

THE STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
DOCKET NO. 2015-06

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 WILL ABBOTT

ON BEHALF OF THE SOCIETY FOR THE PROTECTION OF
NEW HAMPSHIRE FORESTS

NOVEMBER 15, 2016

1 **Q: Please state your name and business address.**

2 A: Will Abbott, 54 Portsmouth Street, Concord, New Hampshire 03301.

3 **Q: What is the name of your organization?**

4 A: Society for the Protection of New Hampshire Forests (“Forest Society”).

5 **Q: What is your current position at The Protection of New Hampshire Forests?**

6 A: Vice President for Policy and Reservation Stewardship.

7 **Q: What is your background?**

8 A: I have been employed in my current position since January 2006. Previously I
9 have served as Executive Director of the Mount Washington Observatory (2004-2006),
10 Executive Director of the Squam Lakes Natural Science Center (1992-2003), and Executive
11 Director of the New Hampshire Land Conservation Investment Program (LCIP) from 1988-1992.
12 From 1981 to 1985 I worked as an environmental staff assistant to then US Congressman Judd
13 Gregg. From 1985-88 I worked for Vice President George H. W. Bush, as Executive Director of
14 the Fund for America’s Future.

15 **Q: Do you have other experience relevant to this testimony?**

16 A: At the LCIP I managed a six year, \$48.5 million investment of state funds in the
17 permanent conservation of more than 100,000 acres of land statewide. LCIP was governed by a
18 publicly appointed Board of Directors (15 members), which approved proposed acquisitions in a
19 competitive application review process. LCIP completed 379 individual land conservation
20 transactions during its six year program life. The largest land protection project was the
21 acquisition of the Nash Stream State Forest, a 40,000-acre self-contained watershed in Stark.
22 Today Nash Stream is the State’s largest state forest. The smallest was a two-acre island in
23 Manchester in the confluence of the Merrimack and Piscataquog Rivers.

1 One of the responsibilities I had at LCIP was assuring that the future stewardship of each
2 parcel of land protected was provided for as part of the project. In order for the conservation
3 purposes of each acquisition to be fulfilled over time, there needed to be provisions for the
4 perpetual stewardship of the interest in land protected by the LCIP. To this end, the LCIP Board
5 established a \$1.5 million permanent endowment to provide an annual income stream to pay the
6 state's expenses for monitoring of conservation easements acquired by the LCIP. In cases where
7 the LCIP acquired a fee interest in land, we secured commitments from individual state agencies
8 to take on the additional stewardship responsibilities.

9 The lands conserved by LCIP included additions to state parks and other state forests,
10 large blocks of privately owned forest land, scenic riverfront farms, public boat launches and a
11 variety of rare and specialized habitats for fish and wildlife. One feature of the LCIP was to
12 make grants to municipalities so they could protect conservation lands of local significance.
13 LCIP was a public/private partnership between the State and the Trust for New Hampshire
14 Lands, a private non-profit organization established by the Society for the Protection of NH
15 Forests specifically to partner with the state to accomplish the land conservation objectives set
16 forth in the LCIP's authorizing statute. The LCIP had strong bi-partisan support, and at the time
17 was one of the largest state investments in land conservation in the eastern United States.

18 **Q: What is the purpose of your testimony?**

19 A: The purpose of my testimony is to more fully describe the permanently conserved
20 lands held by the Forest Society which would be directly impacted by the Northern Pass project
21 as proposed in its October 2015 application to the SEC for a certificate of site and facility. I will
22 also be describing some of the other conserved lands that would experience unreasonable adverse
23 impacts, including on natural resources and on aesthetics. With respect to natural resources, we

1 are specifically concerned with impacts to wetlands, and how the project as proposed adversely
2 affects the functionality of wetland systems that the project would disturb. With respect to
3 aesthetics, we are specifically concerned with the substantial adverse impact on views of and
4 from these conserved lands and views within the larger landscapes of which these protected lands
5 are a part.

