

**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 PREFILED DIRECT TESTIMONY OF CHERYL K. JENSEN ON  
BEHALF OF THE TOWN OF BEHLEHEM CONSERVATION COMMISSION**

**April 17, 2017**

1 **Supplemental Testimony**

2 **Q. What was your response to the Counsel for the Public’s question at the**  
3 **March 1, 2017, technical session about whether you found the employees in the wetlands**  
4 **bureau of the Department of Environmental Services (DES) credible and would you like to**  
5 **elaborate on your response?**

6 A. I answered “Yes” because I would expect that people who work at the agency  
7 would have the appropriate credentials to do their jobs and I have no reason to doubt their  
8 credibility. I do, however, know that pressures can be brought to bear on good people within an  
9 agency.

10 The issue that I, as a member of a Conservation Commission, have is that DES is essentially a  
11 permitting agency that denies relatively few wetlands permits. DES is not an agency that lives up  
12 to its mission statement:

13 “The mission of the New Hampshire Department of Environmental Services is to help sustain a  
14 high quality of life for all citizens by protecting and restoring the environment and public health  
15 in New Hampshire. The protection and wise management of the state of New Hampshire’s  
16 environment are the important goals of the NH Department of Environmental Services (DES).

17 The department’s responsibilities range from ensuring high levels of water quality for water  
18 supplies, ecological balance, and recreational benefits, to regulating the emissions of air  
19 pollutants, to fostering the proper management of municipal and industrial waste, to managing  
20 water resources for future generations.” – copied from the NHDES website.

1           **Q.     After answering questions at the technical session on March 1, 2017, would**  
2 **you like to clarify anything from your previous prefiled testimony?**

3           A.     Yes. It was brought to my attention that two issues in my prefiled testimony  
4 seemed contradictory. I do not believe that my testimony is contradictory and I would like to  
5 make clear the connection between the two issues. The connection is that the Applicants are  
6 trying to minimize impacts so they can claim the project will not have any “unreasonable adverse  
7 effects” whether those effects are on the natural environment, tourism or aesthetics. Counsel for  
8 the Public (“CFP”) asked about my statement that the Applicant is interpreting, or  
9 misinterpreting, SEC rule Site 301.14, in a way that averages impacts, dilutes them,  
10 underestimates them in such a way that wrongly implies there is no “unreasonable adverse  
11 effect” on the natural environment.

12 For example, Normandeau Associates, Inc. is stating that in order for there to be an unreasonable  
13 adverse effect on wildlife, the impact has to affect the statewide population. If one uses that as a  
14 yardstick, there couldn’t possibly an unreasonable adverse effect on wildlife. Looking only at  
15 the impact on the statewide population completely negates any impact on the natural  
16 environment within the local communities on the 192-mile corridor. That is not the intent of Site  
17 301.14(e).

18 In pointing out potential contradictions in my testimony, CFP asked whether my complaint was  
19 limited to wildlife or whether it applied to other issues such as wetlands. I explained that I had a  
20 similar issue with Normandeau’s report and wetlands. They were not considering wetlands

1 impacts beyond the ROW and were denying that there are connections between wetlands and  
2 other wetlands or connections among rivers, streams and wetlands. This is a characterization one  
3 of our consultants objected to, since some of the larger wetlands in the ROW extend far beyond  
4 that ROW into other habitats. Therefore, impacts in the ROW could affect wetlands outside of  
5 the ROW, yet those impacts are not included in the Application.

6 Again, this means impacts are being underestimated, making it easier to say there are no  
7 “unreasonable adverse effects”.

8 Then Mr. Roth asked whether that was the opposite of what I was complaining about earlier. I  
9 want to make it clear that it is not the opposite. For the wetlands, the impact of Northern Pass  
10 would extend farther than the corridor that was evaluated but that effect is being ignored. For  
11 things like wildlife, one cannot look only at the population of the entire state to show the impact  
12 because local wildlife will be impacted. Basically, these are two examples of the Applicants  
13 trying to negate the impact by looking at what was advantageous to their numbers and ignoring  
14 the full impact to be able to claim there are no “unreasonable adverse effects.”

