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STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

May 4, 2017 - 1:28 p.m. DAY 9
49 Donovan Street Afternoon Session ONLY
Concord, New Hampshire

{Electronically filed with SEC on 05-12-17}

IN RE: SEC DOCKET NO. 2015-06
Joint Application of Northern
Pass Transmission, LLC, and
Public Service Company of
New Hampshire d/b/a Eversource
Energy for a Certificate
of Site and Facility.
(Hearing on the merits)

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Chrmn. Martin P. Honigberg Public Utilities Comm.
(Presiding as Presiding Officer)

Cmsr. Kathryn M. Bailey Public Utilities Comm.
Dir. Craig Wright, Designee Dept. of Environ. Serv.
Christopher Way, Designee Dept. of Resources &
Economic Development
William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby Public Member
Rachel Whitaker Alternate Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq., Counsel to the SEC
Iryna Dore, Esq.
(Brennan, Caron, Lenehan & Iacopino)

Pamela G. Monroe, SEC Administrator

COURT REPORTER: Susan J. Robidas, NH LCR 44

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I N D E X

WITNESS PANEL:	NATHAN SCOTT
	LYNN FARRINGTON
	SAMUEL JOHNSON
	KENNETH BOWES
	DERRICK BRADSTREET
	SAMUEL JOHNSON

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1 AFTERNOON SESSION
2 (Resumed at 1:28 p.m.)

3 CHARIMAN HONIGBERG: Ms.
4 Fillmore, you may proceed.

5 MS. FILLMORE: Thank you, Mr.
6 Chairman.

7 EXAMINATION (RESUMED)

8 BY MS. FILLMORE:

9 Q. When we left we were talking about the impact
10 of construction to downtown Plymouth, and I'd
11 like to spend a little more time on that.

12 Can you go to the next portion of the
13 exhibit. Keep going to where the e-mails
14 start. There. What we're going to look at
15 now is a portion of Counsel for the Public's
16 Exhibit 148, and it is Exhibit A to Kavet and
17 Rockler's supplemental testimony. This
18 exhibit contains letters and e-mails from 22
19 businesses and organizations in downtown
20 Plymouth which were sent to Counsel for the
21 Public's experts regarding their concerns
22 about parking and access during construction.
23 Are any of you familiar with this portion of
24 that supplemental testimony?

1 A. (Johnson) I am not.

2 A. (Bowes) No.

3 Q. Well, let's get familiar. We'll just look at
4 a few of them.

5 On the screen right now is an e-mail
6 from Brooks Bartlett, general manager of the
7 Flying Monkey. Are any of you familiar with
8 The Flying Monkey?

9 A. (Johnson) I have seen a sign for it, but I'm
10 not familiar.

11 Q. I can represent to you that it is a venue
12 that is part restaurant and part concert
13 hall. They hold events in downtown Plymouth.
14 And in this e-mail, as you can see, partway
15 down he's asking, How do I get a trailer
16 truck or tour bus with a trailer to unload
17 equipment through the front door if there is
18 a detour around? Is that something that's
19 been considered?

20 A. (Johnson) I would say not specifically, no.

21 Q. And he also says, on average, guests for a
22 big show will travel an hour to an hour and a
23 half and then find no parking. Do you think
24 they will come back? Is that something that

1 has been considered?

2 A. Again, not specifically, no.

3 Q. As part of the Traffic Management Plan and
4 the Outreach Plan, has anyone reached out to
5 The Flying Monkey to ask them what the impact
6 of road closures or lane closures might be?

7 A. (Bowes) Other than what we said before, I
8 don't believe so. So they have been sent a
9 letter.

10 Q. And Ms. Farrington, can you address how this
11 concern might be addressed?

12 A. (Farrington) I think it will be addressed in
13 the Transportation Management Plan through
14 meetings and timing of the construction and
15 finding alternate access routes. But the
16 Transportation Management Plan usually is
17 done closer to construction, so we haven't
18 begun that process yet.

19 Q. So it's not in the Application today.

20 A. (Farrington) The Transportation Management
21 Plan? No, it's not.

22 Q. So it's not before the SEC.

23 A. (Farrington) No, it is not.

24 The beginning of this next portion is at

1 the bottom of one page and top of the next.
2 The bottom of the previous page says that it
3 is from the Office of the President of
4 Plymouth State University. Actually, can you
5 flip back one page and make sure we can see
6 that. There, at the bottom of the page you
7 can see this was sent in March from Plymouth
8 State. And their concerns in the second
9 sentence says, "It's our understanding that
10 traffic would be rerouted through the campus.
11 In short, this is a very busy time for our
12 school and region, and a project of this
13 scope will disrupt multiple Plymouth State
14 University activities." And then it
15 continues on to talk about different events
16 that occur during the spring and the summer
17 months, which is when they understood the
18 construction might occur in Plymouth.

19 Has anyone talked with Plymouth State
20 University about the impact that construction
21 might have on them?

22 A. (Bowes) Not specifically, no.

23 Q. Is there a plan to do that?

24 A. (Bowes) I believe our community relations

1 people have had discussion with Plymouth, and
2 we can certainly get those contacts at the
3 break and read them into the record.

4 Q. Right now, is there anything in the
5 Application about handling potential issues
6 with Plymouth State University?

7 A. (Bowes) I'm sure it's part of Mr. Johnson's
8 testimony, as far as the contacts. But I
9 don't think we listed any specific names or
10 people in that.

11 Q. Let me rephrase the question. Is there
12 anything in the Application today about how
13 specific concerns of Plymouth State
14 University regarding traffic detours will be
15 managed?

16 A. (Bowes) No, that's -- again, we covered this
17 in great detail earlier, that the Traffic
18 Management Plan will be prepared and then
19 filed with the DOT closer to construction
20 time frame. And at that time --

21 Q. So it's not in front of the SEC today.

22 A. (Bowes) No. It will be ultimately in front
23 of the DOT.

24 Q. Now, on the screen is the beginning of some

1 communication from Alex Ray. Are any of you
2 familiar with Mr. Ray?

3 A. (Johnson) He is a business entrepreneur in
4 your area.

5 Q. That's a good description. Yes. As you can
6 see here, he owns several different venues,
7 restaurants and function halls in the area,
8 several of which are in Plymouth, and they're
9 listed on this page.

10 MS. FILLMORE: Can you go to the
11 next?

12 BY MS. FILLMORE:

13 Q. And in the second bullet point you can see
14 his estimated employment is in excess of 150
15 people in the Plymouth Main Street corridor.
16 Do you see that?

17 A. (Bowes) Yes.

18 Q. And then in the fourth bullet down, If access
19 were diverted, it would be fatal for our
20 summer weddings, inn and restaurants, and the
21 employees who rely on that work. In The
22 Monkey alone -- that's The Flying Monkey --
23 the performance center relies heavily on Main
24 Street parking for its concerts of up to 400

1 people and 25 employees, an economic engine
2 that brings people from all over New England
3 for top-name shows such as David Crosby.
4 These people also visit other restaurants and
5 businesses in the same corridor. In short,
6 losing business for 10 to 17 weeks will have
7 a devastating, immediate effect on our
8 business overall, and a much longer impact to
9 recoup our customer base after such a lengthy
10 and significant impact. Financial impact on
11 employees, staff, customers and our viability
12 overall would take years from which to
13 recover."

14 Do you have any reason to disagree with
15 that?

16 A. (Bowes) I'm not sure the 10 to 17 weeks is
17 accurate, but I'm sure he knows how his
18 business operates and the impacts of travel
19 restrictions.

20 Q. And no one's talked with Alex Ray to find out
21 what might be done to mitigate the impacts of
22 this project.

23 A. (Bowes) So I'm not sure that's accurate. I
24 think we have had contacts with him. And we

1 can get that information at the break and
2 read it into the record.

3 Q. Do you know if there is a plan to handle Mr.
4 Ray's concerns in the Application as it
5 stands today?

6 A. (Bowes) There is not.

7 Q. So it's not before the Committee.

8 [No verbal response]

9 MS. FILLMORE: Technical issue.

10 (Pause in proceedings.)

11 MS. FILLMORE: All right. Thank
12 you for your patience.

13 BY MS. FILLMORE:

14 Q. This next one is an e-mail from James Lurie
15 and David Lurie, the owners of Plymouth
16 Furniture on Main Street. And as you can see
17 here, they say they have six to eight
18 employees. And in the last full paragraph on
19 the page -- there we go. At the top of the
20 page right now it says, "The effect of
21 closing (even narrowing or detouring) the
22 Main Street corridor and eliminating parking
23 is an invitation to disaster. We experienced
24 a similar impact and damage when the State of

1 New Hampshire changed the traffic design with
2 the roundabout on Main Street. Our customer
3 count and sales dropped by 35 percent. The
4 proposed transmission line burial project
5 will dwarf the roundabout event by far and is
6 sure to impact us substantially more due to
7 the traffic avoidance impact and vacationer
8 rebooking to other locations."

9 Has anyone talked with Plymouth
10 Furniture Company?

11 A. (Bowes) I know we've had contacts. But I can
12 get the specific information at the break and
13 read it into the record.

14 Q. And has anyone come up with a plan to deal
15 with their concern about the significant loss
16 of business?

17 A. (Bowes) So we have proposed the nighttime
18 construction in this area that would satisfy
19 many of the local businesses, and we have
20 hired a consultant who will work with us for
21 downtown Plymouth. But specifically to date
22 for this customer, no.

23 Q. And you said you've proposed it. But it's
24 not in the Application now?

1 A. (Bowes) The nighttime construction hours?

2 Q. Yes.

3 A. (Bowes) That is correct.

4 (Pause in proceedings.)

5 Q. We could go on, but in the interest of
6 time... we just went through, I believe, four
7 or five of them, and there are a total 22.
8 And I just want to make sure that if there
9 were contacts with any of those business
10 owners or managers, they would probably be
11 listed in your records; correct?

12 A. (Bowes) That is correct.

13 Q. But as you sit here today, are you -- can you
14 think of any specific plans to deal with any
15 of the concerns of particular business owners
16 in Plymouth that are in the Application?

17 A. (Bowes) Not specific, no. But this again
18 would be an ideal opportunity to use an MOU
19 with the Town of Plymouth to address some of
20 the construction-hour limitations. And we
21 would certainly welcome your support to go to
22 the New Hampshire DOT to look for an
23 exception to the work hours.

24 Q. But as we sit here today, there's nothing

1 specific for this Committee to look at and
2 analyze in terms of how the impacts will be
3 mitigated.

4 A. (Bowes) Other than the traffic plans, I would
5 agree.

6 Q. Thank you.

7 MS. FILLMORE: That's all. I
8 have no further questions.

9 CHARIMAN HONIGBERG: Off the
10 record.

11 (Discussion off the record)

12 CHARIMAN HONIGBERG: Next up is
13 the Ashland to Deerfield Non-Abutters. All
14 right. Ms. Crane, you may proceed.

15 MS. CRANE: I am Charlotte
16 Crane. I am the spokesperson on and off for
17 the Ashland to Deerfield Non-Abutter Group,
18 sometimes in some of the documents referred to
19 as the "Southern Non-Abutters" or "the Group
20 for Non-Abutters." So I apologize in advance
21 if some of my exhibit designations are
22 confusing, since we have been called all of
23 those things at various points in time and
24 therefore some of our tracks are labeled

1 differently across time.

2 (AD-N-ABTR Exhibits 44 thru 48
3 marked for identification.)

4 CROSS-EXAMINATION

5 BY MS. CRANE:

6 Q. You are looking at our Ashland to Deerfield
7 Non-Abutters Exhibit 44. As has been the
8 case earlier today, this exhibit is a
9 collection of documents that are new in this
10 exhibit, as well as contained in other
11 exhibits, so the same potential for confusion
12 may arise. Let me know if that turns out to
13 be the case.

14 Okay. This is a map of Bridgewater.
15 The star -- let me get the emotional part of
16 this over with first -- if you would let me
17 represent, is my family's homestead in
18 Bridgewater. It's on the River Road. It's
19 immediately across from the Squam River. It
20 is not quite equidistant between Bristol and
21 Plymouth. It is immediately to the west of
22 Ashland. We are surrounded by construction.
23 The only way to get out of where we are
24 without going through an area that will be

1 subject to the Pass's construction, if you
2 will let me represent that, is actually over
3 Bridgewater Mountain. And the road over
4 Bridgewater Mountain may enlighten some of
5 the testimony we've heard over the last two
6 or three days. The road over Bridgewater
7 Mountain is a Class V road. It is closed
8 from November to May, or at least you cannot
9 be certain to get through. You proceed at
10 your own risk. It is not plowed, in other
11 words. So I'm hoping that you will accept my
12 representations to that effect. If anyone
13 would like to ask me more about that
14 predicate first, feel free. Now I'll
15 continue --

16 A. (Johnson) I accept that.

17 Q. The houses that you see on this same slide
18 are on Poole Hill Road. They are seasonal
19 houses. One would expect, since they are
20 on -- or I may have misspoken. One of them
21 may be just off Poole Hill Road, but you have
22 to get through a Class V road to get to it.
23 So these are seasonal occupants of fairly
24 substantial dwellings. These are, if you

1 would let me represent, not camps.

2 A. (Johnson) It appears that way, yes.

3 Q. Thank you.

4 And if these people behave the way most
5 seasonal people do, they occupy these houses
6 during the summer. And one of the things
7 they probably do is entertain guests. And
8 when they entertain guesses -- may I
9 represent?

10 A. (Johnson) Sure.

11 Q. They like to have things for these guests to
12 do, for instance, to go to The Flying Monkey
13 in Plymouth.

14 A. (Johnson) Sure.

15 Q. Sure. And it's -- let me move on. This is a
16 map to locate, in case you were not quite
17 oriented. There is on this map -- I don't
18 know if the pin is going to show up. Just a
19 second. Okay.

20 So do you all see -- Mr. Johnson, let me
21 ask you because most of this I think is
22 headed in either your direction or Ms.
23 Farrington's direction.

24 A. (Johnson) Okay.

1 Q. These are the water treatment lagoons that we
2 were discussing yesterday. Does that appear
3 to be correct?

4 A. (Johnson) That is correct.

5 Q. And the properties that we are talking about
6 are essentially immediately across the river
7 from there. Does that appear to be correct?

8 A. (Johnson) Yes.

9 Q. Okay. And this is the town of Plymouth.
10 This town -- this map is taken from your
11 public web page. It may have been a Forward
12 New Hampshire New Hampshire page. Can anyone
13 help me with that?

14 A. (Johnson) I recognize it as a page from our
15 web site specific to the town of Plymouth.

16 Q. Okay. Sorry. I have more slides than I'm
17 going to have time to show. Happily, some of
18 the setup has been done already by Ms.
19 Fillmore, so I apologize in advance for
20 whiplash if I seem to be flipping through
21 slides that you wish you had had a chance to
22 see. I'd be happy to go back.

23 CHARIMAN HONIGBERG: Like to
24 hear some questions I think is what we'd like

1 to hear.

2 MS. CRANE: Coming up, coming
3 up.

4 BY MS. CRANE:

5 Q. So, Mr. Johnson, do you recognize this view?

6 A. (Johnson) Not specifically, as it was
7 probably when I was a child. But I like some
8 of the vehicles I see there.

9 Q. Okay. Is anything in it familiar now?

10 A. (Johnson) The park on the left I recognize as
11 downtown Plymouth.

12 Q. That's downtown Plymouth. Okay.

13 And there are a couple other buildings
14 that I may draw your attention to. Anybody
15 familiar with this building?

16 A. (Johnson) It looks like the Plymouth Town
17 Hall.

18 Q. And this building?

19 A. (Johnson) That's not specifically familiar to
20 me.

21 Q. Okay. And then how about in this picture?

22 A. (Johnson) That looks like The Green from the
23 north facing south.

24 Q. The Green where?

1 A. In downtown Plymouth.

2 Q. In downtown Plymouth.

3 And the building that I referred to both
4 in this slide and the prior slide appears to
5 be --

6 A. (Johnson) On the left.

7 Q. -- on the left, yes.

8 And do you have any idea, any of you,
9 how old these buildings are? I believe that
10 this is ending up with Mr. Scott.

11 A. (Johnson) I noticed on your last slide it was
12 sometime in the late 1800s.

13 Q. Sometime in the late 1800s.

14 So, Mr. Scott, if you were planning to
15 trench in front of these buildings, who would
16 you ask or information about what is in the
17 right-of-way along in front of these
18 buildings where, correct me if I'm wrong,
19 your project will be trenching?

20 A. (Scott) Typically that would be a surveyor.

21 Q. And has that surveyor been employed to find
22 out what is in the right-of-way in front of
23 these buildings that were built in the late
24 1890s?

1 A. (Scott) I believe so. We have a survey base
2 map.

3 Q. And are you highly confident that you have
4 found everything that you will need to find
5 in this right-of-way?

6 A. (Scott) There's always an uncertainty
7 associated with underground installation.
8 There are things that maybe aren't on a
9 record that a surveyor could find that could
10 be encountered.

11 Q. In your experience in this part of New
12 Hampshire, when would those records have been
13 started to be created?

14 A. (Scott) I could not say.

15 Q. I'm sorry?

16 A. (Scott) I could not say.

17 Q. You couldn't say. Have you ever run into
18 buildings where you were unable to find the
19 documentation when the buildings were from
20 this era?

21 A. (Scott) In downtown Seattle, yes.

22 Q. Okay. So we don't know yet; is that correct?

23 A. (Johnson) So I will say that we've consulted
24 with the Plymouth Valley Sewer and Water, as

1 well as known utilities that support the
2 University. So there is a fair amount of
3 definition as to what the existing utilities
4 are that people are aware of.

5 Q. A fair amount?

6 A. (Johnson) Yes. I mean --

7 Q. And that would imply less than perfect?

8 A. (Johnson) No, not at all. I meant
9 volume-wise. There's a fair amount of
10 utilities. By no means is this anywhere
11 close to the most difficult type of area that
12 we've worked in. I personally have worked on
13 projects in the southern end of Connecticut
14 that are underground, that have hundreds and
15 hundreds of utilities per block.

16 Q. And how many of them were on a main street
17 that was going to be closed for up to a whole
18 season?

19 A. (Johnson) So I think we've established this
20 road will not be closed and that there is --

21 Q. And how much of it will be open? Ms.
22 Farrington, if you want to help?

23 A. (Farrington) At a minimum, a single travel
24 lane at all times.

1 Q. A single travel lane at all times. So what
2 happens if an emergency vehicle needs to get
3 through?

4 A. (Farrington) So I think as we were discussing
5 with Ms. Fillmore, if it is a flagger that is
6 controlling the situation, they will give the
7 emergency vehicles the right-of-way when --

8 Q. And have you ever been in Plymouth on a
9 Saturday morning in July?

10 A. (Farrington) No, I have not. Would you like
11 me to --

12 Q. I would like you to try that. And I would
13 like you to pretend you are a flagger
14 stopping cars. Can you envision that?

15 A. (Bowes) So we have a lot of experience. For
16 example, today across New England, we have at
17 least 150 construction crews --

18 Q. I don't care. I want to know --

19 CHARIMAN HONIGBERG: Ms. Crane,
20 Ms. Crane, only one of you gets to talk at a
21 time. And if you've asked a question and one
22 of them is answering --

23 MS. CRANE: And my question was
24 answered, thank you.

1 CHARIMAN HONIGBERG: If one of
2 them is talking and you interrupt, that doesn't
3 work well. So if you have questions you would
4 like to ask them, I'd like you to do that, and
5 I'd like you to give them an opportunity to
6 answer. If you're not satisfied with the
7 answer, we can take that up separately. Please
8 ask your next question.

9 MS. CRANE: I believe I
10 interrupted Mr. Bowes, so I'll let him
11 continue.

12 A. (Bowes) So I was saying we have a lot of
13 experience with underground construction.
14 Today we have more than 150 crews working in
15 the street between our gas companies, our
16 electric companies and, for example, in
17 downtown Boston; Worcester, Massachusetts;
18 Stamford, Connecticut; Hartford, Connecticut.
19 We have a lot of experience working in the
20 roadway where one or more lanes is closed,
21 and we use flaggers and police protection
22 every single day for those crews, including
23 today. So I understand it's somewhat unique
24 in New Hampshire to do underground

1 construction, but elsewhere in the country
2 and across the world it is very common to do
3 construction like this in more complicated
4 areas and much more traffic, heavily
5 trafficked areas.

6 BY MS. CRANE:

7 Q. Thank you, Mr. Bowes. I asked the traffic
8 planner, the person who was represented to be
9 the traffic planner, and I'd like to continue
10 with her. Mr. Scott may want to help her.

11 If you find things that you didn't
12 expect under the roadway, is that likely to
13 extend the time that the Project takes?

