



## Responsible Energy Action LLC

*Education, advocacy and action on New Hampshire energy issues*

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November 4, 2013

Mr. Tom Wagner  
Forest Supervisor  
White Mountain National Forest  
71 White Mountain Drive  
Campton, NH 03223

Re: Northern Pass's revised SUP application and related scoping comments

Dear Mr. Wagner:

Members of REAL previously met with you and discussed Northern Pass's application for a special use permit (SUP) for the project's proposed crossing of the White Mountain National Forest (WMNF). We reviewed with you the strict tests Northern Pass would have to meet under the mandatory provisions of the WMNF management plan to qualify for a SUP. We shared with you REAL's analysis of the applicable provisions and our conclusion that Northern Pass clearly does not meet the plan's high hurdles for new transmission lines. We highlighted our concern that Northern Pass had apparently ignored entirely the requirements of the WMNF management plan, even though the mandatory plan standards apply as a matter of law to Northern Pass's SUP application.

Northern Pass's revised SUP application (dated September 5, 2013 and available here:

[http://www.northernpasseis.us/media/documents/02\\_sup\\_application\\_amendment\\_9-4-13\\_\(2\).pdf](http://www.northernpasseis.us/media/documents/02_sup_application_amendment_9-4-13_(2).pdf))

finally purports to address some of the key WMNF management plan rules, but it fails to do so in a responsible or serious manner. As we show in this letter, rather than presenting thoughtful, well-reasoned and legally defensible positions on the WMNF management plan requirements, Northern Pass throws out make-weight, nonsense arguments and makes a mockery of the WMNF management plan and SUP process.

***Request #1: REAL urges you to summarily reject Northern Pass’s amended SUP application or, at the very least, to require the application to be refiled by Northern Pass with serious responses that show some substantive basis for meeting the applicable WMNF management plan standards.***

We highlight three mandatory WMNF management plan standards that Northern Pass manifestly does not meet. In each case, Northern Pass’s amended SUP application offers no serious argument that could justify the grant of an SUP.

First, the WMNF plan’s mandatory visual impact rules – designed to protect the critically important visual landscape of the forest -- require that the proposed transmission lines will create essentially no visual impact, with the landscape left “intact” and “unaltered” or with only “minute” changes. See WMNF management plan, MA 8.3 Appalachian Trail, S-1, S-2, p. 3-52, and related definitions. This is an extremely strict standard intended to preserve the forest viewscape along the areas of Northern Pass’s proposed route essentially without change. Of course the massive new transmission structures proposed by Northern Pass do not meet this high hurdle.

You need go no further than Northern Pass’s own submissions to prove the point. Northern Pass has previously filed with you its visual image of a “ROW cross section” through the WMNF. The cross section is available here: <http://www.northernpass.us/assets/permits-and-approvals/cross-section-for-wmnf-9.18.12.pdf>. As anyone can see from the cross section, the existing transmission line is positively dwarfed – in height, cross-sectional visual mass, projection above tree canopy and overall visual invasiveness – by the two sets of new structures proposed by Northern Pass (the new HVDC lines and the new, relocated AC transmission lines).

What, then, is Northern Pass’s argument that the project somehow meets the visual impact test? Here it is: “[T]he landscape character will remain intact and will appear intact because the Project will be co-located next to a relocated existing transmission line that is already part of the landscape. This co-location will ensure that visual impacts will be minimized.” (Amended SUP application, p.5) Or, to translate into plain English: “We are taking some visually non-invasive wooden AC transmission poles that have been in the WMNF for 50+ years, relocating them and doubling their height and mass to make room for the HVDC lines, and then jamming in some truly massive HVDC transmission towers next to them in the narrow ROW. But because this all started out with the small wooden poles, there is no visual impact from all these changes”.

It is ridiculous on its face for Northern Pass to argue that the proposed transmission lines will create essentially no visual impact and will leave the landscape “unaltered” or with only “minute” changes. REAL submits that such a position is frivolous and deserves no consideration.

Second, the WMNF plan rules do not allow a new transmission line such as Northern Pass to be built on the proposed route through the forest unless the project meets an “overriding public need”. See WMNF management plan, MA 8.3 Appalachian Trail, S-3, p. 3-48. Each of these three words is critical. There must be a “need” versus just some policy benefits. The need must be primarily “public” as opposed to a private objective like more profits. And the public need must be “overriding” – that means hugely important.