15 **Q. Do you have any comments regarding the Visual Impact Assessment by the**  
16 **Applicant’s expert?**

17 A. Yes. In reading the pre-filed testimony of CFP’s experts, which was not available  
18 to me when I wrote my pre-filed testimony, a number of his experts took note that the Applicants  
19 were attempting to lessen the apparent impact of this proposed project. Here are a few additional

1 examples of how the Applicants are trying to lessen the impact of the project so they can claim it  
2 has no “unreasonable adverse effect”.

3 I reviewed Counsel for the Public’s pre-filed testimony of experts Buscher, Palmer and Owens  
4 from T.J. Boyle Associates. They reviewed the Visual Impact Assessment done by DeWan &  
5 Associates. I agree with their statement starting on Page 6, Line 4: “It is our conclusion from the  
6 technical review that the NPT VIA does not provide all the information required by Site 301.05.  
7 In particular we found significant errors in the Applicants’ approach to identifying scenic  
8 resources, which in itself, renders the NPT VIA unreliable for decision-making.” Additionally, I  
9 agree with their statement starting on Page 6, Line 11: “In addition, our independent review of a  
10 selection of scenic resources found the visual impacts to be much greater than DeWan &  
11 Associates recognized; many were clearly unreasonable.” (emphasis added).

12 On page 7 of the same testimony CFP’s experts say that—as a result of limiting scenic resources  
13 to those recognized by an institution, in violation of SEC rules—DeWan identifies only 680  
14 scenic resources. Using the SEC’s more expansive definition instead, the CFP’s experts  
15 identified over 18,000 potential scenic resources. Again, it’s a case of trying to blunt the  
16 “unreasonable adverse effects” the project will have if allowed to proceed.

17 On page 65 of T.J. Boyle’s Visual Impact Analysis Report under 3.14.2 titled “Evaluation is not  
18 limited to the Site 301.05 criteria for VIAs,” the CFP’s experts note that the Applicant was  
19 attempting to make the impacts of the Project appear smaller than they will actually be. One  
20 example of how the Applicants are trying to reduce the appearance of the impacts of the project

1 is by incorrectly introducing factors—specifically Cultural Value ratings and Visual Quality  
2 ratings—to eliminate legitimate scenic resources from consideration when there is no support for  
3 that in Site 301.05 or Site 102.45.

4 CFP’s experts note: “The NPT VIA has incorrectly introduced factors that eliminate legitimate  
5 scenic resources from further consideration. In particular, DeWan & Associates use Cultural  
6 Value ratings to drop over half of the sites with potential visibility from consideration of  
7 potential visual impacts. There is not support for this factor in Site 301.05. Similarly, DeWan &  
8 Associates used Visual Quality ratings to eliminate scenic resources from further consideration.  
9 While scenic quality is an important characteristic of a scenic resource, there is no support in Site  
10 102.45 or 301.05 to place a greater emphasis on different degrees of scenic quality.”

11 **Q. How will the project affect the orderly development of the region,**  
12 **particularly of Bethlehem?**

13 A. I have an example of how Eversource knows that this project will interfere with  
14 the orderly development of the region. I would like to call the SEC’s attention to a letter dated  
15 January 23, 2017, by Yizchok Rudich to Pamela Monroe, Administrator for the SEC, attached  
16 hereto as Appendix M.

17 Mr. Rudich is the developer of a redevelopment project planned for Bethlehem, which is to  
18 renovate the deteriorating Baker Brook cabins and to build a Hilton Homewood Suites across  
19 from the cabins. The hotel is proposed to abut Transition Station #5. This project is important to  
20 the town in terms of tax revenue and to the tourism economy of the area.

1 It is my understanding that Mr. Rudich and the Applicants may have signed a Memorandum of  
2 Understanding to swap property so that Transition Station #5 may be moved to an area that  
3 would make it less conspicuous in some way to visitors to the hotel, perhaps moving it behind a  
4 gully and hill.