14 A. (Scott) I suppose it entirely depends on what
15 they find.

16 Q. Okay.

17 A. (Scott) So, in most cases when things are
18 encountered underneath the roadway that have
19 been abandoned in place, we need to figure
20 out if there's any archeological
21 significance. And if it's deemed no, then
22 they would remove it and proceed.

23 Q. Okay. Thank you.

24 And Ms. Farrington, did you want to add

1 anything about what the unknowns might --

2 A. (Scott) I don't think that's her area of --

3 CHARIMAN HONIGBERG: And just as
4 I asked Ms. Crane, the witnesses don't get to
5 interrupt the questions.

6 A. (Scott) I apologize.

7 CHARIMAN HONIGBERG: And let me
8 make another thing clear, Ms. Crane, as we've
9 had a couple of exchanges with others on this.
10 You're questioning a panel. More than one
11 person may have information that's responsive
12 to your questions. You should not expect to be
13 able to limit the panel if more than one person
14 has answers to your questions.

15 MS. CRANE: Thank you. So I
16 think I'll continue on then.

17 BY MS. CRANE:

18 Q. If you will recall the people in the seasonal
19 houses who are planning their summers now,
20 and they're planning this summer now. And
21 some of them are probably, I would expect --
22 let me know if you disagree -- planning next
23 summer since, after all, a lot of the
24 amenities in New Hampshire, like the

1 Appalachian Mountain Club huts and places
2 like that you got to plan ahead. Can I
3 represent that?

4 A. (Johnson) Sure.

5 Q. When will these people who are trying to plan
6 their summers know what the traffic in
7 downtown Plymouth is going to be like,
8 whether there will -- I'm sorry.

9 When will they know whether there will
10 be parking?

11 A. (Johnson) So as the general contractor has
12 come on board, the first thing they're doing
13 is planning their scheduled work. That's an
14 ongoing process. But for sure, by the end of
15 this summer we should be able to reach out to
16 all the communities to let them know
17 approximately when we expect to have the
18 construction in their communities. More
19 specific details as to what specific days
20 would then continue to evolve.

21 Q. But if I -- so you can't say whether Plymouth
22 is going to be disrupted in the spring,
23 summer or fall of 2018, or maybe even the
24 spring, summer or fall of 2019 at this time;

1 is that correct?

2 A. (Johnson) That is correct.

3 Q. So anybody who was planning to vacation might
4 hesitate before they made plans maybe even as
5 far as out as 2020?

6 A. (Johnson) If they're looking that far ahead,
7 potentially, yes.

8 Q. Okay. Thank you.

9 This is a map that I believe was first
10 included in the Applicant's traffic plans.
11 It is -- I have pilfered it from Counsel for
12 the Public's documents. I believe that this
13 discusses Mr. -- Ms. Farrington, are you
14 familiar with this?

15 A. (Farrington) Yes.

16 Q. And the yellow indicates what?

17 A. (Farrington) So this is the -- the yellow is
18 our proposed detour route while construction
19 is directly at the roundabout. But as we
20 discussed I think a couple days ago, maybe
21 Monday or Tuesday, there's some question as
22 to whether or not local roads will be allowed
23 to be used.

24 Q. So if local roads were allowed to be used,

1 this would be a good route?

2 A. (Farrington) Yes, this is definitely the
3 shortest route available.

4 Q. Well, why didn't you go up High Street, I
5 believe it is, the one that comes immediately
6 at the roundabout?

7 A. (Farrington) So this is only going to be in
8 place while construction is directly at the
9 roundabout, and it's only for folks traveling
10 either, I guess westbound or, down the page,
11 across the bridge. If they would like to
12 continue straight through on to High Street,
13 that movement would be blocked, and the
14 movement to go southbound on Main Street
15 would be blocked temporarily, most likely
16 during the evenings, as we've said, and only
17 while construction is for those few hundred
18 feet right at the roundabout. So that's what
19 this --

20 MR. IACOPINO: I was going to
21 say, for the record, I believe everybody's
22 looking at ADN Abutter Exhibit 45, which is
23 also Counsel for the Public's Exhibit 202.

24 MS. CRANE: Thank you.

1 BY MS. CRANE?

2 Q. The next page is also a map of Plymouth, Ms.
3 Farrington; would you agree?

4 A. (Farrington) Yes.

5 Q. And do you see what is indicated by the red
6 arrow?

7 A. (Farrington) Yes.

8 Q. And what does the red arrow label it as?

9 A. (Farrington) Merrill Place.

10 Q. And are you aware of Merrill Place?

11 A. (Farrington) I am not.

12 Q. You are not. Is that what you said? I'm
13 sorry. I couldn't hear you.

14 A. (Farrington) Yes.

15 Q. Okay. Merrill Place is described on this web
16 page from the Plymouth State University web
17 page. What does it seem to be?

18 A. (Farrington) Looks to be a dormitory.

19 Q. A dormitory. And about how big a dormitory?

20 A. (Farrington) I have no idea.

21 Q. Well, what does the slide seem to suggest
22 they're hoping for?

23 A. (Farrington) A 350-bed residence hall and
24 conference center.

1 Q. And showing that with a little more detail,
2 how many stories is it?

3 A. (Farrington) Seven.

4 Q. Seven. And in addition to the dining hall,
5 at least as described on this slide -- in
6 addition to the residence as described on
7 this slide, what else is there?

8 A. (Farrington) A conference center to
9 accommodate up to 500 students or summer
10 guests for lecture-style events, or up to 300
11 people for dinners and other special events.

12 Q. And let me ask you again. When you did the
13 traffic plans, you were unaware of this
14 facility?

15 A. (Farrington) Correct.

16 Q. And when did you do those plans?

17 A. (Farrington) Between October and January of
18 this year and last year -- December.

19 Q. Between January and --

20 A. (Farrington) So they were submitted in
21 December of 2016, so in the months leading up
22 to that.

23 Q. December of 2016. Okay.

24 I'm going to jump ahead here. What does

1 this photograph appear to be?

2 A. (Farrington) A construction building.

3 Q. And does it bear any resemblance to the
4 building that was proposed in the immediate
5 prior slides?

6 A. (Farrington) Yes.

7 Q. And do you have any reason to believe that it
8 isn't?

9 A. (Farrington) No, I do not.

10 Q. And do you suppose they started construction
11 before your traffic plans were discussed?

12 A. (Farrington) Most likely.

13 Q. Most likely? So let's be a little more
14 particular. What does the picture depict?

15 A. (Farrington) A building under construction.

16 Q. And how many stories appear at least
17 externally to be constructed?

18 A. (Farrington) I can see six.

19 Q. Okay. A six-story building that didn't show
20 up in the resources that you looked at in --

21 A. (Farrington) So it would -- so, because the
22 detour route is for such a short period of
23 time, we did consider Plymouth State
24 University as part of our contemplation, and

1 we certainly don't plan to route traffic
2 during the evenings along a detour route that
3 is filled with dormitories occupied by
4 students. So that will all be taken into
5 account when we create the Transportation
6 Management Plan and the construction
7 schedule.

8 Q. And when do you anticipate there won't be
9 students?

10 A. (Farrington) Christmas break, spring break,
11 Martin Luther King Day. All the holidays.

12 Q. Okay. Let's hope. Remember, it appears that
13 they are hoping, from this slide and two
14 prior, also part of the Non-Abutters
15 Exhibit 47, that they are planning to use
16 this as a conference center. And when would
17 be an appropriate time to book a conference
18 in a center like this?

19 A. (Farrington) Sorry. Can you repeat that last
20 part?

21 Q. Can you -- maybe you can't. But can you
22 speculate on when you might try to have a
23 conference in a center or using the
24 facilities of a center?

1 MR. NEEDLEMAN: Objection.

2 CHARIMAN HONIGBERG: Grounds?

3 MR. NEEDLEMAN: Relevance and
4 asking the witness to speculate.

5 CHARIMAN HONIGBERG: Ms. Crane.

6 MS. CRANE: That's fine.

7 BY MS. CRANE:

8 Q. I think I'm going to skip over this. This is
9 a depiction of the bus stop that was
10 discussed previously, so I'm also going to
11 skip over this. But I wanted you to notice
12 where the blue circle is. That is the
13 Concord Coach bus stop.

14 Ms. Farrington, do you know the route
15 that the Concord Coach bus takes?

16 A. (Farrington) I do not.

17 Q. Would it be relevant to your traffic planning
18 if you knew that what it does is come south
19 from that bus stop and loop around the Common
20 and then go back out north -- or Main Street
21 north and then back to 93?

22 A. (Farrington) So I think they will always be
23 able to make that movement overall.

24 Q. But?

1 A. (Farrington) But it is certainly something we
2 would want to sit down and talk to them about
3 and consider as we're getting closer to
4 construction and scheduling.

5 Q. So what kind of choices might be offered for
6 bus stop relocation?

7 A. (Farrington) I'm not sure that it would need
8 to be relocated. The ticketing counter will
9 always be accessible, as will the sidewalk.

10 Q. Accessible immediately across the roadway?

11 A. (Farrington) Isn't that where it is today?

12 Q. Well, yes. But I was under the impression
13 you were going to trench across Route 3, or
14 along the line. Somebody's got to jump over
15 the trench in order to catch the bus or to
16 buy the ticket.

17 A. (Farrington) Well, we could certainly maybe
18 allow the bus to stop on the other section of
19 the loop. I don't think it's anything that
20 we cannot overcome by working with Concord
21 Coach.

22 Q. Have you begun those discussions?

23 A. (Farrington) I believe, as Ken was saying,
24 letters have been sent. But I'm not aware.

1 I haven't --

2 Q. And it isn't currently in any plan or
3 document that the Committee could take into
4 account at this point in time?

5 A. (Farrington) Correct.

6 A. (Bowes) This is certainly one of the areas
7 that we would look at to work with the
8 Concord bus company. It appears they have a
9 daily schedule, so we could certainly work
10 around that. It seems like one bus a day is
11 on their web site right now.

12 Q. Okay. Mr. Bowes, if you want to talk about
13 the bus, are you aware that more buses are
14 used when the Concord Coach expects more
15 students to be taking the bus?

16 A. (Bowes) Yeah, I would fully expect there's
17 probably also Plymouth State busing that we
18 would have to take into the plan as well.

19 Q. I'm sorry. I don't understand what you mean
20 by "Plymouth State busing."

21 A. (Bowes) They probably have their own bus
22 schedule as well to move students around the
23 campus.

24 Q. Okay. I have no information about that. I

1 want to focus on the students and the
2 visitors who are getting off this bus. And
3 if the bus station does have to be relocated
4 or the route changed, the bus is going to
5 become, would you assume, Mr. Bowes, less
6 reliable?

7 A. (Bowes) Based on the schedule I see, it
8 starts in northern New Hampshire and comes
9 through Concord, in this case looks like
10 around 8:00 a.m. in the morning and then --

11 Q. Mr. Johnson, have you looked at these
12 schedules before today?

13 A. (Bowes) I just asked him to call up the best
14 schedule. So I'm not sure if he has or not.

15 A. (Johnson) I have not prior to today.

16 Q. You have not. And how long did it take you
17 to find them?

18 A. (Johnson) I Google searched.

19 Q. And Ms. Farrington, had you looked at that
20 schedule before today?

21 A. (Farrington) Only on the occasions that I
22 needed to ride the Concord bus.

23 Q. Only when you yourself needed to do take the
24 bus. And why did you need to take the bus?

1 A. (Farrington) Sometimes I do for work.

2 Q. And what happens when you get off the bus?

3 MR. NEEDLEMAN: Objection.

4 Relevance.

5 CHARIMAN HONIGBERG: Ms. Crane?

6 MS. CRANE: I am trying to
7 establish that most people getting off this bus
8 do not have cars and are going to need to walk
9 to wherever they are trying to go, and so
10 relocating the bus stop at any distance is
11 going to create considerable confusion, if not
12 hardship, for the people who are getting off
13 the bus.

14 CHARIMAN HONIGBERG: And I'm not
15 sure in any way how the question you just asked
16 Ms. Farrington gets you where you say you want
17 to go. If you have questions that get you in
18 that direction and you want to ask them if they
19 agree with that concept, by all means, go
20 ahead.

21 BY MS. CRANE:

22 Q. Mr. Johnson, would you agree with the basic
23 thrust of my initial question to Ms.
24 Farrington?

1 A. (Johnson) If you're asking if the bus stop
2 was temporarily moved to a new location to
3 avoid a detour or a disruption downtown. I
4 would assume that that movement would be no
5 more than several hundred yards. It would
6 certainly not be three or four blocks away.

7 A. (Farrington) And just to add to that, there
8 are two crosswalks within 300 feet of each
9 other on either side of the bus stop, and one
10 of those will always remain open.

11 Q. And that is on a plan that we can see today?

12 A. (Farrington) Yes. Correct.

13 Q. Okay. Thank you.

14 This is another shot of the same
15 vicinity. Ms. Farrington or Mr. Johnson, can
16 you tell me what you see in what seems to be
17 in the lower left-hand corner?

18 A. (Johnson) Based on the headline that you've
19 given me, it looks like a trailer with
20 kayaks.

21 Q. I apologize. I meant to downsize all those
22 so they were only the titles of the slides.

23 Okay. And Mr. Johnson or Ms.
24 Farrington, have you had any discussions with

1 the proprietor of the business whose trailers
2 these are about relocating the trailers?

3 A. (Johnson) I have not specifically, no.
4 Again, there was a mailing that went out to
5 Main Street businesses. This particular
6 gentleman, if he has a portable business, may
7 not have received that letter, as would, say,
8 a food truck or something of that sort. But
9 again, we would reach out to these type of
10 businesses as we move forward towards the
11 construction process.

12 Q. And when would that likely be happening
13 again? I'm still confused about the time
14 frame. I'll try not to keep asking about it
15 but --

16 A. (Johnson) Sure. So construction right now is
17 not scheduled to begin until we've received
18 all of our permits, which is not until the
19 end of this year, at the earliest. So we
20 would be talking about the spring or summer
21 of 2018, at the earliest.

22 Q. Okay. I'm going to move quickly through a
23 few slides.

24 A. (Johnson) Sure.

1 Q. So, Ms. Farrington, do any of your detours
2 involve getting onto Route 93 in any of the
3 possible proposed detours that you have
4 investigated?

5 A. (Farrington) So as I mentioned, if the local
6 roads are not available to be used for the
7 detours, yes, we have looked at I-93, and
8 that is -- that alternative is also going to
9 be submitted to New Hampshire DOT in the next
10 submittal for consideration.

11 Q. And I certainly don't want to wish any curses
12 on the Town of Plymouth. But are you aware
13 and have you taken into account in the
14 proposals that you've worked with so far
15 anything involving flooding affecting the
16 access to Route 93?

17 A. (Farrington) I have not.

18 Q. I commend this picture to you. Can you --
19 this is another picture from the Ashland to
20 North -- Ashland to Deerfield Non-Abutters
21 Exhibit 45. And what does it appear to show?

22 A. (Farrington) Looks like a very flooded
23 roadway that needs a detour.

24 Q. Thank you. This is a map further down. It

1 shows the floodplain, I believe. Do you see
2 that, Ms. Farrington?

3 A. (Farrington) I don't see a floodplain
4 delineation, no.

5 Q. Okay. I shouldn't have used a technical
6 term. The water that seems to -- that I-93
7 essentially traverses there?

8 A. (Farrington) Yes.

9 Q. And it seems reasonable that that's where the
10 floods tend to start?

11 A. (Farrington) I will take your word for it.

12 Q. Okay. What I really wanted to point out is,
13 so that you can find it again, the little
14 body of water right here with the emblem "3"
15 immediately below it.

16 A. (Farrington) Okay.

17 Q. And roughly at that body of water there is
18 this structure. Are you familiar with that,
19 Mr. Scott?

20 A. (Scott) I recall seeing that while driving
21 by, yes.

22 Q. Okay. Do you know what it is?

23 A. (Scott) I believe, based upon all of the
24 stuff you've been showing me, it's Crystal

1 Springs.

2 Q. It is Crystal Springs. And what do you see
3 in the picture?

4 A. (Scott) I see a distribution pole with
5 overhead primary and secondary, as well as
6 some communications. I see a blue manhole
7 lid. I see something that looks like a
8 meter. And I also see another above-grade
9 lid to an underground structure of some sort
10 that appears to have a spout with water
11 flowing into it.

12 Q. I'm sorry. I wanted to focus on the thing
13 with -- this thing with water flowing into
14 it. Are you familiar with what that is?

15 A. (Scott) Other than it's likely Crystal
16 Springs? No.

17 Q. Okay. It is in fact, and I'm going to --
18 sorry about the whiplash. This was one of
19 the first pictures I showed you. This is
20 part of Ashland to Deerfield Non-Abutters
21 Exhibit 45.

22 And Mr. Johnson, why don't you go ahead,
23 if you can tell us what appears to be in this
24 picture.

1 A. (Johnson) It appears to be a water trough
2 that --

3 Q. A water trough. And the caption says --

4 A. (Johnson) Caption says that it was fed by
5 Crystal Springs.

6 Q. It has been moved to Crystal Springs?

7 A. (Johnson) Yes.

8 Q. Okay. Have you had any discussions with
9 anyone about the fate of this water trough?

10 A. (Johnson) We have not.

11 Q. You have not. Even though it seems to be of
12 some significance to the town --

13 A. (Johnson) Yes.

14 Q. -- it's on its web site.

15 A. (Johnson) Yes.

16 Q. You have not?

17 A. (Johnson) We have not.

18 Q. Okay. Back to you, Mr. Scott.

19 A. (Scott) Sure.

20 Q. So can you tell me, Mr. Scott, what this
21 picture appears to be?

22 A. (Scott) That appears to be a Dewberry
23 representation of the roadway south of
24 Plymouth looking north.

1 Q. And on the right-hand side is where the
2 railroad tracks come close to --

3 A. (Scott) Correct.

4 Q. Route 3. And back to the map. Do you see
5 where the railroad tracks are immediately to
6 the east of the small body of water that I
7 pointed out earlier?

8 A. (Scott) I do.

9 Q. And so this stretch of Route 3 is roughly the
10 same as this stretch of -- the stretch of
11 Route 3 that Crystal Springs is on is roughly
12 the same as this stretch. Is that probably
13 correct, or do you have reason to think that
14 it isn't?

15 (Witness reviews document.)

16 A. (Scott) I think it's about 500 feet south of
17 there, but it's the general area.

18 Q. It's the general area.

19 A. (Scott) Yes.

20 Q. And it would be highly likely to have the
21 same physical features as you --

22 A. (Scott) I am not sure if there is a guardrail
23 there or not. I'm not sure exactly what the
24 slope looks like, if it matches up, without

1 you giving me a visual representation.

2 Q. Okay.

3 A. (Scott) But the roadway width is likely
4 similar, if not the same.

5 Q. Okay. But the difficulties in trenching are
6 likely to be the same. Yes?

7 A. (Scott) Similar in nature.

8 Q. And is there any possibility that you're
9 going to have to trench along Route 3 in this
10 vicinity?

11 A. (Scott) Yes. The plans currently show us
12 trenching along the northbound lane hugging
13 the edge of road near the spring you're
14 speaking about.

15 Q. Okay. And would -- is there any likelihood
16 that that trenching might involve blasting?

17 A. (Scott) There's always a likelihood that rock
18 could be encountered. One moment, please.

19 (Witness reviews document.)

20 A. (Scott) So if you were to look at our plans,
21 I'm looking specifically at WBR3C233 -- we
22 have a geotechnical bore, BH274, to the north
23 of the spring that shows rock encountered at
24 13-1/2 feet below grade. And we have a bore,

1 BH275, which is approximately 200 feet south
2 of the spring where rock was not encountered.
3 So I would say that some rock could be
4 encountered; however, I do not know that
5 blasting would be required.

6 Q. But there is some chance that blasting would
7 be required?

8 A. (Scott) There is some chance.

9 Q. And this is for anyone on the panel. Has
10 anyone done any study to determine what might
11 happen to this location and this water trough
12 were blasting required?

13 A. (Johnson) We have not.

14 Q. You have not. Thank you.

15 I'm switching to -- off the record?

16 CHARIMAN HONIGBERG: Okay.

17 (Pause in proceedings)

18 (Discussion off the record.)

19 MS. CRANE: Back on the record?

20 CHARIMAN HONIGBERG: All right.

21 MS. CRANE: Thank you.

22 BY MS. CRANE:

23 Q. This is Ashland to Deerfield Non-Abutter 46,
24 again, not yet, I believe, uploaded to the

1 Sharefile. And I believe this is as much Mr.
2 Kayser as anyone.

3 Is this map familiar to you?

4 A. (Kayser) Yes.

5 Q. And it is the Applicant's Exhibit 2,
6 Attachment to Sheet 129 from the Project
7 maps?

8 A. (Kayser) Yes.

9 Q. And is this a -- this is a location we've
10 talked about considerably so far in the last
11 two or three days, Mr. Kayser?

