

THE COMMUNITY RIGHT TO SUSTAINABLE ENERGY



We first heard about the proposed Northern Pass Project on the day of a meeting between representatives of the project and the selectmen of the adjoining town of Franconia, NH. The project plans to acquire 40 miles of new right-of-way in northern New Hampshire and use 140 miles of existing right-of-way in central New Hampshire (acquired between 1930 and 1948) to erect a High Voltage Direct Current (HVDC) transmission line to bring power from Hydro-Quebec to southern New England. Hydro-Quebec is a corporation owned by the Province of Quebec. They operate 571 dams on 57 rivers and have flooded an area of land larger than New Hampshire. Much of this land was illegally taken from the Native Canadians who lived there.

Hydro-Quebec's claim to be producing clean, green, low carbon power has increasingly come under attack. Their flooding of boreal forests releases methane and mercury, and destroys the forests' capacity for sequestering carbon and providing human and animal habitat. The dams also alter the temperature of the waters entering Hudson Bay, damaging this vital ecosystem.

In Easton, where we live, the right-of-way that runs through town was acquired in 1947. The existing transmission line structures are double poled wooden pylons 55' high. Public Service of New Hampshire (PSNH) and the New Hampshire Electric Coop, a non-profit, supply power the power. Only recently have residents been able to choose their power provider; businesses have been migrating away from PSNH for months. Easton is a rural community of 235, with the usual assortment of tradespeople, and a fair amount of retirees. Like all towns here it began as a subsistence farming community. Like most of them it has since evolved into one based heavily on tourism. This was due in a large part to the natural beauty of the area and surrounding National Forest, which comprises 60% of Easton. The Appalachian Trail passes through Easton, along the ridge of the Kinsman Mountain range, and under the existing line, which occupies 9 miles of National Forest.

In Easton a 150' wide strip of the owned right-of-way is cleared, with 55' wood poles running down the center.

In the past it was kept clear with pesticides, including those used in Agent Orange. Since 1985 it has been cleared by mowing. Northern Pass's plan is to clear the right-of-way to 225', the acquired width. The existing poles would be replaced by 110' monopole pylons placed at one edge of the right-of-way with the new 120' HVDC lattice towers placed at the other edge. Northern Pass has said nothing about how it plans to deal with the fall zone of the towers. The cutting of the never cleared, 75' of right-of-way would be a massive clear cut. The replacement of the existing wood poles with metal poles of twice the height, and the addition of the 120' lattice towers would ruin a substantial section of Easton. Unlike the existing structures, the planned ones will tower above the tree line, which is now at most 60' high. The tower will be highly visible, intrusive, and the right-of-way will become an industrial zone occupying a rural community and the White Mountain National Forest, which is visited by many people precisely because of its wild, unspoiled nature.

This first meeting in Franconia set the pattern for the behavior of the companies involved in The project; Hydro-Quebec, N-Star/Northeast Utilities, and their subsidiary, Public Service of New Hampshire, which had originally acquired the right-of-way, are the involved companies. At the meeting the maps were so poorly detailed they could only be described as evasive, as were the responses the representative gave to our questions.

No firm data was available on anything, from the height of the towers, to the necessary right-of-way widths, to required fall zones. Everything was approximate and conditional, except their advice that we become fully involved in giving input to the permitting process. This process was described as rigorous and included a Presidential Permit from the Department of Energy (DOE), a siting permit from the New Hampshire Site Evaluation Committee (NHSEC), and a Special Use Permit from the White Mountain National Forest. As we researched these “regulatory” agencies we discovered regulatory capture, and the incestuous and corrupt connection between the companies and the regulatory bodies. Employees moved as freely as money, from company to “regulatory” agency. It turned out that the DOE had never denied a Presidential Permit (required for crossing of the Canadian or Mexican border), in the 57 years of its existence. Nor has the NHSEC, which deals with the siting, construction and operation of energy facilities, denied a siting permit. We were reminded of our neighboring town of Bethlehem’s battle with Casella, a waste management company that owns a landfill in Bethlehem. The town’s efforts within the regulatory structure resulted in an expensive failure to secure any of its goals. Bethlehem provided a very good example for us of the fate of towns choosing to fight unwanted projects through this “regulatory” system.

In the midst of this research, we were faced with how to connect with other towns along the line, and get the word out about this barely-known project.

We contacted select boards and conservation commissions. Susan Schibanoff, a retired professor of English, started the “Bury the Northern Pass” blog, a broad, informative summary of the project’s many facets. As we reached out, contacts were made, and a core of dedicated opposition began to form. People with skills in vital areas appeared; a lawyer, economist, writer, journalists, musicians, organizers, politicians, radio personalities. Organizations such as The Society for the Protection of New Hampshire Forests (SPNHF), the Appalachian Mountain Club and Conservation Law Foundation joined the opposition and added their voice, members and resources. The first major victory was the passage of House Bill 648, forbidding the use of eminent domain for energy projects not needed for system reliability. Second, was the \$850,000 purchase of a conservation easement on The Balsams property, a crucial piece of land for Northern Pass’s proposed new right-of-way through northern New Hampshire. Secured by SPNHF and private donations, this acquisition made an important statement of the depth of the opposition to the project. Several private landowners have also resolutely refused to collaborate with Northern Pass, which has spent 14 million dollars so far, attempting to acquire this necessary right-of-way.

