

STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

June 14, 2016 - 10:00 a.m.
Public Utilities Commission
21 South Fruit Street Suite 10
Concord, New Hampshire

NHPUC JUL05'16 PM12:19

DAY 2
{Morning Session ONLY}

IN RE: SEC DOCKET NO. 2015-05
SITE EVALUATION COMMITTEE:
Joint Application of New England
Power Company d/b/a National Grid
and Public Service Company of
New Hampshire d/b/a Eversource
Energy for a Certificate of
Site and Facility.
[Adjudicative Hearing]

PRESENT:

SITE EVALUATION COMMITTEE:

F. Anne Ross, Esq.	Public Utilities Commission
(Presiding as Presiding Officer)	
Cmsr. Kathryn Bailey	Public Utilities Commission
Cmsr. Jeffrey Rose	Dept. of Resources and
	Economic Development
Dr. Richard Boisvert	Dept. of Cultural Resources
	Division of Historical Res.
Michele Roberge	Dept. of Environmental Serv.
Patricia Weathersby	Public Member
Rachel Whitaker	Alternate Public Member

Also Present for the SEC:

Michael J. Iacopino, Esq. (Brennan...
Pamela G. Monroe, SEC Administrator

COURT REPORTER: Steven E. Patnaude, LCR No. 52



ORIGINAL

OTHER APPEARANCES:

FOR THE APPLICANTS:

Reptg. Eversource Energy:

Barry Needleman, Esq. (McLane Middleton)
Adam Dumville, Esq. (McLane Middleton)
Christopher Allwarden, Esq. (Eversource)

Reptg. National Grid:

Mark Rielly, Esq. (National Grid)

COUNSEL FOR THE PUBLIC:

Christopher G. Aslin, Esq.
Assistant Attorney General
N.H. Department of Justice

INTERVENOR:

Margaret Huard, *pro se*

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Mr. Iacopino 83

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[WITNESSES: Martin~Andrew]

P R O C E E D I N G

*(Witnesses **John W. Martin** and
Robert D. Andrew continue on
the witness stand after
adjournment of the Day 1
Afternoon Session.)*

PRESIDING OFFICER ROSS: Good morning. We are continuing the final hearing in Docket 2015-05, the Site Evaluation Committee docket. We have on the stand two witnesses, Mr. Martin and Mr. Andrew. You remain under oath from yesterday, testifying on system impacts and need.

Yesterday, when we broke off, Ms. Huard was cross-examining you. We will continue now with that cross-examination.

Ms. Huard, do you have any other questions?

MS. HUARD: I do. You had asked me to try and lay my foundation as to asking them about the other projects. So, I'd start with that.

The fact that the MVRP was chosen for both the Greater Boston Needs Assessment and

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1 the New Hampshire/Vermont Assessment was stated
2 in the joint prefiled testimony demonstrating
3 that there were other needs assessments done.
4 And, additionally, a redacted Greater Boston
5 Area Updated Transmission Needs Assessment and
6 the New Hampshire/Vermont 2023 Needs Assessment
7 was provided to me in discovery.

8 So, there was a list of upgrades in
9 these redacted reports that indicate or that
10 led me to question about the other projects.
11 There's the Seacoast New Hampshire Solution I
12 was asking yesterday, when you interrupted me,
13 whether that was the same as the Seacoast
14 Reliability. And there's also a Deerfield
15 345/115 kV Autotransformer Project, which I had
16 wanted to ask whether that was related to
17 Northern Pass in any way.

18 I feel that these questions are
19 important to my underlying reason for asking
20 them questions. Because I am looking at it
21 wondering if this is, indeed, a reliability or
22 stability project or if there's another
23 underlying reason to it?

24 PRESIDING OFFICER ROSS: Okay. I'm

[WITNESSES: Martin~Andrew]

1 going to deny your ability to question along
2 those lines. And the reason is that this
3 siting committee does not have any jurisdiction
4 to determine necessity in the region. That is
5 solely under the jurisdiction of ISO-New
6 England and FERC. And, if you have concerns
7 about their designation of this Project, or any
8 other project, as a reliability project, your
9 redress is through the ISO-New England planning
10 process, and, ultimately, an appeal to FERC,
11 who is the agency with jurisdiction to oversee
12 that process.

13 And, so, for that reason, I'm going
14 to deny those questions. I have allowed some
15 questions as just a matter of background, but I
16 think we've gone beyond just background now.

17 MS. HUARD: I do have another series
18 of questions that don't have to do with the
19 three projects. It has to do with the
20 underlying assumptions to the Project. I feel
21 that the answers to those questions have a lot
22 to do with the potential costs involved with
23 the Project.

24 PRESIDING OFFICER ROSS: I will allow

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1 that line of questioning.

2 MS. HUARD: Thank you.

3 **JOHN W. MARTIN, PREVIOUSLY SWORN**

4 **ROBERT D. ANDREW, PREVIOUSLY SWORN**

5 **CROSS-EXAMINATION (resumed)**

6 BY MS. HUARD:

7 Q. According to your joint prefiled testimony, the
8 Needs Assessment was updated a number of times
9 during the study process to account for
10 significant system changes in assumptions. And
11 do these assumptions include revisions for
12 generator additions, retirements and other
13 factors that could affect the demands placed on
14 the area's transmission system? These are
15 directed to Mr. Martin.

16 A. (Martin) Yes, they did.

17 Q. And do these assumptions include retiring a
18 number of coal and nuclear power plants?

19 A. (Martin) Offhand, I know it included the
20 retirement of the units at Salem Harbor.

21 Q. Salem Harbor. That was my next question. So,
22 it did, in fact, include the retirement in
23 Salem Harbor. And do the assumptions also
24 include the addition of Footprint Power's

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1 natural gas generating plant?

2 A. (Martin) It did.

3 Q. And has Footprint Power been added to the grid
4 at this point?

5 A. (Martin) No, it is not. It is not commercial.
6 It's still under construction.

7 Q. So, if the underlying assumptions that created
8 the need for the MVRP, one of those assumptions
9 has not yet happened, do you know when you
10 anticipate -- do you know when that's supposed
11 to come on line?

12 A. (Martin) I believe the announced commercial
13 operation date of that Footprint units is June
14 of 2017.

15 Q. Would Footprint Power be able to begin
16 transmitting electricity without the rest of
17 the Greater Boston solutions?

18 A. (Martin) Yes, it can.

19 Q. Are there other coal generating plants -- are
20 there plans to close other coal plants in the
21 near future?

22 A. (Martin) I'm sorry. Could you clarify that
23 question?

24 Q. Yes. Are there other plants that are coming

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1 from this Project that are proposed to be
2 closed in the near future?

3 A. (Martin) If I heard your question, "are there
4 other plans" or "plants"?

5 Q. Coal plants. Plans for coal plants. Coal
6 generating plants to be closed in the future?

7 A. (Martin) Not in the Greater Boston area, no.
8 None that I'm aware of.

9 Q. And is there a specific -- specific electric
10 generating plant that will generate the
11 electricity that will be transmitted across the
12 Merrimack Valley Reliability Project
13 transmission lines? Is it --

14 A. (Martin) No. It's designed to take whatever
15 generation is on the grid.

16 Q. So, several power plants generate electricity
17 at once, and it travels around the grid?

18 A. (Martin) Many, many power plants generate
19 electricity in the region, and the power flows
20 on the lines where it's needed.

21 Q. Okay. And the transmission line that was
22 attached to Salem Harbor, is that going to be
23 used with the new Footprint Power? That the
24 same transmission line that was used with Salem

[WITNESSES: Martin~Andrew]

1 Harbor, will that be used with Footprint Power?

2 MR. NEEDLEMAN: I'm going to object.

3 I don't see the relevance at this point of
4 these questions.

5 PRESIDING OFFICER ROSS: I'll
6 sustain, sustain that objection.

7 MS. HUARD: Okay.

8 BY MS. HUARD:

9 Q. I guess what I'm trying to get at is, I'm
10 trying to determine, the Boston Solutions was a
11 group of projects that arose from several
12 assumptions that were made, including Salem
13 Harbor retirement, and Footprint Power being
14 put on. Those are two underlying assumptions
15 that were made to come up with the Merrimack
16 Valley Reliability Project. So, you have one
17 large project, correct? And Merrimack Valley
18 is just a small segment of that project,
19 correct? So, what I'm trying to determine by
20 these questions is to determine what relevance
21 did Merrimack Valley Reliability Project has to
22 this large overhaul of the -- overhaul of the
23 entire grid?

24 MR. NEEDLEMAN: Based on that

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1 description, it sounds to me like we're back
2 into second-guessing ISO on the needs
3 determination.

4 PRESIDING OFFICER ROSS: Yes. I
5 think I agree that we've gone beyond --

6 MS. HUARD: Okay.

7 PRESIDING OFFICER ROSS: -- just
8 background on this Project.

9 MS. HUARD: Then, there's one more
10 question that's directly -- let me see if this
11 is directly --

12 BY MS. HUARD:

13 Q. When the costs of the -- the cost of Merrimack
14 Valley Reliability Project, was that directly
15 calculated for that Project only? Or was the
16 Greater Boston Solutions' costs allocated all
17 over all of the costs -- over all of the
18 projects? Do you know?

19 A. (Martin) I think maybe the best way to explain
20 this is that, when the Working Group was
21 looking at solutions to the various needs that
22 were determined, the individual pieces, the
23 component projects, MVRP is one component, --

24 Q. Uh-huh.

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1 A. (Martin) -- were estimated on their own. And,
2 then, the suite of solutions were assembled by
3 adding up the costs of the component projects
4 of each suite, and that determined the overall
5 cost of the two competing suites. Does that
6 answer your question?

7 Q. Right. So, once you got that, you had the
8 underground Sea Link and you have the AC one,
9 which the MVRP came out of. You had a gross
10 cost to compare, to determine whether you
11 wanted to choose one or the other. But, then,
12 once you allocate -- once you came up with the
13 MVRP is going to cost the whatever million
14 we're up to right now, was that then allocated
15 over all of the projects together or did you go
16 back to your own sole cost for the Merrimack
17 Valley Reliability Project?

18 A. (Martin) No. There were no allocating of
19 costs.

20 MS. HUARD: Okay. All right. Thank
21 you.

22 **CONTINUED BY THE WITNESS:**

23 A. (Martin) The costs of the projects were
24 assembled, added together, that was the cost of

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1 the suite.

2 BY MS. HUARD:

3 Q. And you broke them back out when you --

4 A. (Martin) We didn't have to break anything back
5 out. They --

6 Q. They stayed that way?

7 A. (Martin) They added their own pieces. They
8 were assembled into a suite [?].

9 *(Multiple parties speaking at*
10 *the same time.)*

11 MS. HUARD: Okay. Thank you. All
12 set.

13 PRESIDING OFFICER ROSS: Okay.

14 Questions from Committee members?

15 BY CMSR. BAILEY:

16 Q. If this Committee did not grant a Certificate
17 for Site and Facility of this transmission
18 project, what would happen? You still have the
19 obligation to solve the reliability issue that
20 ISO-New England has brought forth, right?

21 A. (Martin) Yes. There would still be a
22 reliability need.

23 Q. So, would you go back to the drawing board?

24 Would ISO go back to the drawing board? Can

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1 you imagine what would happen if New Hampshire
2 said "no, you can't site it here"?

3 A. (Andrew) Okay. Well, we would go back to the
4 ISO and report to them the determination that
5 we were not able to build, you know, MVRP.
6 Then, with that lin mind, the ISO would have
7 recourse to go to FERC and ask for a
8 determination. I believe there are procedures
9 that are in place, and to my knowledge have
10 never been used, to have a FERC ruling in place
11 that would allow it.

12 If the question is, would the ISO then go
13 back and turn to a different solution? That I
14 don't know. It would depend on the nature of
15 the ruling and what the problems were with it.
16 So, it's hard to really say what would actually
17 happen.

18 We would go back, report to them what the
19 circumstances are, certainly, with the ruling
20 in place, and then work with them and the State
21 of New Hampshire to come up with a solution
22 that would work.

23 Q. Do you think that the total project cost to
24 solve this reliability issue would cost

[WITNESSES: Martin~Andrew]

1 ratepayers more, if this Project were not
2 approved?

3 A. (Andrew) Yes. Say what has happened most
4 recently, it was in the State of Connecticut,
5 there was a Southwest Connecticut Project.
6 Which right-of-way was available for an
7 overhead line, it was cost estimated as an
8 overhead line. When the project got into local
9 permitting, the requirement was to put it
10 underground. The incremental costs associated
11 with undergrounding was borne by customers in
12 the State of Connecticut. It was not allowed
13 to be regionalized through the regional tariff.
14 And the ruling, you know, or the logic behind
15 it was simply, it was required to be put
16 underground for the convenience of the local
17 people there who did not want to look at it,
18 and, therefore, the costs associated with that
19 should be borne by the local people who do not
20 want to look at it.

21 Q. Yesterday, one of you talked about a "non-Pool
22 transmission facility that had been
23 decommissioned". Do you remember that?

24 A. (Martin) That was me.

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1 Q. Can you explain that to me? I don't -- I
2 didn't understand what you were talking about.
3 Do you remember?