12 A. (Kayser) Yeah, we talked about this
13 yesterday.

14 Q. And what do people seem to be interested in
15 this location?

16 A. (Kayser) I guess yesterday the interest was
17 the tower heights in the area.

18 Q. Tower heights in the area. And why would
19 people be interested in the tower heights in
20 this particular area?

21 A. (Kayser) I'm not sure I can say why, what
22 their concern would be, other than you're
23 going to have new towers in the area.

24 Q. Does this help? This is from the original

1 Application, Appendix 16, Visual Impact
2 Statement. I'm sorry. Yeah. Okay. And
3 what is depicted in the picture in the
4 bottom?

5 A. (Kayser) Looks like it's the view from
6 Interstate 93, the northbound lane.

7 Q. View from Interstate 93. Okay.

8 And here's the same view blown up. This
9 is, again, the same view. And it is, can I
10 represent, the view of the scenic easement --
11 the view that the scenic easement is aimed at
12 protecting. This is from a visual impact
13 study. Does that appear to be correct?

14 A. (Kayser) Yeah, it appears to be correct. I
15 can't read the caption on the bottom, but it
16 appears to be correct.

17 Q. Okay. And this is essentially the same view
18 taken trying to include the river instead of
19 the guardrail. Would you agree?

20 A. (Kayser) It appears to be the same view, yes.

21 Q. And do you see the transmission lines going
22 over the river in this picture?

23 A. (Kayser) Yes, I do.

24 Q. Yes, you do. Okay. And does this represent

1 the -- I'm going to skip over this one. Not
2 necessary for what I want to get out of this.

3 Does this document look familiar to
4 anyone?

5 A. (Johnson) It's Data Request LU No. 2, but I
6 do not believe that was answered by anyone on
7 this panel.

8 Q. Okay. That's fine.

9 A. (Johnson) That's our visual expert who
10 answered this one.

11 Q. And Mr. Johnson, am I to understand that
12 you're the person responsible for
13 establishing property rights? My line of
14 questioning is intended to be about the
15 rights, not the view.

16 A. (Johnson) Sure. So, Ken and I both -- Mr.
17 Bowes and I both have property rights.

18 Q. Okay. Can you describe this document for the
19 record? Is it one you're familiar with?

20 A. (Bowes) It is not, but I can read through it
21 and answer questions.

22 (Witness reviews document.)

23 Q. I'm sorry. I'm going to be jumping forward.
24 Maybe I can help him out. Maybe I can't. I

1 don't know what happened. I had another
2 document that I intended to show you. Yeah,
3 my students get really upset when I do this,
4 too.

5 (Pause in proceedings)

6 Q. So, back to this document. Can you read the
7 first paragraph, please?

8 A. (Bowes) "Enclosed is a check in the amount of
9 \$200 from the State of New Hampshire to
10 Public Service Company of New Hampshire in
11 payment for a beautification easement in New
12 Hampton, New Hampshire, as shown on Company
13 Document No. JIA-55, dated March 13, 1967."

14 Q. So when this, what we have come to call
15 "scenic easement" was first established, they
16 called it a beautification easement. And the
17 Public Service Company of New Hampshire was
18 involved in establishing the easement?

19 A. (Bowes) Yes, that's what it looks like.

20 Q. Thank you. And this slide, if -- which is
21 part of Ashland to Deerfield Non-Abutters
22 Exhibit 46, is a particular piece from the --
23 and I'm sorry. I'm going to go ahead to
24 the -- oops.

1 A. (Bowes) I believe the document you showed me
2 may actually be a different parcel of land,
3 not for this river crossing.

4 Q. Not for this river crossing?

5 CHARIMAN HONIGBERG: Mr. Bowes,
6 why don't you just wait for her to ask you
7 another question. She apparently didn't have a
8 question about that document. She was moving
9 on to something else, so there was no pending
10 question.

11 BY MS. CRANE:

12 Q. Okay. Let's look at this document, which
13 would have this legend if I had been able to
14 blow them up at the same time. And can you
15 tell me what the purple circle is? The
16 things that are outlined in purple are what
17 on this map? Maybe you see it as pink on
18 your screens.

19 A. (Bowes) So I thought the purple circle was a
20 commercial building, but I think you're
21 speaking of something different.

22 Q. The outline of the purple between the yellow
23 and the black line.

24 A. (Bowes) I do see the outline. I don't know

1 what the key was, if you can go back to that.

2 CHARIMAN HONIGBERG: Can you go
3 back to the legend because none of us remembers
4 what -- so which one do you want him to look at
5 on this legend? Which color?

6 MS. CRANE: I see it as purple,
7 but perhaps you see it as pink.

8 CHARIMAN HONIGBERG: And what's
9 the description of it?

10 MS. CRANE: "Eversource-owned
11 parcels."

12 CHARIMAN HONIGBERG: So that's
13 in the middle column, the fourth from the top?

14 MS. CRANE: Yes.

15 CHARIMAN HONIGBERG: Okay. Now
16 go to the picture.

17 BY MS. CRANE:

18 Q. Okay. And actually, while we're on the
19 legend, let's look at the legend again. The
20 light green, which is described in the far
21 right-hand of this legend...

22 A. (Bowes) Conservation easement, state/federal
23 parks and public lands.

24 Q. And what is the relationship between the

1 purple outline on this map and the green,
2 mottled green coloring?

3 A. (Bowes) So it looks like Eversource owns the
4 underlying property that there's now a New
5 Hampton/Bridgewater scenic easement on. At
6 least a portion of it.

7 Q. Yes. Okay. And let me reserve this for just
8 a minute. I'm going to move on to what else
9 is happening at this scenic easement.

10 This map is, I believe, one you would
11 have never seen before. It was constructed
12 from the LIDAR elevation data that's
13 available through Granite. The particular
14 program that was used in this depiction is
15 Tatuk --

16 CHARIMAN HONIGBERG: I don't
17 think the stenographer understood what you just
18 said.

19 MS. CRANE: This is Tatuk,
20 T-A-T-U-K, the software that was used to
21 approach the Granite data.

22 BY MS. CRANE:

23 Q. I want to call your attention to -- Mr.
24 Bowes, does it appear to accurately represent

1 the right-of-way just to the north of the
2 mottled green --

3 A. (Bowes) Yes, it does.

4 Q. -- space?

5 Okay. And do you see an elevation line
6 that says 480 just as the easement turns to
7 go across the Pemi?

8 A. (Bowes) Yes, I do.

9 Q. And immediately below that, what do you --
10 can you read the elevation marking there?

11 A. (Bowes) It's 460 feet.

12 Q. So there's a differential of 20 feet; is that
13 correct?

14 A. (Bowes) Yes.

15 Q. Okay. And the two emphasized black lines are
16 plausibly the high point where 480 is reached
17 again on either side of a gully perhaps?

18 A. (Bowes) On the same side of the river?

19 Q. Staying on the same side of the river.

20 A. (Bowes) Yes.

21 Q. I'm just looking at that little corner.

22 A. (Bowes) Yeah.

23 Q. Yeah. Okay. So is this map familiar to
24 anyone here?

1 A. (Johnson) It looks like a blown-up version of
2 the wetlands maps.

3 Q. A blown-up version of the wetlands maps,
4 which is Applicant's Exhibit 1 and Appendix
5 47. Is that likely to be correct?

6 A. (Johnson) Sounds about right.

7 Q. Okay. And can you find the same elevation
8 contour lines on this map that we looked on
9 in the previous one?

10 A. (Bowes) To the left of Route 132 there's a
11 series of elevation lines that are clearly
12 visible to the right. I see at least one
13 that says 490, bottom right.

14 Q. Okay. And the peach outline would represent
15 what, Mr. Bradstreet, on this map?

16 A. (Bradstreet) So the peach outline is the
17 workspace that's been permitted as part of
18 the -- or I guess being proposed as part of
19 the permit.

20 Q. The workspace?

21 A. (Bradstreet) Construction area, construction
22 mat.

23 Q. And the plans for making this a construction
24 area would include?

1 A. (Bradstreet) Making it a workspace? Is that
2 what you --

3 Q. Yes. What would be involved in making this a
4 workspace?

5 A. (Bradstreet) So as we've discussed, there's
6 many ways that we might make this a
7 workspace, be it bringing gravel, bringing in
8 wetlands mats, depending on the specific
9 area.

10 Q. Bringing in gravel?

11 A. (Bradstreet) Yes.

12 Q. So I'm going to skip this picture, skip this
13 picture. This is a picture of that gully
14 from the north looking south. Are you
15 willing to let me represent that, or do I
16 need to establish it differently?

17 A. (Bradstreet) No, I think I can accept that.

18 Q. And this is also designated on the map as a
19 riverine. Returning to the wetlands map.

20 A. (Bradstreet) Yes, I think I see it.

21 Q. Okay. How much gravel would you estimate it
22 would take to fill up this gully?

23 A. (Scott) I don't know if the point of the
24 access area of that workspace would be to

1 fill up the gully.

2 Q. So how would you make it a workspace?

3 A. (Scott) The contractor will establish their
4 workspace areas on site, and modifications to
5 our proposed workspace areas can be performed
6 if it reduces the impact.

7 Q. And when will we know what those
8 modifications might need to be?

9 A. (Bradstreet) Upon completion of their
10 approach of Means and Methods to access the
11 structures.

12 Q. And here's -- we're looking at another
13 picture of that same gully. Returning to
14 what is our data request response, Page 19,
15 which is now part of the Ashland to Deerfield
16 Non-Abutters Exhibit 36 -- I'm sorry it's so
17 small, but can you see how close this area is
18 to the Pemigewasset River?

19 A. (Bradstreet) Is the square on the right --

20 Q. Yes.

21 A. (Bradstreet) -- representing where we're
22 looking on the left?

23 Q. Yes.

24 A. (Bradstreet) Then, yes, I can see.

1 Q. Yes. And that riverine presumably flows into
2 the Pemigewasset River; right?

3 A. (Bradstreet) I would assume it does, yes.

4 Q. And if it does, and you change the
5 construction area plans, who should be
6 notified?

7 A. (Bradstreet) I guess I would say that any
8 change in the construction area plans would
9 not be discussed with the contractor unless
10 it was an improvement to the permit we
11 received --

12 Q. I'm sorry. That --

13 A. (Bradstreet) I'm continuing with my answer.
14 So, should they find a way to minimize
15 impacts, we would work with the DES for
16 approval.

17 Q. Should they find a way to minimize impacts?
18 Is that what you said?

19 A. (Bradstreet) Yes. If the contractor finds a
20 way to work in this area with less impact
21 than what we were permitted, we would work
22 with the DES.

23 Q. So, at the moment your contractor would not
24 need to do anything more if what he wanted to

1 do was fill the gully.

2 A. (Bradstreet) I don't think they plan to fill
3 the gully.

4 Q. How do we know?

5 A. (Bradstreet) That's not -- filling the gully,
6 I guess, is not listed as part of our
7 wetlands matting.

8 Q. But the construction area covers this gully.

9 A. (Bradstreet) The construction area is near
10 and --

11 Q. Covers, I believe. Would you like me to show
12 the map again?

13 A. (Bradstreet) I guess I'm not saying that a
14 piece of equipment will set up in the gully.
15 So there might not be a need to put anything
16 in the gully. We'll work near the gully, and
17 we'll put up erosion controls near the gully,
18 but we may not need to work in the gully.

19 Q. I believe this map shows access roads?

20 A. (Bradstreet) Yes, I believe it does.

21 Q. And do you avoid the gully? Or do you not
22 need the access road that comes off 132?

23 A. (Bradstreet) So in this specific area there's
24 an access road that shows going off the top

1 of the screen. I believe the Project's
2 preference would be to use that access road
3 to get to this area and would avoid crossing
4 the gully.

5 Q. And that's what you see here; is that
6 correct?

7 A. (Bradstreet) I believe so, yes.

8 Q. At the top of the screen, this is Sheet 246
9 from the Alteration of Terrain maps.

10 A. (Bradstreet) I'll take your word for it, yes.

11 Q. Okay. And so this is using an existing
12 access road coming in to the same or what
13 appears to be the same construction area
14 delimited?

15 A. (Bradstreet) Yes, ma'am.

16 Q. Okay. So we don't know what's going to
17 happen to make this construction area work as
18 a construction area; is that correct?

19 A. (Bradstreet) I guess I'm saying that we're
20 permitting potentially using all this area.
21 There will be areas within this permitted
22 workspace that will not be used.

23 Q. So if you're not going to use --

24 A. (Bradstreet) This starts to get into

1 construction contractor's Means and Methods.
2 So the Project Team has tried to present a
3 permit to our contractor that says here's the
4 limits that you can work within. And we will
5 work with them, along with all the permit
6 requirements, to make sure that they are not
7 impacting an area needlessly I guess I would
8 say.

9 Q. Okay. I think that's... oh, this was the
10 alternative access road; is that correct?

11 A. (Bradstreet) I mean, you can call it
12 "alternative." But I believe it's the
13 Project preference that this would be the
14 primary means of access.

15 Q. And do you see the sandy place immediately
16 above?

17 A. (Bradstreet) Sure. Yes.

18 Q. Has anybody been there?

19 A. (Bradstreet) I have personally not, no.

20 Q. No. Would you take my representation that
21 that sand is a high bluff going directly into
22 the river there?

23 A. (Bradstreet) If you say so. I wouldn't know
24 either way --

1 Q. Okay.

2 A. (Bradstreet) -- without seeing it myself.

3 Q. Okay. Thank you.

4 (Pause in proceedings.)

5 MS. CRANE: Off the record?

6 (Discussion off the record)

7 BY MS. CRANE:

8 Q. We are looking at the alteration -- a select
9 portion of the Alteration of Terrain Map 240,
10 the right-of-way at the Squam River, which
11 will be submitted as Ashland to Deerfield
12 Non-Abutter Exhibit 47.

13 And again, Mr. Bradstreet or Mr. Kayser,
14 the orange depiction is of what?

15 A. (Kayser) I believe you're talking about the
16 work pads at the structure site.

17 Q. The work pads at the structures. Okay.

18 And there is a new or existing access
19 road that comes into it at what is shown here
20 as the bottom of the pad; is that correct?

21 A. (Kayser) Correct.

22 Q. And has any -- is anyone on the panel
23 personally familiar with this particular
24 location? Have you ever been there?

1 A. (Johnson) I have not personally, but I talked
2 to the constructability professional that
3 went out and looked at this area.

4 Q. But none of you have been?

5 [No verbal response]

6 Q. Okay. Let me take a minute then.

7 This is an aerial taken from Google
8 Maps. The bridge over the Squam River has a
9 red arrow pointing to it. And can anybody
10 see what the yellow circles are trying to
11 depict?

12 A. (Johnson) Locations of existing or future
13 structures.

14 Q. Locations of existing structures. If I had a
15 way to blow it up, you could actually see
16 them and their shadow in the field. It's
17 quite a thing.

18 And may I represent that this from Mr.
19 DeWan's data request responses is the picture
20 of where the Squam River comes out at the
21 Pemi?

22 A. (Johnson) Okay. Yeah.

23 A. (Kayser) Yeah.

24 Q. Okay. And this is the existing access road

1 to the first tower to the south of the Squam
2 River. Does that look correct?

3 A. (Kayser) Yes.

4 Q. This is Page 7 of the Ashland to Deerfield
5 Non-Abutters originally filed Exhibit 36.

6 And can you tell me what appears to be
7 at the end of the road?

8 A. (Johnson) The two existing structures.

9 Q. And are they at the same grade level at the
10 road?

11 A. (Kayser) No.

12 A. (Johnson) No. I believe the road circles
13 around and meets it up behind where those
14 structures --

15 Q. I'm sorry. Where is -- is it the same grade
16 where the tower is as the road is?

17 A. (Johnson) In the foreground, no.

18 Q. Okay. And is anybody familiar with this
19 structure?

20 A. (Johnson) I am.

21 Q. And it is?

22 A. (Johnson) We discussed this yesterday. This
23 is the access that the farmer uses to get to
24 his property across there. It is a bridge

1 that needs to be upgraded, as we discussed
2 yesterday, to be able to take the weight of
3 the construction equipment that will be
4 required to build this project.

5 Q. I apologize. I was unable to hear all of
6 yesterday, and I apologize for repeating
7 but --

8 A. (Johnson) That's okay.

9 Q. Is this bridge maintained? Do you know who
10 constructed this bridge?

11 A. (Johnson) I believe it was the farmer who
12 uses the fields on the other side.

13 Q. So they didn't need a bridge here to put the
14 existing structures in you would guess?

15 A. (Johnson) I do not know.

16 Q. You don't know. Okay.

17 And do you see the blue circle here?

18 A. (Johnson) I do.

19 Q. And is that a fairly substantial grade at the
20 blue circle?

21 A. (Johnson) Yes.

22 Q. Yes. Okay. And yet, your new access road is
23 trying to go up that grade.

24 Do we know what the gradability required

1 of the construction vehicles that are going
2 to be using this access road is?

3 A. (Johnson) I don't believe there's any limits
4 other than once you get past about
5 30 percent.

6 A. (Kayser) Right.

7 Q. So, going straight up inside the blue circle
8 would not be a challenge for any of the
9 equipment you're planning to use?

10 A. (Kayser) No. The contractors would be able
11 to get all their equipment up that grade.

12 Q. And what would happen to the grade when they
13 did?

14 A. (Kayser) They would be constructing an access
15 road using all the required BMPs as they
16 build that access road and --

17 Q. I'm sorry. Please explain to me what a BMP
18 is.

19 A. (Kayser) Okay. That's Best Management
20 Practices for any environmental controls that
21 we require as they build that access road, or
22 a water barge or any silt fencing to limit
23 that.

24 Q. Is it your understanding that such practices

1 have generally been followed along your
2 right-of-way historically?

3 A. (Kayser) Yes, that's my understanding. And
4 we manage numerous projects throughout the
5 state and New England, and this grade and
6 this road really will not present any major
7 challenges to the contractors.

8 Q. Okay. Can you look at this blow-up of the
9 same picture?

10 A. (Kayser) Yes, I see that.

11 Q. And what appears to be happening at the place
12 where the new access road is on the prior map
13 designated to be?

14 A. (Kayser) I see a silt fence and I do see
15 where there's some runoff on that area.

16 Q. There's some runoff? Are there two parallel
17 lines running up the hill?

18 A. (Kayser) Yes, I think I can make those out.

19 Q. And what might have caused that?

20 A. (Kayser) Most likely water running off.

21 Q. Really? Parallel like that? Distinct like
22 that?

23 A. (Kayser) I guess without being there, I can't
24 give any other answer than it appears like

1 it's water running off of it.

2 Q. Doesn't it appear to be about the width of a
3 construction vehicle's tires?

4 A. (Kayser) That doesn't appear that way to me,
5 no.

6 Q. Even if it were water, would it be Best
7 Practices to let that rut occur immediately
8 adjacent to the Squam River, immediately
9 upriver from the Pemi? Take your pick. Are
10 they ruts from a truck or are they erosion?

11 A. (Kayser) Again, as I said, they appear to be
12 erosion to me. And there is a silt -- as you
13 can see on the bottom, there is a silt fence
14 on the bottom of that.

15 Q. I'm sorry. There's a what?

16 A. (Kayser) A silt fence.

17 Q. Where are you seeing -- show me -- tell me
18 what a silt fence is.

19 A. (Kayser) That is part of the Best Management
20 Practices for environmental controls.

21 Q. No, no, in this picture, what is a --

22 A. (Kayser) Right there at the bottom of your
23 picture with the blue circle, that appears to
24 be a silt fence.

1 Q. The big iron bar? That is a big iron bar.
2 That is a beam that used to be part of the
3 bridge.

4 A. (Kayser) It looked like a silt fence to me.

5 Q. And what would a silt fence look like?

6 A. (Kayser) It's black.

7 Q. It's black. Okay. I guess so is an
8 abandoned bridge beam.

9 And may I represent that this picture is
10 taken from the top, under the existing -- of
11 that hillock that the construction access
12 road is going to go up? Okay?

13 A. (Kayser) Okay.

14 Q. I have failed to include all of my pictures.
15 I'm sorry. So it isn't fair, I understand,
16 to ask you to explain this pile. But if it
17 were fair, what would you describe it as?

18 I'm not going to ask -- I'm only asking
19 for a description. I'm not asking for an
20 explanation.

21 A. (Bowes) I would say it looks like removed
22 transmission line structures.

23 Q. It looks like removed transmission line
24 structures. Okay.

1 A. (Bowes) So, oftentimes we get requests from
2 customers to use the retired wood products.
3 We used to do that religiously. In the past
4 few years we have no longer provided that to
5 customers.

6 Q. So who knows how that pile got there.

7 I have a few more slides, and I'm going
8 to stay in this less polished view because I
9 can understand where I'm going a little
10 better. And I think you'll all benefit if I
11 do.

