STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

October 17, 2018-1:44 p.m. 49 Donovan Street Concord, New Hampshire
\{Electronically filed with SEC 10/30/18\}
IN RE: SEC DOCKET NO. 2015-04
Application of Public Service Company of New Hampshire, d/b/a Eversource Energy, for a Certificate of Site and Facility.
(Adjudicative Hearing)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Patricia Weathersby
(Presiding Officer)
David Shulock, Esq. Elizabeth Muzzey, Dir. Charles Schmidt, Admin. Christopher Way, Dep.Dir. Michael Fitzgerald, Dir Dept Susan Duprey

ALSO PRESENT FOR THE SEC:
Michael J. Iacopino, Esq., Counsel for SEC Iryna Dore, Esq.
(Brennan, Lenehan, Iacopino \& Hickey)
Pamela G. Monroe, SEC Administrator
(No Appearances Taken)
COURT REPORTER: Susan J. Robidas, LCR No. 44
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[WITNESS: HEBERT]

PROCEEDINGS
(Hearing resumed at 1:44 p.m.)
PRESIDING OFFICER WEATHERSBY: Okay. Back on the record.

Before we go to redirect, I understand, Attorney Patch, you need to make a correction to the record?

MR. PATCH: Yes. Actually, I had two things. The first one, Mr. Selig wanted to make sure the record was accurate. He was asked a question about the camera that he used to take the photographs. And the lens size that he gave he said is actually 24-105, not 135. So we wanted to make sure that was clear for the record.

And then the second thing, in anticipation of the panel of witnesses that Durham and UNH have for next week, I had spoken to Mr . Iacopino and to Mr . Needleman about questions that we should be allowed to ask or not on direct. And given the fact that DES submitted their letter on August 31st, more than a month after our witnesses submitted their supplemental
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testimony, what I'd like to be able to do is ask them a question about that particular submission by DES. And I spoke with Mr. Needleman about it. And he can obviously, you know, correct me if I'm wrong. But I think he agrees that $I$ should be able to ask about that particular filing on direct. But obviously it's subject to what the Committee and Chair believe is correct. And I think it's clearly a change from the information that was available to the panel at the time of the filing. At that time, all they had was the February 28th final decision from DES. And so I'm hoping to be able to ask him that question.

PRESIDING OFFICER WEATHERSBY:
Attorney Needleman, would you like to comment?
MR. NEEDLEMAN: Yes. If the
question that Mr . Patch asks is have they reviewed it and does it have an effect on their testimony, and if so, what's the effect, we would not have an objection to those questions.

PRESIDING OFFICER WEATHERSBY: I do
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think the recent DES information is a change to the record and something that is certainly relevant to their testimony. And if there's no objection -- and also I think it would be helpful to the Committee -- I will allow those questions.

MR. PATCH: Thank you.
PRESIDING OFFICER WEATHERSBY: Attorney Geiger, do you have any redirect?

MS. GEIGER: Yes. Thank you.
PRESIDING OFFICER WEATHERSBY: While Attorney Geiger is getting set up, while we have a shuffling of the witnesses, Ms. Frink will be our next witness, followed by the Durham Historic Association. We will probably not get to Durham Residents today.

Please proceed, Ms. Geiger.
MS. GEIGER: Thank you.
REDIRECT EXAMINATION
BY MS. GEIGER:
Q. Mr. Hebert, do you recall questions from Mr. Fitzgerald earlier today about a proposed solution to the Seacoast Reliability Project? And I believe you responded with some
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information about a step-down transformer in two locations. Do I have that correct?
A. I do.
Q. Now, I'm showing you a map that was submitted with Applicant's Exhibit 41. And this is on electronic Page 21 of the PDF. Does that map look familiar to you?
A. Yes, it does.
Q. Could you please explain what's on that map.
A. I can. Basically, it is the grid for the Seacoast region. The blue lines indicate, as far as I'm aware, the 345-kilovolt lines, transmission lines; the red lines are the 115 lines, lower voltages; and the Project that we're talking about right now, if I could with my little pen here, going from Madbury and connecting over, going around here and connecting over to Portsmouth or Newington -yeah, Portsmouth right there -- so there's a line being connected there. What the issue is, is this line right here, there's only a single line. If you notice, there's two lines here, here and there, and there's two lines, there and there. The auto transformer
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that was installed last summer is in Deerfield, right there, to keep it up. Actually, it's kind of interesting. It got stuck on the road while being delivered.

What I was pointing out was this, that the auto transformer that's here is providing robust power over to Madbury. And what Mr. Andrew said during the technical sessions last summer was that there was plenty of power here; we simply need to get it over to Portsmouth. And that was the purpose of this line. Well, if you look at it, if you were to install another transformer here that is connected to this line all the way around -and again, there's a loop. Just look at that loop. It's nicely designed, actually. It's a very good design. You will see that you can still have connectivity should the Deerfield line go down the 115 -- the 345 -the 115 line go down. It still would have power that would be -- excuse me. I said that wrong. Should the line go down over here, you would still have power being delivered by having the step-down transformer
in Portsmouth. You know, there would still be power here and still be power there. What you wind up with is, if you remember Mr. Andrew saying, $N$ minus one minus one, as far as the conditions where you have the -- where they're getting into issues where conditions are set up that the lines are overheating, well, here you wind up with $N$ minus one, minus one, minus one. And what we're talking about here is one additional transformer at this end. But if you put two here and you put two there at a cost of $\$ 25$ million each, it's still cheaper than going with the $\$ 85$ million proposed line that is being proposed now.
Q. Excuse me, Mr. Hebert. When you say "here" and "there," just so the record is clear, you're pointing to --
A. I'm pointing to --
Q. -- this map; correct? So the record is not going to be able to be understood --
A. Good point.
Q. -- with "here" and "there." So could you talk about the towns or the locations that
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you're referring to on this map.
A. Sure. The town of Portsmouth and the town of

Deerfield. A transformer -- or two transformers at this end, two transformers here. There's already a transformer there. They need three transformers, $\$ 25$ million each for the cost, as shared with us on the proposal during data requests, would equal $\$ 75$ million if you total it up completely. That particular option, I understand there's voltage control issues that there would be, but they're not insurmountable, as there are voltage control issues with this. So I'm just saying that there's another option. It's just something I want to be -- I want everyone to be aware of. And I know it's late in the game, and it's just something that happened at the very last minute.
Q. Mr. Hebert, would this idea, this thought that you had at the very last minute, would this avoid building a line under Little Bay and through the town of Newington?
A. The way I understand it, it would.
Q. Thank you.
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MR. FITZGERALD: ExCuse me. Could you provide me with -- as much as I appreciate Mr. Hebert's opinion -- what qualifications he has to provide this information and supplant the collective judgment of the Company and ISO-New England?

MS. GEIGER: I think I'll defer to the witness. I think he's put his qualifications into the record. If you'd like to hear them again, we can go through them --

MR. FITZGERALD: Well, specific with regards to the qualifications for analyzing grid solutions to provide solutions to problems that ISO-New England has presented. I understand that he's an engineer. So am I. But does he have any expertise in transmission line design?

MS. GEIGER: I'll let Mr. Hebert answer that.

WITNESS HEBERT: I am not. I'm an engineer with experience and have gone to the same schools as the engineers presented to you at this board. Do I have transmission line experience or a master's in that? No, I
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don't. But I have a lot of experience in dealing with distribution systems, installing a distribution system and a substation here at Pease, as well as other air bases around the world, in Afghanistan and then also in Saudi Arabia. It is not with transmission lines.

MR. FITZGERALD: But is your experience with the construction of those? I believe you're a civil engineer.

WITNESS HEBERT: NO, I'm an electrical engineer.

MR. FITZGERALD: I'm sorry. Is your experience in the design of those solutions, or is it with respect to actually constructing them once they've been designed?

WITNESS HEBERT: It's actually both.
And I've had some training -- not transmission line. I want to be very clear about that, all right. So what I'm trying to say is this is basically -- what I'm looking at here is trying to explain to you that I think this is a very easy-to-understand application that I'm telling you about. If this line goes down here --
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MS. DUPREY: Madam Chair --
WITNESS HEBERT: I'm trying to answer the question.

MS. DUPREY: Madam Chair, back to the expert question. Could I please ask Attorney Geiger whether she's proffering the witness as an expert?

MS. GEIGER: I'm not proffering the witness as an expert in transmission design or construction. I think his qualifications speak for themselves. And I believe Mr. Fitzgerald and Mr. Hebert may have been talking over one another just a few minutes ago when Mr. Hebert indicated that he is an electrical engineer. So, yes, I'm offering him as an expert in electrical engineering but not in transmission system planning.

MR. FITZGERALD: I'm sorry. I missed that. Did you say your degree is in electrical engineering?

WITNESS HEBERT: It is in electrical engineering.

MR. FITZGERALD: I thought you said civil engineering previously.
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WITNESS HEBERT: No. I was commander of the civil engineering squadron, all right, of which there are electrical engineers, mechanical, civil. And fortunately or unfortunately, we worked in all disciplines when we were in the Air Force on those disciplines.

MR. FITZGERALD: All right. Thank you.

MS. GEIGER: Again, I'm going to leave this topic because I simply offered it to elaborate and provide further information to illustrate Mr. Hebert's answer to Mr. Fitzgerald's questions. So I'd like to move on now.

BY MS. GEIGER:
Q. Mr. Hebert, could you please explain why Newington amended its Master Plan in 2015.
A. Yes, I can. It was a preponderance of people who, through several meetings about this particular project -- and basically the outcome was the same that we saw last Thursday night at the public hearing at the DES office -- it was really clear from
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everybody, knowing people in town, that it was -- this was not a welcome -- I don't know anyone in the town is in favor of this project. And it was just overwhelmingly people who were enticed -- basically asking the Town to not allow this particular project. And that basically set forth the actions put into place to change our Master Plan.
Q. Thank you. I believe Mr. Iacopino asked you if Newington has ever in the past changed its Master Plan in response to a proposed project. Do you recall that question?
A. I do.
Q. And I believe that you may have indicated that you were -- you couldn't recall any instance. Have you had time to think about that, and do you want to offer a different answer?
A. Yes, I do. There were two separate occasions when that happened. One was with the Con Edison project which I'm very familiar with, in 1999, I believe. And then another one was with Tyco. That involved creating a new zone
[WITNESS: HEBERT]
within the -- a new zone within the, I'm trying to remember -- the industrial zone. So we created an office zone. We never had an office zone.
(Court Reporter inquiry)
So I believe there was another question from --

MS. DUPREY: Madam Chair, before she goes on. I'm sorry. That last answer sounded like it was a change to the zoning ordinance --

WITNESS HEBERT: No, it wasn't.
MS. DUPREY: -- not a change to the Master Plan.

WITNESS HEBERT: It was a change to the Master Plan. Maybe I said zoning. Thank you for --

MS. DUPREY: No, no, you didn't.
You said Master Plan. But it just sounded like a change to the zoning ordinance.

WITNESS HEBERT: No, it was a change
to the Master Plan. It was an interim
Master Plan -- it was a change specifically
because of a project. So $I$ know Con Edison
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was one of those, and the other one was with тусо.

MS. DUPREY: Thank you.
BY MS. GEIGER:
Q. I believe you were asked this morning about the Town's position on eminent domain. I think Mr. Schulock may have asked you whether it was -- what the Town felt about the Company using its eminent domain authority in the event this Committee were to order, as a condition of a certificate, that the line be buried in the town of Newington.

Could you please indicate what the Town's position on the Company's use of eminent domain is.
A. Yeah. First of all, $I$ think eminent domain should be the last resort, as I said earlier. And then finally, if it comes right down to it, eminent domain should be exercised.
Q. Now, Mr. Hebert, I believe a couple of times in response to questions today I've heard you say or use the phrase, "We want the line buried underground." Is that a preference of the Town, or is it a requirement?
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[WITNESS: HEBERT]
A. It's a requirement. "Want" was the wrong word that I used. It's a requirement per the Master Plan.
Q. Okay. And I'd like to show you --

MS. GEIGER: I'd like to switch to the Elmo now.

BY MS. GEIGER:
Q. So, Mr. Hebert, I'm showing you an exhibit that's been marked as Newington Exhibit 2-5. And in response to my prior question, you indicated that the Town's Master Plan requires that the high-voltage transmission line be buried within Newington's residential district.

Could you please, using that map, indicate for the Committee the precise locations where Eversource currently proposes to bury the transmission line; and No. 2, the locations where the Town's Master Plan requires it to be buried in addition to those first locations.
A. Certainly. The red area is what is being proposed to be buried. This is the Frink Farm right there and Hannah Lane. And then
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here is Gundalow Landing is what they're proposing to bury. The black areas here and there are what we're asking for as additional lines to be buried -- not asking for. That's what we're requiring. But we're asking this from the Committee.
Q. Thank you.

MS. GEIGER: I don't have any further questions.

PRESIDING OFFICER WEATHERSBY: Okay. Thank you, Mr. Hebert, for your testimony. You're free to go.

WITNESS HEBERT: I'd like to say thank you very much. I certainly appreciate it. I know all of you have a lot of work to do, and I appreciate the work you have done.

PRESIDING OFFICER WEATHERSBY: Our next witness will be Helen Frink. If the witness could be sworn in.
(WHEREUPON, HELEN FRINK was duly sworn and cautioned by the Court Reporter.) DIRECT EXAMINATION

BY MR. IACOPINO:
Q. Ms. Frink, I'm going to ask you a few
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questions just to get you started, okay, and then we'll move to cross-examination.

First of all, could you tell us your name, please.
A. My name is Helen Frink.
Q. And where do you reside?
A. 24 Clark Road, South Acworth, New Hampshire.
Q. And in this particular proceeding, who are you representing?
A. I'm representing the Darius Frink Farm, Nimble Hill Road in Newington, of which I'm co-owner.
Q. And have you filed prefiled direct testimony in this case?
A. Yes, I have.
Q. What's the date that you filed it?
A. July 28th, 2017.
Q. Did you file supplemental testimony as well?
A. Yes, I did.
Q. And what date did you file that?
A. July 20th, 2018.
Q. Okay. And if the Administrator's correct, I think we're going to mark those as Frink Exhibits 28 and 29.
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MS. MONROE: 29 and 30.
MR. IACOPINO: 29 and 30.
(The documents as described were herewith marked as Frink Exhibits 29 and 30 for identification.)

BY MR. IACOPINO:
Q. Did you have any changes or corrections to make to either your prefiled testimony or your supplemental testimony?
A. Yes, please. One small wording change to my supplemental testimony.

At the top of Page 2 --
Q. Go ahead.
A. At the top of Page 2, I'll read the first two sentences, if I may. "Subsequent to this agreement encompassing groundwater management, surface water in Knight's Brook tributary was tested on March 12, 2018.

Levels of known contaminants have risen significantly." The words "risen significantly" should be changed to read "levels of known contaminants have decreased slightly."
Q. And did you have any other corrections to
that testimony or your supplemental -- or your original testimony?
A. No, I do not.
Q. Okay.

MR. IACOPINO: With that, the witness is available for cross-examination.

PRESIDING OFFICER WEATHERSBY: Off the record.
(Discussion off the record)
PRESIDING OFFICER WEATHERSBY: Our first examiner is Attorney Patch for the Town of Durham.