4 A. (Martin) The "non-Pool aspect"?

5 Q. Well, just start with what you were talking
6 about in the first instance.

7 A. (Martin) Okay. I was speaking of a 69 kV
8 transmission line in the National Grid/New
9 England Power System, been determined that it
10 wasn't needed anymore to serve the substation.

11 Q. Yes.

12 A. (Martin) And it was very old. And, since it
13 wasn't needed, it's being dismantled.

14 Q. And what did you mean by the "non-Pool"? It
15 wasn't part of the bulk power system?

16 A. (Martin) Well, I wouldn't use the term "bulk
17 power system", because it has many meanings.

18 Q. Okay.

19 A. (Martin) Your use of it might differ from mine.
20 In New England, transmission facilities within
21 NEPOOL are split into Pool transmission
22 facilities, which handle network flow, and
23 non-Pool transmission facilities, which are
24 essentially radial. So, it might just serve

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1 from the network to a substation.

2 Q. Okay.

3 A. (Martin) This particular line I was thinking of
4 is not a pool transmission facility, it's
5 "non-PTF is what we call it.

6 CMSR. BAILEY: Okay. Thank you.
7 That's all I have.

8 PRESIDING OFFICER ROSS: Other
9 members?

10 MS. WEATHERSBY: Good morning.

11 BY MS. WEATHERSBY:

12 Q. From your prefiled testimony, I gleaned that
13 there were basically four reasons perhaps for
14 the need for this line: The thermal overloads,
15 insufficient capacity, there's some concerns
16 about high voltage, and you needed more
17 flexibility within the transmission system. Am
18 I correct in those? And are there any others?

19 A. (Martin) Yes. You're correct. The underlying
20 need to all of those is essentially thermal
21 overloads. But they arise in different
22 manners. Sometimes flexibility, in terms of
23 what generation is running, can impose
24 overloads on other lines, if -- when we have to

[WITNESSES: Martin~Andrew]

1 consider contingencies of lines coming out of
2 service. And it was essentially the thermal
3 overloads and the high voltages.

4 Q. What happens when you get thermal overload?

5 A. (Martin) Well, from a plan's point of view,
6 we're not allowed to plan the system to
7 experience overloads. And the reason is
8 because the lines have a certain thermal
9 capability. If they carry more power than
10 their rated for, then they will not meet
11 clearances -- I'm sorry -- clearances, they
12 will sag too low, and the equipment can be
13 damaged.

14 Q. And, if, in Commissioner Bailey's scenario,
15 this certificate would be denied, and the
16 Project had to get reworked, what kind of delay
17 would we be looking at and what effect would
18 that have on the grid in this region?

19 A. (Martin) I'd be hard-pressed to say how much of
20 a delay it would be. But I know this Project
21 has been going on a long -- this study has been
22 going on a long time. I would expect at least
23 two to three years delay. During that time, if
24 the ISO was faced with situations where lines

[WITNESSES: Trefry~Oakley]

1 would overload that this Project would address,
2 they would have to dispatch other generation
3 out of merit, which would raise the cost to
4 consumers.

5 PRESIDING OFFICER ROSS: Any other
6 Committee members with questions?

7 *[No verbal response.]*

8 PRESIDING OFFICER ROSS: Does the
9 Applicant wish to have any redirect?

10 MR. NEEDLEMAN: No. Thank you.

11 PRESIDING OFFICER ROSS: In that
12 case, the witnesses are excused. And we will
13 take the next group, which is the Environmental
14 panel.

15 (Whereupon ***Sherrie L. Trefry*** and
16 ***Darrell Oakley*** were duly sworn
17 by the Court Reporter.)

18 **SHERRIE L. TREFRY, SWORN**

19 **DARRELL OAKLEY, SWORN**

20 **DIRECT EXAMINATION**

21 BY MR. NEEDLEMAN:

22 Q. Will you each start by stating your name for
23 the record please.

24 A. (Trefry) Sherrie Trefry.

[WITNESSES: Trefry~Oakley]

1 A. (Oakley) Darrell Oakley.

2 Q. And be sure you're really close to those mikes
3 and the red light is on. And could you each
4 state your occupation.

5 A. (Trefry) I'm the Director of Energy
6 Environmental Services with VHB.

7 A. (Oakley) I'm a Senior Ecologist at VHB.

8 Q. And what are your roles in this Project?

9 A. (Trefry) I am primarily responsible for
10 providing testimony in preparation of the
11 environmental permit applications associated
12 with MVRP.

13 A. (Oakley) And my role is focusing on the
14 wildlife, rare species, and plants on the
15 Project and assessing impacts.

16 Q. And you both have prefiled testimony in front
17 of you that you submitted in this docket. Do
18 either of you have any changes that you need to
19 make to that testimony?

20 A. (Trefry) There was one change to my testimony
21 relative to the impacts associated with the
22 Project. The change is the temporary wetland
23 impacts were reduced from 388,895 square feet,
24 which is 8.93 acres, to 385,396 square feet, or

[WITNESSES: Trefry~Oakley]

1 8.86 acres.

2 Q. Could you briefly explain the reason for that
3 change?

4 A. (Trefry) The reason for the changes was that
5 PSNH/Eversource worked with several abutters
6 along the side of the right-of-way to move some
7 transmission line structures out of their
8 direct view. And that resulted in changes in
9 the wetland impacts.

10 In addition, Eversource also secured off
11 right-of-way access, which eliminated the need
12 for some temporary wetland impacts for access
13 within the right-of-way, which reduced the
14 overall number of wetland impacts.

15 PRESIDING OFFICER ROSS: Could you
16 just give a page and line number for the
17 changes, so we can make them.

18 WITNESS TREFRY: So, it's Page 7,
19 Line 20.

20 COMMISSIONER BAILEY: What's the new
21 number?

22 PRESIDING OFFICER ROSS: Yes. What
23 is the new number?

24 WITNESS TREFRY: "385,396 square

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1 feet".

2 PRESIDING OFFICER ROSS: And the
3 acreage?

4 WITNESS TREFRY: It's "8.86 acres".

5 PRESIDING OFFICER ROSS: Okay. Thank
6 you.

7 MR. NEEDLEMAN: I would note that the
8 revised page was submitted as part of
9 Supplement 2.

10 PRESIDING OFFICER ROSS: Okay.

11 BY MR. NEEDLEMAN:

12 Q. Any other changes, Ms. Trefry?

13 A. (Trefry) No.

14 Q. Mr. Oakley, any changes to your testimony?

15 A. (Oakley) No.

16 Q. All right. Subject to the changes you just
17 described, Ms. Trefry, do you adopt that
18 testimony and swear to it today?

19 A. (Trefry) I do.

20 Q. And, Mr. Oakley, same question for you?

21 A. (Oakley) I do.

22 MR. NEEDLEMAN: Okay. Thank you.

23 They're available for cross-examination.

24 PRESIDING OFFICER ROSS: Counsel for

[WITNESSES: Trefry~Oakley]

1 the Public.

2 MR. ASLIN: Thank you. Good morning.

3 **CROSS-EXAMINATION**

4 BY MR. ASLIN:

5 Q. Mr. Oakley, I'd like to start with you. And,
6 if I understand correctly, there were surveys
7 done for rare, threatened and endangered
8 species of plants, plants and animals, in 2015
9 and then also in 2016?

10 A. (Oakley) That is correct.

11 Q. Could you give us an update of what's happened
12 in the last few months, since the last
13 supplemental filing?

14 A. (Oakley) So, this year we focused on looking
15 for black racers again, which we were unable to
16 locate last year. This spring we did find
17 them. We were able to radio tag a snake and
18 potentially locate one of its dens, winter den
19 sites. We're currently working with Fish &
20 Game to monitor that snake. Unfortunately,
21 that snake did die. It looks like it got
22 caught by a raptor that was living on the
23 right-of-way. So, we weren't able to track it
24 for more than maybe a few weeks. But the good

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1 thing about it was that we were able to
2 potentially locate its den site. So, we'll be
3 able to work around that.

4 We're continuing with plant surveys this
5 year. We've been working with the Natural
6 Heritage Bureau continually to update survey
7 plans based on what we find when we go out
8 there.

9 And, you know, as typical, you know, these
10 plants like disturbance. So, they move,
11 surprisingly. We have one section of the
12 right-of-way where there was a new roadway
13 built underneath the right-of-way. And, you
14 know, year five from when that disturbance
15 happened, we happen to have more plants now
16 than we had before.

17 So, we're continuing to map those. We're
18 continually looking at ways to minimize
19 impacts. And we're working with Natural
20 Heritage, figuring out how to mitigate, if we
21 actually do end up having any detrimental
22 impacts or effects.

23 Q. And, so, will there be -- it sounds like, for
24 plants, there will be continuing survey going

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1 on for what period of time?

2 A. (Oakley) I think we have two more rounds of
3 surveys this year. And, hopefully, at that
4 time, they'll stop moving so much. And we'll
5 have a much better idea on how to best work in
6 those areas.

7 And, you know, I got to say, you know,
8 these plants that we're dealing with, they're
9 rare because they're living in a disturbed
10 environment. So, we just had discussions with
11 Natural Heritage Bureau last Friday talking
12 about how to move forward. And a lot of the
13 ways we're looking at this, especially in
14 regards to plants, is we're really -- we're
15 going to actually help the situation. There's
16 going to be more rare plants when we're done
17 with construction, because we're going to open
18 up more areas for them.

19 Q. And are there surveys continuing on the animal
20 side?

21 A. (Oakley) There will be. Next spring, we're
22 going to go out and look again for turtle
23 nesting habitat. We didn't find a lot last
24 year. And, we, obviously, want to, you know,

[WITNESSES: Trefry~Oakley]

1 just like with the snakes and everything, we
2 want to make sure we know where those locations
3 are right before construction. So -- when the
4 critical time period is. So, that will be next
5 springtime. So, we're going to want to make
6 sure that we know where those are. So, those
7 will be the animal surveys that will happen
8 next year.

9 Q. Thank you. And I saw that there were some
10 cottontail surveys done. Is that completed or
11 is that ongoing?

12 A. (Oakley) Well, unfortunately, the winter didn't
13 cooperate with us last year. We were only able
14 to get one survey done that met the criteria,
15 which is pretty challenging. It's snow, with
16 no wind two days afterwards, and it was very
17 challenging to do that this year. So, we were
18 officially only able to conduct one survey.
19 We're talking with Fish & Game about continuing
20 with those surveys going forward this winter.
21 And, you know, we hope to be able to complete
22 that survey in the area that Fish & Game wanted
23 it.

24 Q. Thank you. And, in regards to mitigation,

[WITNESSES: Trefry~Oakley]

1 could you give us a little bit of a summary of
2 what type of mitigation is proposed when there
3 are both RTE animals or plants located within
4 the right-of-way?

5 A. (Oakley) It really depends on the time of year
6 of construction, and it depends on the species
7 involved. So, as I was mentioning before, like
8 turtle species, you know, where we know that
9 they nest, or like especially near Musquash
10 Conservation Area, we will be looking for the
11 nesting areas. And we'll try to protect those
12 to make sure nothing happens. And where do
13 these turtles like to nest? They like to nest
14 right next to the access roads, where the
15 ground is disturbed and they got a nice easy
16 place to build a nest.

17 So, in those locations, we'll protect it
18 with some type of barrier. You know, sometimes
19 we have to weigh the benefits of having a
20 barrier that's very visible to the public,
21 because we don't want people going out and
22 collecting turtles or plants or everything.
23 So, we work on those things with Fish & Game
24 and Natural Heritage to figure out the best way

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1 to protect these things.

2 Before construction, especially in the
3 springtime, we'll be doing sweeps for turtles
4 and snakes in those areas where we know they're
5 located. So that, you know, their biggest
6 threat is usually, you know, a vehicle going
7 down the access roadway, so making sure that
8 they're not out there at that time during
9 construction.

10 Q. And, with regard to plants, what type of
11 mitigation do you anticipate?

12 A. (Oakley) It's going to vary. Right now, I
13 don't see that we're going to have to do a heck
14 of a lot. We talked about that with Natural
15 Heritage Bureau last Friday. And, it's like,
16 we have one instance where we have rare plants
17 in the middle of someone's yard. And the
18 person is mowing it. So, he's driving over it
19 with his tractor, and that's actually good for
20 this plant, because it likes that disturbance,
21 it likes that it's not competing against other
22 plants. So, in that case, it's like "Well,
23 don't do anything. It's doing fine as it is."

24 So, in other areas where, you know, we had

[WITNESSES: Trefry~Oakley]

1 disturbance four or five years ago underneath
2 the right-of-way, and now we have this
3 explosion of new violas that just came out, and
4 they love the disturbance. So, it's almost
5 like, in that case, you actually want to have
6 more disturbance. And, so, we've talked about
7 things like using mats or something like that.
8 If we have a heavy machine out there, we don't
9 want to crush the plants. So, it's, you know,
10 making sure that, if the plants are in flower
11 at that time, you know, maybe we don't drive on
12 it at that time, or, you know, do things like
13 that. There's all sorts of different little
14 techniques.