6 **Exhibit 1** to this testimony is a report entitled “Landscapes Forever Changed: Impacts of
7 Proposed Northern Pass on Conservation Lands.” This report details with maps and with
8 narrative descriptions how the Northern Pass project as proposed would adversely affect the
9 conservation values for which each of these individual properties was initially conserved.

10 As President/ Forester Jane Difley has described in her testimony, the Forest Society
11 protects land in two primary ways. First, we own and manage approximately 55,000 acres of
12 land outright (“in fee”). Presently we own and manage 179 separate forest reservations in more
13 than 100 New Hampshire municipalities. Second, we hold conservation easements on privately
14 owned and publicly owned land. Our purpose in both owning land and holding conservation
15 easements is to ensure that the natural resources of the land continue to provide public benefits
16 for future generations forever.

17 **Q: What is a Conservation Easement?**

18 **A:** A conservation easement is a legally binding and perpetual agreement between a
19 landowner and an easement holder that restricts use of the land subject to the terms of the
20 easement in order to protect its significant natural features. Conservation easements can protect
21 natural resources, including: wildlife and their habitat; wetlands, streams and aquifers important
22 for wildlife and drinking water supplies; timber resources; clean air and water; hiking trails and
23 other opportunities for outdoor recreation; scenic landscapes; and more. Forest management,

1 farming, non-commercial recreational activities are typically allowed, while an easement usually
2 restricts or eliminates other forms of commercial activities, development or subdivision. The
3 holder of a conservation easement has a perpetual obligation to monitor and enforce the terms of
4 the easement. The legal authority for conservation easements is established in state law, RSA
5 477:45-47. The Office of the Attorney General, through its Charitable Trusts Unit, is involved in
6 ensuring holders of conservation easements enforce the terms of perpetual conservation
7 easements, as they constitute charitable trusts under state law.

8 **Q: How does the Forest Society interact with landowners who have a Forest**
9 **Society conservation easement on their property?**

10 A: Our work facilitates what landowners wish to do to protect their land. We work
11 with willing landowners to achieve their conservation objectives within the framework of our
12 legal responsibilities and best practices as defined by the Land Trust Alliance Standards and
13 Practices.

14 Each conservation easement is uniquely crafted to the individual property protected, and
15 is the result of a shared decision by the landowner as grantor and the easement holder as grantee
16 to protect the natural resources, scenic views and other specific natural features of the landscape.
17 In every case, a conservation easement defines the specific conservation purposes for which the
18 easement is granted. In most instances a conservation easement achieves its objectives by
19 specifically restricting and limiting what can be done with and on the land. For example, a
20 conservation easement often achieves its conservation purpose by limiting further subdivision
21 and development of the land. In the case of conservation easements secured by the Forest
22 Society, commercial use of the land is limited to commercial forestry and agriculture practices.
23 Forest Society conservation easements include among their purposes the goal of permanently

1 protecting scenic views of the land.

2 **Q: What is the Forest Society’s obligation after it acquires land or conservation**
3 **easements?**

4 A: We have a perpetual obligation to manage (or “steward”) the land we own, which
5 we do with a combination of paid staff and more than 150 trained volunteer Land Stewards. Just
6 as we have an obligation to manage the conservation lands we own, we have an obligation to
7 assure that the terms of each conservation easement are upheld. We do this by annually
8 monitoring each conservation easement. As with the lands we own, we have paid staff and
9 trained volunteers to assist in meeting these easement stewardship obligations.

10 **Q: How would the proposed Northern Pass project impact the Forest Society’s**
11 **fee-owned properties?**

12 A: The Northern Pass project, if permitted as proposed, would directly impact three
13 of the largest Forest Society fee-owned reservations. In two cases, **The Rocks** in Bethlehem and
14 the **Washburn Family Forest** in Clarksville, the direct affects are in the proposed buried section
15 of the project, though in both cases there are above ground visual impacts due to high towers on
16 one or two sides of each property. In the third case, the **Kauffmann Forest** in Stark, our land
17 would be directly affected by two parallel sets of new towers and lines, both well above the
18 natural tree line.