12 So this is another Alteration of Terrain
13 map, I believe. Maybe we're not better off.
14 If I slide around.... it is Sheet 254 in
15 Applicant's Exhibit 1, Appendix 6C. Does
16 that sound right?

17 A. (Kayser) Yes.

18 Q. Anybody who can read it, can you read the
19 name of the road that is left after the blue
20 circle that I added to the map?

21 A. (Kayser) Looks like Old Bristol Road.

22 Q. Old Bristol Road. Okay.

23 So this would be the Pemi all the way on
24 the left and the right-of-way proceeding up

1 what some people call Blake Hill. I think
2 there are pieces of it that other people call
3 other things, but I'm going to call it Blake
4 Hill for lack of a better expression. Does
5 that appear correct to you?

6 A. (Kayser) Yes.

7 Q. Okay. And this is another representation
8 using the LIDAR data. And the terrain
9 markings are a little clearer on this than on
10 your maps. It seems to go from 660 to more
11 than 740 in this little area; is that
12 correct?

13 A. (Kayser) Yes, it appears that way.

14 Q. It appears that way.

15 And going back to the Alteration of
16 Terrain map, it would appear that the access
17 road has to reach that elevation to get to
18 that construction pad; does it not?

19 A. (Kayser) Yes, that's correct.

20 Q. That's correct?

21 And I believe that a few moments ago you
22 told me that the vehicles that were likely to
23 be used wouldn't be challenged unless there
24 were more than 30-percent grade?

1 A. (Kayser) Yes, I believe that's what Mr.
2 Johnson said.

3 Q. Okay. Well, then, can you tell me how lucky
4 you are? What is this grade, if this
5 representation is accurate?

6 A. (Johnson) Thirty percent.

7 Q. Right in there. So, does any special
8 accommodation need to be made for an
9 elevation like this?

10 A. (Bowes) So we do have track vehicles
11 available as well, knob-wheeled vehicles. So
12 it might be a situation in this case where
13 they used a track vehicle as an alternate
14 method.

15 Q. Okay. And again, how would that track
16 vehicle manage to navigate this grade without
17 leaving a permanent reminder of its presence?

18 A. (Bowes) There would still be a temporary road
19 built, but it would just be done with track
20 vehicles rather than wheeled vehicles.

21 Q. Okay.

22 A. (Bowes) And road would be removed once the
23 Project was completed.

24 Q. And we have a picture here of essentially

1 that grade. I'm afraid I'm going to have to
2 represent it. And the part of the picture
3 that you can't see -- I'm sorry. I take that
4 back. I got one more.

5 This is the same easement as it
6 approaches Brook Road in New Hampton, again
7 represented from the LIDAR data. Yes?

8 A. (Bowes) Yeah.

9 Q. And again we are looking at items that are
10 included in the Ashland to Deerfield
11 Non-Abutters Exhibit 48, which includes all
12 the maps that we've looked at so far.

13 Back to the photograph. This is a
14 photograph taken roughly from Brook Road
15 looking back toward a tower. And there is a
16 body of water on this map. It's in the far
17 right-hand side.

18 A. (Kayser) Yes.

19 Q. Okay. And there are contour lines here
20 indicating going from 380 to 470; are there
21 not?

22 A. (Kayser) Yes.

23 Q. And what does the blue line represent?

24 A. (Kayser) Looks like a stream or brook.

1 Q. Okay. The dark blue is the stream or brook.
2 And the light blue?

3 A. (Kayser) An intermittent stream.

4 Q. An intermittent stream. So this is a very
5 steep bank with an intermittent stream; is
6 that correct?

7 A. (Kayser) That is correct.

8 Q. And what are the challenges that construction
9 on this site poses?

10 A. (Kayser) Again, as they construct the access
11 roads and work pads, they're going to have to
12 put in the proper environmental controls to
13 make sure that there is no runoff from the
14 access into the resources.

15 Q. And remind me how we know that whatever
16 representations you have made about what the
17 environmental controls will be, will be
18 enforced?

19 A. (Kayser) As we spoke earlier in the week,
20 there are -- the contractor has their own
21 environmental monitors that go out there and
22 do the installation --

23 Q. And when the monitors find something has been
24 done incorrectly, what happens?

1 A. (Kayser) Let me -- I'm going to finish. The
2 owner has their own environmental monitors
3 also. So we will have people representing
4 the owner that will be out there to monitor
5 the environmental controls --

6 Q. I'm sorry. The owner?

7 A. (Kayser) The owner, Eversource.

8 Q. Eversource.

9 A. (Kayser) The Project will have people to make
10 sure that the contractor is installing the
11 proper environmental controls and maintaining
12 them as required as part of the DES permit.

13 Q. And when that doesn't happen, or it turns out
14 to be inadequate, then what happens, Mr.
15 Kayser?

16 A. (Kayser) Well, then, if it turns out they're
17 inadequate, the contractor -- the owner would
18 work with the contractor to get more
19 environmental controls to minimize --

20 Q. Meanwhile, what has --

21 CHARIMAN HONIGBERG: Please
22 don't interrupt. The stenographer cannot take
23 down both of you at once.

24 MS. CRANE: My apologies. Off

1 the record. I'm trying to make a flight.

2 A. (Kayser) The owner's environmental inspectors
3 will be working with the contractors and with
4 the Department of Environmental Services to
5 make sure that what is permitted and what is
6 installed meets the requirements of the
7 permit.

8 BY MS. CRANE:

9 Q. And everything that you have said is
10 prospective; right? We are going to do all
11 we can to prevent damage to these hills and
12 to the brooks that are underneath them. But
13 what happens if we make a mistake?

14 A. (Kayser) Then we have to correct that
15 mistake.

16 Q. And who is going to enforce the need to
17 correct that mistake?

18 A. (Kayser) Well, ultimately we have a permit
19 with the DES. So if there's any violation of
20 that, the DES would be the entity that would
21 be enforcing any actions.

22 Q. And what are the remedies available to the
23 DES?

24 A. (Kayser) Specifically, I don't know the

1 remedies, but --

2 Q. But you're counting on them, right, to be
3 severe enough to give both the contractor and
4 the owner an incentive to make sure nothing
5 happens, even in these places that are
6 several miles away from where people
7 regularly travel, Mr. Kayser?

8 A. (Bowes) I can answer for the owner. I would
9 say no, we're not counting on DES to do that.
10 We believe the contractor has a
11 responsibility, and we're going to oversee
12 the contractor.

13 Q. And if you are unable to?

14 A. (Bowes) I guess that's a hypothetical.

15 Q. It's all hypothetical. I'm sorry. Proceed,
16 Mr. Bowes.

17 A. (Bowes) So I would say if you could narrow
18 the hypothetical and come up with a specific
19 example, I'll be glad to respond to it.

20 Q. Blake Hill. There is uncontrollable erosion,
21 produces a gully different from what's on the
22 terrain now.

23 A. (Bowes) So we would put in place additional
24 silt fences. As I look at that, it looks

1 like there will be a culvert, a temporary
2 culvert or swamp mats to cross that
3 intermittent stream. We will put booms out
4 on either side of that to make sure that
5 there's no runoff that goes into the wetland
6 or intermittent stream. We'll take necessary
7 precautions to make sure --

8 Q. I'm sorry. Continue.

9 A. (Bowes) We'll take the necessary precautions
10 to ensure that the environmental controls are
11 in place. It's not about --

12 Q. Do you understand my hesitation about whether
13 your answer is adequate?

14 CHARIMAN HONIGBERG: Well, until
15 he's finished with his answer, you don't know
16 if it's adequate or not, do you, really?

17 BY MS. CRANE:

18 Q. Mr. Bowes, continue.

19 A. (Bowes) So I was going to say that we don't
20 intend to have compliance violations with the
21 New Hampshire DES. We intend to have a
22 project that is managed well enough so that
23 we do not get into that situation, which does
24 involve proactive work, which may be beyond

1 what is normal for certain instances. And I
2 think this would be one of them. We have a
3 very steep slope. We have a couple permanent
4 and temporary water courses we have to deal
5 with. And it looks like a very sandy area
6 where there could be erosion.

7 Q. Mr. Bowes, virtually all of your answer I'm
8 glad to hear. I'm glad that you're going to
9 take precautions. But can you assure anyone
10 in this room that those precautions will
11 prevent all problems that might occur?

12 A. (Bowes) So I can say what our goal is for the
13 Project. Our goal is to have no
14 environmental incidents or enforcement
15 actions, certainly. We maintain thousands of
16 acres of right-of-way today. We maintain
17 thousands of miles of transmission lines in
18 New England. We are not perfect. But that
19 is what we strive for every single day. And
20 when we do have an issue, we try to correct
21 it as soon as possible.

22 Q. And what is the remedy if you can't correct
23 it?

24 A. (Bowes) Correct what? You'll have to be more

1 specific.

2 Q. The gully on Blake Hill Road, or across Blake
3 Brook.

4 A. (Bowes) I don't see anything in this picture
5 or this example that we could not correct.

6 Q. Even the silt that is now in the Pemi?

7 A. (Bowes) Well, again, you're making an
8 assumption that the silt has gotten all the
9 way to the Pemi. I think we can put
10 effective controls in place so that does not
11 occur.

12 Q. Again, and what happens if it does?

13 A. (Bowes) Again, I'm not -- you're giving me a
14 hypothetical of what bad things could happen
15 in the future, and I'm saying we want to
16 prevent those before they occur.

17 Q. So can you assume a bad thing happening? Is
18 that possible?

19 MR. NEEDLEMAN: I'm going to
20 object. I think this calls for a legal
21 conclusion. The enforcement authorities at DES
22 have clearly laid out applicable statutes and
23 applicable regulations.

24 CHARIMAN HONIGBERG: Ms. Crane.

1 BY MS. CRANE:

2 Q. Mr. Bowes, are you --

3 CHARIMAN HONIGBERG: Well, do
4 you want to respond to Attorney Needleman and
5 pursue and try to get an answer to the
6 question, or are you moving on to something
7 else? I'm giving you a chance to respond to
8 Mr. Needleman. You can choose to or not. Feel
9 free to make a counterargument or move on to
10 something else. It's up to you.

11 MS. CRANE: I believe that the
12 incentives that all of the players in the
13 construction project that have been described
14 here today, what their incentives are is not
15 merely a matter of law. What their incentives
16 are is a matter of whether they know that law
17 and the calculation that they might make about
18 whether to incur any sanctions that that law
19 might entail. So --

20 CHARIMAN HONIGBERG: I'm going
21 to sustain the objection. You didn't ask him
22 about incentives. You asked him what happens
23 if something bad happens. That may call for a
24 legal conclusion. I think Mr. Needleman's

1 objection is sustained.

2 BY MS. CRANE:

3 Q. Mr. Bowes, then are you confident that all of
4 the contractors and all of their employees
5 are fully aware of the sanctions that we
6 didn't get a chance to talk about?

7 A. (Bowes) So I would say at this point we're
8 still in the hiring process. PAR and Quanta
9 companies certainly do work for Eversource on
10 a daily basis, and day in and day out they do
11 a very good job. We also have environmental
12 monitors monitoring their performance. As
13 they hire subcontractors, we're going to go
14 through a safety as well as environmental
15 training program not only for the contractors
16 who sign their names and their reputations on
17 it, but also for each worker on the job.
18 They're going to have to go through this
19 awareness training. And at that point we
20 will provide them the requirements for their
21 job. We don't necessarily provide them what
22 the penalties are for noncompliance, other
23 than they will lose their job. What we tell
24 them is what we want them to do, not inform

1 them what the legalities are of environmental
2 regulation.

3 Q. So if I understood your answer correctly,
4 they will do what you want them to do?

5 A. (Bowes) That is not what I said.

6 Q. Then could you repeat it in a way that I --
7 correct my misinterpretation?

8 MR. NEEDLEMAN: Objection. It's
9 been asked and answered.

10 CHARIMAN HONIGBERG: Sustained.

11 MS. CRANE: I don't believe I
12 have any more questions.

13 CHARIMAN HONIGBERG: Let's go
14 off the record for a second.

15 (Discussion off the record)

16 CHARIMAN HONIGBERG: Okay.
17 Let's take a short break.

18 (Brief recess was taken at 3:16 p.m.,
19 and the hearing resumed at 3:27 p.m.)

20 CHARIMAN HONIGBERG: We are
21 continuing with the Grafton County
22 Commissioners. Ms. Saffo you may proceed.

23 (Grafton Exhibits 18 thru 31 marked
24 for identification.)

1 CROSS-EXAMINATION

2 BY MS. SAFFO:

3 Q. Good afternoon. I have a horrible habit of
4 talking way too fast, and especially when
5 it's the end of the day and I know we're
6 trying to get everybody in. So please stop
7 me if I do that. And the stenographer knows
8 to throw pens at me. But my intent is not to
9 rush you. My intent is to be really
10 conscientious with the time of the day and
11 trying to do that. So, again, I apologize if
12 I come across differently.

13 So, obviously this project began. And
14 New Hampshire has laws associated with the
15 Site Evaluation Committee. And the New
16 Hampshire Legislature has laws which are set
17 forth in New Hampshire RSA 162-8. And you're
18 familiar with those laws; correct?

19 A. (Bowes) I am not.

20 Q. Okay. So I'll help you a little bit then.

21 We have a statute that talks about this
22 process and the Site Evaluation Committee and
23 their role, and then there's rules and
24 regulations that go with them that kind of

1 tell us what we need to do and how to make
2 sure this hearing runs smoothly, among other
3 things. And the very first statute is the
4 Declaration of Purpose of the statute. And I
5 think there might be a little disconnect, so
6 I think it's important that I go through that
7 with you.

8 So what the New Hampshire Legislature
9 said is the legislature recognizes that the
10 selection of sites for energy facilities may
11 have significant impacts on and benefits to
12 the following, and that would be the welfare
13 of the population, private property, location
14 and growth of industry, economic growth of
15 the state, the environment, historic sites,
16 aesthetics, air and water quality, use of
17 natural resources, and public health and
18 safety. And so those are the factors that
19 they want this Committee to balance, and the
20 impacts on all of those factors. And that's
21 what the intervenors were told as well --
22 meaning the people who were allowed to
23 intervene were people who had something to
24 say about those various factors. And this is

1 something that no one can delegate. We can't
2 delegate this to DOT or DES or any one
3 agency. That is the role of this Committee
4 to do that. Okay? You with me so far?

5 A. (Johnson) Yes.

6 Q. Okay. So, basically, evaluating these
7 impacts is why we're all here. It's why
8 we're here for the next -- for the rest of
9 the summer together. And the additional
10 goals set forth in New Hampshire law says
11 that all entities planning to construct
12 facilities in the state be required to
13 provide full and complete disclosure to the
14 public of such plans. Full and complete
15 disclosure of the plans.

16 And it further goes on to say that the
17 state ensure that the construction and
18 operation of energy facilities is treated as
19 a significant aspect of land-use planning, in
20 which all environmental, economic and
21 technical issues are resolved in an
22 integrated fashion. So that's why we have so
23 many representatives of so many different
24 agencies here.

1 Now, so I have to admit I was surprised,
2 and the Grafton County Commissioners were
3 surprised, when the Application didn't come
4 with plans. We looked for the plans. And to
5 evaluate historic impacts and to evaluate
6 environmental impacts depends on where you're
7 digging the trench, for example, where the
8 drilling is going to go. Do you agree with
9 that? Depending on where you're digging, you
10 may make a determination as to what kind of
11 impact there is?

12 A. (Bowes) I'm not sure that we haven't provided
13 that.

14 Q. Well, we'll go into that.

15 So you agree, though, when you submitted
16 the Application, we didn't get that
17 information.

18 A. (Bowes) I don't agree with your premise or
19 your setup to this question.

20 Q. Okay. So the "premise," meaning you didn't
21 agree with the premise that we have to
22 evaluate historical impacts and environmental
23 impacts?

24 A. (Bowes) No, that we haven't provided a

1 complete plan.

2 Q. Okay. And I think that's the heart of
3 everything going on here, and that's why I
4 want to put some time into that.

5 So, last summer we had to do our data
6 requests. And Grafton County Commissioners
7 data requests were that you give us a plan.
8 We knew you wanted to go, for example, down
9 Route 118 and down Route 116 and across Route
10 3, but we didn't know where. And do you
11 agree --

12 A. (Bowes) Excuse me. What's Route 118?

13 Q. I'm sorry. Route 116. Route 18 and then
14 down Route 116.

15 So, without knowing whether you're going
16 to be digging to the left side of the road or
17 to the right side of the road, there could be
18 a different impact -- meaning, if the left
19 side is wetlands and right side's a historic
20 barn, depending on whether you go to the left
21 side, you're having a potential environmental
22 impact, meaning a wetland, and if you go to
23 the right side and if you're impacting a
24 barn, then that would be historic,

1 potentially a historic impact. Agreed?

2 A. (Bowes) Is there a specific location you're
3 talking about?

4 Q. I'm just saying in general. So, last summer
5 when we sent in data requests to you --

6 A. (Bowes) Which data request was this?

7 Q. The Grafton County Commissioners.

8 A. (Bowes) Is there a specific one?

9 Q. Yes. The one asking you for the plans. And
10 I can get you the actual number.

11 A. (Bowes) As I said, I think we filed a
12 complete plan with the SEC.

13 Q. Okay. Now, so then what did you give us in
14 December of 2016?

15 A. (Bowes) I don't know what you're referring
16 to.

17 Q. Okay. Do you remember giving us 1676?

18 MS. MERRIGAN: It's Counsel for
19 the Public 176, for the record.

20 A. (Bowes) And what is that?

21 Q. All the plans, the entire set.

22 A. (Bowes) So that's a revised underground
23 drawing. It's a more detailed design.

24 Q. Yes. So do you remember turning those over

1 in December?

2 A. (Bowes) Yes.

3 Q. And do you remember telling people, in
4 answers to interrogatories, that additional
5 plans were forthcoming in December? You said
6 December, late December or early January of
7 2017 when you answered interrogatories.

8 A. (Bowes) I don't recall that. I'm sure you
9 have an example, though.

10 Q. I do. So, Grafton Exhibit 23, what you're
11 looking at here is GCC1-1, and Grafton
12 Exhibit 23. This is basically your answers
13 to our interrogatories. And we said, "Please
14 provide any and all surveys, plans,
15 communications and engineering documents
16 current at the time of the Applicant response
17 which detail the planned specific path of the
18 buried lines in quantified relation to the
19 current road, sidewalks and buildings." And
20 it goes on from there.

21 And what you wrote was, "We [sic] have
22 created preliminary design alignments," is
23 what you called them; is that correct?

24 A. (Bowes) I think it's close, yes.

1 Q. Well, I'll read it exactly. You wrote, "The
2 Applicants of the Northern Pass Transmission
3 Project have created preliminary design
4 alignments for the underground route within
5 Grafton County." And then you said, "These
6 can be found in the Project's Application,
7 Volume X - Appendix 9, Petition for Aerial
8 Road Crossings and Underline [sic]
9 Installations"; correct? Did I read that
10 correct?

11 A. (Bowes) It's different than what I see,
12 but --

13 Q. Okay. Why don't you read it because
14 apparently I'm having trouble reading.

15 A. (Bowes) So it just would include the last few
16 words --

17 Q. Oh, yeah, sure.

18 A. (Bowes) -- that's all. That was the only
19 difference.

20 Q. Yeah, "in State-Maintained Public Highways,
21 Pages 331 to 733."

22 And then you wrote, "It should be noted
23 that this alignment is preliminary in nature.
24 The Project is currently conducting

1 geotechnical investigations and utility and
2 ground survey which will help refine the
3 overall project"; correct?

4 A. (Bowes) "Project design," yes.

5 Q. Yeah. And then I'm going to skip to the last
6 paragraph you can see on the screen. "The
7 final design will be developed over the next
8 several months in accordance with New
9 Hampshire Department of Transportation
10 Utility Accommodation Manual and will include
11 comments received from the New Hampshire
12 DOT"; correct?

13 A. (Bowes) Yes, "during the design review
14 process." That's what we are currently in.

15 Q. So is it fair for me to call these
16 "preliminary design alignments," what was
17 provided before the interrogatories?

18 A. (Bowes) At the time, yes.

19 Q. Okay. Now, these preliminary design
20 alignments, when we reviewed them, we
21 couldn't tell if the -- we knew you wanted to
22 follow the roads, like, you know, 118 -- I'm
23 sorry. I keep saying 118 -- 18 and then 116
24 and then 112. We could tell what roads you

1 wanted to go on, but we couldn't tell in the
2 preliminary design alignments if you were
3 going outside the road, if you were going to
4 the right of the road or to the left of the
5 road. And because of that, we actually
6 submitted some -- a motion. And do you
7 recall your attorney telling you that either
8 we or a bunch of people filed some follow-up
9 motions?