MR. PATCH: No questions.
PRESIDING OFFICER WEATHERSBY: NO questions.

Town of Newington, Ms. Geiger. CROSS-EXAMINATION

BY MS. GEIGER:
Q. Good afternoon, Ms. Frink.
A. Good afternoon.
Q. I have a question about the conservation easement that's on your property. And more specifically, the Rockingham County Conservation District, are they the easement
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holder?
A. They hold the conservation easement, and the Town of Newington has an executory easement. The executory easement holder is the Town of Newington.
Q. And in this process, for this to accommodate this project, were there any changes to that conservation easement that needed to occur?
A. Yes. The conservation easement, as originally written, expressly forbids any further excavation or development on the land, and for that reason the conservation easement had to be amended to allow for construction of the underground line through our property.
Q. What specifically has to occur in order to place the transmission line underground on your property?
A. Do you mean in terms of easements, documents, legal provisions? Or do you mean in terms of construction on the ground?
Q. Let's take the first part first, just the arrangements, the legal arrangements or documentation that needs to reflect the fact
that this would be a permissible endeavor.
A. Eversource needed to acquire the underground rights from us. And we've signed an option agreement with the Company granting them underground rights. If the Project is approved, they will be able to purchase underground rights from us. And in order to amend the conservation easement, Eversource needed to construe this change as an improvement to the agricultural conditions on the farm, and that obligated Eversource to make certain changes.

Among the changes that Eversource has agreed to in order to make this an improvement to the farm are that Eversource will relinquish half the width of the easement post-construction. Eversource has agreed separately with the Town of Newington to move the distribution line to the road side. And Eversource will relinquish the overhead rights on our property as well. And Eversource has also agreed to fund a series of conservation-related farmland improvements to the land.
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Q. Will this money be paid directly to the Frink Family?
A. No, the money in question will be paid when and if those conservation improvements take place. And those include things like clearing away tree lines that have grown in along the edges of fences, reseeding hay fields, improving pasture management, improving drainage where that's appropriate. Those improvements would be carried out under the auspices of the Rockingham County Conservation District, and then the payment for those improvements would be reimbursed by Eversource through RCCD.
Q. Given the many improvements that you've just listed that Eversource is willing to make, do you continue to oppose this project?
A. We do.
Q. Why is that?
A. There are a series of reasons or concerns that lead us to continue to oppose the Project. We're very concerned with the environmental impact on our land. This is some of the most valuable farmland in the
state. And we're concerned about the construction of two 16 -foot-wide access roads on our property. I think it's helpful to point out that the abutting easement on the Pickering land is landlocked. There's no access to that easement except along the utility right-of-way. In order for construction crews to reach the Pickering land, they have to either come in from Little Bay Road, past the Flynn Pit area which is down the road, or come in from Nimble Hill Road through our land. And these two 16-foot-wide access roads suggest to us that this is going to be like a two-lane highway, traffic moving in both directions. So the impacts there will be huge.

A second concern that we have is the PFC contamination on our land. This comes downstream from Pease. There will be a huge amount of construction necessary to truck away any excess soil contaminated by PFCs. Water will need to be treated either on site or trucked off site for disposal, and the exact mechanisms for doing that are unknown
at this point, and the costs are unknown. We know that the state proposes new limits on PFCs early next year. Those may change what needs to be done and also change that cost of the amount of that construction work. It's massive and it's a big unknown.

Another big concern for us is the lifetime of this project. It's going to be a permanent impact on our farm property. And when we first were contacted by Eversource, Mr. Jim Jiottis, who was then an engineer, said that this was a 25-year improvement. And then here, in these hearings with the Construction Panel, I heard Mr. William Wall say that the estimated lifetime under Little Bay is 30 years, for the most part.

Eversource has spoken of it as a 40-year project. We are in the 200-year window with our farm. That's how long we've owned it. And we plan to keep it in the family in perpetuity, and it's conserved in perpetuity. So a change to our land for 25 to 40 years is not satisfactory.

Those briefly are some of my concerns.
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We can go further into detail perhaps later if the Committee has questions or if other intervenors do, or other parties.
Q. I just have one other question about your concerns. Do you have any concerns about the visual impacts of the transition tower that's proposed to be located on Frink Farm propriety?
A. Yes.

MR. NEEDLEMAN: Objection, Madam Chair. This is friendly cross. It was covered or should have been covered in her testimony.

WITNESS FRINK: Am I directed to answer the question?

PRESIDING OFFICER WEATHERSBY: Not yet. Sorry. Not yet.

MS. GEIGER: I think this is relevant information. Ms. Frink is pro se, and I was just trying to elicit from her specifically information about any concerns she might have. I think there was a question from the Committee a while back as to whether or not, you know, certain aspects of the
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Project would be visible from inside landowners' homes. And that's one particular area I was going to ask her about, whether or not she'd be able to see the transition tower from her property, from inside her house, from other vantage points. She is an abutter. She's actually not an abutter. She's actually a property owner that will be impacted directly by this project, and I think it's a fair question.

PRESIDING OFFICER WEATHERSBY: Okay. I'll overrule the objection. The question may be answered.
A. Would you please restate the question? BY MS. GEIGER:
Q. I wanted to ask you whether you had any concerns about the visual impacts on your property arising from the installation of the new transition structure.
A. Yes, we do. We believe that it will be visible from upstairs, inside our house. There's no 75-foot-tall structure to compare it to presently on the property. The idea of screening it from view in front of the
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transition towers, as I said earlier, we don't plant trees in hay fields. That's not appropriate. Vegetation in the wetland area directly in front of it doesn't grow 75 feet tall. And any screening from the road side, as Ms. Widell suggested yesterday, would block the view of our fields from Nimble Hill Road, which we know passersby do enjoy.
Q. Last area of inquiry, Ms. Frink. Are you and other owners of the Frink Farm satisfied with the arrangements that you've entered into with Eversource and generally your dealings with the Company?
A. We have grave concerns, first of all, about the follow-through on the part of contractors. We know that large parts of this project will be constructed by people on the ground whom we don't know. We were blindsided recently by a clear-cut straight through our wetlands, 100 feet wide, done in late July without our notice. We're very fearful of the liberties that will be taken with this land that means so much to us.

Another aspect is that every time this
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conversation comes up, we seem to be faced with new changes. And just two very short examples: I questioned the Construction Panel here, and I learned that the design of the monopole transition tower that we had been given was no longer the current design; that's been changed. And in speaking with the Construction Panel, I also learned that the engineering drawings which were submitted to this Committee in July of this year are no longer accurate, that the sodium bentonite material has been removed from the farmland trench. So these are surprises that come up every time we take another look at what's in the latest images. And as far as I know, the drawings that have been submitted say "for permitting, not for construction." So we don't actually know what's going to be built there, and that remains a concern.
Q. Speaking of drawings and mappings, have you been told by Eversource that there would be corrections made to the maps of your property which currently do not accurately show the entire historic district?
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A. That's been an ongoing issue. I pointed out in my prefiled direct testimony, and once again in my supplemental testimony, that those maps are inaccurate. And I am is dismayed that we continue to be given inaccurate information, which we've pointed out as just plain wrong, as the Durham Historic Association pointed out also. I think that we should all have the opportunity to evaluate this project based on the most accurate and specific information. We did hear an assurance that those maps would be corrected I guess before the Project is constructed. But $I$ don't know if those materials will all be corrected before the Committee needs to make its decision.
Q. Thank you.

Lastly, and this is lastly. Your status as a consulting party to the Section 106 process that the Army Corps of Engineers is engaged in, did you reach out to become a consulting party?
A. Yes. In 2015, I did write to the U.S. Army Corps of Engineers and secured my status as a \{SEC 2015-04\} [Day 11 AFTERNOON ONLY] \{10-17-18\}
consulting party. And I noticed in my supplemental direct testimony, I pointed out that I am a consulting party. I also pointed that out in my prefiled direct testimony. And so I'm baffled as to why my consulting party status wasn't recognized, given that Eversource had my prefiled and supplemental testimony, had the information that $I$ was a consulting party. If the Army Corps of Engineers neglected to call me into these discussions, I think that Eversource was fully aware of my status as well.
Q. Thank you.

MS. GEIGER: I have no further questions.

PRESIDING OFFICER WEATHERSBY:
Anyone here for Conservation Law Foundation?
Ms. Ludtke or Mr. Irwin?
[No verbal response]
PRESIDING OFFICER WEATHERSBY:
Durham Residents, Attorney Brown, any questions?

MS. BROWN: We have no questions of
Ms. Frink. Thank you.
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PRESIDING OFFICER WEATHERSBY:
Durham Historic Association is down for five minutes. Ms. Mackie, your group's representation was limited, Durham historic properties, limited to issues associated with the impact of the Project on historic resources in Durham. Do you have questions concerning historic resources in Durham of this witness?

MS. MACKIE: I have a question concerning how historic resources in Newington was handled that will inform our knowledge about what should be done in Durham or what hasn't been done in Durham.
(Discussion off the record between
Presiding Officer and SEC Counsel.)
PRESIDING OFFICER WEATHERSBY: SO you're asking your question about Newington so that it will better inform you as to effects --

MS. MACKIE: In other words, the process --
(Court Reporter interrupts.)
PRESIDING OFFICER WEATHERSBY: As
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to effects, and I stopped.
MS. MACKIE: My question has to do with how a situation that we have in Durham for which nothing was done, $I$ want to know if something was done in Newington for the same type of historic situation.

PRESIDING OFFICER WEATHERSBY: YOU may ask that question.

MS. MACKIE: Thank you.
CROSS-EXAMINATION

BY MS. MACKIE:
Q. Ms. Frink, we've seen on several occasions the Environmental Panel visual assessment expert's and the Construction Panel photographs of the large transition pole on your land. And my question is whether you've been offered mitigation for historic adverse effect of that pole?
A. No, we have not.
Q. Do you know why?
A. I imagine that the reason we weren't offered any mitigation was that it was determined by the state historic preservation officer that there was no adverse effect, obviously a
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conclusion with which we disagree.
Q. Do you know what the reason was that that decision came out that way?
A. I inquired, and I got back an e-mail. Very briefly, the primary reason that DHR did not recommend an adverse effect is because the majority of the line was going underground. No question. Transition pole was tucked within the existing forested area and did not protrude significantly from the top of the tree line. I'm quoting from an e-mail received from Ms. Nadine Miller on

October 4th. It might be helpful to the Committee if I submitted that as an exhibit. If you say so, I can do it.

PRESIDING OFFICER WEATHERSBY: I
don't think it's helpful. Your testimony is now in the record, and it's also very consistent with the testimony of Ms. Widell.

MS. FRINK: Thank you.
BY MS. MACKIE :
Q. So I take it, you do not agree with that assessment; is that accurate?
A. We do not agree with that assessment that
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there's no adverse effect.
Q. And do I understand you to say it's because the pole is above the trees?
A. It's above the tree line, and the forested area is cleared to a distance of 100 feet. So it's very obvious. Also in Mr. Raphael's visual simulation, it was obvious. And behind it, the line through the Pickering property will be kept very clear.
Q. I see. Thank you.

PRESIDING OFFICER WEATHERSBY:
Attorney Aslin or Counsel for the Public. Sorry. I can't remember your name. I know we received an appearance. So maybe you can introduce yourself.

MR. MILLER: Thank you, Madam Chair.
My name is Matt Miller, and I represent
Counsel for the Public.
CROSS-EXAMINATION
BY MR. MILLER:
Q. Good afternoon, Ms. Frink.
A. Good afternoon.
Q. So I want to start with a couple more questions about the transition structure.
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So you mentioned the visibility of that structure from Nimble Hill Road and from inside the farmhouse. Is that structure also visible from Little Bay Road?
A. I don't know. And I don't believe there was any visual simulation provided from that point. I suspect it may not be visible from Little Bay Road because Little Bay Road would be looking somewhat downslope toward it.
Q. Okay. Thank you.

Will that transition structure affect agricultural operations on the farm?
A. It increases the impervious surface because of the foundation and the size of it. I believe that it's going to be embedded 12 feet into the ground. So there's going to be some digging and excavation there. Those are the chief impacts that $I$ imagine.
Q. Can you describe your communications with Eversource about the transition structure and any mitigation?
A. I will explain. We entered into a long process, as I've alluded to, to alter our conservation easement and were signing the
papers to finalize that with the Rockingham County Conservation District in Brentwood at a face-to-face meeting with the board of RCCD and Eversource's representatives. The date I believe was June 21st of 2016. That was the first time that we were informed that the transition structure would be located on our land. We were flabbergasted and we were dismayed. Until that time, we had been told that it would be located on the Pickering property, where the line would be overhead. That was a shock. It was a three-pole riser at that time, a three-pole transition structure. And sometime after that we were offered the alternative of the monopole transition structure, which certainly appeared preferable to us. It reduces the size of the foundation. In questioning the Construction Panel here, I learned that the monopole design that we have been given is no longer the current design. The design's been changed again. Does that answer your question accurately, sir?
Q. It does. Thank you.
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So what mitigation has been offered by Eversource to deal with the visibility impact?
A. There has been no offer of mitigation. I'd like to make clear that if historic mitigation were to be offered, I think we would very much like the money to go to the Town of Newington's Historic District for something like repairs to one of the buildings that was mentioned earlier, preferably the Stone School that I attended back in the day.
Q. Okay. Thank you.

So I'd like to transition to another concern that you mentioned in your prefiled testimony. The original soil and groundwater management plan stated that soil from the Project area is suitable for reuse elsewhere on the property. And you had concerns with that; correct?
A. Yes.
Q. Okay. Has this issue been addressed with Eversource?
A. Yes, it has been addressed. And it's been
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solved in the most recent revision of the soil and groundwater management plan. Excess soil will be trucked off site. It's deemed to be not suitable for reuse for agricultural purposes. And apparently that would not be allowed by terms of our conservation easement.

I might add that the adherence to the terms of the conservation easement falls under the purview of the Rockingham County Conservation District, whose executive director, Dr. Leonard Lord, is a certified wetlands scientist and a soils scientist. And so his experience and knowledge guides us here.
Q. So you have no remaining concerns with the possibility of reuse of that soil.
A. The soil will not be reused on the property. It will be trucked away. We are concerned about trucking, the impact on those two 16-foot-wide access roads I described earlier.
Q. That was my next question. So you noted in your supplemental testimony that trucking on
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the property will cause dust, noise and soil compaction which will affect agricultural viability. What's your basis for that conclusion?
A. The weight of the trucks that will be used is enormous. Soil compaction is an issue. According to the terms of our agreement with Eversource, they are obligated to de-compact the soil afterwards. But soil that's been driven over by large vehicles over the rather long-term construction period isn't going to recover very easily. It may take years. This pathway through the field along the right-of-way may be visible for a long time. And I have no experience to say when or how that could be brought back to its present degree of fertility.
Q. Okay. Thank you. So I just have one more area I'd like to ask you a couple questions about.

So I want to clarify your or your
family's involvement with the Section 106 process. Were either you or any member of your family involved in that process at any
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stage?
A. I was involved to the point of requesting my status as a consulting party from the U.S. Army Corps of Engineers. I was not involved in any of the discussions about historic mitigation that resulted in the MOU or the MOA between Eversource, NHDHR or the Army Corps of Engineers. No, I was not involved. I wasn't invited.
Q. Thank you.