19 The Washburn Family Forest is more than 2,000 acres, and includes 4.5 miles of frontage
20 on the Connecticut River. This section of the property fronting the Connecticut River is also the
21 boundary line between the towns of Pittsburg and Clarksville. From the property there are
22 exceptional views in all directions, north up Indian Stream to Tabor Notch, east to Lake Francis
23 and the Connecticut Lakes, and west to a prominent steep hill, over which Northern Pass steel

1 towers 80-95 feet high would snake over the landscape on their path from Hall's Stream to the
2 Connecticut River.

3 Driving north or south on Route 3, the Washburn Family Forest forms the lion's share of
4 the extraordinary scenic gateway into the Town of Pittsburg, as you drive between Pittsburg and
5 Clarksville on Route 3. Heading north from Clarksville into Pittsburg, the Washburn Family
6 Forest frontage on the six miles of undeveloped Connecticut River shoreline displays the rural
7 wilderness character that is one of the great attractions of Pittsburg as a destination for residents
8 and visitors. Heading south from Pittsburg, the Washburn Family Forest forms nearly the entire
9 scenic gateway.

10 Though the direct impact of Northern Pass on the Washburn Family Forest is a buried
11 section 50-70 feet below the surface (which raises other significant legal issues discussed in
12 **Exhibit 1**), the damaging visual impacts would be the landscape scars of the above ground
13 Northern Pass towers to the immediate west and east of the property as Route 3 passes through it.
14 Both would be highly visible from Route 3 and from viewpoints on the property itself.

15 The Forest Society has asked the Coos County Superior Court to address the legal
16 question as to whether the Northern Pass proposal to use the Washburn Family Forest represents
17 an additional servitude on the land, which is beyond the scope of the easement created by the
18 highway layout in 1931. The case is now before the Supreme Court. In addition to defending
19 our legal property rights, we also have the obligation to protect this conserved land from
20 inappropriate commercial development. Such commercial development would be detrimental to
21 the public benefits derived from the permanent protection of the land, and conservation in
22 general.

23 The Kauffman Forest in Stark currently hosts more than one linear mile of existing utility

1 right of way, proposed by NPT to host the new Northern Pass overhead towers and lines. This
2 right of way is narrow: only 150 feet wide, and presently contains a buried 24-inch diameter
3 natural gas pipeline owned by the Portland Natural Gas Company and a 115 kv overhead
4 transmission line owned by Eversource (formerly Public Service Company of New Hampshire).
5 The wooden poles for the existing transmission line average 45 to 60 feet in height, and are well
6 below the natural tree height, which averages 60 to 70 feet above the ground. The proposed
7 Northern Pass transmission line would require the removal of the existing poles supporting the
8 115 kv line and the erection of two new sets of metal towers and transmission lines. Each of
9 these new sets of towers and lines as proposed would be more than twice the height of what is
10 presently in the right of way and both facilities would have towers well above the natural tree
11 line (many above 100 feet from the ground). This would not only significantly scar the existing
12 landscape of the Kauffman Forest, but would forever alter one of New Hampshire's most scenic
13 drives, the 10-mile stretch of Route 110 from Groveton through Stark to Milan along the
14 Ammonoosuc River.

15 The Rocks is a Forest Society reservation of 1,442 acres of land in Bethlehem, a hill farm
16 with one of the most exceptional views of the Presidential Range in New Hampshire. Acquired
17 in 1885 by the Chicago based founder of International Harvester, The Rocks today includes a
18 landscape with 20 buildings listed on the National Register of Historic Places and 120 acres of
19 open fields on which the Forest Society grows 50,000 Christmas trees. One of the main
20 attractions of The Rocks is the scenic views from the farm. More than 2,500 families a year
21 come from around New England to The Rocks to purchase Christmas trees and wreaths. The
22 Rocks hosts visitors during the maple sugaring season in March and April, at a 1906 building
23 converted into a maple sugar sap house and museum. The museum, called "The Maple

1 Experience,” is operating in partnership with the NH Maple Sugar Producers Association.

2 During the fall foliage season The Rocks hosts another 3,000 visitors who come from around the
3 world to see the North Country forests blush.