10 A. (Bowes) Not specifically, no.

11 Q. Well, Grafton 23, Motion to Order Further
12 Responses to Discovery Requests and Extend
13 Intervenor Deadlines. And from that motion
14 on, the Grafton County Commissioners
15 basically said, How much time do you need to
16 get us a good plan, and then we can figure
17 out the deadlines from there? Did your
18 attorneys tell you that?

19 A. (Bowes) So I'll take exception to "a good
20 plan."

21 Q. Okay. You can take exception to that.

22 A. (Bowes) I believe we submitted a complete
23 plan to the SEC.

24 Q. And you felt that the Grafton County

1 Commissioners, based on what we'll call the
2 "preliminary design alignments," that was
3 enough information for the Grafton County
4 Commissioners to be able to evaluate all
5 these impacts in Grafton County?

6 A. (Bowes) I do not know what you need to assess
7 those impacts.

8 Q. Well, you do know the statute says what we
9 need to do. The statute --

10 A. (Bowes) Again, I said I didn't know the
11 statute.

12 Q. Okay. So no one's told you the law in New
13 Hampshire or what we've been trying to
14 follow?

15 A. (Bowes) So I have a great legal team.

16 Q. Well, if they didn't tell you that this is
17 what we need to be doing today, I'm kind of
18 stunned that that would be a misunderstanding
19 that actually made it to the adjudicatory
20 hearing.

21 So you were not under the understanding
22 that we were here to evaluate all of those
23 impacts. That's the purpose of an
24 adjudicatory hearing.

1 A. (Bowes) That's not what I answered.

2 Q. Okay. Now, will you agree that if you are
3 going through a historic barn, that that's a
4 historical impact?

5 A. (Bowes) I don't believe we're going through
6 any barns.

7 Q. If you were, would that be a historical
8 impact?

9 A. (Bowes) So it's a hypothetical then?

10 Q. Yes, a hypothetical.

11 A. (Bowes) We wouldn't construct a project
12 through a barn.

13 Q. Okay. So, hypothetically now, do you agree
14 that if you were going through a wetlands,
15 that's potentially an environmental impact?

16 A. (Bowes) Yes, it could be.

17 Q. So is it fair to say we need to know if you
18 plan on going through a wetland?

19 A. (Bowes) I believe we've identified all the
20 wetlands we plan to go through with the
21 original Project submittal.

22 Q. Okay. What I keep hearing is that the plan
23 is going to be revised again. What I heard
24 today was, quote, Part of the plan we are

1 filing, but we haven't filed it yet, and that
2 you're going to be updating the plan.

3 There's going to be another version in the
4 next month or maybe in the next couple
5 months. Is that what you said, Mr. Johnson?

6 A. (Johnson) It is.

7 Q. So there's been much discussion this week of
8 changes to the locations or components of
9 certain parts of this project; correct?

10 A. (Bowes) I wouldn't say "much discussion," no.

11 Q. Do you think the discussion of potentially
12 doing a microtunnel in Plymouth isn't "much
13 discussion"?

14 A. (Bowes) That location has not changed.

15 Q. Actually, I believe the testimony this week
16 was that there is potential for a jack and
17 bore or microtunnel in Plymouth, depending on
18 variance issues outstanding. I think I can
19 even find you the context of it.

20 MR. NEEDLEMAN: I don't recall
21 that. I believe we've only stated a
22 microtunnel through Plymouth crossing of that
23 specific location.

24

1 BY MS. SAFFO:

2 Q. So what I have... okay. So when we were
3 talking about Plymouth, we talked about, for
4 example, the fair amount of driveway cuts in
5 downtown Plymouth. Do you remember that?

6 A. (Bowes) I do not.

7 Q. That there's shops, heavy traveled vehicles,
8 pedestrians compared to some roads. And
9 maybe that's something, Ms. Farrington, you
10 mentioned. That compared to some roads,
11 Plymouth has more of all this. More driveway
12 cuts, more traffic. Remember that?

13 A. (Farrington) Compared to other roads in the
14 Project, yes.

15 Q. And that's when you began to talk about
16 alternative routes, that you were offering
17 alternative routes to the Selectmen of
18 Plymouth. Do you remember saying that?
19 Going by Green Street towards the water --

20 A. (Bowes) Alternate detours for traffic?

21 Q. I believe you talked about an alternative
22 route through downtown Plymouth.

23 A. (Bowes) I don't think Lynn did, though.

24 Q. No, no, no. Somebody, one of you.

1 A. (Johnson) I believe I discussed that, yes.

2 Q. And then you said, "The Project may have to
3 do an HDD in this area if we don't get the
4 variance."

5 A. (Johnson) I believe my testimony was on the
6 order of it's an alternate construction
7 method. I don't believe it was an
8 affirmation. I offered it as a secondary or
9 tertiary construction method.

10 Q. Well, I think it was when we were talking in
11 the context of variance, and then you said --
12 we said, "Well, where would this HDD be?"
13 And you said, "It's undetermined."

14 A. (Johnson) Correct. There's a tertiary
15 construction method. It's not part of our
16 Application at this time. Our proposal
17 stands as it is.

18 Q. But you have rolling variance requests;
19 correct?

20 A. (Johnson) And if they're denied, we can still
21 construct it as we've put forth in the
22 Application.

23 Q. So if the variance request to go above all
24 the Plymouth utilities through the town of

1 Plymouth is denied --

2 A. (Johnson) So we have not requested to go
3 above all utilities, only selected
4 utilities --

5 Q. Yeah.

6 A. (Johnson) -- and those utilities, if denied,
7 the Project will go under them. How we go
8 under them can either be done by conventional
9 construction or by a horizontal drill, if you
10 will. And that was the alternate method of
11 construction that we were discussing at that
12 time.

13 Q. Okay. So we were discussing that this week.

14 A. (Johnson) Yes.

15 A. (Bowes) But it was not changing the routing.

16 Q. No, but it was changing what we were doing to
17 the land; correct?

18 A. (Bowes) Means and Methods only.

19 A. (Johnson) Again, I offered it as a tertiary.
20 The Applicant still plans on doing the
21 construction that it put forth.

22 Q. Okay. So this is Grafton Exhibit, I believe,
23 18. And this is a house on Route 116. More
24 specifically, it's 979 Eastern Valley Road.

1 It's the Barnes resident. And you can find
2 it in SHEBC 155.

3 Now, there's lots of houses along all
4 these roads; correct?

5 A. (Bowes) Define "lots of houses."

6 Q. Well, how do you define "lots of houses"?

7 A. (Bowes) I didn't ask the question.

8 Q. I'm asking you to define what you consider to
9 be "a lot of houses."

10 A. (Bowes) So I would say, you know, certainly
11 coming from a more urban area, it would be 1-
12 to 2-acre parcels and houses, one on each
13 side of the road along the street.

14 Q. So would you agree that many people's homes
15 are potentially impacted by this project?

16 A. (Bowes) Based on the definition I just gave
17 you, this would not be one of those areas
18 where I would say "many houses." Certainly
19 along -- you said Route 116 I think here? I
20 think I would say that's not a heavy or
21 high-density area for homes.

22 Q. It's not a high-density area, but there's a
23 lot of people that live there; correct?

24 A. (Bowes) Again, I also come from a small town

1 in New Hampshire of 1800 people. So when I
2 come to Manchester or Concord, I guess that
3 is "a lot of people." But some of these
4 towns are very similar to where I grew up.
5 So I wouldn't say it's "a lot of people."
6 Plymouth, I can give you, may be "a lot of
7 people."

8 Q. Did you ever hear the saying, "If you're
9 unemployed, the unemployment rate's 100
10 percent"?

11 A. (Bowes) Yes, I have heard that.

12 Q. Okay. So if you're one of the people living
13 on this road, is it fair to say to them that,
14 well, the density of housing here isn't so
15 much, so there's not a lot of you being
16 impacted?

17 A. (Bowes) So now you're saying the individual
18 matters. And I totally agree with that. But
19 that's not one of the "many." It's each
20 individual person matters.

21 Q. So as far as each individual resident along
22 these roads, whether it's 18, 116, Route 3,
23 Route 302, do you think it's a fair request
24 from these homeowners to want to know what is

1 happening from the front of their house to
2 the pavement? Is that a reasonable request
3 of a homeowner?

4 A. (Bowes) Yes.

5 Q. Okay. Is it a reasonable request on these
6 individuals, these people owning private
7 property, that they want to know if they're
8 losing trees and shrubs and stone walls?

9 A. (Bowes) Yes.

10 Q. Has your community outreach gone to, let's
11 just say 116 in Easton, gone to these houses
12 and told them what's going to happen in front
13 of their houses?

14 A. (Bowes) So, again, I think we've noticed
15 everyone along the route. We've offered to
16 meet with them. And we've met with many of
17 them.

18 Q. And when those people -- when you met with
19 them, could you tell them what trees you were
20 planning on cutting down?

21 A. (Bowes) At the time we met with them, we did
22 not plan to cut any trees down.

23 Q. Now do you plan on cutting trees down?

24 A. (Bowes) So, again, as we work through the

1 process with the DOT, we may be pushed off to
2 the side of the road. That may impact some
3 trees. But when we made those statements, we
4 believed we would be inside the roadway and
5 not impacting any trees.

6 Q. So have you corrected those statements to
7 these homeowners who may now not even realize
8 that their trees are on the chopping block?

9 A. (Bowes) So I would say that once we have a
10 final design approved by the DOT, we will do
11 outreach, specific outreach, if we're going
12 to be off the road right-of-way and
13 impacting, as you said, trees or stone walls.

14 Q. So what you're saying is the private property
15 impacts, you're going to tell the homeowners
16 about it after approval so they can't give
17 input on that?

18 A. (Bowes) Well, I can assume the input they
19 would give us is, "Do not touch my tree, do
20 not disturb my stone wall and do not enter my
21 front yard."

22 Q. Well, you can assume that. But don't you
23 think that these people are entitled to your
24 community outreach people telling them what's

1 going to happen in front of their house?

2 A. (Bowes) So as we progress the design, we
3 continue to offer outreach to these people.
4 And many still talk to us.

5 Q. Many still talk to you. Many people you
6 told, "Don't worry, we're going under the
7 road." Did you correct that statement?

8 A. (Bowes) We're still in that process. We do
9 not know that we're not going into the road
10 at this point.

11 Q. Okay. Route 116, you don't know that you're
12 not going off the road yet?

13 A. (Bowes) So we haven't got a final design yet
14 approved by the DOT.

15 Q. Do you at least agree that on 116 you need to
16 leave one lane open?

17 A. (Bowes) That was part of the Application,
18 yes.

19 Q. Okay. Are you aware that the vast majority
20 of 116 is 24 feet wide paved?

21 A. (Bowes) I would agree with that.

22 Q. So the open trench you need 20 feet for;
23 right?

24 A. (Bowes) I don't believe that's what we used,

1 no.

2 Q. So the earlier testimony that you need
3 20 feet to do open trench, I misunderstood
4 it.

5 A. (Bowes) I think Mr. Scott had a different
6 width when he testified.

7 Q. Okay. We'll go into that in a second.

8 But basically what you've just told this
9 Committee is when you submitted your
10 Application and when you initially talked to
11 citizens about their private property, you
12 told them, "We're not going to take your
13 trees and your stone walls," but as this
14 process has developed, you're realizing that
15 DOT doesn't want you in the middle of the
16 road; they want you off to the side. And so
17 you're working through that process; right?
18 Is that what you said so far?

19 A. (Bowes) Yes.

20 Q. And so you're going to work through that
21 process. You're hoping to get approval for
22 this project without completing that process,
23 and then you're going to tell the people
24 what's going to happen in front of their

1 houses.

2 A. (Bowes) As we progress the design, we're
3 fully able and willing to meet with residents
4 about their specific properties. We can show
5 them the latest design we have. We can even
6 go through the hardships with them that we're
7 applying for.

8 Q. And so --

9 A. (Bowes) And if we went to the DOT with
10 residential and town support, I think we
11 might have a better opportunity with hardship
12 cases.

13 Q. Well, I have to admit I'm finding this
14 fascinating, because it is clear that what
15 you're saying now is that you initially had
16 community outreach -- at the time you had
17 that community outreach, all those people
18 with houses, beautiful houses along these
19 roads were told, "Don't worry." So they
20 haven't worried. They haven't worried. They
21 think they're fine. They think you're just
22 making the road nicer.

23 MR. NEEDLEMAN: Objection.

24 Q. However --

1 MS. SAFFO: Wait. I'm sorry. I
2 apologize.

3 MR. NEEDLEMAN: Sorry.

4 CHARIMAN HONIGBERG: Were you
5 done with the question?

6 MS. SAFFO: No. I was kind of
7 setting it up.

8 BY MS. SAFFO:

9 Q. So now you're not going to correct that until
10 after there's a final design and it's
11 approved and it's a done deal.

12 MR. NEEDLEMAN: And the
13 objection is I think that was mischaracterizing
14 the testimony in the record.

15 BY MS. SAFFO:

16 Q. Okay. You can correct the
17 mischaracterization.

18 A. (Bowes) Could you repeat the question?

19 Q. Yes. Let's take it step by step.

20 Step one, you agree you've met with
21 people who live along the road; correct?

22 A. (Bowes) And at open houses and mailings, yes.

23 Q. Okay. And is it fair to say the mailings
24 were pretty generic? Like you didn't write a

1 letter to the person at this house and say
2 this is what's going to happen right in front
3 of your house.

4 A. (Bowes) No, but we offered to meet with them
5 to discuss that.

6 Q. Yeah. And at the time you wrote those
7 letters, you didn't think -- you thought you
8 could be in the roadway, for the most part.

9 A. (Bowes) Or certainly within the travel lane,
10 yes, towards the edge of the travel lane.

11 Q. Yeah. So at the time you did that, you
12 didn't think you were going to be impacting
13 trees like the ones in front of this house.

14 A. (Bowes) That's correct.

15 Q. Okay. Now, since that time, you're learning
16 from DOT that they want you off the road;
17 correct?

18 A. (Bowes) In some locations, yes.

19 Q. And in roads -- okay. Strike that.

20 So, in some locations you may have to
21 impact stone walls, trees and shrubs.

22 A. (Bowes) I don't think we're asking for doing
23 any of those things.

24 Q. So your testimony today is that no landowner

1 has to worry about their stone walls or trees
2 or shrubs being taken in between the front of
3 their house and the paved roadway.

4 A. (Bowes) So those would be hardship cases that
5 we would present. And that was our intention
6 all along.

7 Q. And what is your intention if you can't go
8 under the road there, because you'd have to
9 close down the entire road?

10 A. (Bowes) Could you rephrase that? I'm not
11 quite sure I understand.

12 Q. Yeah. So what if you can't do what you want
13 to do?

14 A. (Bowes) If the hardship is denied?

15 Q. Well, whose hardship? Yours or the
16 homeowners?

17 A. (Bowes) I'm sorry. That's a process we use
18 with the DOT to make -- to request an
19 exception. So maybe I'll use the word
20 "exception."

21 Q. Okay.

22 A. (Bowes) If our exception is denied, then we
23 would probably ask the DOT to reconsider.

24 And if we weren't able to do that, then we'd

1 follow what the DOT prescribes. But as part
2 of that process, we would obviously talk to
3 the homeowner.

4 Q. Why don't you talk to them now with the plans
5 that you've submitted to DOT?

6 A. (Bowes) We have that offer open and we're
7 willing to do that now.

8 Q. Why don't you write them a letter and say,
9 "Here is the plan for the front of your
10 house. We are claiming as a right-of-way
11 half your front yard"?

12 A. (Bowes) So we certainly have provided a
13 generic letter, as you said. We can
14 certainly provide another letter saying plans
15 are changing.

16 Q. I think that should have been done before the
17 adjudicatory hearing began. But that would
18 be nice.

19 Okay. Now turning to Route 116. So
20 Route 116 is mostly a 24-foot road; correct?

21 A. (Bowes) Yes.

22 Q. And so you're looking at an open trench for a
23 lot of 116, as well as some HDD, as well as
24 some splicing; correct?

1 A. (Bowes) Yes.

2 Q. Okay. And you do need to keep a lane open on
3 116 during the construction; correct?

4 A. (Bowes) Yes.

5 (Pause in proceedings)

6 Q. Okay. Now, Route 116 starts with a
7 microtunnel; correct?

8 A. (Bowes) That's at the Franconia end, yes.

9 Q. Not at the Franconia Inn. At the
10 intersection of downtown Franconia; correct?
11 The Franconia Inn is in a ways. It's where
12 the airport is.

13 A. (Bowes) You mean the town line?

14 Q. No. So you travel through downtown Franconia
15 on Route 18; correct?

16 A. (Bowes) Yes.

17 Q. And then you come to where it intersects with
18 Route 116 and make a right; correct?

19 A. (Bowes) Yes.

20 Q. And then right there is the microtunnel;
21 correct?

22 A. (Bowes) Yes.

23 Q. Okay. There's also a Franconia Inn a couple
24 miles down the road, just so you know.

1 A. (Bowes) Oh, I said "end," not "inn."

2 Q. Oh, "end." I apologize.

3 Now, this road from the intersection of
4 Route 18 and 116 to the intersection of Route
5 112 and 116 is 11.2 miles. Does that sound
6 about right?

7 A. (Bowes) Yes, it does.

8 Q. So round it down to 11.

9 And you've told us that you believe
10 you're going to be going 20 to 100 feet a day
11 doing the open tunneling. Does that sound
12 about right still?

13 A. (Bowes) Open trenching, yes.

14 Q. And so if we average 50 feet a day -- so
15 let's just presume you're going to be able to
16 go 50 feet a day -- then it takes 105 working
17 days to go a mile; correct? So, 5,280
18 divided by 50 is a 105. Sound right?

19 A. (Bowes) It does.

20 Q. Okay. And then times 11 miles, that's how I
21 come up with 1,155 working days to do the
22 open trench. Sound about right?

23 A. (Bowes) Yes, it does.

24 Q. And if we have 5 crews at once working on

1 that road, it would be 231 days; correct?

2 A. (Bowes) Yes.

3 Q. And that's seven months of being on that
4 road; correct?

5 A. (Bowes) Yes.

6 Q. And that's if you have five crews; correct?

7 A. (Bowes) Yes.

8 Q. Now, if you have five crews, there's at least
9 five stoppage points; correct?

10 A. (Bowes) So there would be five traffic
11 control areas, yes.

12 Q. And if you're in the middle of pulling wires,
13 you might have ten because you have to pull
14 from one end and -- you have the wire on one
15 end pulling on the other end; correct?

16 A. (Bowes) Theoretically, yes. We would
17 typically finish the civil construction
18 first --

19 Q. Yup.

20 A. (Bowes) -- and then do the electrical
21 portion. But it could be the arrangement you
22 have indicated.

23 Q. When all's said and done, you have roughly
24 that much.

1 Then we also have the splice pits;
2 correct?

3 A. (Bowes) Yes.

4 Q. And if you have 3 per mile, that's 33 splice
5 pits; correct?

6 A. (Bowes) Approximately. We can get the exact
7 number if you'd like.

8 Q. Yeah. No, no, I mean this is rough. This is
9 give or take. We've already rounded 11.2
10 down to 11.

11 How long do you anticipate each splice
12 pit to take?

13 A. (Bowes) About a week.

14 Q. So that's another 200 days, 33 times 7 days.
15 270 days -- 291 to be exact.

16 A. (Bowes) Yeah, I think we actually said five
17 days, but --

18 Q. Okay. So 150 more days.

19 A. (Bowes) It's 165 more.

20 Q. Yeah. And then the HDD is another 280 days,
21 the microtunneling.

22 So when all's said and done, we're
23 looking, if you have five crews, at about
24 nine months of work on that road; correct?

1 A. (Bowes) I'm not sure how you get to the nine
2 months. That's the only -- seeing all the
3 other data individually, I think that's
4 correct.

5 Q. Certainly more than seven months.

6 A. (Bowes) But there may be some overlap.

7 Q. Yeah.

8 A. (Bowes) But the long portion of this would be
9 the seven months.

10 Q. And if you divide it down, there's more
11 stoppage points along the way for commuters.

12 A. (Bowes) If you were doing more than just the
13 open trench at one time, yes.

14 Q. Okay. Now, that is a significant impact on
15 the people living on that road, isn't it?

16 A. (Bowes) So I don't know what the word
17 "significant" means. It's certainly an
18 impact during that seven-month construction
19 window.

20 Q. Because, for example, the kids that go to
21 school, they go to school -- do you know
22 where the school is that serves Franconia and
23 Easton?

24 A. (Bowes) I believe I do, yes.

1 Q. So you basically have to go all the way up
2 116 and then turn down 118, and then it's
3 right by the highway.

4 A. (Bowes) I think it's 18; right?

5 Q. I lived on 118. I apologize profusely. That
6 is a road in New Hampshire.

7 So, people, for a very long time, are
8 going to have the added time it takes when
9 you're stopped five times along the way
10 trying to get from one end of the road to the
11 other; correct?