MR. MILLER: If I can have one moment?
(Pause in proceedings)
BY MR. MILLER:
Q. Before the discussions surrounding that MOU, did you have any involvement in that process, in the Section 106 process, that was not related to the MOU before that point in the process?
A. No.
Q. Okay. Thank you.

MR. MILLER: No further questions.
PRESIDING OFFICER WEATHERSBY: Thank
you, Mr. Miller.
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Attorney Needleman.
CROSS-EXAMINATION
BY MR. NEEDLEMAN:
Q. Hello, Ms. Frink. I'm Barry Needleman. I represent the Applicants, as I think you know.
A. Good afternoon.
Q. A moment ago you mentioned that you were, I think you said, quote, blindsided, by recent work that was done on your property. Were you here when Mr. Nelson testified that Eversource discussed this work with your brother prior to the time that it was done and that your brother said that it would be acceptable to do that work?
A. Yes. And I know that Mr. Nelson and I disagreed about that, and for that reason $I$ spoke to my brother and asked him. I saw him at the public hearing date, October 11th and 12th. I was at the farm, and I took the opportunity to ask him very specifically about that. And he said -- I want to make sure we're clear about this, Mr. Needleman, because I know this has been an issue. He
spoke with the people who did the work. This is the John D. Brown Company of Weare, New Hampshire. And they did the maintenance work on the Pickering line, which was what necessitated this, or what brought this issue to the fore. And my brother was asked for his permission for them to drive out through our property. And he gave them permission to use our right-of-way to come out to Nimble Hill Road. Again, I would like to clarify that the Pickering easement is landlocked. They were given permission. The maintenance crew was given permission to access the right-of-way in the Pickering property going from the Pickering driveway toward the right-of-way, but not to go back out that way. And so they needed to come out through our property. My brother, John Frink, gave them permission to drive out through our property, and he warned them expressly to go around what is marked on the maps as "Newington Wetland 18." That's not the Knight's Brook wetland. He didn't want them driving through that other wetland. He was
not informed about the cutting at all. He had no idea that there would be any cutting on our property. I believe Mr. Nelson mentioned a door hanger left for him. Eversource has my brother's home telephone, cell phone number, both, answering machines available on both. He did not receive a phone call.
Q. But after the door hanger was left there, I believe Mr. Nelson testified that your brother called Eversource, and they spoke prior to the time the work was done.
A. I am not aware of that. My understanding is that my brother merely gave permission to drive out through the field, but had no knowledge of any clear-cutting on our property.
Q. Okay. We'll let the testimony stand as is. I'd like to call your attention to Applicant's Exhibit 250. This is an outreach summary that was put together summarizing Eversource's various interactions with you and your family over the course of the last five years or so. There were, I think, nine
site visits that Eversource conducted to your family property. Does that sound right?
(Witness reviews document.)
A. I'm scanning the list of dates. Some of these are very clear in my mind. Perhaps we could scroll down a little further.
Q. Sure. Just tell us when to stop.
(Witness reviews document.)
PRESIDING OFFICER WEATHERSBY:
Attorney Needleman, is this a new exhibit?
MR. NEEDLEMAN: I believe so, yes.
MR. IACOPINO: Can you make it bigger then so we can read it on the screen? MR. NEEDLEMAN: Can you enlarge it, Dawn, so we can see it? Enlarge the exhibit so people can read it.
A. And is there a particular date or site visit that you would like me to comment on?

BY MR. NEEDLEMAN:
Q. No. My question was, does it sound right to you that Eversource visited your family's property during the course of this proceeding at least nine times in connection with trying to address the issues of concern to you and
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your family?
A. Again, I'm unable to count. If you say it's nine visits, that's possible. There certainly were a vast exchange of e-mails primarily, yes. And if there's a particular instance that you would like me to confirm or comment on, just let me know what item you're looking at.
Q. Okay. Thank you. You anticipated my next -MR. PATCH: Madam Chair, the last exhibit that I have from Eversource is 227. I don't have anything above that. And reference here is being made to 250. So I thought we were supposed to be provided the exhibits before, the day before they're being used.

MR. NEEDLEMAN: Well, first of all, I don't think that's the agreement. Second of all, there have been multiple parties during the course of this proceeding who have used exhibits in real time and provided them afterwards. So that's news to me.

PRESIDING OFFICER WEATHERSBY: This is a new exhibit that will be provided. I know the Committee has at least to 248. I
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think that's something all parties should have. But we can check on that.

MS. GEIGER: Madam Chair, we do not. The last exhibit $I$ have is No. 227. And I raised this with Attorney Needleman at the break and was told that we would get these tonight. Is that correct?

MR. NEEDLEMAN: I'm not sure exactly when we're going to upload. Part of the issue was the change in witness order. But yes, they'll be provided.

May I continue?
(The document as described was herewith marked as Applicant's Exhibit 250 for identification.)

PRESIDING OFFICER WEATHERSBY: Yes, you may continue.

MR. NEEDLEMAN: Thank you.
BY MR. NEEDLEMAN:
Q. Ms. Frink, at the technical session when Eversource questioned you, we asked whether you agreed that Eversource had made a good-faith effort to try to address the concerns that you and your family had raised.
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And you said you thought they did; is that correct?
A. That's not my recollection. I distinctly remember Mr. Dumville asking me, "Would you say that Eversource had dealt with you fairly?"

And I said, "I would delete the word 'fairly.'"
Q. So you think Eversource has not dealt with you in a fair and honest way during this proceeding?
A. That's at least partially correct.
Q. And why would you say that?
A. I've just cited issues over the location of the transition structure. That was one issue. I can name other changes in the design of the farmland trench that were of concern to us, that we found out about at the last moment; one had to do with removing fluidized thermal backfill; another had to do with my discovery during the Construction Panel questioning here that the sodium bentonite is no longer in the trench; that the design of the monopole transition tower
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had been changed yet again. Some of these things could be construed as positive. It seemed to me that the change to the transition tower is a positive, but I haven't seen an image. I really don't know what that consists of. Again, I think that we're lacking details that we would need to have before us completely before I could say that it had all happened in good faith.

I might bring up another issue, Mr.
Needleman, that I know you're very aware of, and that is our option agreement with Eversource expired at the end of 2017. And as we approached that deadline and needed to extend it, we made sort of a very short-term extension into early this year and then needed to continue working with you to extend the option agreement, which now runs until after the Site Evaluation Committee gives its decision. And in that process, we tried to contact project manager Deanna Champy because we had ongoing questions about the trench design. And instead of answering our questions, which she, $I$ believe as an
engineer or a project manager could probably have done, she directed us to run all of our inquiries to you. And with all due respect, we recognize that you are a lawyer, but not an engineer. And we needed an engineer, and we were forbidden to contact her directly, which I think would have been more direct and far more helpful communication.

You've raised a range of issues there that $I$ want to get into in some more depth. Before I do, one other question about this outreach summary.

Will you agree with me that the summary demonstrates that Eversource has made a very significant effort to engage with you and your family during the course of this process?
A. Yes. A significant effort to engage with us? Yes.
Q. Now, you mentioned the conservation easement, so I want to talk about that for a minute. You said earlier, you explained earlier that your family's farm is subject to this conservation easement. And I believe you
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also said that in order for it to be changed, it required the approval of a number of entities, including the federal government and the Rockingham County Conservation District; is that right?
A. Yes.
Q. And Eversource worked with you and those other entities to secure that approval; is that correct?
A. Mostly, yes.
Q. And that approval was memorialized in the Memorandum of Agreement with the Darius Frink Farm Conservation Easement Improvement Form, and that's Applicant's Exhibit 169. So I wanted to call that up and ask you about that specifically.

MR. NEEDLEMAN: And I want to start on Page 1 with the sixth "Whereas" clause, Dawn.

BY MR. NEEDLEMAN:
Q. So the purpose of this, as we understand it, is to amend the easement and to fund certain improvements on your family's property. Is that fair to say?
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A. I want to be a little more specific about the wording. The purpose of this is to fund certain conservation easements for the purpose of modifying the conservation easement. Not and, but for the purpose of.
Q. Okay. Fair enough. And then if we go to Page 2, Section 2.3, according to this section, and $I$ believe it's in the middle towards the right side, Eversource has committed to providing in excess of $\$ 243,000$ in funds to support those conservation easement improvements on your family's farm; is that right?
A. Would you please restate that?
Q. Yes. The question is: Eversource has committed to providing in excess of $\$ \mathbf{2 4 3}, 000$ in total to help fund conservation easement improvements on your family's farm; is that correct?
A. We need to subtract $\$ 10,000$ from that sum. $\$ 10,000$ of the $\$ 243,635$ goes to Rockingham County Conservation District for stewardship and management of these improvements. So the actual sum to be spent on farm conservation
improvements themselves is $\$ 233,635$.
Q. Okay. Thank you.

And is it also correct that a portion of the money that's being spent will be used to pay for a natural resource scientist prior to, during and after construction?
A. Yes.
Q. And in addition to needing to amend the conservation easement, you mentioned a moment ago that Eversource also needed an option agreement from your family in order to go underground across your farm; is that correct?
A. Yes.
Q. And so I wanted to introduce Applicant's 251, which is that option agreement, and ask you some questions about that.
(The document as described was herewith marked as Applicant's Exhibit 251 for identification.)
Q. On Page 2, Section 2 of the option agreement, in addition to the funds that we just saw, Eversource has also agreed to pay your family an additional $\$ 50,000$ to purchase these
underground rights; is that correct?
A. Yes.
Q. And another section of this agreement, which I can direct you to if you need me to, involves Eversource terminating the overhead rights across your family's farm; is that right?
A. Yes, it is.
Q. And another section of the agreement speaks to an issue that I think you raised at one point during the proceeding, which is that Eversource provides a $\$ 4,000$ guaranty for crop damage; is that correct?
A. Yes.
Q. Okay. Let me ask you about this transition structure on your property which I know has been a concern to you.

In what I believe is your Exhibit 30, your supplemental testimony, on Page 2 at the bottom you stated, "Eversource provided an illustration of a monopole that we were later told was not a current design, but we have never seen a definitive design to which the Applicant has committed." Do you remember
saying that?
A. Excuse me. Are you referring to this document that we were looking at just now?
Q. No. I'm sorry. I moved on. I was done with that document. I was referring to your supplemental testimony. And at the bottom of Page 2 of that supplemental testimony, you made the statement about the monopole. Do you recall that?
A. Yes, I have it here.
Q. Okay. I want to bring up Applicant's Exhibit 185, Appendix 33, at Page 87.

DIR. MUZZEY: Could you please repeat those numbers?

MR. NEEDLEMAN: Sure. It's Applicant's Exhibit 185, Appendix 33, PDF Page 87.

DIR. MUZZEY: Thank you.
BY MR. NEEDLEMAN:
Q. This is an e-mail from Mark Doperalski to Nadine Miller, who $I$ believe is at DHR, from June 8th of 2018. And the e-mail is indicating that a monopole design in lieu of a three-pole design has been agreed upon on
on your property and that it was found acceptable to your family and by the Town of Newington. Have you seen this e-mail before?
A. No, I have not.
Q. And does this sound familiar to you, in terms of the timing?
A. No, it does not.
Q. Well, do you recall that you yourself sent an e-mail not too long after this verifying to Eversource that that monopole design was acceptable to you? I have the e-mail if you'd like to see it.

MR. NEEDLEMAN: I don't know, Dawn,
if you have it loaded. Okay.
(Pause in proceedings)
A. Excuse me. Can we see a date for this? BY MR. NEEDLEMAN:
Q. Yes, I'm going to show it to you. Flip it over to the other side. This is an e-mail
from you -- or from Eversource to you talking about various issues on your property, and one of those issues relates to the transition structure. Do you see that?
A. I do see that, yes.
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Q. And then on the bottom of the page there's an e-mail from you. Do you see the date up there? It's August 17, 2017.
A. Yes, this is correct.
Q. And you're writing back to Lauren at Eversource --
A. Yes.
Q. -- confirming that the monopole transition structure is acceptable to you.
A. Yes, indeed.
Q. And then are you aware of the fact that shortly after this, on September 19th, 2017, Eversource submitted a design change memorializing the monopole structure?
A. I'm not aware of that. But I take your word for it.
Q. Okay. And on Page 1 of your supplemental testimony, I think you said that there had been no evaluation done by DHR of the concerns that you raised regarding the monopole structure on your property. Does that sound familiar?
A. I'm not clear on where you -- excuse me. I'm not clear on where you are.
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Q. It was Page 1 of your testimony. I don't have a line that I --
A. Of my direct testimony, sir, not supplemental testimony.
Q. I believe that's right.
A. Okay. Yup.
Q. And you raised a concern about that monopole structure and about whether it had been properly evaluated. Do you recall that?
A. I can see it here in my prefiled direct testimony, yes.
Q. Now, yesterday when you were asking Ms.

Widell questions, I think you specifically asked her why it was that she believed that the effect of this monopole was not considered an adverse effect.
A. Yes, I did ask.
Q. Do you recall that?
A. Yes, I did.
Q. And she explained to you her view of why that was the case. Do you remember that?
A. Yes. I'm not -- I don't remember her precise wording. But I do remember that she insisted that it would not be an adverse effect, yes.
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Q. Well, that's what $I$ wanted to talk to you about. So let me try to help.

MR. NEEDLEMAN: Dawn, if we can put up Applicant's 164, and I'm going to start at Page 81 of the PDF.

BY MR. NEEDLEMAN:
Q. This is the Division of Historic Resources Effects Table for the Newington Center Historic District. And I'm wondering if you've seen this document, because it sounded to me like the things Ms. Widell was telling you yesterday were things you hadn't heard before.
A. No, I have seen this. I am familiar with it.
Q. Okay. So in that first block at the top on the right as it's talking about the various findings on the effects table, it says that there will be no physical destruction of character-defined features in the District. Do you see that?
A. I see it.
Q. And then further down it talks about the proposed project will not affect the District's existing use. Do you see that?
A. I do.
Q. I don't want to go through the whole document. It's time-consuming, and it speaks for itself.

MR. NEEDLEMAN: But, Dawn, if you could go down to the bottom of this document.
A. Excuse me.

BY MR. NEEDLEMAN:
Q. Sure.
A. May we go back for a moment --
Q. Sure.
A. -- just to the preceding page?
Q. Where did you want to go?
A. Exactly where you were. The proposed project will not affect... to the right. That's fine.
Q. Okay.
(Witness reviews document.)
A. All right.

MR. NEEDLEMAN: If we can go over, Dawn, just to the next page. In the middle there's one other -- yeah, right there, the middle paragraph.
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BY MR. NEEDLEMAN:
Q. So as part of this description, it also -this was an issue that came up earlier. The second sentence notes that the overhead transition will be about 100 feet deep into the tree line. Do you see that?
A. Yes. And this is something that Ms. Widell mentioned several times that frankly baffled me. So let's continue this discussion and see if we can clear it up.
Q. Okay. Well, $I$ was going to go now to the end of the document, the Recommended Finding --
A. Can we stay here for a moment perhaps?
Q. Sure.
A. May I read? I'm not certain to the extent to which I'm allowed to --
Q. If there's something you want to look at, then you should look at it.
A. Okay. It says the overhead transition will be about 100 feet into the tree line. And my issue there is that the tree line is -- it has a 100-foot-wide gap in it, in the middle of which sits the transition structure. So the existing tree line can obscure it when
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viewed from an angle, but doesn't obscure it when viewed from straight on. That's one issue.