15 And we have discussed with Natural
16 Heritage Bureau relocating plants, if
17 necessary, working with the New England Wild
18 Flower Society in order to accommodate that.

19 Q. And are you the person who is monitoring these
20 aspects during the phase of the Project or is
21 there a team of people?

22 A. (Oakley) There's going to be a team of people.
23 There's a lot of places to be.

24 Q. Yes. And monitoring will be ongoing throughout

[WITNESSES: Trefry~Oakley]

1 construction?

2 A. (Oakley) Yes.

3 Q. Okay. Thank you. Ms. Trefry, we've heard some
4 testimony about the tree removal that is
5 proposed throughout portions of the Project, on
6 the range of about 71 acres total. Could you
7 comment on whether, in your opinion, that tree
8 removal will have an adverse impact on
9 environmental conditions?

10 A. (Trefry) The tree removal will not have an
11 unreasonable adverse impact on the
12 environmental conditions within the
13 right-of-way.

14 Q. And that includes water and other Alteration of
15 Terrain issues?

16 A. (Trefry) Correct.

17 Q. We've also had some discussion about the use of
18 self-weathering steel on this Project, and the
19 concern that there may be runoff from those
20 poles that contain contaminants. Are you
21 familiar with that concern?

22 A. (Trefry) Yes. I'm familiar with that concern.

23 Q. Could you give us a little bit of an
24 explanation of what types of contaminants would

[WITNESSES: Trefry~Oakley]

1 potentially be coming from the poles using
2 self-weatherized steel?

3 A. (Trefry) Yes. The self-weathering steel
4 becomes coated over time with oxidized iron,
5 which provides a barrier to the steel
6 underneath. And, as that oxidized iron is
7 exposed in the environment, there is a
8 potential for some of that oxidized iron to
9 leach down the pole and become soluble, and
10 could result in some staining of the foundation
11 of the pole.

12 Q. Does leached oxidized iron have an impact to
13 water quality or to plant and animal?

14 A. (Trefry) It does not.

15 MR. ASLIN: Thank you both. That's
16 all I have today.

17 PRESIDING OFFICER ROSS: Ms. Huard,
18 do you have any questions?

19 MS. HUARD: I do. I would just --

20 *[Court reporter interruption.]*

21 BY MS. HUARD:

22 Q. Along the same lines with the rust patina, you
23 claim that you don't believe that it's going to
24 have any adverse effect on the natural

[WITNESSES: Trefry~Oakley]

1 environment. Correct? That's what you
2 claimed?

3 A. (Trefry) Correct.

4 Q. Have you considered -- have you spoken to the
5 EMP expert and considered what something like
6 that would do to create or cause the water to
7 be more conductive without it in it?

8 A. (Trefry) I have not.

9 Q. Thank you. And you've also, in my discovery --
10 or, response to my discovery request, you had
11 indicated that you have not done any air
12 quality test before the Project and nor do you
13 intend or do you know that the Company intends
14 on doing any air quality after tests, is that
15 correct?

16 A. (Trefry) That is correct.

17 Q. Without doing any testing, how can you possibly
18 know whether something has been added that
19 you've overlooked and that the Project has not
20 actually caused an increase in or a decrease in
21 air quality?

22 A. (Trefry) The Project is not providing a source
23 for air quality concern. There's no air
24 pollution associated with the Project during

[WITNESSES: Trefry~Oakley]

1 operation, and, in construction, it's limited
2 to the combustion engine producing some air
3 pollution during construction.

4 Q. So, you're absolutely certain that this rust
5 patina will not change our air quality?

6 A. (Trefry) Yes.

7 Q. Thank you. And, along the same lines with the
8 water, you have talked about the runoff, the
9 possible staining of the foundation. If that
10 runoff goes beyond the foundation and into the
11 surrounding wetlands, are you absolutely
12 certain that it won't cause any damage to the
13 water sources and the natural environment?

14 A. (Trefry) Yes. The rust patina is primarily
15 consisting of oxidized iron. And oxidized iron
16 is the primary element in our soils that gives
17 it its color. It's naturally occurring. And
18 it's actually used as the indicator to
19 determine whether a soil is an upland soil,
20 when it has an orange color, or if it's a
21 wetland soil, when it has a gray color. And
22 it's that change in iron that gives the soil
23 its indicating color.

24 Q. And, again, if you haven't tested the water

[WITNESSES: Trefry~Oakley]

1 before the Project, and you've made a mistake
2 in your analysis on whether the rust patina
3 will affect the water, and all of a sudden we
4 have a problem with our water, how will you
5 know whether it was from your Project or not?

6 A. (Trefry) The Project isn't providing any
7 contaminants that would provide an unreasonable
8 adverse impact to the environment.

9 Q. But wouldn't it be due diligence to possibly
10 test some of the water bodies or the water
11 sources to begin with, so that you know you
12 have a starting point?

13 A. (Trefry) The Project isn't generating any
14 contaminants. We're using standard
15 construction materials in the right-of-way.
16 And it's not generating a contaminant that
17 needs to be of concern. So, baseline testing
18 is not required.

19 Q. Well, there is questionable information on the
20 rust patina, and that that's my concern. So,
21 Ms. Trefry, I want to ask you some more
22 questions on the tree removal. Again, you
23 claim that there is no unreasonable effect?

24 A. (Trefry) Correct.

[WITNESSES: Trefry~Oakley]

1 Q. It's been said that there will be a removal of
2 a 90-foot strip of trees in Segment 3, and a
3 50-foot forested strip in the middle of Segment
4 4. I'd like to refer to Exhibit 35.

5 *[Ms. Huard distributing document*
6 *to the witnesses.]*

7 BY MS. HUARD:

8 Q. Do you recognize this map?

9 A. (Trefry) Yes.

10 Q. So -- and can you locate the key at the bottom
11 of the map?

12 A. (Trefry) Yes.

13 Q. And what is the symbol for "tree removal"?

14 A. (Trefry) White dots.

15 Q. Thank you. And do you see these dots on the
16 map?

17 A. (Trefry) Yes.

18 Q. And can you see the key on the map that shows
19 one inch equals 100 feet?

20 A. (Trefry) Yes.

21 Q. How many square feet of tree removal would one
22 of these pages represent if it shows 16 inches
23 of tree removal?

24 A. (Trefry) 1,600 feet.

[WITNESSES: Trefry~Oakley]

1 Q. Thank you.

2 MR. IACOPINO: That was "feet", not
3 "square feet", correct?

4 MS. HUARD: Right.

5 WITNESS TREFRY: Uh-huh.

6 BY MS. HUARD:

7 Q. No, I'm sorry, square feet. How many square
8 feet would it be?

9 A. (Trefry) I don't know.

10 Q. You don't know. On Page 9 of the Application
11 indicates that Segment 3 is 3.9 miles, and runs
12 from the point of demarcation on David Drive to
13 the turn-off, the parallel right-of-way at
14 Wiley Hill Road. And is it correct that the
15 90 feet of trees will run from the point of
16 demarcation to that point on Wiley Road?

17 A. (Trefry) That is correct.

18 Q. And is one of the major functions of these
19 trees carbon sequestration?

20 A. (Trefry) Carbon is sequestered by trees.

21 Q. Yes. Thank you. And are the leaves an
22 important part of this process?

23 A. (Trefry) Yes.

24 Q. And do these trees play a major role in

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1 photosynthesis as well?

2 A. (Trefry) Yes. Trees photosynthesize.

3 Q. And, in photosynthesis, these trees would use
4 energy from the Sun?

5 A. (Trefry) Correct.

6 Q. And carbon gas from the atmosphere, to create
7 carbohydrates and oxygen, correct?

8 A. (Trefry) Correct.

9 MS. HUARD: I'm going to introduce
10 this exhibit for the benefit of the members on
11 the Committee that may not have a clear
12 understanding of photosynthesis. This is
13 Exhibit 18.

14 MR. IACOPINO: I'm sorry, what
15 number?

16 MS. HUARD: Eighteen.

17 *[Ms. Huard distributing document*
18 *to the witnesses.]*

19 BY MS. HUARD:

20 Q. Do you recognize this drawing as the cycle of
21 photosynthesis?

22 A. (Trefry) I've seen similar drawings, yes.

23 Q. Does it look accurate to you?

24 A. (Trefry) Yes.

[WITNESSES: Trefry~Oakley]

1 Q. And, to take a simplistic approach and
2 emphasize photosynthesis, what does this
3 drawing show H₂O is absorbed from? What part
4 of the tree?

5 A. (Trefry) The roots.

6 Q. And what picture does it show is sent back out
7 into the air?

8 A. (Trefry) Oxygen.

9 Q. Thank you. And what part of the tree is oxygen
10 released back into the air from?

11 A. (Trefry) The leaves. I think that -- I think
12 you're -- can I help you out here? You're
13 trying to get to the point where the tree
14 removal is going to -- transpiration is going
15 to stop and --

16 Q. No. That's not where I'm going right now.
17 Thank you. Let me continue with my line of
18 questioning. In your response to my discovery
19 request, you indicated that "the tree stumps
20 will be removed for this Project." Do you
21 recall making that statement?

22 A. (Trefry) Tree stumps will not be removed for
23 this Project.

24 Q. That's what I mean. I'm sorry. Tree stumps

[WITNESSES: Trefry~Oakley]

1 will not be removed for this Project?

2 A. (Trefry) That is correct.

3 Q. And how high will the tree stumps be?

4 A. (Trefry) They are going to be cut flush to
5 ground level.

6 Q. They are now going to be cut to ground?

7 A. (Trefry) They were always going to be cut to
8 ground.

9 Q. I believe, if I pulled your discovery response,
10 you had said they were "going to be stumps"?

11 A. (Trefry) They are, stumps will remain in the
12 ground. They're going to be cut -- the trees
13 will be cut to ground level.

14 Q. But you had -- I believe you had said they were
15 going to be 3-foot. So, that's not correct?

16 PRESIDING OFFICER ROSS: If you have
17 a discovery response, perhaps you could point
18 that out to the witness.

19 MS. HUARD: Yes. I have to find it.

20 PRESIDING OFFICER ROSS: Being
21 argumentative is not helpful.

22 MS. HUARD: Okay. Sorry. So,
23 then -- well, let's just take what she's saying
24 for now.

[WITNESSES: Trefry~Oakley]

1 BY MS. HUARD:

2 Q. So, they're going to be cut flush to the
3 ground, correct?

4 A. (Trefry) Correct.

5 Q. And, so, will you be leaving the roots in?

6 A. (Trefry) That is correct.

7 Q. So, in my discovery response -- in your
8 discovery -- in your response to my discovery
9 question, you referred me to additional
10 information from the USDA on carbon cycle. Do
11 you recall referring me to that information?

12 A. (Trefry) Yes.

13 Q. And do you recall that that information
14 indicated that a plant can become a source of
15 carbon if the CO2 going out exceeds the amount
16 taken in?

17 A. (Trefry) Yes.

18 Q. And do you recall that that can happen in an
19 atmosphere through decomposition or fire?

20 A. (Trefry) Correct.

21 MR. NEEDLEMAN: I'm going to object
22 to the line of questioning at this point. I
23 can't see the relevance of this.

24 MS. HUARD: It's relevant to my air

[WITNESSES: Trefry~Oakley]

1 quality, sir, Attorney Needleman.

2 PRESIDING OFFICER ROSS: I'll allow
3 the questions for the time.

4 BY MS. HUARD:

5 Q. According to the same resource, deforest --
6 "deforestation [sic] can contribute to
7 elevated levels of atmospheric CO2." Do you
8 agree with that statement at all?

9 A. (Trefry) I agree with the statement that "large
10 deforestation, on a global scale, can
11 contribute to increasing carbon in the
12 atmosphere."

13 Q. However, you don't feel that this 100-foot
14 strip of trees will alter in any way the level
15 of carbon in that area?

16 A. (Trefry) That is correct.

17 Q. So, then, is the remaining roots from the tree
18 removal decompose, that small amount of
19 carbon level -- increase in carbon level, and
20 with no remaining trees to sequester this
21 carbon, you don't feel that that will be a
22 problem?

23 A. (Trefry) That will not have an adverse impact
24 on the air quality within the right-of-way.

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[WITNESSES: Trefry~Oakley]

1 Q. Thank you.

2 PRESIDING OFFICER ROSS: Could we --
3 I'm sorry to interrupt you. But could we take
4 maybe a ten-minute break?

5 MS. ROBERGE: Five minutes.

6 PRESIDING OFFICER ROSS: Five
7 minutes? Okay.

8 MS. HUARD: Sure.

9 PRESIDING OFFICER ROSS: It's quarter
10 of 11:00. We'll come back at ten of.
11 Apologize. Thank you.

12 *(Recess taken at 10:45 a.m. and*
13 *the hearing resumed at 10:51*
14 *a.m.)*

15 PRESIDING OFFICER ROSS: Okay. We
16 are back on the record. Just one scheduling
17 issue. We are going to try very hard to finish
18 our hearing today, so that we can deliberate at
19 the end of it.