12 A. (Bowes) Yes, there's going to be some delay
13 in their traffic commute if they're going on
14 Route 116.

15 Q. Yeah. And if five workers, five delays;
16 correct?

17 A. (Bowes) Five delays, yes.

18 Q. And the road's going to be one lane for a
19 very long time. Different parts are going to
20 be one lane.

21 A. (Bowes) Yes.

22 Q. Now, are there times of the year that you're
23 planning on not working?

24 A. (Bowes) So at this point we're planning to

1 work April 15th through November 15th, per
2 the DOT requirements.

3 Q. So, April, May, June, July, August,
4 September, October. Seven months.

5 A. (Bowes) It's actually November. But yes,
6 eight months.

7 Q. November. I apologize. Eight months, which
8 takes you through fall foliage; correct?

9 A. (Bowes) Yes, it could. Yes.

10 Q. And 116 and 112, the traffic during fall
11 foliage increases dramatically; correct?

12 A. (Bowes) I would expect it does, yes.

13 Q. It does, dramatically.

14 Okay. Now, for the people who use 116
15 and 112 to go to work every day, that sort of
16 time delay can add up; correct?

17 A. (Bowes) I'm going to have Lynn provide an
18 estimate for that.

19 Q. Let's go with the estimate. Do you think the
20 estimate of five crews working at once on a
21 road is reasonable?

22 A. (Farrington) Out of my range. Sorry.

23 Q. You guys tell me. I was thinking it was a
24 seven-month project. But if you say two,

1 that's fine with me, too. It's just longer
2 --

3 A. (Bowes) I think it could easily be five with
4 the HDDs and the open trench and splice
5 vaults.

6 Q. Well, five for just doing the open trench
7 gets us down to seven months. That doesn't
8 count HDD and everything else. So if you
9 want to have the HDD going on at the same
10 time, we either have less people doing open
11 trench, in which case it's more than seven
12 months -- I'm not dividing it by five. I'm
13 dividing it by four or dividing by three.

14 A. (Bowes) All I was suggesting is there might
15 be more than five work crews working on
16 Route 116.

17 Q. And I'm just trying to figure out how long
18 the people living on this road should
19 anticipate their road having major work
20 stoppages.

21 A. (Bowes) So I was thinking we were calculating
22 what the average commute time delta would be.

23 Q. Yeah.

24 A. (Bowes) So I was trying to give Lynn an idea

1 of how many work zones would be impacted and
2 then for how long.

3 Q. Okay.

4 A. (Farrington) So we have compared the capacity
5 of the one-lane roadway alternating traffic
6 to the known volumes on all the roads, and
7 they do not exceed the known capacity. So we
8 don't believe there's a reason for additional
9 analysis, especially knowing the variability
10 of traffic on any given day. I will say it
11 is advantageous when it is a flagger
12 controlling because they will certainly know
13 to let commuting traffic and school buses
14 have more shorter delays traveling in the
15 direction at the peak hour because simply
16 there are less people opposing them in the
17 opposite direction. We can certainly work
18 with the contractor to time the temporary
19 signals around the splice vaults in the same
20 manner.

21 So we're going to do our best to
22 mitigate delays to the extent possible.

23 Q. See, I think that's the other big phrase that
24 we're having trouble with, which is, "We are

1 going to do our best to mitigate." The
2 people living in these areas and the Grafton
3 County Commissioners are trying to figure out
4 what's going to happen, not that people are
5 doing their best to mitigate, but what is
6 going to happen. So if what you're saying is
7 there's going to be travel lights where the
8 splice vaults are, we have 33 splice vaults,
9 give or take 5, and there's going to be that
10 many traffic lights. Now, obviously you're
11 not going to be doing all the splice vaults
12 at once. But you're going to have traffic
13 lights in addition to the stops for the open
14 trench, in addition to the microtunneling for
15 weeks there; correct?

16 A. (Farrington) Correct. So that is all part of
17 the scheduling we've been discussing in a
18 manner to work with the towns to spread it
19 out over two construction seasons, definitely
20 want to avoid the fall foliage season, and do
21 this in the most advantageous way possible
22 for everyone involved.

23 Q. So if you do two seasons to December -- to
24 November 15th, you're hammering two fall

1 foliage seasons. Fall foliage ends -- you're
2 stopping right when fall foliage ends.

3 A. (Farrington) No. Sorry. I mean we would be
4 off the road for the fall foliage season.
5 So, rather than using the two full seasons,
6 maybe we would use two half-seasons.

7 Q. Exactly. So then either which way, these
8 towns are losing seasons of business;
9 correct?

10 A. (Farrington) I don't think I'm the person to
11 comment on --

12 Q. Okay.

13 A. (Bowes) I'm not sure we understand what
14 "seasons of business" are either.

15 Q. Well, I think this exhibit, which is also on
16 this chart, shows seven months is a very
17 conservative figure for how long you're going
18 to be on Route 116 and any road 10 miles or
19 more.

20 A. (Bowes) I would agree with that.

21 Q. So, being that Grafton County has 60 miles,
22 we are looking at 6 times 7, 46 [sic] months
23 of this.

24 A. (Bowes) So I believe there's 52 miles in

1 Grafton County.

2 Q. Fifty-two miles. So we're looking at 52
3 times 7 months. We are looking at a long --
4 I'm sorry. Yeah, we're looking at years of
5 you working and going on the roads in Grafton
6 County; correct? Not two years. More than
7 two years. You're going to get through 116
8 in one year with five crews and more crews
9 working on HDD and splice pits.

10 A. (Bowes) So we will have more crews that'll be
11 working beyond just 116 at the same time.

12 Q. How many crews do you plan on working at the
13 same time?

14 A. (Bowes) I think earlier in the week we
15 established it'd be probably 20 to 25 crews
16 in total along the 52 miles.

17 Q. Okay. So, 20 to 25 crews still means two
18 years.

19 A. (Bowes) It does.

20 Q. Two full years, April to November.

21 A. (Bowes) Yes, two construction seasons.

22 Q. Well, you consider construction season, April
23 to November. We consider that spring, summer
24 and fall. Right?

1 A. (Bowes) It certainly covers portions of those
2 seasons. All the summer and part of fall and
3 part of spring.

4 Q. And for foliage purposes, all of fall?

5 A. (Bowes) I would agree with that, yes.

6 Q. Now, for commuters, this can be particularly
7 bad news, because I presume a bunch of you
8 are parents and you know day care pickups,
9 usually 5:30 is the witching hour, right, to
10 pick up your kid in day care? Is that
11 familiar to you?

12 A. (Bowes) I wished I got out at 5:30.

13 Q. I never got out at 5:30. But day care needs
14 pickup at 5:30; correct? Does that sound --
15 in rural areas in New Hampshire, we don't
16 have, you know, 7:00 pickup for day care.

17 A. (Bowes) I will accept that, yes.

18 Q. So if you're working in Lincoln-North
19 Woodstock and you live in Bath, Benton or
20 Haverhill, or vice versa, if you live in
21 Lincoln-North Woodstock and you work in
22 Benton, Bath, Haverhill, a 20-minute delay in
23 your commute means you're 20 minutes late
24 picking up your kid every day. Is that fair

1 to say?

2 A. (Farrington) I mean, your statement is
3 accurate. But I wouldn't expect -- I mean,
4 unless you hit 20 work sites on your drive
5 home, I don't think you're going to
6 experience a 20-minute delay.

7 Q. Well, downtown Bradford, Vermont just paved.
8 And my son goes to school on the other side
9 of downtown Bradford, Vermont, and I work on
10 the Woodsville side. And I sat in traffic
11 one day for one stop 20 minutes. It was a
12 famous -- but that was one stop. And that
13 was one paving operation through downtown
14 Bradford, Vermont. And that was this year.
15 So do you think people might be nervous about
16 this?

17 A. (Farrington) Sure.

18 Q. Did you look at the work force in the
19 Lincoln-North Woodstock area? Did anybody
20 look at the work force?

21 A. (Farrington) No.

22 Q. Would it surprise you to know that the
23 University of New Hampshire just did a work
24 force study in 2016, and what they found was

1 of 2,209 employees in the Lincoln-North
2 Woodstock area, 87.9 percent lived out of
3 town? So, most of these 2,000 people are
4 commuting. Now, they might be commuting from
5 other directions, but you're coming up
6 Route 3 and you're commuting, or you're
7 coming up 112 and you're commuting, because
8 you aren't coming from the other direction
9 because that's the Kancamagus Highway, and
10 it's 33 miles of roadway until you hit
11 Conway. So, three of the ways to enter into
12 Lincoln-North Woodstock for 88 percent of
13 2,209 people is either 112 or Route 3 or the
14 highway, okay.

15 A. (Farrington) Okay.

16 Q. Now, Haverhill and Lincoln-North Woodstock
17 share a commuting relationship, and this is
18 because Lincoln-North Woodstock is tourism.
19 There's restaurants. There's Loon Mountain.
20 There's ski areas. North Haverhill is the
21 county seat. Are you aware of that?

22 A. (Farrington) Yes, I believe we were.

23 Q. So that's where the jail is. That's where
24 the courthouse is. That's where the nursing

1 home is. That's where the sheriff's
2 department is. So the people that are
3 interested in that sort of line of work
4 travel from Lincoln-North Woodstock to
5 Haverhill. And people from the Haverhill
6 area that work at Loon Mountain or in the
7 restaurants and the tourism business go the
8 other way. There's a lot of cars going back
9 and forth in the morning. But I presume you
10 saw the traffic counts; correct?

11 A. (Farrington) Yes, I have.

12 Q. Do you remember what they were?

13 A. (Farrington) Not off the top of my head.

14 Q. Okay. Now, for those people there's no good
15 detour, is there?

16 A. (Farrington) No, there is not.

17 Q. In fact, there's really only a 45-minute
18 detour if you go through Plymouth; correct?

19 A. (Farrington) I assume you're right.

20 Q. So this entire work force for the Benton,
21 Bath, Haverhill area and the Lincoln-North
22 Woodstock area, their life is going to be
23 dramatically impacted for years; correct?
24 I'll say "impacted" for years. I won't use

1 the word "dramatically." I'll say
2 "impacted," and we can disagree about whether
3 it's a big impact or a little impact.

4 A. (Farrington) There'll certainly be
5 inconveniences in their commuting routine,
6 yes.

7 Q. For a long time. For at least six months.

8 A. (Farrington) Yes.

9 Q. And day cares and employers might understand
10 if you're late for a week or two weeks or
11 three weeks. But six months is a long time
12 for employers and day care to handle someone
13 being late; correct? Do you like your
14 employees late six months, every day for six
15 months?

16 A. (Farrington) We have a fairly flexible work
17 schedule.

18 Q. Do you understand a lot of people don't?

19 A. (Farrington) Yeah.

20 Q. Like the nursing home has shift changes, and
21 people have to make shift changes.

22 A. (Farrington) Yes.

23 Q. The jail has shift changes. People have to
24 make shift changes.

- 1 A. (Farrington) Yup.
- 2 Q. And day cares need kids picked up; correct?
- 3 A. (Farrington) Yes.
- 4 Q. School kids need to be picked up at 5:00
- 5 promptly; correct?
- 6 A. (Farrington) Yes.
- 7 Q. Okay. Now, another thing about mitigating.
- 8 You mentioned mitigating sound; correct?
- 9 A. (Bowes) Yes, I did.
- 10 Q. Now, you have the sound expert. Were you
- 11 here when your sound expert testified?
- 12 A. (Bowes) Not for the hearing portion, but for
- 13 the technical sessions I was.
- 14 Q. So he did a lengthy report, but he did it
- 15 before the underground portion was part of
- 16 the plans; correct?
- 17 A. (Bowes) I believe he did, yes.
- 18 Q. So his report devoted one paragraph of nine
- 19 lines to construction noise when dealing with
- 20 underground construction; correct?
- 21 A. (Bowes) I believe that's correct, yes.
- 22 Q. And basically said we'll do our best to
- 23 mitigate it; correct?
- 24 A. (Bowes) I'm not sure that was his

1 characterization. But there is another
2 report that's been filed with the materials.

3 Q. And when was that filed?

4 A. (Bowes) July 2015.

5 Q. Is that his report?

6 A. (Bowes) No. It's actually part of the
7 Department of Energy study --

8 Q. Okay.

9 A. (Bowes) -- which is a very thorough report on
10 all the different types of construction,
11 including underground portions on 116 and
12 112.

13 Q. Yeah, and so the sound -- but the sound of
14 equipment is well known; correct?

15 A. (Bowes) It's well documented in this report,
16 yes.

17 Q. And it's well documented everywhere. I mean,
18 like the beeping sounds when trucks back up,
19 we know what the beeping sound sounds like.
20 They can't do anything about it.

21 A. (Bowes) Well, it's part of the safety
22 equipment, yes.

23 Q. Exactly. It's loud for a good reason;
24 correct?

1 A. (Bowes) Well, loudness, again, is a
2 perception --

3 Q. Relative term, yeah.

4 Okay. Now, downtown Franconia -- we
5 talked a lot about downtown Plymouth, but we
6 didn't talk as much about downtown Franconia.
7 Are you familiar with down Franconia?

8 A. (Bowes) Yes.

9 Q. At the section where the microtunnel is
10 occurring, that's part of the downtown;
11 correct?

12 A. (Bowes) It's just south of the downtown I
13 would say, yes.

14 Q. And by the time you get to the microtunneling
15 in Franconia, you've already dealt with the
16 open trench coming down 18; correct?

17 A. (Bowes) Again, I'm not sure of the sequence,
18 but both will occur. There will be impacts
19 from both.

20 Q. Okay. And I-93 -- that's the exit ramp off
21 I-93 for tourists; correct?

22 A. (Bowes) It's certainly the exit way. I'm not
23 sure it's really the ramp. But it's clearly
24 from the ramp into town.

1 Q. It's not even a quarter-mile off that light;
2 correct?

3 A. (Bowes) I would say that's accurate, yes.

4 Q. Yeah. And there's a supermarket there;
5 correct?

6 A. (Bowes) Yes, there is.

7 Q. And a restaurant; correct?

8 A. (Bowes) At least one, yes.

9 Q. At least one. Okay.

10 I'd like to turn to the one-lane open
11 trench method. So when you talked about
12 downtown Plymouth, you mentioned that the
13 picture presented by Dewberry was inaccurate
14 because they were doing a two-lane method,
15 and you could actually do the one-lane
16 method; correct?

17 A. (Bowes) Yes.

18 Q. And you plan on doing the one-lane method
19 down Route 18 and then down Route 116;
20 correct?

21 A. (Bowes) For portions of it, yes.

22 Q. Well, Route 116, is it fair to say on 116 you
23 plan on doing the open trench the whole way,
24 one-lane open trench?

1 A. (Bowes) The one lane, yes.

2 Q. Okay. So I want to make sure I understand
3 the steps. So, Step 1 is you got to -- and
4 correct me if I'm wrong, please. Step 1, you
5 got to dig out the ground to make the trench;
6 correct?

7 A. (Bowes) So there's some pre-construction
8 activities. But if we're just talking about
9 construction, the trenching would include
10 cutting the roadway and removing the asphalt
11 and then starting the digging operation, yes.

12 Q. Okay. And what do you have to do before
13 then? What are the pre-construction
14 activities?

15 A. (Bowes) So there would be Dig Safe to do any
16 mark-outs for the utilities. There will be
17 staking of the areas that we would be working
18 within, probably staking it for property
19 boundaries or right-of-way boundaries.
20 Traffic control would be set up. Obviously,
21 all the community relations we talked about,
22 the six weeks ahead and the week ahead and
23 then the day of, all of those activities
24 would take place.

1 Q. Okay. So when you do remove the asphalt, you
2 need an excavator; correct?

3 A. (Bowes) Yes.

4 Q. A dump truck; correct?

5 A. Yes.

6 Q. And similar to how I have my little
7 handwritten drawing there, you expect them to
8 be back to back to each other; correct?

9 A. (Bowes) Yes.

10 Q. And then when the dump truck has 15 cubic
11 yards, it goes down the road; correct?

12 A. (Bowes) Plus or minus, yes.

13 Q. And do you have any idea where the staging
14 areas are going to be on 116?

15 A. (Bowes) We have not developed that yet. We
16 did have extensive conversation about that
17 previously.

18 Q. Yeah. And so it's possible you could be
19 driving that dump truck down five, six miles
20 to get to the staging area; correct?

21 A. (Bowes) I think that would be reasonable,
22 yeah.

23 Q. Might you even be off 116, like have a
24 staging area down a different route?

1 A. (Bowes) Yes, potentially.

2 Q. And then the concrete truck comes in;
3 correct?

4 A. (Bowes) So, actually there's another step
5 that --

6 Q. Sure. What's the next step?

7 A. (Bowes) -- we talked about a little bit.
8 It's actually putting conduits into the
9 trench. So the conduits would be delivered
10 and fused together in sections, and then that
11 truck would leave.

12 Q. And how long does it take to do that?

13 A. (Bowes) So that's part of that 20- to
14 100-feet-per-day process. So it would be
15 done right after the excavation was done.

16 Q. Okay. And then it's -- go ahead.

17 A. (Bowes) So it could be within that same
18 controlled work zone in a horizontal --
19 linear fashion.

20 Q. So then the concrete comes; correct?

21 A. (Bowes) Yes.

22 Q. And is that when you pull the conduits, or
23 are they already laid down, already done
24 that?

1 A. (Bowes) So the conduits would be in the
2 bottom of the trench, and then the trench
3 would start to be filled, first with
4 potentially fluidized thermal backfill or a
5 low-grade concrete. The concrete cap is
6 required. That would be poured next. And
7 then the trench would be filled with backfill
8 and compacted accordingly. And then there
9 would be a temporary patch along that trench
10 line.

11 Q. And then you've got to re-pave the road.

12 A. (Bowes) Well, that's the temporary patching
13 at that point.

14 Q. Okay. And then down the road you've got to
15 re-pave the road.

16 A. (Bowes) So there's a couple of other things
17 that happen before that. But ultimately --

18 Q. What would happen before that?

19 A. (Bowes) So then you would pull the cable into
20 each splice vault. You do the splicing
21 operation, replace the splice cover back on,
22 do temporary patching of the road there, and
23 then at that point you would come back to do
24 the permanent paving and other restoration as

1 necessary.

2 Q. All right. Now, microtunneling is a
3 different story; correct?

4 A. (Bowes) Yes.

5 Q. Okay. So let's turn to the microtunneling.

6 Quickly, do you know how often you plan
7 on having open trench across the road so
8 you'd have to close the road?

9 A. (Farrington) We do not intend to close the
10 road. The method is that we would dig the
11 trench to the center line, as Ken said, and
12 backfill, pave, and then switch to the other
13 side. So there's always a lane open.

14 Q. Okay.

15 A. (Bowes) That was for the sections in Grafton
16 County. We did have some different
17 discussions for the roads, the 7-1/2 miles up
18 north.

19 Q. Now, there's an estimate by Dewberry that for
20 the full 52.3-mile segment from Bethlehem to
21 Plymouth, it would be 9,371 concrete
22 deliveries. Does that sound about right?

23 A. (Bowes) Haven't done the calculation. It
24 strikes me as high, but...

1 Q. And then the dump truck trips for native soil
2 removal of 7,497. Same thing. Does that
3 sound about right?

4 A. (Bowes) So, again, I would think the concrete
5 deliveries would be lower than the value of
6 the removal.

7 Q. Okay. But you'd agree thousands; correct?

8 A. (Bowes) Certainly thousands, yes.

9 Q. And when you do the splicing, again you do
10 need two locations closed down; right?

11 A. (Bowes) Yes.

12 Q. So, on the microtunneling --

13 (Pause in proceedings)

14 MS. MERRIGAN: Denise, can you
15 switch the monitors over to mine, please?

16 BY MS. SAFFO:

17 Q. This is the HDD microtunneling, but I wanted
18 to show you this first. Sorry, still looking
19 at the ELMO.

20 How is the microtunneling different from
21 an HDD?

22 A. (Scott) So, if HDD is essentially installing
23 below grade without open-cut trenching
24 methods from grade on both ends, the

1 microtunneling operation consists of digging
2 shafts down to the installation depth and
3 drilling horizontally from shaft to shaft.
4 At a later date you would have to intercept
5 that shaft by open-cut trenching methods to
6 get to the depth of the installation.

7 Q. So you're basically creating shafts; correct?

8 A. (Scott) Correct.

9 Q. And how big are those shafts going to be in
10 Franconia for the microtunnel?

11 A. (Scott) I believe we covered that previously.
12 As measured on a couple occasions, the
13 receiving shaft was about 20 feet in diameter
14 and the sending shaft is approximately
15 25 feet in diameter.