Second, in the photography that I did -and that's my Frink Exhibit No. 28, which says "transition tower location photograph," you can see there that the trees are by no means 75 feet high.

So, for those two reasons I disagree with this finding.
Q. There are a range of other statements in here which I'm not going to go into at this point. It's in the record for anyone to see. But I did just want to go to the last statement, the Recommended Finding on Page 3.

MR. NEEDLEMAN: Page 3, Dawn. The third page of the -- sorry. There we go. The Recommended Finding in that box.

BY MR. NEEDLEMAN:
Q. So this is the finding as it pertains to the Newington Center Historic District, where the recommendation is that there be no -- it's a no adverse effect finding. And, again, in light of the question that you asked Ms.
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Widell yesterday, I take it you disagree with this. But I'm just wondering whether you were aware of all of this.
A. Yes, I am.
Q. Okay.

MR. NEEDLEMAN: And now, Dawn, I want to call up Applicant's 167. This is the August 1st, 2017 DHR letter. And if we could go to Page 2 of the letter, Dawn, on the top half.

BY MR. NEEDLEMAN:
Q. This is where DHR is making its findings based on $I$ guess its analysis and material that's been submitted to it. And the Newington Center Historic District on this DHR letter is found to have no adverse effect; is that correct?
A. Yes, I'm very familiar with this letter. I read it carefully.
Q. And we don't have to go there at this point. But are you aware of the fact that on Page 1, the DHR introduced this portion by talking about the substantial public involvement that went into this entire process?
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A. Yes.
Q. Now, on this list there are four adverse effect findings; is that correct?
A. Yes. I've been concerned only with the one in Newington, that being the Alfred Pickering Farm.
Q. Well, $I$ wanted to ask you about that, given your knowledge of the area. The only adverse effect finding by DHR in Newington is the Alfred Pickering Farm; is that correct?
A. According to this letter, yes.
Q. And am I also correct that the Alfred Pickering Farm is not in the Newington Center Historic District?
A. It is not. It is eligible for the state and National Register. But I recognize that wasn't your question.
Q. So would it also then be correct to conclude that when DHR was talking with the Applicant and the Town about mitigation for historic effects in Newington, the mitigation they were focusing on would have pertained only to this one adverse effect and not to anything having to do with the historic district? Is
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that fair?
A. Please repeat that?
Q. Sure. When DHR and the Town and Eversource were focusing on mitigation in Newington for historic effects, am I correct that they would have focused on the adverse effect at the Alfred Pickering Farm, and that would be the only effect that they would be focusing on, and it's not in the historic district? Is that your understanding?
A. I'm somewhat baffled. I'm fully aware that the Alfred Pickering Farm is eligible for the state and National Register because I did the historic documentation work myself. So it is a historic resource. It's documented as such. So I'm surprised that it would not have been included in those discussions.
Q. I may not be making myself clear. Let me try one more time.

I understood that you were present at some of the meetings, or at least one of the meetings with DHR where mitigation in Newington was discussed.
A. No, I was not.
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Q. Okay. So you wouldn't have specific information --
A. That's right.
Q. -- about this. Okay. I misunderstood, so I'll move on.

On Page 29 of your -- or Exhibit 29, referring again to your prefiled testimony, Page 3, in the middle, you state that the monopole structure will impair the conservation value of the Frink property; is that right?
A. Again, would you please give me the reference?
Q. Yeah, it's your prefiled testimony, which is Exhibit 29, and I'm in the middle at Page 3. And the question is: "Will the transition structure impair the conservation values of the Frink property?" And you say "Yes." Do you see that?
A. Yes. Hmm-hmm.
Q. So I want to call up Applicant's 218, which is the first amendment to the conservation easement deed. And I want to call your attention to Page 2, Paragraph C.
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Paragraph C defines "replacement utility work" as it relates to this document. And that replacement utility work includes this proposed project. Do you see that?
(Witness reviews document.)
A. Yes.
Q. And then when we go to Page 2, Paragraph E of this same document, this actually indicates that the replacement utility work is not prohibited by the conservation easement, but instead enhances the purposes of the easement; is that right?
(Witness reviews document.)
A. It says that it enhances the purposes of the conservation easement deed. It doesn't say that it enhances the purposes of the conservation easement itself.
Q. Well, what do you understand the purpose of the deed to be if not to deal with the conservation easement?
A. I view the deed as simply recording and defining the conservation easement.
Q. So you think this is only referring to the purposes of the written document, not --
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A. Yes.
Q. -- actually to the land itself.
A. Yes. Hmm-hmm.
Q. Okay. There have been a number of questions that have been asked about your involvement in the consulting party process. Are you aware of the fact that the U.S. Army Corps of Engineers runs the 106 process and that Eversource does not participate in the running of that process?
A. I'm aware that USACE runs the process, yes.
Q. So, to the extent that you had concerns about your involvement or whether you were given notice or something like that, that concern would have to be directed to the Corps of Engineers; right? You understand Eversource has no control over that.
A. I believe that as signatory to the documents with USACE, Eversource would have been able to invite consulting parties into the discussion had Eversource chosen to do so.
Q. Do you believe that's Eversource's obligation as a party to the process?
A. I would make a distinction between obligation
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and good communications or good-faith efforts.
Q. Actually, you've mentioned this before, but just to clarify. There was a DHR forum in Portsmouth on January 10, 2017 that your brother attended; is that correct? Are you aware of that?
A. As far as I know.
Q. Also, you attended the February 2nd, 2017 public meeting in Newington on the Project; is that right?
A. Yes, yes.
Q. And you also attended the October 4th, 2017 effects meeting that was called by the Corps of Engineers; is that correct?
A. And that was at the Schiller Plant; is that correct? Do you have the location?
Q. I think that was the location.
A. Yes, I'm very well aware of that meeting. Yes.
Q. So your family certainly has had the opportunity to participate in these types of meetings during the course of the process, hasn't it?
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A. I must say at times our participation has been ineffective and useless. I have felt that we were not heard.
Q. Who didn't hear you?
A. The U.S. Army Corps of Engineers seemed to be inadequately represented at those proceedings. I have felt that DHR was either powerless to represent us or that the strength of their representation was lower than $I$ would have expected.
Q. Switching topics one more time. I'm looking again at Exhibit 29, which is your prefiled testimony. And near the bottom of Page 3 you raise concerns about the potential impact of the Project on the agricultural value of your family's farm. Do you see that?
A. Yes, I do.
Q. Now, we've talked already about the soil and groundwater management plan for your family farm in the Memorandum of Understanding connected with that. Do you recall that?
A. Yes.
Q. And at the technical session, I think Mr. Dumville asked you about these documents
and whether they had resolved your concerns with respect to these issues. And you said they were largely resolved. Do you remember that?
A.

Yes.
Q. Do you have remaining concerns pertaining to this issue?
A. "The devil is in the details" as we often say. I think the plans are, to some extent, satisfactory. I'm going to come back to that in just an instant and say there's a difference between the paper and the soil. The plans and the legal documents may be pretty clear. What happens when the machinery comes onto the land and begins to excavate is another matter.
Q. So, again, it sounds like in the case of Mr . Hebert, it's not the documents and the agreements you're concerned about, it's the parties following them; is that correct?
A. That's very fair, yes. That's exactly right.
Q. And so as long as the parties who are responsible for following those agreements, whether they're permits or other agreements,
they follow them, then your concern on this issue would be resolved?
A. Insofar as $I$ can see into the future, yes. Q. Okay. On top of Page 4 of that prefiled testimony, you raised a concern about the underground line creating a type of dam impeding the flow of water on your property. And my understanding is, since the time you filed that testimony, it's now your view that that concern is resolved; is that right?
A. We discussed this at some extent with Mr -or Dr. Leonard Lord of RCCD, who's a soil scientist and wetlands scientist, and he said he was no longer concerned about it.

I'll tell you what my concerns are that remain, and that is Eversource has drilled three monitoring wells on our land, which is a good thing to do to detect the depth of the surface water. Those wells were placed only where the poles would have been placed if the line was overhead. That's not very much testing. The water levels in the wetland now are so high that you can't drive a tractor within about 300 feet of it without getting
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stuck. So as far as the depth at which the groundwater is found and what will happen with excavation there, it can be a very seasonal problem. We're in a really wet year, and so those concerns do linger. The paper is good, the dirt is more important.
Q. One more set of questions. At the bottom of Page 4 and top of Page 5, you raised concerns about PFOA and PFOS --
A. Yes.
Q. -- these contaminants. Do you recall that?
A. Yes. Yes, indeed.
Q. And the soil and groundwater management plans are designed in part to address those issues; is that right?
A. Yes.
Q. And at the technical session, I think you also stated that based on those soil and groundwater management plans, your concerns had been addressed; is that right?
A. Addressed but not solved.

And if I may be indulged with a little bit more here. There are a number of concerns. Eversource has done very little
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testing for these toxins in the groundwater and has done one test in the surface water of Knight's Brook. The Air Force -- or Pease continues to test here. And they really do not understand themselves how the water -how the pollutants in the water moved downslope through our land and through the Pickering land. There's a great deal that we don't know about the behavior of the water in that area, and there's a great deal that we don't know about the impact of these toxins. Early next year, DES is planning, I believe, to set new limits for PFOA and PFOS. The more we find out about these things, how widespread they are and how serious to our health, the more serious they appear. So that does remain a concern.
Q. And is it your understanding that Eversource will be doing this work subject to the oversight of New Hampshire DES?
A. That is my understanding.

Another vast unknown is the cost. I
think this is going to have a huge cost
impact because Eversource has committed
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itself and must commit itself to following DES practice. This could be a very, very expensive proposition. And until we know the true costs here, we don't have an adequate basis for comparing the cost of this project to the alternative, such as the Gosling Road Transformer.
Q. And do you have confidence in the expertise of DES to effectively oversee this process?
A. That remains to be seen. I don't have that much experience with the efficacy of DES.
Q. But you would agree that DES certainly has significant experience in this area.
A. I pray that they do.
Q. Thank you, Ms. Frink.

MR. NEEDLEMAN: Nothing further.
PRESIDING OFFICER WEATHERSBY: Does
anyone on the Committee have questions for Ms. Frink? Mr. Fitzgerald.

QUESTIONS BY SEC MEMBERS AND COUNSEL:
BY MR. FITZGERALD:
Q. Good afternoon, Ms. Frink.
A. Good afternoon.
Q. Michael Fitzgerald. I'm from DES. We're
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here now.
A. Thank you. I'm glad you are.
Q. You brought up an issue with regards to soil compaction and that due to that soil compaction there would be a resultant adverse, or potential resultant adverse impact on the soil fertility --
A. Yes.
Q. -- is what I believe you said.
A. Yes.
Q. Bear with me because my experience in farming is limited to watching Green Acres. But when you farm, do you not cultivate the soil or, you know, rototill it? I know it's bigger than rototilling, which I do for gardening. But do you till the soil in some way?
A. No. This is a hay field, and the soil there is not tilled. And in agriculture, no-till agriculture has gained a great deal of credence most recently. But the hay fields are not tilled.
Q. So is your concern that the hay won't -- that the field will no longer support hay?
A. In the area -- I want to be clear. In the
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area that's impacted by these access roads, I think the hay crop will be reduced perhaps. And I also think that the more the soil is compacted, that it could be very wet in those wet and boggy areas that are considerable on our land.
Q. Thank you. That helps a lot.

I'd like to go back to your status in the 106 consulting process. And I know Mr. Needleman had some questions about this also, but I'd like to clarify.

First of all, your prefiled testimony indicates that you do pro bono historical preservation work now; is that correct?
A. Yes, I do.
Q. And related to areas other than your own farm?
A. Yes. I do this work in Acworth where I live and in the neighboring town of Alstead. I do historic preservation work, writing grants for LCHIP. Kind of supervising the construction process so that it goes in accord with historic preservation guidelines from the Secretary of Interior standards and
so forth. Yes.
Q. So are you familiar with the 106 process other than this project, through this project?
A. Only through this project with respect to the Section 106.
Q. Okay. I believe yesterday we had some testimony sort of outlining the distinction between a consulting party and an actual party to the agreement.
A. Excuse me. To which agreement, sir?
Q. The MOA and MOU. And my understanding of that was that as a consulting party, that the parties in particular, the Corps, I believe, if they're the ones that run this, they're required to consult with you, but that their negotiations and discussions with the other entities that are actual parties to the agreement as opposed to consulting parties, that you would not necessarily be a party to those. Is your understanding of that different as to your participation in those discussions?
A. I think that was a distinction that Ms.
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Widell made yesterday that $I$ was not aware of. What struck me was that originally there was a draft MOA that appeared from the U.S. Army Corps of Engineers, and I appear there as a consulting party. And I was never -- I never reviewed it. It wasn't sent to me directly. I'm not remembering right now in what group of parties $I$ was copied in on that. But when $I$ saw the final version, my name no longer appeared as a consulting party, and I thought that was very odd.
Q. And did you inquire about that?
A. Yes. That refers to my e-mail exchange with Ms. Nadine Miller at NHDHR. And I asked her why my name was removed. And may I quote? May I read?
Q. Absolutely.
A. Her e-mail -- this is Nadine Miller's e-mail to me. And she says, "I believe that it was the Army Corps of Engineers who removed your name from the final MOA. I don't have a specific answer, except my guess would be, since you do not have a specific task assigned to you under the MOA, they removed
your name." That equates, that matches what Ms. Widell suggested. So I can only assume that that's correct. And then she goes on to say that both towns, that would be Newington and Durham, have to coordinate with Eversource on the location of an exhibit. So

I believe that's why they are still identified as signatories. That makes sense.
Q. Okay. In the original draft that you
reviewed, where you referenced -- did your name appear as a signatory to the --
A. Yes, it did.
Q. -- as a party of the MOA?
A. My name appeared at the bottom with a blank for my signature beneath, which it said "consulting party."
Q. Okay. And in that version, were there tasks or duties that were assigned to you? In other words, when you received the document in its final form and your name had been removed, was the document changed in some way to eliminate your participation or any responsibilities you might have under the MOA?
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A. Not insofar as $I$ recall, nor do I recall that the documents specified any tasks or who was responsible for them.
Q. So do you know why your name was on there originally?
A. I had assumed that my name was on there originally because of my status as a consulting party.
Q. All right. Thank you very much.

PRESIDING OFFICER WEATHERSBY: Mr.
Schmidt?
MR. SCHMIDT: No.
PRESIDING OFFICER WEATHERSBY: Ms.
Duprey.
MS. DUPREY: Could you pull up Helen Frink Exhibit 3, please.