20 And, in that vein, I'm going to ask
21 Ms. Huard, how much more time do you have for
22 cross for these witnesses?

23 MS. HUARD: I have quite a bit, and I
24 will not be rushed. Thank you.

[WITNESSES: Trefry~Oakley]

1 PRESIDING OFFICER ROSS: I am
2 certainly not going to rush you. But I'm also
3 going to limit repetitive questions. So, keep
4 in mind that you can ask it once, but if I hear
5 it twice or three times, the questioning will
6 not be allowed.

7 MS. HUARD: So noted.

8 PRESIDING OFFICER ROSS: You may
9 continue.

10 BY MS. HUARD:

11 Q. I did find the discovery question. And it
12 related to -- I'll read the question. It was
13 the Alteration of Terrain plans, in Appendix O,
14 said "The considerable amount of trees being
15 removed from David Drive, in Hudson, New
16 Hampshire, through most of Londonderry, Page 55
17 of the Application shows that Segment 3 will
18 have a 90-foot wide area removed and Segment 4
19 will have a 40-foot area removed. The BMP, to
20 help prevent erosion, is to leave 4-foot tree
21 stumps in the ground. How do you feel the
22 natural environmental will be affected by such
23 a drastic removal?"

24 And, while you did not state that the

[WITNESSES: Trefry~Oakley]

1 4-foot stumps would remain, you did not deny
2 that. And you replied "Tree removal has the
3 potential to destabilize soils. Tree stumps
4 will be removed for this Project" -- "will not
5 be removed for this Project to the greatest
6 extent practicable, in order to minimize the
7 potential for soil erosion."

8 Am I to assume now that you're not going
9 to follow a BMP practice, if you're going to
10 cut them flush to the ground?

11 A. (Trefry) That was never a best management
12 practice proposed by the Applicant. We clearly
13 stated in our Application that there would
14 be -- stumps would be cut to the ground level.

15 Q. Okay. So, then, I do have some questions. Are
16 you aware that the Project is proposed for a
17 utility ROW that runs right through an
18 environmentally sensitive watershed for
19 Robinson Pond?

20 A. (Trefry) You have presented that information.

21 Q. I don't believe I presented it for the
22 Committee's benefit, though. So, I will refer
23 you to Exhibit 14, 15, 16, and 17.

24 *[Ms. Huard distributing document*

[WITNESSES: Trefry~Oakley]

1 to the witnesses.]

2 BY MS. HUARD:

3 Q. To your knowledge, is this watershed noted
4 anywhere in the Application?

5 A. (Trefry) The Application discusses the surface
6 waters and wetlands located within the Project
7 area. While Robinson Pond is outside of the
8 Project area.

9 Q. While Robinson Pond is outside the Project
10 area, I would like to refer you to Exhibit 14.
11 And can you see that this map had been created
12 by the New Hampshire DES?

13 A. (Trefry) I don't see the reference to "DES".

14 Q. Okay.

15 A. (Trefry) But I can accept that.

16 Q. If you look at above the map, it says "For
17 larger image contact New Hampshire DES"?

18 A. Yes.

19 Q. And can you see the outline of what's
20 considered to be the watershed?

21 A. (Trefry) Yes.

22 Q. And can you see your ROW, the right-of-way?

23 A. (Trefry) Yes.

24 Q. And can you see that runs right through this

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1 watershed?

2 A. (Trefry) Yes.

3 Q. So, while you -- while Robinson Pond is not
4 part of your Project, the watershed is,
5 correct?

6 A. (Trefry) Correct.

7 Q. And are you familiar with the interconnectivity
8 of the various water bodies that --

9 A. (Trefry) Yes.

10 Q. So, then, you're aware that there are two
11 brooks, one on David Drive and one on Kienia,
12 that flow directly into Robinson Pond?

13 A. (Trefry) Yes.

14 Q. And you are aware that the erosion -- the
15 potential for erosion exists to bring soil into
16 these two brooks if the mitigation plans are
17 not sufficient?

18 A. (Trefry) The sediment erosion controls are
19 going to be set up to handle the
20 construction disturbance.

21 Q. Okay. But those plans are not set in stone,
22 correct? They're not planned yet? They have
23 not been --

24 A. (Trefry) All of the sediment erosion controls

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1 are shown in the Wetland Permitting Plans, as
2 well as the Alteration of Terrain Permitting
3 Plans.

4 Q. Okay. So, then, referring to Exhibit 15, would
5 it satisfy you to know that this is a
6 snapshot -- a screen shot of the drain system
7 that brings surface water to Robinson Pond?

8 A. (Trefry) I see the exhibit, yes.

9 Q. Okay. And can you see the symbol "DAV" and
10 "KIE" on the first page, and on the second page
11 you can see a little bit of David Drive and --
12 you can see David Drive and Kienia to note
13 where you're looking at?

14 A. (Trefry) I do see those roads, but I do not see
15 the right-of-way.

16 Q. Okay. You cannot see the right-of-way on this
17 map. If you look on the first page, you can
18 see that the width of the property -- would it
19 satisfy you to know that the first full area on
20 the top of the page is the bottom part, it
21 abuts your right-of-way?

22 PRESIDING OFFICER ROSS: If you have
23 a question, would you please get to it.

24 MS. HUARD: I'm trying to. It's

[WITNESSES: Trefry~Oakley]

1 pretty lengthy.

2 BY MS. HUARD:

3 Q. So, for the sake of argument, can you satisfy
4 yourself that that is -- that is the property
5 that abuts the right-of-way?

6 MR. NEEDLEMAN: I'm going to object.
7 I have no idea where this exhibit comes from.
8 And, if Ms. Huard wanted to reference it in
9 regard to the right-of-way, I think she should
10 have provided a clearer indication of that.

11 MS. HUARD: Okay. Then, we'll leave
12 the exhibit.

13 BY MS. HUARD:

14 Q. Would it satisfy you to know that there is a
15 storm rain -- storm drain system that brings
16 surface water down to the pond as well?

17 A. (Trefry) Along David Drive?

18 Q. Along David Drive.

19 A. (Trefry) I can accept that surface waters --
20 or, storm water is collected along David Drive.

21 Q. Storm water.

22 PRESIDING OFFICER ROSS: Do you have
23 a question?

24 MS. HUARD: I do. I'm leading to it,

[WITNESSES: Trefry~Oakley]

1 ma'am. It's not a very simple matter for me.

2 BY MS. HUARD:

3 Q. And, if you look at Exhibit 16, can you see
4 Beaver Brook -- can you see Robinson Pond on
5 this map?

6 A. (Trefry) Yes.

7 Q. And can you see Beaver Brook, at the bottom of
8 the map?

9 A. (Trefry) Yes.

10 Q. And can you see that Beaver Brook flows out of
11 the bottom of Robinson Pond?

12 A. (Trefry) Yes.

13 PRESIDING OFFICER ROSS: I'm going to
14 ask you not to repeat that question. We've
15 already heard that the brook flows out of the
16 pond.

17 MS. HUARD: That is not -- this is
18 the first time I've asked this question. I've
19 asked if they "flow into it", this is "out of
20 it".

21 So, if you're not listening, I'm
22 going to lose my temper.

23 PRESIDING OFFICER ROSS: I'm going to
24 cite you for contempt, if you're not more

[WITNESSES: Trefry~Oakley]

1 respectful to the tribunal.

2 MS. HUARD: And, as you know, I don't
3 really care.

4 PRESIDING OFFICER ROSS: You may --

5 BY MS. HUARD:

6 Q. I will refer --

7 PRESIDING OFFICER ROSS: You may ask
8 that question.

9 BY MS. HUARD:

10 Q. Do you see that Beaver Brook flows out of
11 Robinson Pond?

12 A. (Trefry) Yes.

13 Q. And I'd like to refer you to Exhibit 17. And
14 can you see -- can you find Beaver Brook on
15 this map?

16 A. (Trefry) Yes.

17 Q. And what river does Beaver Brook flow into?

18 A. (Trefry) The Merrimack River.

19 MS. HUARD: So, thank you. That
20 was --

21 PRESIDING OFFICER ROSS: Do you have
22 a question?

23 MS. HUARD: Yes. I needed to lay the
24 foundation of the watershed so that I can ask

[WITNESSES: Trefry~Oakley]

1 my questions. Thank you very much.

2 BY MS. HUARD:

3 Q. So, back to the tree removal.

4 PRESIDING OFFICER ROSS: I'm sorry,
5 was there a question about the watershed?

6 MS. HUARD: I'm going to question the
7 watershed within these next questions. I'm
8 going to refer to the watershed with my next
9 questions.

10 PRESIDING OFFICER ROSS: Continue.

11 MS. HUARD: Thank you.

12 BY MS. HUARD:

13 Q. So, I'd like to refer you to Exhibit --
14 Exhibit 37 and 38. Do you recognize any part
15 of the watershed on these maps, if you look at
16 them side-by-side, 37 to 38?

17 A. (Trefry) You're referencing Howard Brook?

18 Q. That would be correct. Thank you. Do you
19 recall stating in your response to my discovery
20 question that "one effect of the proposed tree
21 removal on wetlands is the potential reduction
22 in transpiration rate, which may result in
23 higher water tables"?

24 A. (Trefry) Yes.

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[WITNESSES: Trefry~Oakley]

1 Q. And would this higher water table potentially
2 appear in the wetlands as ponded areas on the
3 soil during unseasonably wet periods?

4 A. (Trefry) During seasonably wet periods, yes.

5 Q. And what time of year would we expect to see
6 the highest amount of precipitation in wet
7 periods?

8 A. (Trefry) Typically, in the spring, as well as
9 in the fall.

10 Q. What about -- well, the spring. And is there a
11 risk that this higher amount of surface water
12 will move at a more rapid rate than is
13 experienced now?

14 A. (Trefry) We're talking about groundwater,
15 groundwater table, would be higher during those
16 periods of time. We're not talking about
17 surface water.

18 Q. Is there a higher risk that groundwater will
19 move at a more rapid rate than is experienced
20 now?

21 A. (Trefry) There would be more soil water
22 available and would typically leach down
23 through the soil. It would not be taken up by
24 the trees.

[WITNESSES: Trefry~Oakley]

1 Q. According to your response to my discovery
2 request, "Tree removal adjacent to water bodies
3 and wetlands also has the potential to
4 destabilize soils." Do you remember making
5 that statement?

6 A. (Trefry) Yes.

7 PRESIDING OFFICER ROSS: Do you have
8 a question?

9 MS. HUARD: I do. I'm trying to find
10 my way, ma'am. Thank you.

11 BY MS. HUARD:

12 Q. According to the scale on the map, can you see
13 the three-pole structure proposed for the right
14 bank of Howard Brook?

15 A. (Trefry) Yes.

16 Q. And, using the scale, how far is the structure
17 proposed to be from the edge of Howard Brook?

18 A. (Trefry) Looks to be about 70 feet.

19 Q. And have you considered the potential for
20 erosion and what effect it could have on this
21 pole?

22 A. (Trefry) We have considered the potential for
23 erosion. And we have proposed a fence and some
24 erosion controls along the edge of the

[WITNESSES: Trefry~Oakley]

1 disturbance, as indicated on the plan.

2 Q. And do you recall the specific mitigation
3 procedures that you will follow to prevent the
4 potential for this pole to collapse, in the
5 event of any severe erosion along that ditch,
6 along that bank?

7 A. (Trefry) The stabilization of that pole is
8 outside of my technical expertise.

9 Q. Thank you. Do you see any concerns for erosion
10 great enough to have any concern for collapse
11 of that pole?

12 A. (Trefry) No.

13 Q. Thank you.

14 PRESIDING OFFICER ROSS: Ms. Huard,
15 can you -- we've been at this a little over an
16 hour today, and I think at least that long
17 yesterday. Can you give us an estimate how
18 much more time you're going to need for your
19 cross?

20 MS. HUARD: Not much more. I'm
21 almost finished. I'm trying to -- okay.

22 BY MS. HUARD:

23 Q. My next questions are for Mr. Oakley. Mr.
24 Oakley, you claim that "the Project will not

[WITNESSES: Trefry~Oakley]

1 have an unreasonable effect on the natural
2 environment." Is that still your conclusion?

3 A. (Oakley) Yes, it is.

4 Q. And do you recall me asking you in a discovery
5 request what the possibility was that the
6 impacts to the wildlife habitat during
7 construction will not be restored, once the
8 construction is over?

9 A. (Oakley) "Will not be restored", I believe so,
10 yes.

11 Q. And do you recall claiming that the effects
12 would likely be temporary in nature?

13 A. (Oakley) Yes, for the majority.

14 Q. And do you recall claiming that "it was
15 likely" -- "it was highly likely that the
16 wildlife habitats affected during the
17 construction period would, in fact, be
18 restored, once construction was over"?

19 A. (Oakley) Yes. Wildlife habitat will be
20 restored after construction.

21 Q. And I'd like to refer to Exhibit 19 and 20.

22 *[Ms. Huard distributing*
23 *documents to the witnesses.]*

24 BY MS. HUARD:

[WITNESSES: Trefry~Oakley]

1 Q. And, referring to Exhibit 20, I'd like to ask
2 you a couple of questions. Have you ever
3 studied or researched the psychological effects
4 of noise on wildlife?