16 Q. Yeah, and I have to admit the reason why I
17 asked that --

18 MS. SAFFO: We can switch back
19 to the ELMO, if you don't mind.

20 BY MS. SAFFO:

21 Q. The reason why I asked that was 20 feet was
22 something I had a hard time envisioning.

23 Now, once you're done with the
24 microtunnel, what happens to that 20-foot

1 entranceway?

2 A. (Scott) Are you talking about the excavated
3 shaft?

4 Q. Yes.

5 A. (Scott) It would be filled with fill
6 material, with concrete. The shaft would be
7 cut to a designated depth below grade, and
8 grade would be restored.

9 Q. And what would happen to the shaft?

10 A. (Scott) The shaft would be left in place
11 below that cut elevation. It would be filled
12 in and then left in place.

13 Q. And so looking at the screen right now, this
14 is APP 62725, also SHEB and Franconia. This
15 is depicting the microtunnel; correct?

16 A. (Scott) Correct.

17 Q. Okay. So tell us about what equipment you
18 use to do that.

19 A. (Scott) You would use the equipment to
20 excavate the shaft and install the concrete
21 shaft itself.

22 Q. And what kind of equipment is that?

23 A. (Scott) Excavators.

24 Q. How far down does it have to go?

1 A. (Scott) I believe as shown we said around
2 30 feet.

3 Q. So it's a particularly big hole.

4 A. (Scott) Depending upon your definition of
5 "big." It's about 30 feet deep.

6 Q. Okay. Where do you put that dirt?

7 A. (Scott) Dump trucks.

8 Q. And where does it go from there?

9 A. (Scott) To the disposal site.

10 Q. And you don't know where that disposal site
11 is yet.

12 A. (Scott) As previously said, not --

13 Q. So the number of times the dump truck's going
14 to be leaving that intersection of downtown
15 Franconia and going somewhere, do you have a
16 rough idea of how many times?

17 A. (Scott) Off the top of my head, no.

18 Q. When do you guys think you can figure those
19 numbers out?

20 A. (Scott) That would be as construction is
21 approaching.

22 Q. Do you have any specific fluids that you need
23 to use to do this? Any drill fluids?

24 A. (Scott) Yes. Typically a bentonite slurry

1 mix is used.

2 Q. And tell us about that.

3 A. (Scott) It's a drilling mud that is conducive
4 to the drilling operation.

5 Q. And what's the daily required data for that?

6 A. (Scott) The daily required data? Could you
7 be more specific?

8 Q. Yeah. So how do you tell if you lose some of
9 that fluid?

10 A. (Scott) By the volumes that are used, that
11 are put into the hole and then returned.

12 Q. And this drill fluid is not organic, is it?

13 A. (Scott) Yes.

14 Q. It is organic?

15 A. (Scott) Yes.

16 Q. What's it made out of?

17 A. The bentonite is a natural clay. I'm going
18 to try and say it, and I may say it poorly
19 because I'm not a geologist. But it's
20 phyllosilicate clay, a montro -- I can't even
21 tell you.

22 Q. And we already talked about the release and
23 how much time you need to do that and so
24 forth, so I won't cover that.

1 But how loud is this operation?

2 A. (Scott) It would be similar to the other
3 construction activities within the
4 right-of-way.

5 Q. And how would you describe how loud that is?

6 A. (Scott) Depends on your definition of "loud."

7 Q. How would you describe it if someone said to
8 you, "Hey, how loud is that going to be,
9 Scott?"

10 A. (Scott) It would be the volume required for
11 those types of equipment to operate.

12 A. (Bowes) So there is a precise way to measure
13 sound. It's called "sound pressure levels."

14 Q. Yeah.

15 A. (Bowes) -- usually in a dB format, which is a
16 logarithmic scale. That doesn't necessarily
17 equate to how a person perceives it. So
18 that's why loudness is a perception. Sound
19 pressure levels are an objective measure of
20 it.

21 Q. And so --

22 A. (Bowes) The objective measure is, I would
23 say, between 80 and 83 dBA at the location of
24 the machine.

1 Q. And some people are sensitive to sound;
2 correct?

3 A. (Bowes) Most people are sensitive to sound.

4 Q. And are you aware that there's apartments
5 right next to that location?

6 A. (Bowes) Yes, I am.

7 Q. And are you also aware that behind it is the
8 soccer field for the kids who play soccer?

9 A. (Bowes) I know there's an athletic field
10 there, yes.

11 Q. That's used for all the younger kids' soccer
12 teams and tournaments and everything.

13 A. (Bowes) I can accept that, yes.

14 Q. Is that going to be blocked off?

15 A. (Bowes) No.

16 Q. Can somebody -- strike that.

17 Now, we talked a little bit about
18 property rights; correct?

19 A. (Bowes) I don't think we have yet.

20 Q. Okay. The rights-of-way?

21 A. (Bowes) With you? I don't believe we have.

22 Q. Oh, not with me. I apologize.

23 A. (Bowes) Oh, okay.

24 Q. I meant "we" collectively.

1 And you'd agree -- and I won't go over
2 what Kris Pastoriza went through with you
3 because I think she -- I don't want to
4 reiterate anything that she's done. But so I
5 am going to reiterate just to get to a point.
6 If I'm misstating anything, you can let me
7 know.

8 We agree that your surveyors said "a
9 dash [sic] approximate." There's approximate
10 parts on their survey; correct?

11 A. (Bowes) I'm not sure I understood the first
12 part of the question. We agree?

13 Q. Well, in Applicant's Exhibit 130, do you
14 agree that your surveyor said there was,
15 quote, many sections which cannot be
16 certified as accurate?

17 A. (Johnson) Yes.

18 Q. Okay. And then do you agree that somebody
19 who was working with you, Mark Hodgdon at the
20 DOT, documented in numerous e-mails that
21 there was a lack of clarity about the
22 rights-of-way?

23 A. (Johnson) So I'm unfamiliar with the email
24 exchange or the total number. But I believe

1 the one that Ms. Pastoriza put forth as an
2 exhibit did have a reference to that exact
3 statement.

4 Q. Okay. Do you agree that Mr. Hodgdon was
5 working with Northern Pass and the land title
6 section of New Hampshire DOT to try to figure
7 out the rights-of-way?

8 A. (Johnson) I would agree with that statement.

9 Q. Okay. So, from Bevan Timm -- are you
10 familiar with Bevan Timm?

11 A. (Johnson) I do not know Bevan Timm.

12 Q. He's someone from DOT.

13 And it's to Mark Hodgdon at
14 mark@hodgdonlegal.com. As with all -- and
15 this is on May 30th, 2014.

16 "As with all the plans I will be sending
17 you, want to caution you with the
18 right-of-way lines, (existing and proposed)
19 shown on these plans. Confirming all the ROW
20 lines shown would take extensive research and
21 time. Not all lines shown are accurate. In
22 addition, the issue of Fee and Easement
23 ownership in the right-of-way falls under the
24 same realm." So I'm going to show that to

1 you.

2 MR. IACOPINO: Do you remember
3 which exhibit number that was?

4 MS. MONROE: I think it was
5 Joint Muni 197? I don't see Ms. Fillmore.

6 BY MS. SAFFO:

7 Q. So here's the top --

8 MS. MERRIGAN: For the record,
9 that was Joint Muni 197.

10 CHARIMAN HONIGBERG: Off the
11 record.

12 (Discussion off the record)

13 BY MS. SAFFO:

14 Q. Do you see that?

15 A. (Johnson) We do now, yes.

16 Q. Okay. Now, so we have DOT having some
17 confusion; correct -- or DOT making that
18 statement; correct?

19 A. (Johnson) Making the statement, yes.

20 Q. Yes.

21 A. (Johnson) I can't tell you whether they're
22 confused or not.

23 Q. And we have the documents from you yesterday
24 where your people indicated that there was

1 some parts that couldn't be certified as
2 accurate; correct?

3 A. (Johnson) There were various levels of
4 accuracy, yes.

5 Q. Yes, various levels of accuracy.

6 And when there's a lack of understanding
7 as to property titles, who decides what the
8 property rights are?

9 A. (Bowes) Sounds like a legal question for the
10 lawyers.

11 Q. It does sound like a legal question for the
12 lawyers. Do you understand that the courts
13 are the ones to quiet title when there's a
14 question on title?

15 MR. NEEDLEMAN: Objection.
16 Calls for a legal conclusion.

17 CHARIMAN HONIGBERG: They can
18 answer if they understand the question.

19 A. (Johnson) I do not.

20 BY MS. SAFFO:

21 Q. Okay. So you have your position on what the
22 rights-of-way are; correct?

23 A. (Johnson) Based on what my surveyors have
24 told me, yes.

1 Q. And you're here as the expert to talk to us
2 about the rights-of-way; correct? That's one
3 of the reasons why you are listed as being
4 here for Northern Pass; correct?

5 A. (Johnson) That is correct.

6 A. (Bowes) Both of us, yes.

7 Q. Fair to say you've been saying, "You'd have
8 to ask my surveyor"; correct?

9 A. (Bowes) No. We have a certified stamped set
10 of drawings we believe is accurate.

11 Q. You have a certified stamped set of drawings.
12 But you can't answer any questions about that
13 certified stamped set of drawings, except to
14 say it's a certified stamped set of drawings.

15 MR. NEEDLEMAN: Objection.
16 They've answered many questions about those
17 drawings. That's not an accurate
18 characterization.

19 MS. SAFFO: Okay.

20 BY MS. SAFFO:

21 Q. Now, you are aware that there's other legal
22 issues about the rights-of-way; correct?

23 A. (Bowes) Maybe you could be more specific.

24 Q. Yes. Have the Lagaspences filed something?

1 A. (Bowes) I believe they have, yes.

2 Q. Yeah. So there's actually a lawsuit pending
3 about the extent of the easements; correct?

4 A. (Bowes) Probably again better for the lawyers
5 to say what the purpose of the lawsuit is.

6 Q. But as somebody here as the right-of-way
7 expert for the Northern Pass, can you at
8 least confirm for this group that somebody
9 has filed a court action contesting the
10 nature of your easement?

11 A. (Bowes) I believe Mr. Needleman discussed
12 that at the last hearing where I testified
13 along with Mr. Auseré, and there was some
14 discussion between the SEC Chair and Mr.
15 Needleman on the issue.

16 Q. Yes. Are you aware that there's a lawsuit
17 against Eversource to determine the nature
18 and extent of the rights-of-way --

19 A. (Bowes) That's my --

20 Q. -- pending right now?

21 A. (Bowes) That's my understanding, yes.

22 Q. Okay. And the appropriate person [sic] to
23 resolve that lawsuit is the courts; correct?

24 A. (Bowes) I believe so, yes.

1 Q. Yeah. And I won't go into the legalities of
2 it except to say that there's disputes about
3 these rights-of-way; correct?

4 A. (Bowes) For this lawsuit? Yes.

5 Q. Okay. So if the SEC -- the SEC is not the
6 person [sic] to resolve the land disputes;
7 correct?

8 A. (Bowes) Again, that sounds like it's a legal
9 question.

10 Q. Okay. Do you agree that intervenors and Kris
11 Pastoriza forwarded all the information that
12 she had -- well, forwarded a number of deeds
13 and leases to you?

14 A. (Bowes) I think she's provided partial
15 information to us, yes.

16 Q. And so that would be Abutters APOBP 16;
17 correct?

18 A. (Bowes) I would have to review it to verify
19 that.

20 Q. Okay. Did you have any reason to dispute her
21 statement that this is information she's
22 provided you for your review and
23 consideration?

24 A. (Bowes) Just the title and identification of

1 the document. That's what I wasn't clear on.

2 Q. Okay. But you'd agree that you received
3 information on rights-of-way for some of the
4 intervenors?

5 A. (Bowes) Yes, she's provided us partial
6 information on what she's researched.

7 Q. And that included deeds?

8 A. (Bowes) I believe it did, yes.

9 Q. And deeds would trump -- deeds would give us
10 the answer if you had a deed; correct?

11 A. (Bowes) Again, sounds like it's a legal
12 question.

13 Q. Okay. But this hasn't been anything
14 anybody's hidden from you, the fact she's
15 given you this information to look at;
16 correct?

17 A. (Bowes) There's been -- as far as I know, no
18 one's hidden any information from me.

19 Q. This is Grafton 21. And I'll represent this
20 is one of the splice pit locations on 118.
21 Did you notice that a lot of your splice pit
22 locations --

23 A. (Bowes) Is it 18, or do you mean 116?

24 Q. Route 116.

1 A. (Bowes) Okay. You said --

2 Q. Sorry.

3 A. (Bowes) Yes, I know where this is.

4 Q. Yeah. And it's a tennis camp in the
5 summertime; correct?

6 A. (Bowes) Yes.

7 Q. And the tennis courts are right on the road;
8 correct?

9 A. (Bowes) Right off the road, I would say.

10 Q. But immediately -- you can see the tennis
11 courts from the road.

12 A. (Bowes) But they don't play on the road.

13 Q. No, no, they don't play on the road. You are
14 correct. Okay.

15 A. (Farrington) Could you give us an address or
16 sheet number?

17 A. (Bowes) That way we can verify the splice
18 vault.

19 Q. Yeah. It is 111 Easton Valley Road. It's
20 Kenny David and Michelle, and the other side
21 is 228 Easton Valley Road.

22 MR. IACOPINO: Do you have the
23 sheet number out there, Lara?

24 MS. SAFFO: I actually don't. I

1 apologize.

2 BY MS. SAFFO:

3 Q. Do you agree you put a lot of your splice
4 vaults across the street from, like,
5 driveways and roads?

6 A. (Farrington) So our intention was to never
7 block a driveway with a splice pit. So maybe
8 that's what you're seeing. When at all
9 possible, we shifted it away from driveways.

10 Q. When at all possible.

11 A. (Farrington) When I recommended it to the
12 design team, yes.

13 Q. But they all seem to be across the street
14 from, like, the fire department, for example.
15 You went across the street from the Easton
16 Fire Department.

17 A. (Farrington) Right.

18 Q. And do you think that's going to make it
19 harder to get in and out of the fire
20 department in an emergency?

21 A. (Farrington) No.

22 Q. Why's that?

23 A. (Farrington) Because it's across the street.
24 So they'll always have access to the

1 driveway. That was the intent.

2 Q. It's across the street, but the road will be
3 one lane there; correct?

4 A. (Farrington) Yes.

5 Q. I mean, fire trucks are big. Nice legal
6 definition, but okay.

7 A. (Farrington) But they do fit in the travel
8 lane.

9 Q. Okay. I started this discussion talking
10 about the nature of a complete plan. And you
11 said you provided a complete plan, for
12 example. And then we pointed out that we
13 feel the plans aren't complete because they
14 keep changing and they keep modifying;
15 correct?

16 A. (Bowes) That's what you've stated. And we
17 disagree with that.

18 Q. Yeah. Now, we weren't the only people
19 waiting for information from you. The
20 Division of Historic Resources was waiting
21 for information from you as well; correct?

22 A. (Bowes) That's probably a question better for
23 another panel. I'm not specifically aware or
24 have any understanding of what they're

1 waiting for.

2 Q. Okay. Well, what I'd like to show you is
3 Grafton 22, March 7th, 2017, New Hampshire
4 Division of Historic Resources. Do you see
5 that?

6 A. (Bowes) Yes, I do.

7 Q. What I have right here is they said the
8 deadline for completing this evaluation was
9 February 1st, 2017. While this deadline --

10 CHARIMAN HONIGBERG: Lara, can
11 you use the microphone, please, so people in
12 the back can hear you?

13 BY MS. SAFFO:

14 Q. So, starting at the top, Cultural Landscape
15 Studies. It says the Applicant's contracted
16 with a multi-disciplinary team to identify
17 and evaluate cultural landscape studies --
18 cultural landscapes throughout the entire
19 corridor; correct?

20 [No verbal response]

21 Q. And then it says the deadline for completing
22 this was February 1st, 2017; correct?

23 A. (Bowes) That's what it says, yes.

24 Q. And it wasn't met. And we can talk to the

1 historical people about that; correct?

2 A. (Bowes) And I don't know if it's been met
3 since or if there's been other correspondence
4 with this agency.

5 Q. Okay.

6 (Pause in proceedings)

7 Q. So, March 17, 2017, this is another letter to
8 Pamela Monroe; correct?

9 A. (Bowes) Yes.

10 Q. The Department has had a meeting regularly
11 with the Applicant on a near monthly basis
12 for more than a year to facilitate review.
13 The Applicant submitted a sample set of
14 plans. Comments to the sample set were
15 forwarded to the Applicant on December 2nd,
16 2016, and plans were submitted to the
17 Department on November 30th, 2016, December
18 8th and December 13th, 2016. Do you see
19 that?

20 A. (Bowes) Yes, I do.

21 Q. And then to the next page, the plan submitted
22 did not address the Department's comments of
23 December 2nd, 2016. Do you see that?

24 A. (Bowes) Yes, I do.

1 Q. And so we again had to extend deadlines;
2 correct?

3 A. (Bowes) No.

4 Q. It said, "The Department of Transportation
5 respectfully requests an extension of the
6 deadlines." Do you see that?

7 A. (Bowes) Yes, I do. So the deadline has now
8 been met, and the New Hampshire DOT has
9 issued their letter.

10 Q. And that's Counsel for the Public 234, the
11 March 27th one.

12 MS. MERRIGAN: Denise, can you
13 switch over to me, please?

14 For the record, this is
15 Counsel for the Public's 234.

16 BY MS. SAFFO:

17 Q. And I just want to make one point on this.
18 They responded and made comments and said
19 things that need to happen; correct?

20 A. (Bowes) Yes.

21 Q. And now you're requesting variances to some
22 of these things; correct?

23 A. (Bowes) For some of them, yes.

24 Q. And one of them is the right-of-way needs to

1 be accurately shown on the plans and properly
2 labeled as to type; correct?

3 A. (Bowes) That's correct.

4 Q. And it's your position you've done that?

5 A. (Bowes) In the next set of drawings it will
6 include that. But separately we have
7 provided what's called "stick drawings."

8 Q. Do you understand the frustration everybody
9 is having that this is all happening "in the
10 next set of drawings"? We're in the
11 adjudicatory hearing now.

12 A. (Bowes) I can hear your frustration, yes.

13 Q. Yeah. Do you think a lot of people are
14 frustrated?

15 A. (Bowes) I do not know that.

16 Q. Now, Lynn, for Route 116 -- we've already
17 talked about Route 112 having no detour,
18 reasonable detour. Route 116, same boat?

19 A. (Farrington) They're very similar, yes.

20 Q. Okay. So the people going from the
21 Franconia-Sugar Hill area towards Easton,
22 there's no reasonable detours for them. And
23 the people going up 112, there's no
24 reasonable detours them for as well; correct?

1 A. (Farrington) Correct. That's why we're not
2 planning to close those roads.

3 Q. But you're still planning to go down those
4 roads; correct?

5 A. (Farrington) We're planning to use the roads
6 and provide lane closures, yes.

7 Q. Now, the other frustration. You also had to
8 provide maps, correct, assessor and tax maps?
9 Do you remember that?

10 A. (Bowes) I'm not familiar with that. But you
11 can refresh my memory.

12 Q. Okay. So June 23rd, 2016, there was an order
13 on Applicant's Request for Partial Waivers
14 Under the Newly Adopted SEC Rules. Do you
15 remember that?

16 A. (Bowes) Yes, I'm familiar with that.

17 Q. Okay. And Page 21, one of the things it
18 required you to do was provide -- it says,
19 "subject to the condition that the Applicant
20 must provide tax maps and assessor cards for
21 such abutters." Do you remember that?

22 A. (Bowes) Not specifically that condition, no.

23 Q. You do you see what I underlined? Does it
24 say that? Is that accurate?

1 A. (Bowes) It's still coming up.

2 Q. Oh, sorry.

3 A. (Johnson) In this case, we're the last to
4 know.

5 Q. I can walk it over if you --

6 A. (Bowes) We have it now.

7 Q. Okay. Do you see that?

8 (Witnesses review document.)

9 A. (Bowes) I can see it now, yes. I read it.

10 Q. Okay. So, Exhibit Grafton 29 is tax cards
11 for Dalton that you submitted as part of your
12 Application. Do you see where it says
13 printed for 2014?

14 A. (Bowes) Yes.

15 Q. Do you know why, in response to a 2016 order,
16 you provided 2014 cards?

17 A. (Bowes) And this is for Dalton?

18 Q. Yes. These are in your Application.

19 A. (Bowes) I believe the previous document
20 called for abutter tax cards and information
21 for substations and transition stations. I'm
22 not sure why Dalton would be included there.

23 Q. Well, you provided all of these.

24 A. (Bowes) So it sounds like we may have

1 provided an excess amount of information.

2 Q. And do you know why you did 2014 cards for a
3 2016 order?

4 A. (Bowes) That I do not know, no.

5 Q. Now, one piece of property in Dalton in the
6 Applicant's submittal, we found the tax card,
7 and that is property that in your tax cards
8 showed the owner was the Jack Cooper Nominee
9 Trust, Cambridge Trust Co-trustee. Are you
10 familiar with property in Dalton owned by the
11 Jack Cooper Nominee Trust, Map 413, Lot 62?