QUESTIONS BY MS. DUPREY:
Q. I want to get a sense of where exactly this transition structure will be. And I was looking through all the various exhibits, and I couldn't find anything better than this photograph to give me a sense of it. So I see up at the top, although it's faint, I see the distribution lines. Yes, \{SEC 2015-04\} [Day 11 AFTERNOON ONLY] \{10-17-18\}
the arrow. And am I right that -- if you would pull the arrow all the way to the far right, yeah -- is that the side that the transition structure is going to be on on your property?
A. If you look at the top left-hand photograph, the very top left-hand corner, that's it, further back than that. So off the
photograph --
Q. I see.
A. -- further back.
Q. So is it your position that you believe that from the interior of the house you will have a full-on view of that transition structure, or will you see the top of it over the trees?
A. It's misleading because this is an aerial view. The house is fairly tall, fairly good size. There is an Exhibit 4 that shows the house a little better. Maybe if Dawn could bring that up we could see the scale.
Q. No, I saw the house. This one shows me more where --
A. Okay. So, directly --
(Court Reporter interrupts.)
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A. I believe it will be visible from upstairs in the house.
Q. The entire tower?
A. No, probably the top of it.
Q. Okay. All right. So we don't think -- you don't think there will be a full-on view of it from anywhere in the house, but you think you can probably see the top of it from the second floor of the house.
A. Yes.
Q. And can I also ask you, is your family currently living in the house?
A. Yes, my brother lives there full time.
Q. Okay. Thanks very much.

MS. DUPREY: That's all.
MR. FITZGERALD: Could I follow up on that?

PRESIDING OFFICER WEATHERSBY: Yes, Mr. Fitzgerald.

BY MR. FITZGERALD:
Q. So is your concern -- if you could bring that picture back up, Dawn. You stated the concern would be relative to a view from the second floor.
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A. Yes.
Q. But is your concern -- also, do you have concerns that the views of people who were driving by on adjacent roads, that it would not be adequately shielded from those views as well or from the views of people who are employees of yours or whatever that are out on the farm?
A. Yes. From Nimble Hill Road, I do think it will be full-on visible. We could see that pretty clearly in Mr. Raphael's visual simulation. And I might add that Nimble Hill Road is very popular with people jogging and bicycling and dog walking paths, yes.
Q. So your concern is the view looking down the transmission line?
A. That's right, yes. Yes.
Q. Okay. Thank you very much.

PRESIDING OFFICER WEATHERSBY: Mr.
Way.
QUESTIONS BY MR. WAY:
Q. Hello, how are you?
A. Good afternoon.

MR. WAY: Could we -- just leave it
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up there permanently. [Laughter]
Actually, while you're there, Dawn, can you go back to that one -- the other one? Was that -- that's not --
A. That's the Pickering house, 2015 photograph.

MR. WAY: All right. If we can go back to the previous one, Dawn.

BY MR. WAY:
Q. Not to beat a dead horse, but in terms of the view from the second floor, I get the feeling that it's really not a prominent view. Is that a real issue to you, considering the fact that a lot of the overhead transmission lines up to that point would be removed, or is it an annoyance? Or how prominent do you feel that view is from that second floor?
A. An "annoyance" is good as a term. That's appropriate. I also have to say we love being out in the fields. I mean, we're out there often. The farm means everything to us. So the view from the fields, dog walking or working in the fields, mending fence, beings out there, that's significant. I have to also say there's a magnificent view from
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the barn that looks right out down the field, and $I$ expect it to be visible from the barn as well.
Q. So I guess from my standpoint, I'm trying to see the trade-off, too. Because even though you're seeing that, you're also having lines removed up to that point.
A. We're very used to those lines. They've been there since we were children. I must add, my brother would be very grateful not to need to mow around those five poles anymore when the lines are removed.
Q. I hear you there.

That other road, is that Little Bay
Road --
A. Yes, it is.
Q. -- on the left?
A. Yes.
Q. So I think I heard your earlier point, that if you go down that road, and I can kind of see it from your testimony, there's a slope and a grove of trees. Probably won't be able to see it from that road?
A. That's right.
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Q. All right. Thank you.

PRESIDING OFFICER WEATHERSBY:
Director Muzzey.
QUESTIONS BY DIR. MUZZEY:
Q. Good afternoon.
A. Good afternoon.
Q. Thank you for being here.

I wanted to get a better sense of the full extent of the construction impacts from the Project. And I've been looking at Applicant's Exhibit 148, PDF Page 25, which I believe shows the area on your farm.

DIR. MUZZEY: If we could put that up, it would be a help. Applicant Exhibit 148, PDF Page 25, which I believe shows the Frink Farm, if we could zoom in sort of the right-half part of the map. That's not -- I don't believe that's showing the full work pad. If we could go all the way up to the line or even over Frink Farm would be great.

BY DIR. MUZZEY:
Q. So, Ms. Frink, is it your understanding that this is the environmental maps, particularly
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the map that shows the portion on the edge of your farm where this new transition structure is going?
A. Yes, that's clear.
Q. And the transition structure is labeled "F107-106"; is that correct?
A. It's labeled both "109" and "106" I think. I think one number is for construction and one is for some other purpose.
Q. I see what you mean. Thank you.

And the actual structure itself is that little yellow square. Is that what you understand?
A. Hmm-hmm. Yes, yes.
Q. Okay. Great.

And we can see the tree clearing. It's the blue dots. And the work pad is sort of the big, L-shaped outline in orange section?
A. Yes. Looks like it's got a handle on it, kind of like Oklahoma.
Q. Exactly. I see it.

So what is your understanding of what that work pad is and what the actual impact on the landscape will be?
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A. I do not know. I don't know what it consists of. I asked that with the Construction Panel, and I'm afraid I didn't get a very clear answer. I think I understood some timber mats. I can discuss some of my concerns about it.

I think this is going to be a mammoth structure. I think the measurements are about 300 feet along the longest side of it, which would be the northern side. And I think that when you look at access roads on our property, the work pad is going to become a main feature for construction of all of the rest of this line because the easements from our land toward the west, toward Little Bay, are landlocked as I mentioned. So I think this is going to be a staging site for a great deal of construction on other property to the west of ours. So that's a huge concern.

I might also bring up the fact that there was on earlier iterations of this map a dewatering area on the Pickering land. And this whole business of dewatering and stream
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diversion is not terribly clear to me, I must say. And then exactly where you see the work pad itself straddling the border between our land and Pickering's, there is a stone wall which is a boundary marking. And I need to explain here that it's visible clearly to the south, which I showed Ms. Widell yesterday in one of my exhibits. And in the cleared area of the right-of-way, the stone wall is buried. And I believe that it was destroyed in construction of the distribution line back in the 1950s. We'd like very much to have it put back together. So the work pad is another impact, whose complete impact we're not certain of.
Q. So is it your understanding that the work pad after the construction of this line will go back to a -- it will be flattened, but will go back to a natural state? Or is it concrete? Do you know what the surface is?
A. I don't know. I can say that this is all conservation land. So that yellow notched marking that stops short of the border is also incorrect. The conservation land
extends all the way to the property boundary. And by terms of our conservation easement, again, it has to be pretty well restored on our land. I'm not aware that there are similar protections in place for the Pickering land.

I would also like to say that the level of PFOA, PFOS contamination on the Pickering property is higher than it is on our property. It's seriously very high. And I do believe that's one obstacle, as far as the landowner's concerned, to construction of the underground line on the Pickering property.
Q. Thank you.

Thinking of the testing that was done for those pollutants, do you know whether there was any testing done, a monitoring well or that type of thing, on the work pad area?
A. As far as $I$ know, there was not.
Q. And if we look at, there's a white line that travels what $I$ think is north-south, goes right over the hyphen between 107 and 106 , is that the property line between --
A. Yes.
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Q. -- your property and the Pickering property?
A. Yes.
Q. And so the yellow conservation line, as well as the orange hatching for historical designations, should go to that white line?
A. Yes.
Q. Thank you.

And the stone wall that you talked about, does it go along that white line as well?
A. Yes, it's a property boundary.
Q. And is it visible where the work pad is? You said part of is buried and part of it is visible?
A. It is buried. Where you see the work pad, it's buried for the width of the right-of-way. And then south of that, it's very clear, as in the photo I showed Ms. Widell, to the north of the work pad, to the north of the right-of-way. If you're used to looking at historic properties and can recognize lined trees, it's visible.
Q. Okay. Thank you. Perhaps on LIDAR it would be visible?
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A. I'm not familiar enough with LIDAR to judge.
Q. Okay. Thank you.

And if we look to the right of the work pad, we see the lines indicating the access road that will be used -- the two access roads that will be used during construction, right, in the dotted lines?
A. Yes.
Q. Do you know if those dotted lines indicate to scale the width of those access roads?
A. When I asked the Construction Panel or the Environmental Panel, I believe it was Sarah Allen who answered and said they represent two access roads, each of them 16 feet wide. That's 32 feet total in a 100-foot right-of-way.
Q. Do you know if they're immediately adjacent to each? Are they sort of spread out? Is there space in between them? Do we have that information?
A. I don't have that information. But I'm assuming with the size of trucks that $I$ envision traveling east and west along those two access roads, there's going to be some
space between them.
Q. Have you had any discussions with Eversource, thinking about the future, how this line will be accessed during operations, upgrades that may be needed, power outages, that type of thing? Will they be using your farm to access the line?
A. That is a very good question. First of all, after construction they will have only a 50-foot right-of-way, and of that, 25 feet is a permanent right-of-way for the underground line. And the other 25 feet is solely for maintenance and repair purposes.

But I think one of the things you're asking is how the underground line would be accessed in the need of repair. And our fear is that it would be necessary to excavate and dig it up again. Again, originally we were told this is a 25-year upgrade. Mr. William Wall said this was a 30-year lifetime for the submarine line, and then we were told later a 40-foot -- excuse me -- a 40-year life span for the underground line. For people who've owned the property for two centuries, 40
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years is too short.
Q. In any of the agreements that you have with Eversource, does it address whether or not they continue to have the right-of-way to travel over this area for accessing the line?
A. That's a good question. And I don't have a good answer at this time. I know very clearly the right-of-way easements from the 1950s grant the right to pass and re-pass over our land to access the rest of the right-of-way. My assumption is that they will be able to access the 25 -foot width that is for maintenance and repair, also to travel to, for example, the Pickering overhead line and beyond. It would be easier perhaps once the line is built for them to travel beneath the overhead line rather than continue to drive on our land. I simply don't know.
Q. Okay. I understand.

Do you know whether there's anything in those agreements that say they need to talk with you first before they do that, or is it their right to access without landowner permission?
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A. It's their right to access I think without landowner permission. For the most part, they've been pretty good about calling my brother John and the letting him know they intend to come on the property. They've done a pretty thorough job of that. That's why we were really surprised by that clear-cutting that we weren't aware of in advance.
Q. Okay. So, given your experience with the Company to date, do you have concerns about how this will unfold in the coming years regarding access?
A. Regarding access and repair, yes, that does remain a concern. And I might add that access from Nimble Hill Road is pretty clear and easy. Nimble Hill Road is flat and straight, and you can get in easily there. Accessing easements to the west of us from Little Bay Road is a little bit more difficult. We do not want to become the super highway to access the entire span of the SRP through that area of Newington.
Q. Thank you.

And finally, you know, we've talked \{SEC 2015-04\} [Day 11 AFTERNOON ONLY] \{10-17-18\}
about the tree clearing and the work pad and how that will look during construction and after construction. Do you know if the Army Corps of Engineers and the DHR had that information when they were doing their effects determination?
A. I don't know. The one place where I think that's referenced is in that August of 2017 letter from NHDHR that calls out the adverse effect on the Pickering Farm. And when it mentions no adverse effect to the Newington Center Historic District, it does mention possible environmental impacts during construction I think on the Frink property.
Q. Yes, $I$ saw that in the letter as well. Thank you.

DIR. MUZZEY: That's all I have right now.

PRESIDING OFFICER WEATHERSBY: Any
other questions from the Committee? Attorney Iacopino, do you have any questions?

QUESTIONS BY MR. IACOPINO:
Q. Am I correct in understanding the Knight's Brook goes right through the field that was
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up on the picture before?
A. Yes, it does.
Q. And that's the brook where they found the PFOS and --
A. Yes, indeed.
Q. Have you been required to not allow your cattle to drink from there or to do anything as far as your haying goes because of these contaminants?
A. First of all, good farming practice keeps livestock out of wetland areas because of manure. So the cattle don't graze there anyway. And in answer to your question about the hay, you can't really hay that area of wetlands because you get stuck. And also, the hay growth isn't good there. It's cattails, fern, goldenrod. Very low-quality stuff.
Q. And do you know, offhand, if the Pickering Farm has been curtailed at all because of these findings?
A. They do have livestock. They have alpaca and miniature cattle. The part of their land where there is contamination they don't need \{SEC 2015-04\} [Day 11 AFTERNOON ONLY] \{10-17-18\}
to use. Both of us have wells that to date show blessedly little contamination. I do know that some properties in Hannah Lane are on bottled water because of PFC contamination. And it spreads in a kind of unpredictable pattern. Nobody really knows how it travels.
Q. And then my last question is about the viewshed from your farm. There's going to be four distribution poles that are
eliminated --
A. Excuse me. It's five.
Q. I'm sorry. Five distribution poles are going to be eliminated, and then the addition of the transition station. And you've indicated that you've become very "adapted," I guess is the best word, to the existing poles. Do you see any reason why over the years you and following generations of the Frink family will not become adapted -- will not adapt to the transition pole?
A. I can't foresee how future generations will react. You may be right, that people get used to such things. I must say it was -- we
got used to Pease Air Force Base flying B-52s and so forth right over our barn. So people do adapt. It's not pleasant, but yes.
Q. Thank you.

MR. IACOPINO: No further questions.
BY PRESIDING OFFICER WEATHERSBY:
Q. Ms. Frink, there's nobody here to give you redirect, so is there any clarifications you'd like to make at all about anything you've said here this afternoon?

Do you have other questions? Before you do that, one more question here from Mr . Fitzgerald.

QUESTIONS BY MR. FITZGERALD:
Q. I just want to follow up on Attorney Iacopino's question. From a visual aspect only, do you see any benefit in the trade-off of the five existing towers to the one monopole? Or do you see the one monopole because of the changes outweighs the removal of the five?
A. The five existing poles are considerably shorter, as you know. And to speak quite candidly, I think that we would not have such
an adverse reaction to the transition pole if it had been introduced to us perhaps more clearly and directly. If we'd been aware from the first it was going to be located on our property, I think we would not have seen it as such a blow.
Q. Well, I guess that opens up something for me. I understand that it's a surprise. But are you saying that aside from the surprise, it's not as much of a -- it's not as much of a visual issue for you, other than that it was -- it came into the picture late? No pun intended.
A. That's a factor. The blow that $I$ mentioned is certainly a factor. Another factor is that this is a historic property. So we're very aware of not doing anything ourselves that would damage the viewshed. And the scenic views across the property were mentioned in our original conservation easement, and clearly, one of the aspects that lead the Town of Newington to contribute a quarter of the value of the conservation easement. So we know that the community, as
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well as we, value that view very highly. So that's -- the public enjoyment of the view is also a factor.
Q. Okay. And the monopole aside, I assume, although you've said you've grown accustomed to them, the removal of the existing five poles distribution line is a positive for you?
A. As I mentioned, my brother will be very glad not to have to mow around those five poles, yes.
Q. Okay. Thank you.

PRESIDING OFFICER WEATHERSBY: Thank you.

Ms. Frink, were there any clarifications you wanted to make to any statements you made here this afternoon?

WITNESS FRINK: I think if the
Committee has no further requests of me, I'm content to leave it as it is.