4 The buried route proposed in the Northern Pass application as it presently affects
5 Bethlehem avoids the 1.3 miles of existing Eversource (formerly PSNH) right of way through the
6 1,442 acre reservation at The Rocks. However, the view of the Presidential Range from the
7 property looking to the northeast would be irreparably scarred by new overhead towers and lines
8 proposed to be erected in the existing Eversource right of way from Route 302 north and east
9 through Bethlehem to Whitefield and Dalton. Again, where existing wooden poles in the
10 existing Eversource right of way are 45-60 feet tall (below tree line) the new Northern Pass
11 towers would be more than twice the elevation of the existing facility and well above tree line.

12 In the cases of both the Kauffmann Forest and The Rocks, where existing rights of way
13 would be used to erect new superstructures well above tree line, it is worth noting that the
14 original rights of way were conveyed to Public Service Company of New Hampshire in the
15 1940’s for modest sums by the then landowners because the landowners wished to advance the
16 delivery of electricity to rural end users in New Hampshire. Members of the Glessner family
17 conveyed the existing Eversource rights of way over The Rocks to PSNH in the 1920s, 1930s
18 and 1940s through 1.3 miles of the property for \$1 each. There was a perceived public benefit to
19 residents of New Hampshire by the conveyors of these new rights of way to PSNH. To argue
20 today that there are no limits on the “reasonable use” of such existing rights of way is to suggest
21 that the rural landscapes that are such a part of New Hampshire’s cultural heritage and world-
22 wide attraction are by default less important than for profit conductors of electricity from Quebec
23 to Boston and Hartford. This is a fundamentally flawed assessment in the act of balancing the

1 New Hampshire environment with meeting southern New England's desire for new sources of
2 electricity.

3 **Q: How would the proposed Northern Pass project impact the Forest Society's**
4 **conservation easements?**

5 A: In addition to the three Forest Society reservations directly affected by Northern
6 Pass as presently proposed, there are 13 Forest Society conservation easements directly affected,
7 and another 28 indirectly impacted. These impacted conservation easements are detailed in
8 **Exhibit 1** (Landscapes Forever Changed: Impacts of Proposed Northern Pass on Conservation
9 Lands). The affected easements protect land that Northern Pass proposes to impact with a
10 variety of different construction designs:

- 11 • new underground facilities in new corridors (state and municipal roads)
- 12 • new overhead High Voltage Direct Current (HVDC) facility, parallel to an
13 existing 115 kv High Voltage Alternating Current (HVAC) facility which would
14 remain undisturbed
- 15 • new overhead HVDC facility, parallel to a new overhead HVAC facility to be
16 erected on towers much higher than the wooden poles they would replace
- 17 • new overhead HVDC facilities, parallel to a new HVAC overhead facility and
18 parallel to an existing 24 inch buried natural gas pipeline.

19 Aside from the legal issues concerning property rights in each of these instances, there
20 would be unreasonable adverse impacts on aesthetics and natural resources in many easement
21 locations.

22 **Q: What is your overall opinion of the proposed Northern Pass project?**

1 A: It is the Forest Society's argument that essentially ALL of these unreasonable
2 adverse impacts on conserved lands can be avoided if the proposed transmission line is co-
3 located on interstate highway corridors in Vermont, New Hampshire, Connecticut and/or
4 Massachusetts. If the goal is to get electricity from Quebec to greater Boston or Hartford, it is
5 possible to accomplish this goal without adversely affecting conserved lands and heritage
6 landscapes in New Hampshire. Because there is a credible alternative for getting this electricity
7 to market without significantly damaging New Hampshire aesthetics and natural resources, the
8 Site Evaluation Committee should deny the Northern Pass application as proposed.