5 This agreement and Mr. Rudich's letter show that Eversource knows this project will "unduly  
6 interfere with the orderly development of the region" as outlined in RSA 162-H:16.

7 Furthermore, at a Zoning Board meeting, which I attended, on February 14, 2017, *see* Appendix  
8 N, Mr. Rudich's representative, David Eckman, of Eckman Engineering, said of Northern Pass:  
9 "Obviously, my client was horrified when he found out the tower was there. Northern Pass  
10 bothered him enough. But then he said, okay, I'll still buy the property. Then he found out after  
11 about the towers and that would have stopped the hotel. As far as he was concerned, he wouldn't  
12 do the hotel if the towers were there." He also said the Applicants were not changing the  
13 wetlands permit yet "because that would disrupt the whole process."

14 **Q. Are business owners in Bethlehem concerned with the project?**

15 A. Yes. Bethlehem has a number of small-business owners whose businesses could  
16 be put in jeopardy by road work to bury the line on Rt. 302 and/or if Rt. 302 has to be closed for  
17 any period of time, especially since the disruptions are likely to occur during the summer months  
18 when tourism is at its peak. If there are big back-ups or long detours, tourists might avoid  
19 Bethlehem entirely.

1 If this project is approved, it is not the only project that poses a serious problem for Bethlehem  
2 business owners within the same span of time. At some point in either 2018 or 2019, the  
3 Department of Transportation (DOT) will replace a culvert that runs under Rt. 302, Bethlehem's  
4 Main Street. The project scope includes reconstructing approximately 600 feet of Rt. 302 from  
5 NH 142 (Maple Street) to Congress Street. *See Appendix O.*

6 I attended the Selectboard meeting on January 9, 2017 at which DOT representatives were  
7 present to provide information and get input from the town and business owners. They told  
8 residents that the project could take three to four months and that a large crane will occupy  
9 almost all of the current parking lot for approximately two months. *See Appendix P.* This will  
10 have a major impact on the businesses in this area, one of which is Maia Papaya, which is owned  
11 by Melissa Sheehan. At that Selectboard meeting, Ms. Sheehan expressed the concern that if she  
12 lost a couple of months of business she might have to close her nine-year-old business for good.  
13 Even if that does not happen she might have to lay off most of her local employees. Nik Storella,  
14 who owns Lonesome Woods Antiques on Main Street, had the same concerns. At the meeting he  
15 said: "If I had to close for two months, I'd be out of business." *See Appendix Q.*

16 I talked to Ms. Sheehan after that meeting about what might happen to her business because of  
17 Northern Pass construction. The worst situation for her would be if the culvert were replaced one  
18 summer and then Northern Pass construction took place the following summer. That is the kind  
19 of impact from which her business may never recover. Based on CFP's analysis of Thomas E.  
20 Kavet, Ms. Sheehan and Mr. Storella have reason to be concerned about the tourism impact.



1 On page 7 of Mr. Kavet's pre-filed testimony, he states: "We did not find the Applicants'  
2 analysis by Nichols Tourism Group to be a reasonable or credible assessment of the Project's  
3 potential impact on tourism." He states that based on their research, "we concluded that the  
4 Project could have a measurable negative tourism impact in New Hampshire, especially in the  
5 great North Woods region." Mr. Kavet uses the Town of Plymouth as an example of specific  
6 areas being impacted by construction. He notes that "many areas and businesses along the route  
7 will be impacted by traffic delays and other effects of construction activity . . ." and "the closure  
8 of travel lanes and roads, and detours . . . will be very disruptive to businesses . . ."

9 **Q. Do you have anything else to add to your testimony?**

10 A. The more I read of information that was not available when I submitted my pre-  
11 filed testimony, the more I understand that this project should not move forward because issuing  
12 a certificate will NOT serve the public interest nor the objectives outlined in RSA 162-H:16.

13 **Q. Does this end your testimony?**

14 A. Yes.