And I want to thank the Committee for your cordiality and your indulgence in welcoming someone who's a novice and a beginner. You've been very courteous, and I
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appreciate that.
PRESIDING OFFICER WEATHERSBY: Thank you. We're glad you're here as well. And you were very articulate. So thank you for your testimony.

We will take a break and be back at ten minutes to four, five to minutes to four. That will allow for Ms. Sandberg and Ms. Mackie to take the witness stand for Durham Historic Association.
(Recess was taken at 3:43 p.m. and the hearing resumed at 4:03 p.m.) PRESIDING OFFICER WEATHERSBY: Okay. We are going to resume. If the witnesses could be sworn in, please.
(WHEREUPON, JANET MACKIE AND NANCY SANDBERG were duly sworn and cautioned by the Court Reporter.)

DIRECT EXAMINATION
BY MR. IACOPINO:
Q. Good afternoon.
A. (Sandberg) Good afternoon.
Q. Would each of you please identify yourself, starting with Ms. Mackie.
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A. (Mackie) Janet Mackie, M-A-C-K-I-E. I'm vice president of the Durham Historic Association.
A. (Sandberg) And I'm Nancy Sandberg, and I'm curator of the Durham Historic Association Museum.
(Discussion off the record.)
A. (Sandberg) I live in Durham at 15 Langley Road.
Q. Thank you. And are both of you here to testify on behalf of the Durham Historic Association?
A. (Mackie) Yes, we are.
Q. And have you provided prefiled testimony to the Committee in the form of an exhibit identified as DHA Exhibit 1, Historic Resources Testimony on the Impact of the Proposed Seacoast Reliability Project?
A. (Mackie) Yes, we have.
Q. And have you also filed supplemental prefiled testimony which has been marked as DHA Exhibit 4, Historic Resources Supplemental Testimony on the Impact of the Proposed Seacoast Reliability Project?
A. (Mackie) Yes, we have.
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## [WITNESS PANEL: MACKIE|SANDBERG]

Q. And are the both of you contributors to both of those testimonies?
A. (Mackie) Yes, we are.
A. (Sandberg) Yes.
Q. Do you have any changes or additions that you'd like to make to that testimony?
A. (Sandberg) No.
A. (Mackie) No, we don't.
Q. And if you were to be asked these questions in that testimony today, would you give the same answers?
A. (Mackie) Yes, we would.
Q. Thank you.

MR. IACOPINO: Witnesses are
available for cross-examination.
PRESIDING OFFICER WEATHERSBY:
Attorney Patch.
CROSS-EXAMINATION
BY MR. PATCH:
Q. Good afternoon.
A. (Sandberg) Good afternoon.
A. (Mackie) Good afternoon.
Q. As I think you know, I'm Doug Patch. I
represent the Town of Durham and UNH.
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I have a question about what we, Durham and UNH, marked as Exhibit 27. It should be up on the screen. I don't know why it isn't. Okay. And there are a few questions that I had asked, I believe it was yesterday, of Ms. Widell about that particular exhibit. Are you familiar with that exhibit?
A. (Mackie) Yes, we are.
Q. Did you prepare that?
A. (Mackie) Yes, we did.
Q. Could you explain it to the Committee?
A. (Mackie) Yes. The text in black is the stone walls chart prepared by Eversource for the stone walls in Durham and provided to us on November 2nd of last year. And the yellow text -- I'm sorry. The red text is the result of a multi-page list we sent to Mr. Doperalski adding 20 more stone walls that had been omitted. And also changing -informing him, for example, which stone walls were actually boundary walls that were missed by Eversource, probably because the polygon tax parcels for the Durham layer are skewed in the GIS system.
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So he responded back to us in May of this year, indicating that he agreed with everything that we had brought to his attention. And that was his May 17th letter. I think it was -- or 27th of this year. And so I incorporated those changes into the original Eversource list. And so this is the current status of what Eversource agrees to protect for Durham stone walls. And the ones with the yellow highlight on the left are the ones that qualify for protection.
Q. Okay. And you said there was correspondence he sent back to you indicating that he agreed with this list as being ones that should be protected; is that fair to say?
A. (Mackie) I made this list after I received his response. Basically, he gave us their chart in November of 2017. We gave him our corrections, I think in March, around that period. And then he responded back to us on May 17th, agreeing with what we had sent him as corrections. So I made this list to update their original chart.
Q. And so that May 17 th letter you say basically
[WITNESS PANEL: MACKIE|SANDBERG]
approves what's included in this list.
A. (Mackie) Yes, that's correct.
Q. And that, I believe, is one of your exhibits; is it not?
A. (Mackie) His letter to us is our Exhibit 2, and the maps that were attached to his letter are our Exhibit 3. And that's the most recent stone wall maps for Durham.
Q. Okay. Thank you.

Now, there was some discussion yesterday, too, with Ms. Widell about two Class VI roads in Durham. Are you familiar with those two roads?
A. (Mackie) Yes, we explain them in our testimony.
Q. And could you explain to the Committee what your position is on those two roads.
A. (Mackie) Yes. Those particular proposed access roads are currently Class VI town roads. The one at Beech Hill dates from about 1689, and that one was also the Province Road, which was a very important road that went from the Seacoast up to Haverhill, New Hampshire, on the Connecticut
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River. After the French were defeated at Canada, it became British and therefore was safe to travel inland and settle the inland towns which had been granted previously. So the royal government -- and this is before the Revolutionary War. In 1763, they wanted to encourage the inland settlement of towns away from the coast, and so they passed an act for the construction of this road. And it was this road which goes from Durham up to the Lakes Region, across the Pemigewassett and on to Haverhill on the Connecticut River that helped to facilitate the inland settlement of the towns inland in New Hampshire.
Q. I believe she asked me what a Class VI road is, and I didn't do a very good job of answering that. Could you explain what your understanding of a Class VI road is.
A. (Mackie) Well, I don't have the statute in front of me. But basically it's a town road that the town decides to no longer maintain, and therefore they close the road to vehicles. So it's still public land, and it
[WITNESS PANEL: MACKIE|SANDBERG]
still exists as an apparent road, but it's no longer allowed to be used by vehicles.

People can use it. You can bicycle on it, that kind of thing.
Q. And is Eversource proposing to use these two roads for the purpose of access to the right-of-way?
A. (Mackie) That's right.
Q. And do you have a position on that?
A. (Mackie) Yes. Well, the first road -- well, we don't want either road to be used because the weight of the equipment, even if they put down gravel, will destroy the original look of the road which is, well, basically, two ruts that run parallel to the each other with a crown in the middle. And that gives you the feeling and the sense that it's an old road. The Beech Hill Road --
A. (Sandberg) A cartway.
A. (Mackie) Yes, they're cartways. The Beech Hill Road, the section that they want to use, was closed after the railroad track in Durham was moved west in 1910. So there was never automobile traffic on that section. And it's
[WITNESS PANEL: MACKIE|SANDBERG]
a section of road preserved in time from before the age of the automobile.

The other road that we object to them using -- and there is another way to get into the right-of-way. It's not the only choice, in both cases. The second road that we don't want them to use is another road that goes off of -- well, it's called Foss Farm Road now. It used to be called Mill Road. And that road dates from 1686. It was the original route from the village to Packers Falls. It went from mill to mill to mill. And that road was used regularly as the main road until the railroad came through in 1841 and cut across the road. After that, they changed the road to another route. But again, that road is a very old road, and it connects to -- or actually, part of it was an Indian path from before the settlement.
A. (Sandberg) And I believe the Committee, on the tour at the Seacoast, walked down that road to the raised cemetery with the maple trees on either side of the stone wall. So you had a sense of that on that tour.
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Q. Now, what about the Samuel Hill, Eighteenth Century family burial site? I asked a couple of questions I think about that yesterday of Ms. Widell. And could you explain what that site is and if there are any concerns about that site.
A. (Mackie) Well, the fact that there's a graveyard or a burial site there is recorded in the town history. What's unusual about it is the fact it no longer has any apparent fieldstone markers. In Durham, in general, there were no engraved gravestones until sometime in the late 1700s, early 1800s. So it's common that fieldstones would have been marking that grave. And what sometimes happens with farms is a later farm owner removes the stones so they can hay the field or use it for some other purpose, and the stones are in the way. So that's why there's no marking on it. We know that the location of the farmhouse, what it used to be before it was demolished by UNH to build the field house, we have maps showing where the house was. We have photographs showing where the
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house was. And the location described in the town history is exactly where most burial grounds were sited relative to a house at that period of time, which is the Eighteenth Century.
Q. If I understand correctly, there's a concern about Eversource not being willing to use ground-penetrating radar survey of that area?
(Mackie) Right. We thought that the best thing to do is just do a GPR survey, because that way they would know easily whether the graves were underneath where they wanted to do the trench or if they're further east. It's not invasive. It's simple. The engineers for Eversource said it was cheap. So it's not expensive, and that's what we'd like done before the trenches are dug.

One thing we're concerned about is it's not a typical operation where you have a backhoe and you scoop and another scoop and you dump the dirt and you can see if there are bones in it or something like that. The area where these graves may be is in the path of the pipe-jacking machine, which basically
has cutting heads that just grind everything up, mix it with a lubricant and then eject it, which means you wouldn't be able to identify anything if the graves are that deep.
Q. Now, what about the quarry sensitive area? Are there some concerns with that and the quarrymen's granite slab bench?
A. (Mackie) Right. The sensitive area that's marked on the stone wall maps doesn't extend far enough west to include the quarry cut that's on the west of the marked section. And the quarry cut that's to the west of the outlined quarry area is the part that includes the slab bench. So we'd like to have the sensitive area extended west probably about 300 feet.
Q. And are you concerned that that be marked on construction maps?
A. (Mackie) Yes. The mapping situation has been a real problem for us because there's no set of maps that's ever been produced that shows the three historic districts that are eligible, all of which have been accepted as \{SEC 2015-04\} [Day 11 AFTERNOON ONLY] \{10-17-18\}
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valid by DHR. One of them was identified because of a DOT project about 2010, and the other two historic districts were identified by Eversource's experts for this project. And what we'd like to see is a map that has all three historic districts coded as such and also something that marks, for example, where the granite bench is, you know, where the things we've identified as being important objects are located.
Q. Now, Durham has an exhibit which provides some excerpts at least from the Durham Master Plan. You're familiar with that exhibit, I think. I've put it up on the screen a number of times in term of asking questions of people. But to the best of your knowledge, is that anywhere in the record, the full

Durham Master Plan?
A. (Mackie) I haven't been able to find it, no.
Q. I believe I asked the question of Mr. Varney, and he indicated that he thought it was provided through a link. But I haven't been able to find it. Have you seen a link anywhere in the Application, which is where
[WITNESS PANEL: MACKIE|SANDBERG]
they were required to provide it?
A. (Sandberg) I have not.
A. (Mackie) I haven't.
Q. And do you think it would be useful for the Committee to have a copy of the full Master Plan, not just the excerpts that we were provided?
A. (Mackie) Oh, absolutely, because all the chapters tie together.
Q. And is there anything in there with regard to historic resources that you think would be important to the Committee?
A. (Sandberg) Most definitely. The 2015 Master Plan has a whole chapter devoted to historic resources that a committee of the town prepared. And Janet and I were on that committee. We brought to the committee the documents and research materials that we are so familiar with from the DHA collection, and that helped inform the writing of that quite lengthy, quite thorough chapter.

MR. PATCH: That's all the questions
I have. Thank you.
PRESIDING OFFICER WEATHERSBY: Thank
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you.
Attorney Geiger.
MS. GEIGER: No questions.
PRESIDING OFFICER WEATHERSBY:
Attorney Brown. No questions?
Ms. Frink?
MS. FRINK: Thank you.
QUESTIONS BY MS. FRINK:
Q. I have just one question, a matter of curiosity. Yesterday when we were questioning Cheryl Widell, you asked Ms. Widell about something in the table of effects that was submitted to DHR.

MS. FRINK: And, Dawn, I'm not sure if you can bring this up. I don't have the Applicant's exhibit number, but it's on the web site as an exhibit from August 15th of 2017. It's going to say "Effects Table."

MR. ASLIN: I believe the effects tables are Applicant's 164.

MR. NEEDLEMAN: Does the Committee want to see them? Typically people who are cross-examining handle their own exhibits. But if the Committee would like Dawn to bring
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point out something about the red-lined area between which we see a power line corridor. Can you explain what the issue was here?
A. (Mackie) Yes. I didn't notice it at first. But when $I$ was reviewing it recently, I looked at the pictures more carefully and I thought, well, this can't be right, because I know the corridor like the back of my hand. And there are only three wires on these poles, and, you know, it looks like there's quite a few wires. So I blew up the picture on my computer, and I could see they were -it was something added to the image. You know, lines had been added to the image, which really shocked me, because DHR has very strict digital image rules. You know, when somebody does a survey, they have to sign a statement saying they haven't altered or doctored any images at all; yet, these had been changed.
Q. And what was the change?
A. (Mackie) The change was to add all these gray lines that look like wires.
Q. How many lines are there in reality, based on

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your own observation and experience?
A. (Mackie) There are three.
Q. There are three. And how many do we see here?
A. (Mackie) It looks like about eight.
Q. And do we know by whom those lines could have been added? Is there any way to tell?
A. (Mackie) Well, I asked Cherilyn, and she didn't know. So I don't know. But it's not the Google -- it's not an image from Google Earth. It's an image that's been altered.
Q. So this is not an accurate Google Earth image. It's been Photoshopped or changed in some way --

MR. NEEDLEMAN: Objection. This calls for speculation.

MS. FRINK: Can we take a look at the bottom image, please? Thank you.

BY MS. FRINK:
Q. And again we're looking at a sort of elbow-shaped, red-lined area there. And what was the issue here?
A. (Mackie) Well, that's where I first noticed it. Because I was looking at the image
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relative to the proximity of the corner there to Durham Point Road. It's all deciduous trees through there, and the line will be visible of course. But then I noticed, well, there's so many wires there. So I blew it up, and that's where I saw that something had been added to the image. And the reason $I$ was upset about it was because this is a form that was sent to DHR for the purpose of determining whether there's any adverse effect to the historic district that will come out of this project. And it looks as if the existing situation here involves many, many more wires than are there in reality, and it may lead DHR to think, well, the new lines won't be any different, there's already a lot of wires there, when in fact there aren't. I went and looked at Google Earth myself, and you can't even see the wires.
Q. As we look at the image here, we can assume that the red line was added?
A. (Mackie) Yes. Yes, and that was explained as outlining the right-of-way. It's the gray lines in the middle that I'm talking about.
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Q. And again, it's your belief or your understanding that there were -- in reality, there are lines there. And now in this Google Earth image we see how many?
A. (Mackie) Well, I counted eight when I blew it up. The thing is you can't even see the three wires on Google Earth, and yet -- so that would be the real image. And now it looks like there's many wires. And as I said, I was very surprised because DHR doesn't allow any alteration of digital images.
Q. In effect, is this similar to a visual simulation which would require clarification of exactly what was done? In other words, when we looked at Mr. Raphael's visual simulations, he had to specify the height of structures that had been inserted. And that's lacking here. Is that what I'm understanding?

MR. NEEDLEMAN: Objection. Calls
for speculation. No basis for these witnesses to be able to know that.

