique, rare or sensitive elements that are  
20 readily subject to degradation or diminution by human disturbance (2017 Proposed NR Chapter,  
21 VII-36).

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

2           A.     Yes it does.