5 A. (Oakley) Psychological, no.

6 Q. Have you ever considered the impact the
7 noise -- the construction noise will have on
8 wildlife?

9 A. (Oakley) Yes, I have.

10 Q. So, this -- I'm sorry, if you look at Exhibit
11 20, for the record, can you see that this is an
12 abstract from an Annotated Bibliography from
13 National Park Service?

14 A. (Oakley) I can, yes.

15 Q. And what is the title of the abstract that I've
16 highlighted?

17 A. (Oakley) "The Effect of Noise on Wildlife: A
18 Literature Review".

19 Q. Thank you. I just wanted to pull a few words
20 from it and see if you agree or knew any -- had
21 studied any of this. "Noise can effect an
22 animal's physiology and behavior". Do you
23 agree with that statement?

24 A. (Oakley) Yes. Anything can effect something.

{SEC 2015-05} [Day 2/Morning Session ONLY] {06-14-16}

[WITNESSES: Trefry~Oakley]

1 Q. "Chronic stress" -- "if it becomes chronic" --
2 "if it becomes a chronic stress" --

3 PRESIDING OFFICER ROSS: Are you
4 reading from something?

5 MS. HUARD: I'm trying.

6 PRESIDING OFFICER ROSS: Where is it?

7 MS. HUARD: I'm sorry.

8 PRESIDING OFFICER ROSS: So, we can
9 go with you.

10 MS. HUARD: Oh. Well, it's on
11 Exhibit 20, but I'm reading from it --

12 PRESIDING OFFICER ROSS: I'm sorry.
13 I'm just trying to find it on 20. So, it's the
14 bottom box --

15 MS. HUARD: On 20, it's --

16 PRESIDING OFFICER ROSS: -- on Page
17 3?

18 MS. HUARD: On the bottom, yes.

19 *[Court reporter interruption -*
20 *multiple parties speaking at the*
21 *same time.]*

22 PRESIDING OFFICER ROSS: On person --

23 MS. HUARD: "The Effect of Noise on
24 Wildlife: A Literature" --

[WITNESSES: Trefry~Oakley]

1 *[Court reporter interruption.]*

2 MS. HUARD: "The Effect of Noise on
3 Wildlife: A Literature Review". The right
4 column has an abstract from that.

5 PRESIDING OFFICER ROSS: Thank you.

6 BY MS. HUARD:

7 Q. And the "noise can be injurious to animal's
8 energy budget, reproductive system [sic], and
9 long-term survival". Do you agree with that?

10 A. (Oakley) Yes. The article here talks about
11 "chronic noise" having a detrimental effect on
12 wildlife.

13 Q. Uh-huh. And do you feel, looking at
14 Exhibit 19, that for a -- the period of time
15 that the construction will take place, that the
16 combination of these construction vehicles will
17 create a chronic enough noise to disturb these
18 animals?

19 A. (Oakley) Disturb?

20 Q. Disturb.

21 A. (Oakley) Yes, temporarily.

22 Q. So, you claim it will be "temporary". So, it's
23 likely that the wildlife will not stick around
24 in these areas during construction to be

[WITNESSES: Trefry~Oakley]

1 tormented by this construction noise?

2 MR. NEEDLEMAN: I'll object to the
3 form of the question.

4 PRESIDING OFFICER ROSS: Sustained.
5 If you could just be a little less pejorative
6 in your description.

7 BY MS. HUARD:

8 Q. Is it likely that the wildlife will not stick
9 around during construction, while this
10 construction is going on?

11 A. (Oakley) I wouldn't expect them to go too far.

12 Q. Where would you expect them to go?

13 A. (Oakley) To the neighboring properties in the
14 interim.

15 Q. Neighboring residential properties?

16 A. (Oakley) Could be, yes.

17 Q. Wild bobcats, foxes, dangerous animals, will
18 migrate into residential areas?

19 A. (Oakley) Or they could stay right on the
20 right-of-way.

21 Q. But there's a potential for them to wander into
22 residential areas, correct?

23 A. (Oakley) I would suspect that they would have
24 the same type of effect during construction as

[WITNESSES: Trefry~Oakley]

1 in when folks open up their lawnmowers or leaf
2 blowers on the weekends. I don't see how these
3 levels of noise is going to cause a huge
4 detrimental impact.

5 Q. Are you saying that you consider a grader, a
6 gravel truck, a bull dozer, an excavator, a
7 backhoe, concrete trucks, the back-up noise to
8 all these vehicles, to be comparable to a
9 residential lawnmower?

10 A. (Oakley) Yes. When you've got like four or
11 five of them going at the same time, sure.

12 Q. One more question. Mr. Oakley, you defended
13 the extensive tree removal and permanent
14 alterations of natural habitat on this
15 property, and other properties along the ROW,
16 by claiming that "maintained electric
17 transmission rights-of-way are essential
18 habitats to maintaining shrubland-dependent
19 species." Do you recall making that statement?

20 A. (Oakley) I do.

21 Q. And that you claim that "the MVRP maintain ROWs
22 that will provide habitats for several known
23 New Hampshire endangered and threatened plants
24 and animals that require a shrubland habitat."

[WITNESSES: Trefry~Oakley]

1 Do you recall making that statement?

2 A. (Oakley) I do.

3 Q. And do you feel that this was an agreed upon
4 purpose for the use of these easements to
5 maintain wildlife species? Is that something
6 that the purpose of the right-of-way is for?

7 MR. NEEDLEMAN: I'll object. It
8 calls for a legal conclusion.

9 MS. HUARD: I'm all set. Thank you.

10 PRESIDING OFFICER ROSS: Thank you,
11 Ms. Huard.

12 Questions for these witnesses from
13 the Committee?

14 MS. ROBERGE: I just have a few
15 questions. And I'm not sure which one would be
16 appropriate to answer, so.

17 BY MS. ROBERGE:

18 Q. Are you aware of any transmission line projects
19 that have resulted in water quality or air
20 quality issues from the use of the weathering
21 steel?

22 A. (Trefry) No.

23 Q. In your professional opinion, do you see any
24 concerns with -- that this Project will have on

[WITNESSES: Trefry~Oakley]

1 Robinson Pond or the area watershed?

2 A. (Trefry) No.

3 Q. Has DES, the Department of Environmental
4 Services, expressed any concerns with respect
5 to impacts on Robinson Pond or the area
6 watershed?

7 A. (Trefry) They have not.

8 Q. And my last question is just can you elaborate
9 a little bit on the monitoring and training
10 programs that will be in place or maybe
11 recommendations? I'm not sure if this your
12 area of expertise or perhaps maybe a project
13 manager. On how -- whether, you know, if the
14 various contractors will be aware of the
15 various species or the environmental
16 requirements? Can you elaborate a little bit
17 on that, on the monitoring program?

18 A. (Trefry) Yes, I can. So, the Applicants will
19 be employing an environmental monitor for daily
20 review of the construction. So, the daily --
21 the environmental monitor will be working with
22 the contractor, as well as the Applicants, to
23 ensure environmental compliance. We create an
24 environmental compliance document that lists

[WITNESSES: Trefry~Oakley]

1 all of the different permit conditions and the
2 requirements, as well as the environmental
3 considerations with regard to rare species, and
4 in the event of cultural resources as well.

5 We put together training sessions, and
6 then carry out the training sessions with the
7 contractors in the field, prior to the
8 construction, as well as we do continuous
9 training as we approach environmentally
10 sensitive areas. We have environmental
11 monitors out in the field. As Darrell had
12 indicated, there's a team of people who are
13 going to be out there sweeping for turtles and
14 snakes, because they tend to bask in the
15 right-of-way area, where it's an open
16 environment.

17 So, we will be doing -- conducting turtle
18 sweeps and snake sweeps, to ensure that the
19 contract -- that area is clear prior to the
20 contractors moving into that area, as well as
21 when they're working in those sensitive areas
22 that are adjacent to large emergent wetlands,
23 where we typically have found the turtles, as
24 well as the snake areas that Darrell had

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1 referenced.

2 So, the person who is out in the field,
3 DES has requirements with regard to they be a
4 CPESC professional or a Certified Wetland
5 Scientist or a Engineer. So, one of those
6 people who meet those types of requirements
7 will be the ones that's employed in the field
8 to monitor.

9 Q. And will this person be -- or, person or people
10 be there for the entire length of the Project?

11 A. (Trefry) Yes. They will be there prior to the
12 contractor on-site. They will be working with
13 the contractor to set up sediment erosion
14 control. They will be there during
15 construction. And they will be there post
16 construction, to ensure that the wetland areas
17 are restored, and they meet the requirements
18 for restoration that DES has outlined. DES
19 also has a condition in their permits requiring
20 that, after a full growing season, a monitoring
21 report be provided to DES with photographic
22 evidence that the wetlands have been restored.

23 Q. And one final question. Relative to erosion
24 control, the same type of monitoring, I know

[WITNESSES: Trefry~Oakley]

1 you talked about the wildlife species and plant
2 species --

3 A. (Trefry) Yes.

4 Q. -- but the same type of monitoring for erosion
5 control and such?

6 A. (Trefry) That is correct. This Project
7 requires a Construction General Permit and the
8 preparation of a Storm Water Pollution
9 Prevention Plan. So, that will also be
10 generated prior to construction. And, then, a
11 submittal of the notice of intent will be
12 submitted by the Applicants at least 14 days
13 prior to construction, to get coverage under
14 the Construction General Permit. And, as part
15 of that, there's a separate requirement for
16 storm water inspections, either weekly or
17 biweekly, and always after a minimum of a
18 quarter inch of rain, a rain event.

19 And, then, those construction monitoring
20 reports, those inspection reports will be
21 generated and they will be provided. They will
22 be held on-site, as well as copies of them can
23 be provided to DES upon request.

24 MS. ROBERGE: Thank you.

[WITNESSES: Trefry~Oakley]

1 BY CMSR. BAILEY:

2 Q. In both of your prefiled testimonies, you
3 referenced a "compensatory mitigation package"
4 that needed to be completed. Has that been
5 completed and -- or could you give us an update
6 on what that is?

7 A. (Trefry) Yes. So, the Project requires
8 compensatory mitigation for wetlands and
9 impacts, both direct and indirect impacts. We
10 have met with the EPA and the Army Corps to
11 work out those mitigation requirements. We'll
12 have in lieu of fee payments for Londonderry,
13 Hudson, and the Town of Windham. And we'll do
14 an in-kind transfer of land in the Town of
15 Pelham, from National Grid to the Town of
16 Pelham, for conservation.

17 Q. And, Mr. Oakley, does that cover the reference
18 in your testimony as well, Page 9?

19 A. (Oakley) Thank you. I didn't recall I had
20 actually mentioned that.

21 Q. Maybe it's a different one. Page 9, at Lines 4
22 and 5.

23 A. (Trefry) Yes.

24 A. (Oakley) Yes.

{SEC 2015-05} [Day 2/Morning Session ONLY] {06-14-16}

[WITNESSES: Trefry~Oakley]

1 Q. Ms. Trefry, Ms. Huard asked you a question
2 about whether tree removal would have -- I
3 can't remember if she said "if it would be an
4 unreasonable adverse impact", "if it would have
5 an impact", or "an adverse impact to the
6 environment". Do you recall -- and you just
7 said "no", it won't have an adverse impact.
8 Or, my question is, --

9 A. (Trefry) Yes.

10 Q. -- will it have an adverse impact? Will it
11 have any impact?

12 A. (Trefry) The tree removal will not have an
13 unreasonable adverse impact. There will be an
14 impact, there will be a change in the
15 vegetation, from a tree cover to a shrubland
16 and emergent cover. But it's not going to have
17 an "adverse impact" in the environment in
18 context of reducing the ability of the
19 environment to perform its normal functions.

20 Q. Thank you. On Page 9 of your testimony, at the
21 very bottom, Ms. Trefry, you say "Avoidance and
22 minimization of impacts of water quality will
23 occur through the implementation of best
24 management practices."

[WITNESSES: Trefry~Oakley]

1 A. (Trefry) Uh-huh.

2 Q. And, then, on the next page you describe some
3 mitigation techniques. Are those the "best
4 management practices" or could you tell me a
5 little bit more about what kind of "best
6 management practices" you were referring to?

7 A. (Trefry) Some of the things that were discussed
8 in my testimony talk about the steps that were
9 taken to avoid impacts, and then create the
10 most minimizing -- minimize the impacts with
11 regard to the use of guy anchors that are screw
12 anchors, instead of using a log anchor, which
13 would create a greater disturbance in a
14 wetland. So, some of those things were
15 described.

16 In terms of the best management practice,
17 really, that we're referring to during
18 construction, we're referring to both the DRED
19 manual that talks about utility BMPs, as well
20 as the National Grid, they have an internal
21 document that they use for environmental
22 guidance, that really outlines how to, for
23 instance, install a silk fence or sediment
24 erosion control. How to install a statewide

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[WITNESSES: Trefry~Oakley]

1 construction entrance. And, in addition, we
2 also have the installation of a rock ford.