MS. FRINK: No further questions.
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Thank you.
PRESIDING OFFICER WEATHERSBY:
Counsel for the Public, Attorney Aslin.
MR. ASLIN: Thank you, Madam Chair.
QUESTIONS BY MR. ASLIN:
Q. Good afternoon. For the record, my name's Chris Aslin, acting as Counsel for the Public.

Since we just had some questions about this effects table, figure we'll start right there. You were just saying that you looked at Google Earth to take a look at the conditions of this portion of the line; is that correct? So I pulled it up since I have a computer.

Does this look like the same location as what was shown in the effects table?
A. (Mackie) That's correct.
Q. Okay. And at this scale, can you see any transmission lines?
A. (Mackie) No.
Q. Okay. If we zoom in, are you able to --
A. (Mackie) You can see three poles, or their shadows, but $I$ can't make out much of any
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wires
Q. Okay. I can see three, I think, wires.
A. (Mackie) Yes. Yes, I can at this angle.
Q. Okay. So is your concern, then, what was represented in the effects tables overstates the existing conditions?
A. (Mackie) Yes.
Q. Thank you.

In your testimony, you've raised concerns about impacts to stone walls. But I understand that there's been back and forth with the Applicant and an agreement to protect stone walls in Durham.

At this point, are you satisfied that all the stones walls that you've identified are going to be protected pursuant to the proposal by the Applicant?
A. (Mackie) I'm happy for all the stone walls, except on East Foss Farm. And the reason I didn't catch it originally is because the UNH Historic District was not coded on their environmental map. Some of the stone walls at East Foss Farm are boundary walls, so they're protected by statute. Some of them
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involve the burial site there. So that's protected under the cemetery statute. And a couple of them are sensitive areas, so that's protected for that reason. But there are others which are within a historic district that haven't been addressed.
Q. Just so I'm clear, you were looking at Exhibit TD-UNH 27 earlier. And I believe you testified that this was a compilation of the stone walls that the Applicant has agreed to protect in the Town of Durham; is that correct?
A. (Mackie) That's right.
Q. And are you testifying now that this list does not include all potentially impacted stone walls?
A. (Mackie) No, they're all listed here, but they're not all shown as protected within the historic district.
Q. Okay.
A. (Mackie) For example, the ones that are labeled "Mill Road," Eversource calls this segment of the line Mill Road. So, for example, WP-6, 8-A, 8-F, 8-G, the ones that

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|  |  |  | 128 |
| :---: | :---: | :---: | :---: |
| 1 |  | aren't highlighted that are labeled "Mill |  |
| 2 |  | Road" should be protected because they're in |  |
| 3 |  | a historic district. |  |
| 4 | Q. | Okay. And are those stone walls that are |  |
| 5 |  | listed here that are not highlighted in |  |
| 6 |  | yellow stone walls that you understand are |  |
| 7 |  | going to have some impact from construction |  |
| 8 |  | or just in the vicinity of potential |  |
| 9 |  | construction? |  |
| 10 | A. | (Mackie) I don't know. |  |
| 11 | $Q$. | I mean, I'm looking at this column that says |  |
| 12 |  | "Action To Be Taken," and some of them say |  |
| 13 |  | "No Impact to Construction." So I just want |  |
| 14 |  | to understand which walls do you think -- |  |
| 15 | A. | (Mackie) The ones that -- |  |
| 16 | 2. | -- have not yet been protected? |  |
| 17 | A. | (Mackie) Starting with Wall WP-5, do you see |  |
| 18 |  | where it says the next column is "Road or |  |
| 19 |  | Segment"? |  |
| 20 | Q. | Yes, right here. |  |
| 21 | A. | (Mackie) I'm concerned about the ones that |  |
| 22 |  | are called Mill Road that do not have yellow |  |
| 23 |  | highlight. Those are the ones in East Foss |  |
| 24 |  | Farm that are not designated to be protected |  |

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currently.
Q. Okay. And have you had further discussion with the Applicant about protection of those additional walls?
A. (Mackie) I would have, except Mark doesn't work at Eversource anymore.
Q. Do you understand that someone has replaced Mark in his capacity as Eversource's --
A. (Mackie) I don't know who it is.
Q. Okay. Okay. Thank you.

You also raised concerns in both sets of testimony about the Edgerly Farm site near Little Bay in Durham. The Applicant -Dr. Bunker, Applicant's consultant, went back and did an additional archeological Phase IA survey of that area; is that correct?
A. (Mackie) Yes. We're happy about that part of it. We just wanted that area checked to make sure it didn't have anything there. We don't know if the house site was there or along that highland going down towards the water.
Q. Okay. So you're satisfied at this point with the work that's been done by the Applicant?
A. (Mackie) I'm satisfied with the archeological
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work. What $I$ was asking Cherilyn Widell
about is the fact that we're fine within the direct APE because Victoria checked it. Our concern is the indirect APE because sometimes things happen there. And nobody did any research, as far as we know, to decide whether or not that first contact site might qualify. We gave a fair amount of information about the mill site, the public landing, the house that was burned in the massacre, the house that was built later --
A. (Sandberg) The graves.
A. (Mackie) -- the graves site. And it may in fact rise to some kind of level of protection. But nobody checked on it, so we don't know.
Q. Okay. Thank you. That clarifies it for me.

Another area of concern in your
testimony was what you've labeled as the "Norton cellar hole." And it was unclear to me if that cellar hole is within the right-of-way or adjacent to the right-of-way. Do you know?
A. (Mackie) Yes. It's on Beech Hill Road, the
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Class V section of Beech Hill Road. And the reason is we just basically wanted to advise everybody that there may be human remains because the place people buried relatives was generally east of the house, 4- to 500 feet. And 4- to 500 feet east of the house starts to get close to the right-of-way. We don't know. We have no idea where those particular graves are. There's no description of them. It just mentions they exist. So we don't have as much of a clue as we had for the other one.
Q. So the concern is not direct impact to the cellar hole, but potentially burial grounds that are associated with that former --
A. (Mackie) Always.
Q. Okay. Thank you.

Now, your supplemental testimony, on
Page 19 -- and that's Durham Historic Association 4 -- you have a list of concerns about the draft MOU between the DHR and the Applicant. Did any of your concerns get addressed by the final version that has been submitted as an exhibit here?
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A. (Mackie) Well, we understand that the Winthrop Smith cellar hole is protected.
(Witness reviews document.)
A. (Mackie) I'm not sure how the sensitive area at the quarry is protected. I don't remember if that was addressed. And anyway, we don't agree with the limits of it. It should be larger.

I still have a problem with the monitoring. You know, monitoring yourself is, you know, not really reassuring. And also, some of the terms of the contract of the MOU aren't defined. There's no definition of "unanticipated effects," no definition of "historic architectural property," no provisions for remedial action or compensation or --
Q. But none of those concerns that you put in your testimony I guess have been resolved by the final document.
A. (Mackie) I think only the Winthrop Smith cellar.
Q. Okay. Thank you.

Now, was the Durham Historic Association
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[WITNESS PANEL: MACKIE|SANDBERG]

[WITNESS PANEL: MACKIE|SANDBERG]
Q. Good afternoon, Ms. Mackie and Ms. Sandberg. Generally my questions aren't directed to anyone in particular, so whichever one of you, or both of you want to answer, please feel free to do so.

MR. NEEDLEMAN: I want to start,
Dawn, if you could pull up Applicant's Exhibit 165, at PDF Page 324. This is a May 17, 2018 letter from Mark Doperalski at Eversource to you. You're nodding your head. Are you familiar with the letter?
A. (Mackie) Yes. That was the letter I was referring to in answer to the previous question.
Q. That's what I thought. That's why I wanted to pull it up. So my understanding is you had raised concerns about stone walls with Mr. Doperalski, and he responded by indicating that some of the walls you had identified had been added to Eversource's inventory in the first paragraph; is that right?
A. (Mackie) That's correct.
Q. And then in the second paragraph, the second \{SEC 2015-04\} [Day 11 AFTERNOON ONLY] \{10-17-18\}

## [WITNESS PANEL: MACKIE|SANDBERG]

half of that paragraph, I think he identified the methods that Eversource intended to use to avoid damage to stone walls within the right-of-way; is that correct?
A. (Mackie) Yes.
Q. And I'm not going to recount those four methods. They're clear there. But my question to you is: Are those methods acceptable to you?
A. (Mackie) Generally, if they're effective.
Q. Now, during the course of this entire process, my understanding is that you have had an opportunity to interact with New Hampshire DHR; is that correct?
A. (Mackie) Yes, sometimes.
Q. And I think that you stated at the tech session that you had several meetings with DHR and that you thought that DHR had been generally attentive to your concerns; is that right?
A. (Sandberg) We spoke with them at Eversource presentation meetings. We met Edna Feighner and Nadine Miller and talked with them at those presentations afterward, after the
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presentations, and generally made them aware of some of our concerns.
Q. My understanding, and we've heard a little bit about this, is that one of the concerns that the Durham Historic Association had during this process was at one point you thought that boring activity in the corridor had done damage to resources of concern to you. Do you recall that?
A. (Mackie) Yes. After we were accepted as an intervenor, I went out to do GPS work on the stone walls for placement purposes. And I was really surprised because, you know, we've had those corridors in Durham for decades. And, you know, usually it's rubber-tire trucks that go back and forth and have cherry pickers on them that do work on the lines. And I could tell from the tracks and marks left by the metal-tracked drilling or boring rigs that we were dealing with a whole different degree of equipment. For example, the thing drove over stone walls and cracked the granite rocks, which is pretty unusual. I could tell it was metal track because it
[WITNESS PANEL: MACKIE|SANDBERG]
left scar marks on the rocks. And it also went across wetlands and actually crossed Laroche Brook. And I was just really taken aback because we're not used to seeing Eversource or Public Service trucks crossing wetlands and running over stone walls and that sort of thing.

So we raised the issue to the town council, and they contacted Eversource. And then it snowed. And everybody was going to go out and a take look at what we saw, but it had to be put off until, I think it was April.
A. (Sandberg) No, it was November to April.
Q. Let me -- I have some documents that may help you. Let me try to put those up.

So it sounds to me like your concerns were partly related to stone walls, partly related to environmental impacts; is that right?
A. (Mackie) And just the question of what is this huge equipment that's so heavy.

MR. NEEDLEMAN: So, Dawn, if you
could put Applicant's 211 up.
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[WITNESS PANEL: MACKIE|SANDBERG]

BY MR. NEEDLEMAN :
Q. This is a December 23rd, 2016 letter from Mr. Quinlan at Eversource to Mr. Selig, which I think specifically acknowledges the issue you were just raising, the concerns that you addressed. And this is an indication from Mr. Quinlan that they intend to take this seriously and to look into that; is that correct?
A. (Mackie) I guess. I can't see the date.

MR. NEEDLEMAN: Well, let's go up to the top, Dawn, if we could, and show the date.
A. (Mackie) Yes, that would be his response.
Q. And I think, as you said, in fact, on April 10, 2017, a site walk occurred; is that right?
A. (Sandberg) [Nodding]
Q. And I want to go to Applicant's Exhibit 212, which is a May 5th, 2017 letter from Mr. Quinlan. And he notes in paragraph -- on Page 1, Paragraph 2 --

MR. NEEDLEMAN: If we could blow that up, Dawn.
Q. -- that the site walk actually did occur.
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MR. NEEDLEMAN: Paragraph 2, please. BY MR. NEEDLEMAN:
Q. He notes the site walk did occur on April 10, 2017; is that right?
A. (Sandberg) Yes.
A. (Mackie) Yes.
Q. And I think he also notes that there were two representatives from your organization present, Mr. Karo and Mr. Sandberg; is that right?
A. (Sandberg) That's correct.
A. (Mackie) That's what it says, yeah.
Q. And also several representatives from DHR and also representative from DES; is that right?
A. (Sandberg) That's right.
A. (Mackie) That's right.
Q. And then on Page 1 , in the middle of the next paragraph, it recounts the findings from this. And it indicates that the state representatives who were present didn't find any issues of concern. I think I'm paraphrasing. But that's essentially the conclusion; is that right?
A. (Mackie) That's what it says. But I wasn't
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on the walk. I was overseas at the time, and I don't actually know what they looked at.
Q. And to the best of your knowledge after this time, was there any other focus on this issue or any other follow-up that would have contradicted the observations in this letter?
A. (Mackie) Well, $I$ don't think the drilling rig came back.
Q. I'm sorry. What was that?
A. I don't think the drilling rig returned to the right-of-way.
Q. I understand. But with respect to the concerns that you called to the attention of the Town and Eversource, and in light of this response, my question is: Was there anything else that came up afterwards, or were you satisfied at that point with this response from DHR and DES?
A. (Sandberg) Well, I would just like to say that when we approached the town council with our concerns, we had photographs of what Ms. Mackie observed as damage in the right-of-way. And when this walk in April took place, it was many months, several
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months later, and after a heavy snow and lots of rain. And except for the scarring on the rocks, which they attributed to past scarring, which seems surprising, they just didn't observe the damage that she observed in November. And it's hard to explain exactly why, but there was significant weathering through the winter and changing of the matting of shrubbery and grasses. And so I think they did not observe the damage. But we do have the photographs that we showed to our town council, and it concerned them enough to take some action.
Q. And I would assume that the two members of your organization who were present for that site walk, Mr. Karo and Mr. Sandberg, would have had the opportunity to share those photographs with the state representatives; is that right?
A. (Sandberg) I don't know. I don't remember. I think so.
A. (Mackie) But some photographs were sent originally to Eversource. The original contact I think includes some photographs.
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[WITNESS PANEL: MACKIE|SANDBERG]

|  |  |  |
| :---: | :---: | :---: |
| 1 |  | And I tried to explain to these people which |
| 2 |  | stone walls had which crushed rocks where, |
| 3 |  | but I don't know what they looked at. |
| 4 | A. | (Sandberg) The problem was that Mrs. Mackie |
| 5 |  | was out of the country, and I was not able to |
| 6 |  | go to that site. So we're not absolutely |
| 7 |  | sure they got to the places where you would |
| 8 |  | have wanted them -- she would have wanted |
| 9 |  | them to go. |
| 10 | 2. | Let me turn your attention, if I could, to |
| 11 |  | your Exhibit No. 1, which is your July 31st, |
| 12 |  | 2017 prefiled testimony. And in particular, |
| 13 |  | I wanted to call up Pages 46 and 47. And on |
| 14 |  | Pages 46 and 47 , you provide a list of |
| 15 |  | resources of concern to your organization; is |
| 16 |  | that right? |
| 17 | A. | (Mackie) Yes. |
| 18 | Q. | At the tech session, you told me you provided |
| 19 |  | this same list to New Hampshire DHR. Do you |
| 20 |  | recall that? |
| 21 | A. | (Mackie) Yes, everybody got a copy. |
| 22 | Q. | Have you had the opportunity to look at |
| 23 |  | Applicant's Exhibit 143, which is Ms. |
| 24 |  | Widell's supplemental testimony in this |

## [WITNESS PANEL: MACKIE|SANDBERG]

matter?
A. (Mackie) Yes, from July 27th of this year?
Q. Yes.
A. (Mackie) Yes, I have.