Northern Pass is a private, for-profit, optional, non-need transmission line project. As Northeast Utilities, the 100% owner of Northern Pass, has stated in regulatory filings, Northern Pass is not proposed as a transmission line that will keep anybody's lights on. Northern Pass is a merchant project, a business deal paid for by the corporate sponsors, thought up for the purpose of making more money for Northeast Utilities, Hydro-Quebec and PSNH. No regulator has said the transmission lines are needed. In fact, the sponsors of Northern Pass carefully designed their proposal so that it would be outside the careful vetting and approval process for "needed" transmission lines (those paid for by ratepayers) as administered by ISO-New England.

In a word, it is simply impossible for a private, for-profit, non-need transmission line like Northern Pass to show that it meets a "need", let alone a "public" need, and for sure not an "overriding" public need.

So what is Northern Pass's argument? Here's what they say: "The Northern Pass meets public needs and interests because there is a public need and interest for reducing greenhouse gas emissions; decreasing reliance upon fossil fuels and increasing use of low-carbon energy sources; obtaining low-carbon energy from Canada; and increasing the reliability of electricity in New England. Together, these needs and interests constitute an overriding public need." (Amended SUP Application, p.27) Again in plain English: "Even though our project is a private transmission line solely about making more money for our corporate sponsors, we can come up with some general policy considerations that could be helped by the transmission lines, so we'll list without evidentiary proof all of the possibilities we can think of and hope that they will look serious enough to pass for an overriding public need." In other words, Northern Pass is merely citing a long list of uncertain and speculative policy benefits and trying to bootstrap from "the lines may have some policy benefits" to "there is an overriding public need for the lines". That logic does not hold.

Here is an analogy: A Walmart Supercenter centrally located in the WMNF close to I-93 could have a lot of potential policy benefits. The store would provide basic foodstuffs, clothing and durables at low prices to families living in an underserved and economically challenged area. The economic infrastructure of the area would be improved from taxes and spending as well as demand for local products and services. Jobs would be created. Families could improve their economic circumstances as a result of the store and its impacts, with follow-on effects of better educational, health and life outcomes for families and children. Jobs, food, clothing, education – surely these are all policy benefits as important if not more important than low-carbon Canadian energy? However, no steward of the surrounding natural resources could take it seriously if Walmart were to propose setting up a Supercenter in the WMNF because somehow all of these policy benefits taken together show there is an "overriding public need" for a Walmart. That would be just as frivolous a claim as the one now made by Northern Pass.

Third, the WMNF plan rules do not allow a transmission line such as Northern Pass to be built through the forest as proposed if there are "reasonable alternatives" to the WMNF crossing. See WMNF management plan, Forest-Wide Management Direction, S-1(a), p. 2-9, and MA 8.3 Appalachian Trail, S-3, p. 3-48. There are many reasonable alternatives, but we will focus on just one for purposes of illustration – avoiding the proposed WMNF crossing by burying the lines along I-93 and the parkway through Franconia Notch.

Line burial is the preferred choice for responsible transmission developers in our region. Three HVDC transmission line projects in the New England/New York area, all using buried lines along public highway ROWs, are currently at various stages of development. Champlain-Hudson Power Express, Northeast

Energy Link and New England Clean Power Link, multi-billion dollar developments aimed at bringing Canadian and northern New England energy to southern New England/New York load centers, are all premised on line burial. These projects all come within 100 miles of Northern Pass's proposed route, and the estimated costs for line burial are comparable to the costs for Northern Pass's above-ground design.

New Hampshire's own SB 361 commission officially determined that line burial along state highway ROWs is both technically and financially feasible. Line burial, where practicable, is the official or de facto policy of an emerging majority of the states in our region. Similar technology is employed extensively in other regions and worldwide. Northern Pass, stubbornly proposing its old-style, invasive and damaging above-ground lines, is in a clear minority position among the region's transmission developers.

REAL believes it is entirely obvious that burial of the proposed lines along I-93 and the parkway is a reasonable, practicable, and financially and technically feasible. Northern Pass plans call for the HVDC transmission line to cross I-93 northwest of the WMNF and multiple times south of the WMNF. There is no routing reason that it cannot be buried between those crossings thus avoiding all visual and other impacts within the WMNF.