At this time several of us in the opposition heard about the Community Environmental Legal Defense Fund (CELDF), and their movement to restore local control.

We had learned early on that though local residents had to follow local zoning laws, corporations undertaking large enough energy projects came under state control and were not subject to any of our local zoning laws, giving them essentially free rein, despite their talk of “mitigation”. CELDF does not try to win regulatory battles, rather they fight for the rights of localities, through the passage of rights-based ordinances. The aim of the rights-based ordinances is to preclude State or Federal preemption of local zoning. These ordinances have been used to prevent factory farming, the spreading of sludge on agricultural land, and hydro-fracking. The towns adopting them in response to Northern Pass would be the first to use them to assert local control over energy projects.

Our strategy in presenting such an ordinance to the town of Easton and for vote at Town Meeting was simple. We first spoke with our selectmen, where fortunately we found support for the ordinance. We then held three informative meetings before Town Meeting. The first was in our Town Hall, and registered voters were invited by postcard mailing. A second meeting was held in the adjoining town and featured Thomas Linzey, lawyer for CELDF. This was advertised in the paper and on billboards. The meeting was sponsored by residents of Sugar Hill and Easton, as both towns were working on ordinances aimed at forbidding siting of unsustainable energy projects. We had one more meeting in Easton with Gail Darrell, a CELDF representative and resident of Barnstead, N.H.

By the time Town Meeting came around no one could claim lack of information and slow the vote with endless questions. The ordinance passed at Town Meeting. The ordinance is headed by: “A rights-based ordinance to protect the health, safety, and welfare of residents and ecosystems of Easton, New Hampshire by establishing a bill of rights for Easton residents by recognizing their right to a sustainable energy future and by prohibiting the siting of new energy projects that violate the people’s right to a sustainable energy future.” Because “sustainable energy future” was the term that had raised the most objections among those working on the ordinance, we made sure people understood that the meaning of the term was defined in the ordinance. It was not the common cultural meaning, or the corporate meaning, (the term has been co-opted by corporations as part of their greenwashing). The ordinance also asserted the rights of natural communities and the right to scenic preservation. The ordinance passed unanimously, as it did in Sugar Hill. I think people understood that there might well come a day when nothing but the ordinance would stand between the project and Easton. Also, it was a way for everyone to take part in opposing the industrialization of Easton by a powerful group of corporations that, without a shred of morality or integrity, are attempting to parlay an antiquated right-of-way into massive profits for themselves.

We have an educated population who are accustomed to seeing the political system as something to serve them and justice, rather than as something they feared would be used against them, as happened in Lancaster, whose rights-based ordinance forbidding unsustainable energy did not hold up to a vote. The Lancaster ordinance suffered from some residents' fear that their rights to use their own property as they wished would be threatened.

Northern Pass has yet to secure their northern right-of-way. They stated August 2012 as the time they would (probably) announce their new route. They had to back-pedal when they had not secured the necessary rights of way for the northern 40 miles by that date, and Northeast Utilities is finally coming under some scrutiny by the financial sector. The date of construction has been pushed back from 2013 to 2016 (or 2017, according to Hydro-Quebec.) There is speculation that construction in anticipation of the project has been done at points on the existing right-of-way, under the guise of routine maintenance. The opposition is focusing on soliciting written opposition to the project passing through the White Mountain National Forest, which has the power to deny Northern Pass a permit to pass through their lands. Many people from "away" come here to hike, and know little about the project. We are also working on putting political pressure on Quebec and Hydro-Quebec.

Part of this consists of making clear to people that Quebec's massive hydro-power infrastructure is not clean or sustainable, and has involved irreparable destruction of natural resources and exploitation of Native Canadians. Quebec's massive hydroelectric development is hubris and environmental destruction on a massive scale. There is a lot of greenwashing going on now, and people need to examine critically all claims of "greenness" and the merits of such invasive manipulation of river systems for power.

Because the proposed project extends over 180 miles, it has been hard to be centralized in our organization. No leader ever stepped forward and organized our opposition into a formal, efficient structure. Therefore we have suffered from some inefficiency, lack of communication and duplication of effort. This has been a source of frustration to many, but we have been effective despite this, and there may be advantages to a dispersed structure. There has been broad opposition to the project, from both ends of the political spectrum. This has been a huge help, as it has prevented Northern Pass from being able to set factions against each other, as Casella did in Bethlehem.

Source: <http://readthedirt.org/case-study-the-community-right-to-sustainable-energy>