3 So, all of those are generally referenced
4 as "best management practices" used during
5 construction.

6 COMMISSIONER BAILEY: Okay. Thank
7 you.

8 BY MS. WHITAKER:

9 Q. I just had a quick question about tree removal
10 in riparian zones.

11 A. (Trefry) Yes.

12 Q. I don't know if you still have Ms. Huard's
13 Exhibit 38 in front of you. It's the one that
14 shows Howard Brook on the left-hand margin.

15 A. (Trefry) Uh-huh.

16 Q. And, based on the key, it appears to my eye
17 that there's tree removal right up and to the
18 edge of Howard Brook.

19 A. (Trefry) Uh-huh. Yes.

20 Q. And I'm not familiar with this brook. But,
21 looking at satellite images, it looks to be
22 pretty marshy?

23 A. (Trefry) Yes.

24 Q. What is the approach, in terms of tree removal

[WITNESSES: Trefry~Oakley]

1 right up to the edge of that water body?

2 A. (Trefry) So, in all the riparian areas, we made
3 some specific references to how the vegetation
4 will be addressed in those areas. So, we will
5 be removing/stumping the large trees that would
6 be in interference with the overhead lines.

7 But we'll be making every effort to hand-cut in
8 these areas and selectively cut to maintain the
9 low-growing vegetation that wouldn't have any
10 impact, so that we would maintain the
11 stabilization of those riparian areas.

12 Q. Okay. And, then, on that same exhibit,
13 referring to the three-tower setup at 208.

14 A. (Trefry) Yes.

15 Q. Are some of those guy wiring anchoring stations
16 to the left of the towers on this exhibit
17 within the riparian zone?

18 A. (Trefry) Yes. They would be considered within
19 the riparian zone.

20 Q. So, can you explain to me what one of those guy
21 anchoring systems is like? Is it concrete?
22 Sunk in the ground? What's going on there?

23 A. (Trefry) That's beyond my technical expertise.

24 Q. Okay. Do know if there's impact from those

[WITNESSES: Trefry~Oakley]

1 anchoring stations within or potential impact
2 within the riparian zone?

3 A. (Trefry) Yes. I mean, depending on what type
4 of anchor system that they use, there -- that
5 will determine how much excavation is there.
6 If they use something like a screw anchor, if
7 that is possible, what we use in a wetland,
8 that's much smaller --

9 Q. Okay.

10 A. (Trefry) -- than what's proposed in that
11 location.

12 MS. WHITAKER: Okay. Thank you.

13 PRESIDING OFFICER ROSS: Any other
14 questions? Yes, go ahead.

15 BY MR. IACOPINO:

16 Q. Who would be the person who could answer
17 Ms. Whitaker's question?

18 A. (Trefry) One of the engineers would be able to
19 answer that question.

20 Q. Thank you. We received last week, on June 9th,
21 a letter from the Department of Environmental
22 Services that contained their final decision
23 with respect to an Alteration of Terrain
24 Permit, a Wetland Permit, and a 401 Water

[WITNESSES: Trefry~Oakley]

1 Quality Certificate. Have you reviewed that
2 letter?

3 A. (Trefry) Yes.

4 Q. And have you reviewed the findings that DES
5 made and the recommendations that they made?

6 A. (Trefry) Yes.

7 Q. And, with respect to the Alteration of Terrain
8 Permit, do you see any difficulty with the
9 Applicants' plan complying with the terms and
10 conditions of that permit?

11 A. (Trefry) I do not.

12 Q. And, with respect to the Wetlands Permit, do
13 you see any problem with the Applicants'
14 plan -- plans for construction complying with
15 the terms and conditions of that permit?

16 A. (Trefry) I do not.

17 Q. And, with respect to the 401 Water Quality
18 Certificate, the same question, do you see any
19 problem with compliance?

20 A. (Trefry) I do not.

21 Q. Okay. And, previous to this, I believe we also
22 received a Shoreland Permit?

23 A. (Trefry) Yes.

24 Q. Did you review that thoroughly?

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[WITNESSES: Trefry~Oakley]

1 A. (Trefry) Yes.

2 Q. And, in your opinion, is there any problems
3 with the plans submitted by the Applicant in
4 complying with the Shoreland Permit?

5 A. (Trefry) There is no problem with compliance.

6 Q. Okay. Mr. Oakley, your main point of contact
7 with respect to state agencies has been the
8 Fish & Game, is that correct?

9 A. (Oakley) And Natural Heritage Bureau.

10 Q. And Natural Heritage Bureau. And you have a
11 program going on now to basically track the
12 snakes, the black racers?

13 A. (Oakley) We do, yes.

14 Q. And you have a separate program with respect to
15 the cottontail rabbits?

16 A. (Oakley) Correct.

17 Q. Okay. And is there a separate program with
18 respect to plant life?

19 A. (Oakley) Sort of. It's complicated in New
20 Hampshire, because it's not one agency. It's
21 Natural Heritage Bureau will, you know, tell
22 you what rare species are on a right-of-way.
23 But they give the authority to the Fish & Game
24 to all the critters with legs. And, so, those

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[WITNESSES: Trefry~Oakley]

1 kind of agencies work together with us in order
2 to implement these plans.

3 Q. If this Committee were to condition any
4 certificate on compliance with any requirements
5 with the National -- Natural Heritage Bureau,
6 do you think that that would be a problem for
7 the Applicant?

8 A. (Oakley) I do not.

9 Q. And, likewise, if we were to make -- if the
10 Committee were to make a condition of the
11 certificate your continued cooperation with the
12 Fish & Game Department with respect to your
13 wildlife programs, would that pose any type of
14 problem?

15 A. (Oakley) No, it would not.

16 Q. And have you been on good terms with the Fish &
17 Game Department?

18 A. (Oakley) I like meeting with them at least once
19 or twice a week.

20 Q. On this Project?

21 A. (Oakley) Yes.

22 Q. Okay. Ms. Trefry, we have in our record a
23 Stipulation between the Applicant and Counsel
24 for the Public. And, on Page 4 of that

[WITNESSES: Trefry~Oakley]

1 application [Stipulation?] is stipulations that
2 pertain to water quality and the natural
3 environment. Have you reviewed that
4 Stipulation?

5 A. (Trefry) I have not.

6 Q. You have not? Okay. The Stipulation indicates
7 that the Applicants have agreed to a number of
8 different things, and -- but let me just get it
9 for you.

10 *[Atty. Iacopino distributing*
11 *document to the witnesses.]*

12 BY MR. IACOPINO:

13 Q. And if you could look at the section on "Water
14 Quality", under "Environment".

15 A. (Trefry) Okay.

16 Q. Just take a section -- just take a moment to
17 look through those provisions.

18 A. (Trefry) Yes. I have reviewed them.

19 Q. Okay. Now, that Stipulation talks in terms of
20 things that the Applicant has indicated or has
21 agreed to. In your review of those Paragraphs
22 22 through 28, do you have any concern that the
23 Applicant might not actually be able to
24 accomplish the items set forth in those

[WITNESSES: Doucette~Olausen]

1 paragraphs?

2 A. (Trefry) I have no concerns.

3 Q. Okay. And, likewise, if you look at Paragraph
4 29, Mr. Oakley, if you could look at that
5 paragraph, that pertains to the Fish & Game
6 Department.

7 A. (Oakley) Okay. I reviewed it.

8 Q. Okay. And, again, that indicates that the Fish
9 & Game Department has approved certain
10 protocols for your work. Is there any
11 difficulty with that part of the Stipulation --
12 compliance with that part of the Stipulation
13 for the Applicant?

14 A. (Oakley) No, there is not.

15 MR. IACOPINO: Okay. I have no
16 further questions.

17 PRESIDING OFFICER ROSS: I wonder if
18 the Applicant might be able to provide the
19 engineering witness just to respond to the
20 question about the anchors in the side of
21 Howard Brook.

22 MR. NEEDLEMAN: Sure.

23 MR. PLANTE: I'm trying to get that
24 answerer right now.

[WITNESSES: Doucette~Olausen]

1 PRESIDING OFFICER ROSS: We'll take
2 it later then.

3 MR. NEEDLEMAN: Okay.

4 PRESIDING OFFICER ROSS: I think
5 it's -- let's see, we're through the Committee.
6 Does the Applicant wish any redirect?

7 MR. NEEDLEMAN: No. Thank you.

8 PRESIDING OFFICER ROSS: I think we
9 will take our morning break now, a 15-minute
10 break, which will put us back in here at ten to
11 12:00. Thank you.

12 *(Recess taken at 11:34 a.m. and*
13 *the hearing resumed at 11:51*
14 *a.m.)*

15 PRESIDING OFFICER ROSS: All right.
16 We're going to resume the hearing. And we have
17 the next two witnesses on historical resources.

18 (Whereupon **Dianna L. Doucette**
19 and **Stephen A. Olausen** were duly
20 sworn by the Court Reporter.)

21 **DIANNA L. DOUCETTE, SWORN**

22 **STEPHEN A. OLAUSEN, SWORN**

23 **DIRECT EXAMINATION**

24 BY MR. DUMVILLE:

{SEC 2015-05} [Day 2/Morning Session ONLY] {06-14-16}

[WITNESSES: Doucette~Olausen]

1 Q. Good morning. Would you please both state your
2 name for the record.

3 A. (Olausen) I'm Steve Olausen.

4 A. (Doucette) Dianna Doucette.

5 Q. And where are you both currently employed?

6 A. (Olausen) Public Archeology Laboratory, in
7 Pawtucket, Rhode Island.

8 Q. And the same?

9 A. (Doucette) Yes.

10 Q. And what is your current occupation with Public
11 Archaeological Laboratory?

12 A. (Olausen) I'm a Senior Architectural Historian
13 and Executive Director.

14 A. (Doucette) I'm a Senior Archeologist.

15 Q. And what is your role in the Merrimack Valley
16 Reliability Project?

17 A. (Olausen) My role was to assess the effects of
18 the Project on historic architectural
19 resources.

20 A. (Doucette) And mine was to assess the effects
21 of the Project on archaeological resources.

22 Q. And did you have a chance to write prefilled
23 testimony in support of the Project?

24 A. (Olausen) Yes, I did.

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[WITNESSES: Doucette~Olausen]

1 A. (Doucette) Yes.

2 Q. And is that in front of you right now?

3 A. (Olausen) Yes, it is.

4 A. (Doucette) Yes.

5 Q. Do you have anything that you would like to
6 change to your prefiled testimony at this time
7 or add to?

8 A. (Olausen) No, I don't.

9 A. (Doucette) No, I don't.

10 Q. And do you adopt your prefiled testimony and
11 swear to it as the information contained
12 therein is true and accurate to the best of
13 your knowledge?

14 A. (Olausen) Yes.

15 A. (Doucette) Yes, it is.

16 MR. DUMVILLE: Thank you. Madam
17 Chair, they're open for cross-examination.

18 PRESIDING OFFICER ROSS: Thank you.
19 Counsel for the Public.

20 MR. ASLIN: Thank you. I guess it's
21 still morning, briefly. Good morning.

22 WITNESS OLAUSEN: Good morning.

23 **CROSS-EXAMINATION**

24 BY MR. ASLIN:

{SEC 2015-05} [Day 2/Morning Session ONLY] {06-14-16}

[WITNESSES: Doucette~Olausen]

1 Q. Based on the testimony, it would appear that
2 there has been no potential impact to either
3 aboveground or belowground archeological
4 resources identified. Are there any resources
5 that have been identified within the
6 right-of-way itself?

7 A. (Doucette) There was one archeological site
8 that was previously recorded, in Pelham, but
9 that site no longer exists. There's a
10 development there.

11 Q. Okay. So, other than a previous site, there's
12 no other sites?

13 A. (Doucette) No. There is not.

14 Q. Okay. And, as I understand it, you've received
15 opinions from the New Hampshire DHR that there
16 would be no adverse impact on either
17 aboveground or belowground, is that correct?

18 A. (Olausen) Yes. That is correct.

19 Q. Okay. Is there any other potential impact that
20 either of you consider possible in this
21 Project?

22 A. (Olausen) No.

23 A. (Doucette) No.

24 MR. ASLIN: Thank you. I have no

[WITNESSES: Doucette~Olausen]

1 further questions.

2 PRESIDING OFFICER ROSS: Ms. Huard?

3 MS. HUARD: I have no questions.

4 PRESIDING OFFICER ROSS: Members of
5 the Committee?

6 BY DR. BOISVERT:

7 Q. Is it unusual, do you find it unusual that
8 there were no archeological sites discovered in
9 the process of this investigation?

10 A. (Doucette) It's not that unusual. We have
11 often done long surveys and not found anything.
12 It's in the uplands, an area where we weren't
13 really around a lot of big wetlands.

14 Q. Okay. Regarding the above ground resources, do
15 you find it unusual that there were no
16 significant resources identified in the
17 process?

18 A. (Olausen) It would really boil down to what the
19 effect might be on historic aboveground
20 resources. And the effect was unlikely to
21 cause any adverse or undue adverse effects.
22 So, we did not do a comprehensive survey. Our
23 investigation ended at the very preliminary
24 stage, where we were assessing the effect of

[WITNESSES: Doucette~Olausen]

1 the Project. And found that, because there is
2 an extensive amount of existing electrical
3 transmission infrastructure already constructed
4 in the right-of-way, it was unlikely to cause
5 any direct or indirect effects on historic
6 architectural resources.