What is Northern Pass's argument against line burial to avoid the WMNF crossing? Northern Pass marshals four main assertions:

- (1) Costs: line burial would add costs and "these additional costs are economically infeasible if they affect any substantial portion of the line." (Amended SUP application, p.17). In other words, any amount of incremental cost is too much, because it could shave some amount, no matter how minor, from the profit margins of the project sponsors.
- (2) Traffic: there could be traffic problems from temporary road closures – "highway closures associated with construction and maintenance would be particularly burdensome." (Amended SUP application, p.20).
- (3) Large equipment: "[T]he large boring equipment necessary to carry out construction would encroach on parklands, and approval for that would likely be very difficult to obtain." (Amended SUP application, p.20).
- (4) The existing wooden-pole lines would stay in the WMNF: "Most importantly, in the end, visual impacts would not likely be significantly lessened in that the existing transmission line in the ROW through the WMNF would remain in place." (Amended SUP application, p.20).

Those are baseless arguments. To address traffic and equipment, transmission developers successfully deal with much more difficult traffic and equipment issues in urban and developed areas. These are not serious issues for rural New Hampshire, and if such problems were somehow to arise, there are easy and traditional solutions such as temporary detours, night construction or construction during non-peak seasons.

As for costs, Northern Pass is proposing that any additional costs, no matter how minor, make an alternative unreasonable or impractical. This has no support in the WMNF rules. A private transmission developer must be prepared to incur additional costs in order to minimize WMNF impacts, and we believe the comparable projects in the region show that these additional costs (if any) are reasonable when compared to the enormous value of preserving the environmental and visual integrity of the WMNF.

***Request #2: The US Forest Service should require that the EIS consulting team include independent, qualified engineering and financial consultants who can assess the critical question of what alternatives (such as line burial on highways to avoid the WMNF crossing) are feasible and practical, within the context of the specific rules and standards of the WMNF management plan.***

Northern Pass's last argument is that avoiding the WMNF crossing doesn't matter because the existing wooden pole transmission lines are already present on the proposed route. This falsely equates the impact of the existing lines with the proposed new lines and the related relocation and expansion of the existing lines. The truth is that the impacts of the proposed project are huge multiples of the small, seasoned impacts of the existing lines.

And there's another solution. If Northern Pass is somehow allowed to proceed, let's take the opportunity to not only bury the proposed new lines in the highway ROW to avoid the WMNF crossing, but let's clean up the mistake made many years in the past when the existing lines were permitted to cross the forest.

***REQUEST #3: REAL asks that the US Forest Service investigate, as part of the EIS process, whether to move the existing PSNH transmission lines out of the WMNF and bury them in state highway ROWs.***

The recent Federal Register notice regarding the EIS process (issued September 6, 2013 and available here: [http://www.northernpasseis.us/media/documents/anoi\\_9-06-13.pdf](http://www.northernpasseis.us/media/documents/anoi_9-06-13.pdf)) refers to the possibility of a "site specific amendment" to the WMNF rules to allow Northern Pass to proceed. As we understand it, the US Forest Service is holding out the possibility that even though Northern Pass does not meet the strict standards for a special use permit (so the application should be rejected), the US Forest Service might instead make a blanket exemption from the rules just for Northern Pass to let the transmission lines go forward.

This would be a travesty. The WMNF rules were the result of a lengthy, comprehensive dialog involving a broad range of stakeholders on a local, statewide, regional and national level. They strike a thoughtful, critically important balance defining the future of the WMNF. The WMNF rules benefit all the people, and they should not be turned on their head or disregarded just for Northern Pass.

***REQUEST #4: Whatever is done, the U.S. Forest Service must refrain from considering any special exemptions from the generally applicable WMNF rules to allow Northern Pass to proceed. This private project should be held to the same standards that apply throughout the forest to all SUP applicants with no special treatment to let these transmission lines impair and destroy the beauty of the WMNF.***

Thank you for your consideration of our comments. This letter is also being filed as a scoping comment as part of the EIS process.

Should you have any questions or wish to discuss any of these matters, please contact REAL at [info@responsibleenergyaction.com](mailto:info@responsibleenergyaction.com).

***Responsible Energy Action LLC is a citizens' education, advocacy and action group focused on New Hampshire energy policy. We are volunteers, self-funded and independent. We are not affiliated with any industry group, environmental organization or other interests. Our members are Bob Baker, Sandy Dannis, Jim Dannis, Tim Duggan, Susan Schibanoff and Bill Schomburg. This letter is unanimously approved by all REAL members.***

Sincerely,

Responsible Energy Action LLC

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Susan Schibanoff, Managing Member

Cc: Mr. Brian Mills, US Department of Energy  
Governor Maggie Hassan  
Senator Jeanne Shaheen  
Senator Kelly Ayotte