MR. NEEDLEMAN: So I want to call that up if I could. It's Attachment A to her supplemental testimony. And Dawn, if we could go to, I think it's Page 5, where she first -actually, let's just go straight to Attachment A. That may be easier.

BY MR. NEEDLEMAN:
Q. And so Ms. Widell, in this testimony,
responded specifically to each one of the resources that you identified; is that right?
A. (Mackie) Yes, there's an entry for each one. MR. NEEDLEMAN: Could we go to the very top and highlight that very first paragraph, Dawn.

BY MR. NEEDLEMAN:
Q. So her response here corresponds precisely to what we just looked at, which is Pages 46 and 47 of your testimony that listed all those resources; correct?
A. (Sandberg) Yes.
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[WITNESS PANEL: MACKIE|SANDBERG]

MR. NEEDLEMAN: And, Dawn, if you could go further down. I'm on Page 1. I want to look at the entry under Edgerly Farm to start. There's a big heading of Edgerly Farm. No, no. At the top.

BY MR. NEEDLEMAN:
Q. There's the big heading of Edgerly Farm and then right underneath is that first heading of Little Bay. Do you see that? And so am I correct that for some of the resources that you identified, Ms. Widell concluded that those resources had actually already been evaluated, and this is one such example? Is that right?
A. (Mackie) Well, we didn't see her testimony. It wasn't filed until after our supplemental was filed on the $20 t h$. So we couldn't address what she said in this thing.
Q. No, but my question is with respect to the resources you identified, Ms. Widell indicated that a number of those resources had actually been addressed already in Eversource's evaluation, and this is one of a number of examples of those; is that correct?
\{SEC 2015-04\} [Day 11 AFTERNOON ONLY] \{10-17-18\}

## [WITNESS PANEL: MACKIE|SANDBERG]

A. (Mackie) Not really, because she's confusing the Edgerly Farm category, which was on our original testimony, with a photograph we had of Little Bay Shore, which was on our supplemental testimony, and it had nothing to do with Edgerly Farm. The reason we put a photograph of Little Bay on our supplemental was because it showed the bay at low tide.

Well, I think if you go through these, you'll see that each one corresponds to your numbers. Maybe we could just drop down to the next one.
A. (Mackie) Well, she combined our two testimonies into one when she did her answer.

MR. NEEDLEMAN: So, Dawn, go to Page
2 to the Plum Swamp Farm if we could.
BY MR. NEEDLEMAN:
Q. And again, this is another example where she
looked at issues that you raised and concluded that they had already been addressed; is that right?
(Witness reviews document.)
A. (Mackie) You mean --
A. (Sandberg) You mean the stone walls? The
\{SEC 2015-04\} [Day 11 AFTERNOON ONLY] \{10-17-18\}
[WITNESS PANEL: MACKIE|SANDBERG]
protection for stone walls?
Q. She says in the second sentence, "The historic district was identified, evaluated and assessed for adverse effects." Do you see that?
A. (Sandberg) Yes.
A. (Mackie) Yes, that's right.

MR. NEEDLEMAN: Now if we could go to Page 1, No. 3, Dawn.

BY MR. NEEDLEMAN :
Q. There were other categories of resources here where Ms. Widell noted that resources you had identified were actually outside of the direct APE; is that right? And this is one example, as she noted in the last sentence; is that correct.
(Witness reviews document.)
A. (Sandberg) Yes.
A. (Mackie) But what she was addressing wasn't our concern. She didn't read the text. She just looked at the list.
Q. And let me go to one other category on Page 4, No. 11. There were a number of resources or areas that you identified where
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[WITNESS PANEL: MACKIE|SANDBERG]

[WITNESS PANEL: MACKIE|SANDBERG]
Q. And then in conclusion, on August 1st, 2017, we saw the letter from DHR earlier with their effects table. Do you recall that?
A. (Mackie) The effects table?
Q. Well, the conclusion about adverse effects. MR. NEEDLEMAN: If we could call that up, Dawn. It's Applicant's 167, and on the second page.

BY MR. NEEDLEMAN:
Q. So, DHR, again on the first page recounting the public involvement, listed the resources that they determined would experience adverse effects as a result of this project; is that correct?
A. (Mackie) Where am I reading?
Q. Right here on the top of Page 2.
(Witness reviews document.)
A. (Mackie) We saw this, yes.
Q. And like Ms. Widell and Ms. Bunker, DHR ultimately concluded that there were no adverse effects to any of the resources that DHR identified; is that fair to say?
A. (Mackie) That's right.
Q. Okay. Thank you both.
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MR. NEEDLEMAN: I have nothing further.

PRESIDING OFFICER WEATHERSBY: Does anyone on the Committee have questions for Ms. Mackie or Ms. Sandberg? Director Muzzey. QUESTIONS BY SEC MEMBERS AND COUNSEL: BY DIR. MUZZEY:
Q. Good afternoon. Thank you for being here.
A. (Sandberg) Good afternoon.
A. (Mackie) Good afternoon.
Q. Just a little a while ago there was some discussion of monitoring, particularly for some of the areas that DHA had some concerns about. And it seems like you had some negative opinions of that. Could you speak a little more to DHA's opinions of the monitoring plan that's been put forth.
A. (Mackie) Well, I'm concerned for several reasons. One reason is because the Applicant would be monitoring itself. And there are a lot of pressures during construction projects. There are a lot of time deadlines. I don't believe there was anybody named on the list of any of the positions that was
[WITNESS PANEL: MACKIE|SANDBERG]
going to be involved in monitoring, so I'm not sure they have people that are trained. Or I don't even know what they propose to actually do.
A. (Sandberg) We've also been very concerned about the mapping situation because this is such a big project and the mapping carries so many details in it, construction details, that we're just very, very concerned that it would be very easy for a heavy equipment operator with the best of intentions would be going over historic artifacts that aren't really carefully specified, fenced, protected, timber matted, if timber matting is the most effective way to protect resources in the easement. It will be our continuing concern.
Q. Having sat through much of this proceeding, do you have any suggestions as to ways that the monitoring plan or the protection of resources -- I mean, you just mentioned fencing. But do you have any other suggestions that would further protection?
A. (Mackie) I'd like to see an independent
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monitor.
Q. What do you mean by "independent monitor"?
A. (Mackie) Someone perhaps that's hired by the Counsel for the Public or, you know, an uninvolved person in terms of the Project.
A. (Sandberg) And that person would need to have very accurate maps and have background in identifying these historic resources that are rather unusual. They're not like a built house with a beautiful doorway. They're granite rocks that the average person is just going to think it's rubble or just a huge piece of granite. And they're not. I mean, they are really telling an important story in our town that we are looking forward to illustrating and elaborating upon because the whole quarrying in Durham was a very big, profitable business from the Seventeenth through the Nineteenth century. And Durham granite was famous. Still is. I mean, there are samples in Portsmouth on the walkways, along the streets in Portsmouth with Durham flagstones. All those oldest mills in

Newmarket are from the quarries in Durham.
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[WITNESS PANEL: MACKIE|SANDBERG]

And there's a lot of history to tell. So we don't want those artifacts that are in the path of this transmission line to be crushed. And we are very worried that this hundred-foot easement is very small for the kind of equipment that will need to be brought in there to do the construction. It's going to be very, very difficult.
Q. Thank you.

You also raised the mapping concern. Do you have any -- you know, the Applicant has committed to improving that situation. Do you have any particular suggestions or -what would reassure you that that would happen?
A. (Mackie) I'd like to see a much larger scale where detail can be noted. For example, as the environmental committee or panel told us, the roads weren't drawn to scale on the current maps. And so we can't really assess how the road -- how close they'll come to these various places within the easement. It's just too compressed, the scale, to be useful.
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[WITNESS PANEL: MACKIE|SANDBERG]
Q. All right. Thank you very much.

DIR. MUZZEY: I don't have any other questions.

PRESIDING OFFICER WEATHERSBY: Anyone else on the committee have questions? Mr. Fitzgerald.

MR. FITZGERALD: Thank you.
QUESTIONS BY MR. FITZGERALD:
Q. Good afternoon -- good evening. Time flies?

MR. FITZGERALD: Dawn, would it be possible for you to bring up Applicant's 164 and go to PDF 14? And if you could blow that up so that it shows very significantly the area of the -- between the red lines. Even further if possible. Not quite as good as I can see on my screen. But in any case...

BY MR. FITZGERALD:
Q. This is not the pictures that you referenced earlier. But I've been looking through this document and at several places I see these Google Earth images. And as you see here, this one is marked "proposed structure." And I'm looking at that in a much more blown-up, you know, isolating those. I see five lines
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[WITNESS PANEL: MACKIE|SANDBERG]
associated. But it appears to me that those lines appear to be -- there, now you can see it. Thank you.

It seems to me that here they may be showing the proposed line, the structure. They have a structure, and they may be showing the proposed lines as well as the existing lines. Is it possible that in these other representations with the additional lines, that they may be showing what it will look like in the -- after the construction of the Project, as they do here?
A. (Mackie) I have no idea. You'll have to ask Eversource. Because what I was looking at wasn't labeled as anything other than the existing situation.
Q. Okay.

MR. FITZGERALD: Is that something we can ask the Company to clarify for us?

PRESIDING OFFICER WEATHERSBY: SO you're asking whether the photo --

MR. FITZGERALD: Well, there seems to be some representation that these photos, for lack of a better word, "doctored" in some
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[WITNESS PANEL: MACKIE|SANDBERG]
way, and I'm wondering if it's sort of the other situation, where they're showing what's being shown here is an image with the construction as is here.

So would it be possible for the Company to clarify for us why in several of these photographs there are more than three lines?

MR. NEEDLEMAN: Yeah, I don't know the answer, but $I$ can find out.

MR. FITZGERALD: That would be very helpful. Thank you.

PRESIDING OFFICER WEATHERSBY: Mr.
Schmidt, questions?
MR. SCHMIDT: Yes.
QUESTIONS BY MR. SCHMIDT:
Q. Good afternoon. Just curious. Did Eversource give you any reason why they didn't want to do the ground penetrating right now?
A. (Mackie) I can't hear you.
Q. Did Eversource ever give you any reason why the GPR wasn't -- they weren't willing to do it or there wasn't any useful tool in that
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Thank you both for your testimony. Much appreciated. And you are excused.

WITNESS SANDBERG: Thank you.
WITNESS MACKIE: Thank you.
PRESIDING OFFICER WEATHERSBY: That
brings us to the end of our day. I will not call any witnesses at this hour. We will reconvene Monday afternoon, I believe at 1:00. MS. MONROE: At 1:00.

PRESIDING OFFICER WEATHERSBY: Ms.
Monroe will let us know the order of witnesses, unless, Pam, do you know them now?

MS. MONROE: I do. So, on October 22nd, beginning at 1:00, it will be Counsel for the Public's, guess we'll call them environmental witnesses, Payson Whitney and Matthew Ladewig from ESS. On October 23rd, we will start at 9:00 a.m. And I think we have a hard stop. I think we lose our quorum at 1:30 that day. And the witnesses will be the Durham/UNH panel of Joseph Famely, Matthew Schultz, Stephen Jones and Michael Dacey. And I will also send out a revised list looking forward past that to the parties as to


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| :---: | :---: | :---: |
| 1 | CERTIFICATE |  |
| 2 | I, Susan J. Robidas, a Licensed |  |
| 3 | Shorthand Court Reporter and Notary Public |  |
| 4 | of the State of New Hampshire, do hereby |  |
| 5 | certify that the foregoing is a true and |  |
| 6 | accurate transcript of my stenographic |  |
| 7 | notes of these proceedings taken at the |  |
| 8 | place and on the date hereinbefore set |  |
| 9 | forth, to the best of my skill and ability |  |
| 10 | under the conditions present at the time. |  |
| 11 | I further certify that I am neither |  |
| 12 | attorney or counsel for, nor related to or |  |
| 13 | employed by any of the parties to the |  |
| 14 | action; and further, that $I$ am not a |  |
| 15 | relative or employee of any attorney or |  |
| 16 | counsel employed in this case, nor am I |  |
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|  | accessed (2) | addition (4) | 42:9;48:21;140:16 | 79:19 |
| :---: | :---: | :---: | :---: | :---: |
| \$ | 96:4,16 | 18:20;55:8,22; | again (22) | alter (1) |
|  | accessing (2) | 101:14 | 8:15;11:10;14:10 | 38:23 |
| \$10,000 (2) | 97:5;98:18 | additional (6) | 32:3;39:22;45:10; | alteration (1) |
| 54:20,21 | accommodate (1) | 9:10;19:3;55:24; | 48:2;51:1,6;64:23; | 124:11 |
| \$233,635 (1) | 23:6 | 129:4,15;155:9 | 68:7,12;72:12;73:17; | altered (2) |
| 55:1 | accord (1) | additions (1) | 93:3;96:18,18; | 121:18;122:11 |
| \$243,000 (2) | 79:23 | 107:5 | 113:17;122:20; | alternative (2) |
| 54:10,16 | According (3) | address (5) | 124:1;145:18;149:10 | 39:15;77:6 |
| \$243,635 (1) | 42:7;54:7;66:11 <br> accurate (6) | $\begin{aligned} & 47: 24 ; 49: 23 ; 73 \\ & 07 \cdot 2 \cdot 144 \cdot 18 \end{aligned}$ | $\begin{gathered} \text { age (1) } \\ 113: 2 \end{gathered}$ | although (2) 83:23;104:5 |
| $\begin{array}{r} 54: 21 \\ \mathbf{\$ 2 5}(\mathbf{2}) \end{array}$ | accurate (6) $4: 10 ; 31: 11 ; 32: 11 ;$ | addressed (10) | ago (4) | Always (1) |
| 9:12;10:6 | 36:23;122:12;152:7 | 40:22,24;75:20,21; | 13:14;44:8;55:10; | 131:16 |
| \$4,000 (1) | accurately (2) | 127:6;131:23;132:6; | 150:11 | amend (3) |
| 56:12 | 31:23;39:23 | 138:6;144:22;145:21 | agree (6) | 24:8;53:22;55:8 |
| \$50,000 (1) | accustomed (1) | addressing (1) | 36:22,24;52:13; | amended (2) |
| 55:24 | 104:5 | 146:19 | 77:12;132:7;148:6 | 14:18;23:13 |
| \$75 (1) | acknowledges (1) <br> 138:4 | $\begin{gathered} \text { adequate (1) } \\ 77: 4 \end{gathered}$ | $\begin{array}{\|l\|} \hline \operatorname{agreed}(9) \\ 24: 14,18,22 ; 49: 22 ; \end{array}$ | $\begin{array}{\|l} \text { amendment (1) } \\ 68: 22 \end{array}$ |
| $10: 9$ $\mathbf{\$ 8 5}(1)$ | $\begin{array}{\|c\|} \hline \text { 138:4 } \\ \text { acquire (1) } \end{array}$ | adequately (1) | $\begin{aligned} & 24: 14,18,22 ; 49: 22 ; \\ & 55: 23 ; 57: 24 ; 109: 2, \end{aligned}$ | 68:22 <br> Among (1) |
| $\begin{array}{r} \$ 85(1) \\ 9: 13 \end{array}$ | 24:2 | 86:5 | 13;127:10 | 24:13 |
|  | Acres (1) | adherence (1) | agreeing (1) | amount (3) |
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