7 Q. I see. Did you note any historic stonewalls
8 that were in the right-of-way in your
9 investigations, either one of you?

10 A. (Doucette) No, we did not.

11 Q. And you walked the entire length?

12 A. (Doucette) Most of it. All the parts that we
13 were able to access.

14 DR. BOISVERT: I see. No additional
15 questions.

16 PRESIDING OFFICER ROSS: Any other
17 questions from the Committee?

18 BY MR. IACOPINO:

19 Q. Could you please tell the Committee what the
20 process will be, in the event that some
21 archeological deposit is found during the
22 course of construction.

23 A. (Doucette) They would follow the Inadvertent
24 Discovery Plan that is put forth by the

[WITNESSES: Doucette~Olausen]

1 Division of Historical Resources.

2 Q. And that's a plan that's available to the
3 public? In other words, anybody who wanted to
4 see that plan could see what they're supposed
5 to do, if, in fact, if they find an
6 archeological deposit?

7 A. (Doucette) I believe it's on the website.

8 Q. Okay. And, in your dealing with this
9 particular Applicant, do you find them capable
10 of complying with that plan?

11 A. (Doucette) I'm sorry, which Applicant?

12 Q. The Applicants.

13 A. (Doucette) Oh.

14 Q. The Applicants in this case.

15 A. (Doucette) Yes.

16 Q. Being Eversource and New England Power?

17 A. (Doucette) Yes. We've worked with them quite
18 often.

19 MR. IACOPINO: Thank you. No further
20 questions.

21 PRESIDING OFFICER ROSS: Any other
22 questions?

23 *[No verbal response.]*

24 PRESIDING OFFICER ROSS: All right.

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 In that case, does the Applicant wish any
2 redirect?

3 MR. DUMVILLE: No thank you.

4 PRESIDING OFFICER ROSS: Okay. The
5 witnesses are excused. And we will take up the
6 next panel, which deals with orderly
7 development.

8 (Whereupon **Robert W. Varney,**
9 **Alfred P. Morrissey,**
10 **Lisa K. Shapiro,** and
11 **James Chalmers** were duly sworn
12 by the Court Reporter.)

13 **ROBERT W. VARNEY, SWORN**

14 **ALFRED P. MORRISSEY, SWORN**

15 **LISA K. SHAPIRO, SWORN**

16 **JAMES CHALMERS, SWORN**

17 **DIRECT EXAMINATION**

18 BY MR. NEEDLEMAN:

19 Q. All right. Let me start with Mr. Varney, and
20 then I'll ask if you could just work your way
21 down the panel, and I'll start with the first
22 question. Please state your name for the
23 record and where you're employed.

24 A. (Varney) Robert W. Varney. And I'm employed by

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 Normandeau Associates, in Bedford, New
2 Hampshire.

3 A. (Chalmers) James Chalmers. I'm employed by
4 Chalmers & Associates.

5 A. (Shapiro) Lisa Shapiro. I'm employed at
6 Gallagher, Callahan & Gartrell.

7 A. (Morrissey) Alfred Morrissey. I'm employed at
8 National Grid.

9 Q. And would each of you briefly state the purpose
10 of your testimony here today.

11 A. (Varney) The purpose of my testimony is to
12 address land use and orderly development for
13 the Merrimack Valley Reliability Project.

14 A. (Chalmers) The purpose of my testimony is to
15 address, render an opinion with respect to
16 property value impacts from the Project.

17 A. (Shapiro) The purpose of my testimony is to
18 estimate the property tax payments for the PSNH
19 portion of the New Hampshire Project.

20 A. (Morrissey) The purpose of my testimony is to
21 address the local economic development and
22 local employment impacts of the Project. And,
23 also, the local property tax/revenue impacts of
24 the Project for the NEP-owned segment of the

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 line.

2 Q. And you each have prefiled testimony that has
3 been submitted in this case. And, so, let me
4 start with Mr. Varney again. Do you have any
5 changes to your testimony?

6 A. (Varney) No, I do not.

7 Q. Mr. Chalmers?

8 A. (Chalmers) No, I do not.

9 Q. Ms. Shapiro?

10 A. (Shapiro) No, I do not.

11 Q. Mr. Morrissey?

12 A. (Morrissey) Yes. I have one change to my
13 testimony.

14 Q. I'm sorry. Could you describe that change?

15 A. (Morrissey) Yes. The first year property tax
16 revenue estimates for NEP and -- the combined
17 NEP and PSNH has been changed, from
18 "1.258 million" to "1.502 million".

19 PRESIDING OFFICER ROSS: Could you
20 indicate where in your testimony that appears?
21 Sorry.

22 WITNESS MORRISSEY: Oh. I'm sorry.
23 On Page 11 of 14, Line 2.

24 PRESIDING OFFICER ROSS: I have 13

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 pages.

2 WITNESS MORRISSEY: Where it says --

3 MR. IACOPINO: Is it the supplemental
4 testimony?

5 WITNESS MORRISSEY: Let me double
6 check that. Sorry. In the supplemental
7 testimony, Page 11 of 12, Line 2. Well,
8 starting at Line 1. "The sum of Eversource and
9 National Grid's first year property tax
10 estimate [sic], 678,850 plus 579,200,
11 respectively, equals 1.258050 for the first
12 year." That's been changed to "1,502,000".

13 PRESIDING OFFICER ROSS: So, it's
14 lower than, "1,000,502"?

15 WITNESS MORRISSEY: It's higher.
16 It's been changed from "1.258" to "1.502".

17 PRESIDING OFFICER ROSS: Okay.

18 WITNESS MORRISSEY: And the midpoint
19 of the -- of Eversource's property tax
20 payments, as shown on Line 2, on Page 11 of 12,
21 has been changed from "\$678,850" -- "\$678,850"
22 to "\$923,850".

23 PRESIDING OFFICER ROSS: Thank you.

24 BY MR. NEEDLEMAN:

{SEC 2015-05} [Day 2/Morning Session ONLY] {06-14-16}

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 Q. Starting with Mr. Varney, with your testimony
2 in front of you, do adopt it and swear to it as
3 your own?

4 A. (Varney) Yes, I do.

5 Q. Mr. Chalmers, same question?

6 A. (Chalmers) I do.

7 Q. Ms. Shapiro, same question?

8 A. (Shapiro) I do.

9 Q. And Mr. Morrissey, subject to the changes you
10 just described, same question?

11 A. (Morrissey) Yes.

12 MR. NEEDLEMAN: Thank you. They're
13 available for cross-examination.

14 PRESIDING OFFICER ROSS: Counsel for
15 the Public, do you have any questions?

16 MR. ASLIN: Yes. Thank you.

17 **CROSS-EXAMINATION**

18 BY MR. ASLIN:

19 Q. I'll start with Mr. Chalmers. Excuse me.

20 Mr. Charm --

21 A. (Chalmers) Chalmers.

22 Q. "Chalmers". Thank you.

23 A. (Chalmers) Just like the tractor.

24 Q. Yes. Your findings in your testimony and the

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 underlying report were that there would be no
2 significant impact to property market values
3 based on the proposed Project, is that correct?

4 A. (Chalmers) No. That's not the way I put it. I
5 put it that there would be no discernable,
6 measurable effect on -- in local real estate
7 markets or regional real estate markets.

8 Q. Thank you for that clarification. Was there
9 also a portion of your testimony that spoke to
10 potential impact to homes that are within
11 100 feet of the right-of-way and that have a
12 potential new view of the right-of-way?

13 A. (Chalmers) Yes.

14 Q. Could you explain that subset of your opinion?

15 A. (Chalmers) Yes. The essence of our research on
16 which my opinion is based, partially based on
17 the professional literature, but to a larger
18 extent on New Hampshire specific research that
19 we carried out over the last couple of years.
20 A major piece of which was looking at every
21 fair market sale of a property that was either
22 crossed by or abutted what we refer to as
23 "Corridors #1" and "Corridors #2", which
24 are -- Corridor #1 is the NEP corridor

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 containing the 450 DC line, from Littleton to
2 Pelham. Corridor #2 is the PSNH line, from
3 Dummer, in the north, all the way to Deerfield
4 in the southeast. In total, I suppose over
5 300 miles.

6 And we looked at every sale of property
7 that was either crossed by or adjacent to those
8 lines over the period 2010 through when we were
9 doing the work, which was in early 2014.

10 And what we found was that, in general,
11 the results comported with the literature,
12 namely, there were -- the preponderance of the
13 case had no effect. But we did identify
14 properties that did have an effect. And the
15 properties where there was an effect had
16 things -- had a couple of characteristics
17 uniformly in common. And those were (a) what
18 we referred to as "extreme proximity". That
19 all of the properties where there was an effect
20 had the homes located within 106 feet. And, in
21 fact, the average distance of the home from the
22 property boundary was 35 feet, four of the
23 homes were within 11 feet of the right-of-way
24 boundary. So, essentially, these homes were

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 right on top of the right-of-way. And,
2 secondly, these homes had clear visibility of
3 structures. Okay?

4 And it was only that combination of
5 visibility and proximity which resulted in
6 effects. There were other homes that were
7 close, but without visibility, and there were
8 homes with visibility, but weren't that close.
9 And in neither of those cases were there -- did
10 we find an effect.

11 So, as it relates to MVRP, given that it's
12 an existing corridor, there is no home for
13 which proximity to the corridor will be
14 changed. So, the proximity variable is
15 unchanged. But, if the Project would result in
16 a change in visibility for homes that are very
17 close to the boundary, there's a potential for
18 effect.

19 So, we identified the properties that were
20 within 100 feet of the boundary of the
21 right-of-way, in the sections where the
22 possibility of visibility change was the
23 greatest. Which is two sections, the National
24 Grid section, on the south end, where Line Y151

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 is moved to the west edge of the right-of-way,
2 and there's some clearing. And, then, the
3 northern segment of 3.8 miles, in the
4 Eversource section, where the new line, the new
5 345 kV line is going to be located on the east
6 side of the right-of-way, and where there's
7 significant clearing.

8 There are a total of approximately 50
9 homes in that area. And I visited each of
10 those locations. And I certainly wouldn't
11 represent that I am a professional visual
12 analyst or professional, and I only examined
13 the properties from public right-of-way. I
14 didn't go on the properties. And I also looked
15 at them in August, okay, with full foliage.

16 But it was my conclusion that
17 approximately 40 percent of the 50 properties
18 could experience a change in visibility, and go
19 from either having no visibility or partial
20 visibility to what we call "clear visibility",
21 full visibility of the lines. So, there might
22 be 20 homes. And our case study research
23 indicates that not only -- that not all homes
24 that are within 100 feet and have full

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 visibility experienced effects, but more than
2 half of them did.

3 So, ultimately, my opinion is that there's
4 a handful of homes, 20 or so, for which the
5 sort of probability of an effect is
6 significantly increased by the Project. The
7 number of homes that might ultimately be
8 affected is probably on the order of 10 or 12,
9 something like that, just based on the -- based
10 on the case study results.

11 Q. Thank you. And, when you say that there -- so,
12 let me recap a little bit. So, you've
13 identified, I think in your testimony, 52 homes
14 that are within 100 feet of the right-of-way
15 and have a potential change in view based on
16 the Project?

17 A. (Chalmers) Correct.

18 Q. And, of that 52, you estimated, based on your
19 personal observations, that approximately
20 40 percent are likely to have some change in
21 view?

22 A. (Chalmers) Precisely.

23 Q. Okay. And, then, you just, I believe,
24 clarified that your research indicates about

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 half of those homes may have some effect on
2 their market value?

3 A. (Chalmers) Exactly.

4 Q. What level of market value effect does your
5 research show for those potentially affected
6 homes?

7 A. (Chalmers) In the case study research, the
8 effects ranged from 1 percent to 17 percent.
9 The average was 9 percent. I would want to
10 add, however, that those properties were more
11 heavily impacted, I think, than the MVRP
12 properties will be. Those properties, on
13 average, had encumbrance -- were encumbered by
14 the right-of-way, to the extent of 43 percent,
15 that is 43 percent of the parcel was actually
16 within the right-of-way. And, effectively,
17 that -- that removes most of your rights of
18 ownership.

19 So, these properties were heavily
20 encumbered. Almost all of them, eight out of
21 the ten, had structures on the property. One
22 property had 15 structures on it. One of the
23 properties actually had a guy line in his --
24 that he had to drive around to get into his

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 garage. So, these were very heavily impacted
2 properties.

3 The MVRP properties are, particularly, the
4 Londonderry properties, are exclusively -- none
5 of those are encumbered properties by the
6 right-of-way, they're all adjacent to the
7 right-of-way, they're not crossed by the
8 right-of-way. The Hudson properties, in the
9 David Drive/Lenny Lane area, you know, in fact
10 their driveways actually go across, many of
11 them, cross the corridor, and they are
12 encumbered.

13 But I would say that -- I would anticipate
14 that the MVRP properties would be towards the
15 lower end of that impact range of 1 to 17.