12 A. (Bowes) Just a minute. We'll try to call it
13 up.

14 (Pause in proceedings)

15 MR. IACOPINO: Ms. Saffo, while
16 they're doing that, you've alternately referred
17 to "Grafton" or "GCC." What are they actually
18 marked?

19 MS. SAFFO: Grafton.

20 MR. IACOPINO: Grafton?

21 MS. SAFFO: Grafton.

22 MR. IACOPINO: Okay. Thank
23 you.

24 A. (Bowes) We have not found that parcel of

1 land.

2 (Ms. Saffo hands document to Mr. Bowes.)

3 A. (Bowes) Is this the only page you have?

4 Q. That's for right now.

5 A. (Bowes) There's no other documents behind it?

6 Q. There is documents behind it.

7 A. (Bowes) But not for this piece of property.

8 Q. Not for that one.

9 A. (Bowes) So I don't -- sorry. I don't have
10 any information on that piece of property.

11 Q. So there is a piece of paper behind it. So
12 what we did was found the tax card from 2017
13 for the same piece of property. So, the
14 first page I just gave you was the tax card
15 from 2014. You can see it up in the corner
16 there it says 1/17/2014. And that's what's
17 in your submittal, I represent.

18 A. (Bowes) Okay.

19 Q. The next page is the tax card for the exact
20 same property, except it's a 2017 tax card,
21 and it shows the property went from Robert
22 Stiles -- because there's a bunch of
23 transactions on one day, but here's the
24 earliest transaction on 70, Robert Stiles.

1 Then it went to Robert --

2 CHARIMAN HONIGBERG: I'm sorry
3 to break your flow, but can you -- that
4 microphone does come off. You can take it with
5 you.

6 MS. SAFFO: Oh, perfect.

7 BY MS. SAFFO:

8 Q. Then it went to Robert Stiles, Sr. on the
9 same day. Well, December 11, 2003 is when
10 Robert Stiles owned it. December 13, 2013,
11 it went to Robert Stiles, Sr. That's
12 Page 434. The same day it went to Page 440,
13 to Robert Stiles, Sr. Revocable Trust for
14 \$86,400.

15 CHARIMAN HONIGBERG: Lara, point
16 at the document on the table.

17 MS. SAFFO: Oh, yeah. Sorry.
18 You can tell I don't do this a lot.

19 BY MS. SAFFO:

20 Q. So, 440 is when it went to the Robert Stiles,
21 Sr. Revocable Trust for \$86,000. Do you see
22 that?

23 A. (Bowes) I do.

24 Q. And then the same day it went to Chalcol New

1 Hampshire -- and that's Page 450 -- for
2 \$159,800. Do you see that?

3 A. (Bowes) Is that the order, or is it the other
4 order?

5 Q. I think it is the order, if you look at the
6 page numbers. I can see why you're confused.
7 But three things happened on the 13th --

8 A. (Bowes) Okay.

9 Q. -- and that's why I was pointing to those
10 page numbers.

11 A. (Bowes) Yeah, I accept that.

12 Q. Yeah. And then a little over a year and a
13 half later it went to the Jack Cooper --
14 Chalcol sold it to Jack Cooper Nominee, and
15 then it was sold to Renewable Properties for
16 \$353,800. Do you see that?

17 A. (Bowes) I see the Jack Cooper. I don't see
18 the Renewable Properties.

19 Q. Okay. I apologize. There's the Renewable
20 Properties. Do you see that?

21 A. (Bowes) Yeah, I do.

22 Q. And it looks like, if this tax card is
23 accurate, the purchase price was \$353,800.

24 A. (Bowes) Yes.

1 Q. Do you see the appraised value?

2 A. (Bowes) Maybe you could point it out to me.
3 \$13,800, if that's the appraised value, yes.

4 Q. So the tax card submitted by the Applicant
5 didn't have this information that it had been
6 sold to Renewable Properties; correct?

7 A. (Bowes) I believe that's accurate based on
8 what we've just established.

9 Q. Yeah. Are you familiar with Chalcol?

10 A. (Bowes) I am not.

11 Q. Are you familiar with Michael Harland?

12 A. (Bowes) I think that was the name that was
13 involved with several LLCs from previous
14 testimony this week.

15 Q. Yup. And would it surprise you that the
16 mailing address for Chalcol New Hampshire
17 Development, LLC is care of Harland Capital
18 Advisors, LLC? And the address --

19 A. (Bowes) I'm sorry. Could you repeat that
20 again?

21 Q. Yeah. Would it surprise you to know that the
22 mailing address of Chalcol New Hampshire
23 Development, LLC is care of Harland Capital
24 Advisors, LLC?

1 A. (Bowes) That's not the mailing address, is
2 it?

3 Q. That's what the document says. I'll show you
4 the document.

5 A. (Bowes) Sounds like it's just a name --

6 Q. And I apologize. I apologize. The mailing
7 address 1300 Post Oaks Boulevard, Suite 800,
8 Houston, Texas.

9 A. (Bowes) That also sounds familiar from
10 previous testimony with Mr. Harland, I
11 believe.

12 Q. There was other properties that we discussed
13 with Counsel for the Public -- I mean counsel
14 for City of Concord; is that correct?

15 A. (Bowes) I believe that's accurate, yes.

16 Q. Okay. Now I'd like to run a few more Chalcol
17 New Hampshire Development properties by you
18 as well.

19 A. (Bowes) Okay.

20 Q. So we talked about the property that went to
21 Bethlehem Ventures and to Renewable
22 Properties in the 13-day transaction in
23 Bethlehem. But there's another Bethlehem
24 transaction in 2015 as well, and that is

1 right here.

2 MR. IACOPINO: Can we have an
3 exhibit number?

4 MS. SAFFO: Grafton 24.

5 BY MS. SAFFO:

6 Q. Okay. So this is property that went from --
7 I apologize. This is now Grafton 25.

8 And this is property that went from a
9 Sandra McCabe to Chalcol Development on
10 December 18, 2014. Do you see that?

11 A. (Bowes) Yes, I do.

12 Q. And that was for \$250,000.

13 A. (Bowes) Yes.

14 Q. And that was property appraised at \$110,000;
15 correct?

16 A. (Bowes) So it's the appraised value. I'm not
17 sure when the appraisal -- what date that's
18 actually for.

19 Q. I agree, I agree.

20 And then it went from Chalcol to
21 Cambridge Trust Company on December 23rd,
22 2014 --

23 A. (Bowes) Yes.

24 Q. -- which is the same entity we just talked

1 about, for the same price of \$250,000;
2 correct?

3 A. (Bowes) Yes.

4 Q. And then it went from Cambridge Trust to
5 Renewable on August 26th, 2015, and this time
6 it was \$356,267; correct?

7 A. (Bowes) The only correction I'd make, looks
8 like it's August 20th.

9 Q. Okay.

10 A. (Bowes) But yes, I would agree.

11 Q. So the price increased over eight months by
12 \$106,254 [sic]. Does that sound about right?

13 A. (Bowes) My math's a little different.

14 Q. Okay. And that's Cambridge Trust is the same
15 person from the piece of property I just
16 discussed with you that went -- that was the
17 last piece of property I talked about. That
18 was also Chalcol to Cambridge Trust; correct?

19 A. (Bowes) I believe that's correct, yes.

20 Q. Grafton 26. This is property in Bridgewater.
21 And this is property -- so it has -- this map
22 looks a little different. This one went from
23 Puckerbrush Enterprises, LLC -- are you
24 familiar with that --

1 A. (Bowes) I am not.

2 Q. -- to Jenness DWH, LLC.

3 MR. ROTH: Lara, it's either out
4 of focus or my contacts are starting to dry.

5 MS. SAFFO: No, it's probably
6 out of focus.

7 I'm sorry, Pam. Do you know
8 how to focus this machine?

9 (Pause in proceedings)

10 BY MS. SAFFO:

11 Q. So, this property -- and like the other ones
12 behind them, I have the deeds if you want to
13 see the deeds. It went from Puckerbrush to
14 Jenness DWH, LLC. Are you familiar with
15 Jenness?

16 A. (Bowes) That name sounds familiar. Was that
17 one of the LLCs that the City of Concord
18 presented?

19 Q. Yes. It's one with a manager member of
20 Michael Harland, same address, 1300 Post Oak
21 Boulevard; correct?

22 A. (Bowes) I believe so, yes.

23 Q. And then that one went from Jenness, with
24 Michael Harland as a member, to Renewable

1 Properties, Incorporated. Looks like a
2 five-day changeover from Jenness to
3 Renewable. The first sale date was
4 February 20th -- I'm sorry. Six months. The
5 first sale date was February 20th, and the
6 next sale date was August 25th, 2015. And
7 the price increased on that one \$90,195;
8 correct?

9 A. (Bowes) Yes.

10 Q. Appraised value, 130,000?

11 A. (Bowes) Eight hundred, yes.

12 Q. Okay. One more. So this is Town of
13 Woodstock property. Do you recognize this
14 piece of property?

15 A. (Bowes) I do not.

16 Q. Okay. So this one went from Michael Rand to
17 Chalcol on December 29th, 2014, for \$200,000.

18 A. (Bowes) Yes.

19 Q. Now, interestingly enough, the paperwork in
20 here shows a mortgage deed that Mr. Rand gave
21 to Chalcol on the same day, and then, less
22 than two weeks later, on January 8th, 2015,
23 that mortgage was discharged when the
24 property went from Chalcol to Cambridge on

1 the 8th. Do you see that? Again, I have the
2 deeds if you want the deeds.

3 A. (Bowes) I will accept that's what happened,
4 yes.

5 Q. And then on August 26th, 2015 -- so, like
6 seven, eight months later -- it went from
7 Cambridge Trust to Renewable Properties;
8 correct?

9 A. (Bowes) Yes.

10 Q. And according to this tax map, the price was
11 \$316,000; correct?

12 A. (Bradstreet) And a few extra dollars.
13 \$316,066.

14 Q. And a total market value of \$76,260,
15 according to the total assessment?

16 A. (Bowes) Yes, \$76,260.

17 Q. So the market value of \$76,260 went from
18 Chalcol to Cambridge and then Cambridge to
19 Renewables for an additional -- for \$316,066;
20 correct?

21 A. (Bowes) For a total \$316,066, yes.

22 Q. So why did you buy these properties?

23 A. (Bowes) I do not know.

24 Q. Who would know?

1 A. (Bowes) Probably check with the Project Team.

2 Q. And why did they pay so much?

3 A. (Bowes) I do not know.

4 Q. Do you agree that the transfers from these
5 LLCs, combined with the City of Concord
6 testimony -- we have Bethlehem Ventures, LLC,
7 and then we have DWH Jenness, LLC [sic],
8 Haynes Road, LLC, and now we've added Chalcol
9 New Hampshire Development, LLC. So we have
10 these four LLCs that all sold property to
11 Renewable Properties, Incorporated; correct?

12 A. (Bowes) Yes.

13 Q. And they all sold them at a significant
14 profit; correct?

15 A. (Bowes) At a profit.

16 Q. So the Bethlehem Ventures, LLC, that we
17 learned about the other day went from
18 \$265,000 to \$363,933 in a 13-day turnaround,
19 and that's \$98,933. And then the McCabe
20 property that we just saw -- that is
21 Grafton 25, and I have all the deeds attached
22 to all these if you want to see them -- went
23 from Chalcol to Cambridge Trust Company -- I
24 mean from Cambridge Trust Company to Chalcol

1 [sic] and then to Renewable. And the initial
2 price was \$250,000, and then when it went to
3 Renewable it increased \$356,267, for an
4 additional \$106,267, and that was an
5 eight-month turnover. In all these cases,
6 significantly above the appraised value;
7 correct?

8 A. (Bowes) Certainly above the appraised value,
9 yes.

10 Q. And then the Bridgewater property went from
11 Jenness to Renewable Properties. They paid
12 \$200,000. Renewable Properties paid
13 \$290,195. In less than six months, a \$90,195
14 difference. The North Woodstock property we
15 just saw assessed at \$76,000, sold for
16 \$200,000 and then flipped to Renewable for
17 \$316,066, for another \$116,000. But the one
18 that -- maybe there's something you know.
19 Maybe there's something somebody knows.
20 That's what I'm asking. On just the tax map,
21 looking at the tax map, it was assessed in
22 Dalton for \$13,800. It went through, looks
23 like two family members into a revocable
24 trust in three transactions in one day. Went

1 to Chalcol for \$159,800 to Cambridge Trust,
2 and then Cambridge Trust to Renewable
3 Properties, \$353,800. \$353,800 for property
4 assessed at \$13,000.

5 So if you add these all up, we're
6 looking at at least \$500,000 in just these
7 properties, just these five. Do you know --
8 so what team should we talk to about this?

9 A. (Bowes) You can talk to the Project Team
10 about this.

11 Q. The Project Team. The Project Team decides
12 what properties to purchase?

13 A. (Bowes) Yes.

14 Q. And how much to purchase it for?

15 A. (Bowes) Yes.

16 Q. Do you know why the Project Team wouldn't
17 purchase them directly from the landowners
18 and instead choose to go through Bethlehem
19 Ventures, DWH Jenness [sic], Haynes Road or
20 Chalcol? Any reason you can think of?

21 A. (Bowes) I do not know.

22 Q. No further questions.

23 Oh, I apologize. One quick thing.

24 Sorry. I know it's late. I promised an

1 hour.

2 I did a summary here. I did a summary
3 here I want to review with you.

4 So, from the Grafton County
5 Commissioners' perspective, we're dealing
6 with unclear rights-of-way, plans that are
7 all marked as "preliminary." And you agree
8 your plans are marked "preliminary"; correct?

9 A. (Bowes) Yes. Until they're issued for
10 construction, that's what they'll be marked.

11 Q. And you agree they keep changing; correct?

12 A. (Bowes) Based upon input from various
13 stakeholders, the New Hampshire DES and the
14 New Hampshire DOT, yes, we are modifying our
15 plans.

16 Q. And they continue to be modified. For
17 example, Bethlehem. What's happening with
18 the station in Bethlehem?

19 A. (Bowes) Could you be more specific?

20 Q. Yeah. There was a hotel owner who told -- I
21 think he submitted a letter to the SEC saying
22 you were changing the location, that you were
23 doing a land swap with him. Do you know
24 anything about that?

1 A. (Bowes) Yes, I do.

2 Q. Have you submitted that as part of the plans
3 yet?

4 A. (Bowes) We have not.

5 Q. When do you plan on telling the Town of
6 Bethlehem that you're changing where the
7 transition station is going to be?

8 A. (Bowes) We have no plans to change at this
9 point.

10 Q. And you've told the hotel owner that?

11 A. (Bowes) We're still in private discussions
12 with the hotel owner.

13 Q. So with the Town of Bethlehem, you may -- you
14 don't even have a final place where the
15 station's going, do you?

16 A. (Bowes) We have a permanent location as
17 identified in the SEC Application.

18 Q. But it might change.

19 A. (Bowes) As other things might change in the
20 Project.

21 Q. And that's the issue. Everything keeps
22 changing. How does the Grafton County
23 Commissioners keep up with all these changes
24 in case they have input?

1 A. (Bowes) So, again, we file these plans with
2 the DOT and the DES. Those are public
3 documents when they're filed and posted on
4 their web sites.

5 Q. So to find out what's happening with this
6 public utility project, we have to keep
7 checking the DOT web site every day.

8 A. (Bowes) I believe as an intervenor you get
9 noticed for all these changes as well.

10 Q. By e-mail?

11 A. (Bowes) As part of the process, yes.

12 Q. All right. We'll see.

13 A. (Bowes) Part of the Sharefile system.

14 Q. And then you have rolling variance requests
15 that we can debate over whether they're major
16 or minor.

17 And then planning and community
18 outreach, we can agree to disagree on how the
19 planning and community outreach is going. I
20 keep hearing there's going to be letters and
21 we're going to tell people things in the
22 future. You've made representations about
23 your communications with the Town of
24 Plymouth, for example.

1 We can disagree, but at least right now
2 there's questions about the community
3 outreach; correct?

4 A. (Bowes) Not from our perspective, no. We
5 have a very good records-keeping system. We
6 know exactly who we've talked to, the nature
7 of the conversations.

8 Q. So if property owners say they feel like
9 they're in the dark, they don't know what's
10 happening in front of their house, you don't
11 know why?

12 A. (Bowes) You can call Sam Johnson right here.

13 Q. So if I can tell property owners that
14 somebody from Northern Pass will come to
15 their yard and mark where you think you have
16 a right-of-way so they can see if they
17 dispute, will you do that?

18 A. (Johnson) We will bring the appropriate plans
19 out and meet with any landowner that would
20 like to talk to us, yes.

21 A. (Bowes) Which we've done dozens of times
22 already.

23 Q. And then the other question [sic] we heard a
24 lot was "ask the contractor." We say what

1 about this and this and this, and you say,
2 "Ask the contractor" or "I'll ask the
3 contractor."

4 A. (Bowes) Maybe you can give a specific
5 example.

6 Q. Well, I think throughout this whole week I've
7 heard the phrase, "We need to ask the
8 contractor that." Flagging, for example.
9 When we say, "How are things going to be
10 flagged?"

11 "Well, we'll work it out with the
12 contractor."

13 There's a lot that you will work
14 something out with the contractor to reach
15 something that you guys are comfortable with.
16 But what if we're not comfortable with it?

17 A. (Bowes) It's a perfect opportunity to accept
18 our outreach for a town Memorandum of
19 Understanding. We've done with that one
20 town. We're about to do that with several
21 others. We'll extend the olive branch one
22 more time, especially for the towns you
23 represent. We would look forward to working
24 with you.

1 Q. Except it's on your terms, don't you think?

2 A. (Bowes) I do not.

3 Q. So when we say, "What about I-93 as an
4 alternative?" and you say, "No, I want" --
5 "We want you to consider other alternatives,"
6 do you think that's not on your terms?

7 A. (Bowes) So I believe we're well beyond I-93.
8 I think we're now talking about the
9 construction phase of the Project.

10 Q. Well, you brought up alternatives; correct?
11 Yesterday and today?

12 A. (Bowes) So, along the existing route, yes,
13 we're still looking at ways we can minimize
14 the impact of the Project.

15 Q. But there's a lot of things you can't do to
16 minimize impact; correct?

17 A. (Bowes) I believe there's a lot of things we
18 can do.

19 Q. But there's a lot of things you can't do.
20 You can't change the sound of equipment;
21 correct?

22 A. (Bowes) We can modify the work hours as
23 needed. We can make sure the equipment is in
24 working order. We can look at other

1 mitigation methods. So we are open to those
2 discussions.

3 Q. You're open to those discussions, but you
4 will only do what you can do, not change the
5 route; correct?

6 A. (Bowes) Well, again, I think I've been clear
7 on we can minimize within the existing route,
8 and some relocations are certainly possible.
9 A good example is the Gales River crossing --
10 or Gale River crossing.

11 Q. Well, the Gale River Crossing is actually a
12 good example that we were relying on plans
13 you gave us in December that showed an HDD,
14 and then all of a sudden they completely
15 changed to a microtunnel, which I decided not
16 to go into all the inner workings of a
17 microtunnel because I think the group
18 understands it's a big project and big deal.
19 But that just changed in the flip of a hat.
20 I mean, you designed it as a HDD as of
21 December, and then by March it was a
22 microtunnel. So we are concerned about
23 relying on plans. Can't you see why we'd be
24 concerned about relying on plans when they

1 change so dramatically?

2 A. (Bowes) So I would recommend monthly Project
3 meetings with the Town of Franconia. We'll
4 obviously extend that offer right now.

5 Q. But if they say they don't want something,
6 your answer is "Tough."

7 A. (Bowes) We haven't had the meeting yet.

8 Q. Thank you. No further questions.

9 CHARIMAN HONIGBERG: All right.
10 Let's go off the record.

11 (Discussion off the record)

12 CHARIMAN HONIGBERG: Go back on
13 the record.

14 So we're going to adjourn for
15 the day. The next time we're all together is
16 May 31st, and we will resume where we left
17 off with the list of folks who still need to
18 question this panel, and then questions from
19 the Subcommittee, and any redirect that the
20 Applicant feels it needs to do.

21 If there's nothing else, we
22 will adjourn. Thank you all.

23 (Whereupon the Day 9 Afternoon Session
24 adjourned at 5:23 p.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
Shorthand Court Reporter and Notary Public
of the State of New Hampshire, do hereby
certify that the foregoing is a true and
accurate transcript of my stenographic
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Susan J. Robidas, LCR/RPR
Licensed Shorthand Court Reporter
Registered Professional Reporter
N.H. LCR No. 44 (RSA 310-A:173)

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