16 Q. Thank you.

17 A. (Chalmers) That's really all I could -- all I
18 could offer.

19 Q. And you stated that your observation -- you
20 made observations of the properties to come to
21 your 40 percent estimate. Would you agree that
22 it's possible that it could be more than
23 40 percent of the 52 homes that would have a
24 visual impact from the Project?

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 A. (Chalmers) Yes. And, you know, (a) you would
2 have to get on the properties. Secondly,
3 there's the seasonal issue. And, thirdly, very
4 importantly, there's the mitigation issue that
5 we heard about yesterday. And, in several
6 cases, I think these are consequences that can
7 be mitigated and, in fact, will be mitigated.

8 Q. Thank you. So, would you agree that, at the
9 very outside, we're talking about, at most, 52
10 homes that would fall into the category that
11 you've identified as potential effects, and
12 your estimation is significantly less than all
13 those homes. But, at the outside, it will be
14 52 homes, and that the research indicates a
15 potential market effect of, at the high end, of
16 15 to 17 percent range. Is that accurate?

17 A. (Chalmers) Well, I wouldn't say the high end is
18 52. I mean, there are a large number of homes,
19 particularly in the National Grid portion, that
20 have full visibility and they're within 100
21 feet -- they have full visibility before and
22 they will have full visibility after.

23 So, I really think the high end is more in
24 that low 20s range. You know, it could be 23,

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 24. It might be 18 or 19. But it's not 40.

2 It's not 50.

3 Q. Okay. So, the 52 includes homes that have full
4 visibility now and will still have full
5 visibility --

6 A. (Chalmers) The 52 is all homes within 100 feet.

7 Q. Okay. Thank you for that. And your broader
8 opinion is that there will not be -- or that
9 there's no discernable impact to local markets,
10 property value markets here. At what level or
11 what number of homes or what percentage of
12 homes in a region need to be affected to
13 address a local market, in your opinion?

14 A. (Chalmers) That's a very fact-specific -- the
15 answer to that would have to be based on the
16 circumstances. But I think it's helpful to
17 think about the size of those local markets.
18 Those, the four towns in question, Pelham,
19 Windham, Londonderry, and Hudson, each have
20 annual sales in kind of the 200 to 400 sales
21 per year. So, in the aggregate, those four
22 communities would -- those four towns would
23 have sales in excess of a thousand. And we're
24 talking about impacted properties, you know, 8,

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 9, 10, 11, 12. So, that would be the first
2 point of reference I would make.

3 And, secondly, local markets, when you
4 think about an impact on local real estate
5 markets, the kind of circumstance that I'd
6 point you toward as an example would be things
7 like serious problems with the school district,
8 is the school district upset, or there's a
9 significant property tax issue, or there is a
10 community that's very heavily dependent on a
11 particular industry, like in the north. In New
12 Hampshire, where an industry/work, market
13 conditions affecting a particular industry
14 change, those kinds of things will have
15 discernable and measurable effects on local
16 markets.

17 But this is a very property-specific,
18 small, relatively small consequence we're
19 talking about. And I just don't -- there's no
20 way you'd find it in the local data.

21 Q. Thank you for that. Could you clarify a little
22 bit further what the term "local market" means,
23 in your experience? I mean, are we talking
24 about a neighborhood? A school district, as

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 you said? A town?

2 A. (Chalmers) No. It's, frankly, it's not a term
3 of art. It's very circumstantial for some
4 people. In the context of New Hampshire, I
5 think the most common sense would be a town.
6 But, in a large metro area, it could easily be
7 a particular suburban development area. And,
8 for individuals or for a realtor, it could be
9 even a subset of that. But, as a practical
10 matter, it's really not a term of art.

11 My interpretation, for the purpose of my
12 testimony, would really be kind of at the town
13 level. Do the real estate markets, in the Town
14 of Pelham, have any discernable effect due to
15 the Project? In my opinion, it would be "no".

16 Q. Thank you. Mr. Morrissey, if you could --
17 well, first, you used the REMI model to
18 calculate the economic impacts of the
19 expenditures from this Project, is that
20 correct?

21 A. (Morrissey) Correct.

22 Q. Could you give us a very brief explanation of
23 what a REMI analysis does?

24 A. (Morrissey) Well, the REMI model projections

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 are based on the construction spending
2 estimates from the Project Management Team.
3 And, basically, REMI is a regional economic
4 model that includes all the industries in New
5 Hampshire and Massachusetts and how they're
6 related to each other. And it estimates how,
7 when you increase demand in these industries,
8 what the impacts are on things like employment,
9 income and output in that industry.

10 For example, we're proposing to spend
11 approximately \$37 million in the local power
12 line construction industry in New Hampshire.
13 And REMI estimates what the impact -- what
14 impact that will have on employment, income,
15 and GD output within the construction industry
16 in New Hampshire, but also all the other
17 industries that are related to the construction
18 industry, such as, you know, firms that supply
19 inputs to construction, you know, surveyors,
20 landscapers, you know, fuel suppliers, and
21 things like that. In a nutshell.

22 Q. Okay. Thank you. Would it be fair to say that
23 the REMI model allocates the expenditures from
24 a project to various calculuses of -- or,

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 measures of economic impacts?

2 A. (Morrissey) Can you -- it allocates the
3 measures to what?

4 Q. The expenditures of the project.

5 A. (Morrissey) Yes. Well, in REMI, the
6 expenditures for the project are allocated to
7 the industries that are likely to be impacted,
8 and then it estimates, you know, based on the
9 increase in demand in those industries, what
10 the effect will be on local employment,
11 incomes, output, and that sort of thing.

12 Q. And, typically, if there's a larger expenditure
13 for a project, does that create a higher or
14 better economic impact, in terms of jobs and
15 GDP growth?

16 A. (Morrissey) Right. All things equal.

17 Q. Thank you. I'll turn to Mr. Varney for a
18 moment. Mr. Varney, were you here yesterday
19 for the questions?

20 A. (Varney) A portion of yesterday.

21 Q. Did you hear any of the testimony regarding the
22 tower heights that were est -- or, that were
23 reported in comparison?

24 A. (Varney) No. I did not.

{SEC 2015-05} [Day 2/Morning Session ONLY] {06-14-16}

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 Q. Okay. I will represent to you that there was
2 an exhibit discussed by the engineers for the
3 Applicants that shows the difference in height
4 of each of the -- well, not every tower, but of
5 those towers that are proposed by the Project
6 that will be higher than the existing nearest
7 towers. And there's an exhibit that was
8 created, it's Exhibit CFP-1. And it generally
9 shows that the tower heights for this Project
10 will be in the range of 5 to 40 feet higher
11 than the existing structures in the vicinity.
12 So, taking that as an assumption for now, I
13 guess.

14 In your testimony, you have a statement on
15 Page 8 that the heights of the towers for this
16 Project are "consistent with existing
17 structures". And I just wanted to ask what you
18 meant by "consistent"? Does that mean that --
19 were you intending that to mean that they're
20 the same or in the range?

21 A. (Varney) I was referring to a relative range
22 for the tower heights. In that they were --
23 it's a transmission corridor, heavily
24 developed, with many structures within it. And

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 the height of the proposed structures I found
2 to be relatively consistent with other
3 transmission structures within the
4 right-of-way.

5 Q. Thank you. And would the fact that there are
6 some towers that would be 30 or 40 feet higher
7 than neighboring existing towers change your
8 opinion in any way about the orderly
9 development?

10 A. (Varney) No, it wouldn't. And I think a word
11 of caution about tower heights, in that they
12 are affected by many factors, including
13 topography, the need to span roads, the need to
14 span wetlands, and other factors associated
15 with staying within the existing right-of-way
16 corridor.

17 Q. Thank you. And I think you said "no", that it
18 would not affect your opinion?

19 A. (Varney) No, it would not.

20 MR. ASLIN: I have no further
21 questions. Thank you.

22 PRESIDING OFFICER ROSS: Ms. Huard.

23 MS. HUARD: Sure.

24 BY MS. HUARD:

{SEC 2015-05} [Day 2/Morning Session ONLY] {06-14-16}

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 Q. I'll start with Mr. Chalmers. So, to repeat
2 and clarify your conclusion, your conclusion is
3 that "the Project will not have a discernable,
4 measurable effect on property values or
5 marketing times in local or regional real
6 estate markets." Is that correct?

7 A. (Chalmers) Yes, it is.

8 Q. Is that correct now?

9 A. (Chalmers) Yes.

10 Q. And do you use the word "discernable" to mean
11 "noticeable", "visible" or "detectable"?

12 A. (Chalmers) Really, the "detectable" or
13 "measurable" is probably --

14 Q. "Measurable". And you have confirmed and
15 stated that you made this determination by
16 analyzing professional literature, reporting on
17 three New Hampshire-specific research
18 initiatives, correct?

19 A. (Chalmers) That's correct.

20 Q. And is it correct that you didn't actually
21 perform these initiatives, you just researched
22 them or analyzed them and read them? Did you
23 actually go out and --

24 A. (Chalmers) No. I developed the scope of work

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 initially.

2 Q. Okay.

3 A. (Chalmers) And, then, I was essentially the
4 person who retained the subcontractors who
5 carried out the research. And I was actively
6 involved in reviewing it. And I personally
7 inspected all of the subdivisions that were
8 involved in the subdivision studies, each of
9 the case study properties. And, so, I've been
10 actively involved from the beginning to end.
11 But local appraisers carried out the appraisals
12 of the case study properties, and the case
13 studies were also actually written by local
14 appraisers.

15 Q. Okay. And, so, you actually -- you claim to
16 have actually visited those three ROWs that
17 were part of the case studies?

18 A. (Chalmers) The -- oh, the three rights-of-way?

19 Q. Yes, I'm sorry. Three rights-of-way.

20 A. (Chalmers) Yes, most -- much of it.

21 Q. Okay.

22 A. (Chalmers) I've visited all of the properties.
23 I can't say I've traversed the entire corridor.

24 Q. And was this study done on sales before the

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1 Project was ever announced to the public?

2 A. (Chalmers) Yes.

3 PRESIDING OFFICER ROSS: Which
4 project are we talking about now?

5 MS. HUARD: The MVRP.

6 PRESIDING OFFICER ROSS: Okay. Thank
7 you.

8 BY MS. HUARD:

9 Q. Yes. And, so, was this study done on sales
10 before the construction of the MVRP? No
11 construction had occurred, correct?

12 A. (Chalmers) Correct.

13 Q. And, so, this study is done on existing
14 conditions, correct?

15 A. (Chalmers) This study is based on the effect of
16 existing high voltage transmission lines on
17 real estate sales.

18 Q. Uh-huh. Of high voltage transmission lines
19 that have been there since the 1920s and 1969?

20 A. (Chalmers) Later than that. But they're all --
21 these facilities were all in place and
22 operating. Some were constructed as late as
23 the late '70s.

24 Q. And your opinion involves marketing value,

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1 which, would you agree, that's basically a
2 perception? It's a perception? It's a
3 psychological perception of market value?

4 A. (Chalmers) No.

5 Q. It's what someone will pay for a home?

6 A. (Chalmers) No.

7 Q. How would you define "market value" then?

8 A. (Chalmers) "Market value" is a term of art.

9 And "market value" is generally defined as "the
10 most likely price that would obtain in a
11 transaction in which buyer and seller were well
12 informed and typically motivated". So, it
13 excludes a large number of sales, foreclosures,
14 short sales, liquidations, sales between
15 related parties.

16 Q. So, would you and I pay two different prices
17 for the same home?

18 A. (Chalmers) Yes.

19 Q. Would agree to pay the same price for two
20 different homes -- two different prices for the
21 same home?

22 A. (Chalmers) Prices are very different.

23 Q. Uh-huh.

24 A. (Chalmers) And prices can be below market

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1 value, can be above market value, and certainly
2 different people would be -- would have, you
3 know, different willingnesses to pay any given
4 price.

5 Q. And do you think, if a potential buyer is lied
6 to or deceived about the conditions of the high
7 voltage transmission lines, they might actually
8 be more disposed to purchase a home at a higher
9 price?

10 A. (Chalmers) I don't -- market value is a concept
11 that depends upon well-informed buyers and
12 sellers. So, it would preclude the example you
13 just gave.

14 Q. So, if a potential homebuyer is not
15 well-informed, because they're being deceived
16 and lied to, then it looks as though that
17 they're paying market value willing, correct?

18 A. (Chalmers) I'm not following your question.

19 Q. I'll move on to the next question.

20 PRESIDING OFFICER ROSS: I think we
21 probably should take a break now for lunch.
22 And, Ms. Huard, you can resume when we come
23 back.

24 MS. HUARD: Sure.

[WITNESSES: Morrissey~Varney~Shapiro~Chalmers]

1 PRESIDING OFFICER ROSS: We'll break
2 now until 1:30, and then we'll continue with
3 these witnesses at 1:30. Thank you all.

4 *(Lunch recess taken at 12:31*
5 *p.m. and concludes the **Day 2***
6 ***Morning Session.** The hearing*
7 *continues under separate cover*
8 *in the transcript noted as **Day 2***
9 ***Afternoon Session ONLY.**)*

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