

1 STATE OF NEW HAMPSHIRE
2 SITE EVALUATION COMMITTEE

3
4 September 28, 2017 - 1:44 p.m. DAY 41
5 49 Donovan Street AFTERNOON Session ONLY
6 Concord, New Hampshire

7 {Electronically filed with SEC on 10-20-17}

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

16 PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:
17 Chrmn. Martin P. Honigberg Public Utilities Comm.
18 (Presiding as Presiding Officer)

19 Cmsr. Kathryn M. Bailey Public Utilities Comm.
20 Dir. Craig Wright, Designee Dept. of Environ. Serv.
21 Christopher Way, Designee Dept. of Resources &
22 Economic Development
23 William Oldenburg, Designee Dept. of Transportation
24 Patricia Weathersby Public Member
25 Rachel Dandeneau Public Member

26 ALSO PRESENT FOR THE SEC:
27 Michael J. Iacopino, Esq., Counsel to the SEC
28 (Brennan, Caron, Lenehan & Iacopino)

29 Pamela G. Monroe, SEC Administrator

30 (No Appearances Taken)

31 COURT REPORTER: Susan J. Robidas, NH LCR No. 44

{SEC 2015-06}[Day 41 AFTERNOON Session ONLY]{09-28-17}

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WITNESS PANEL: Cherilyn Widell
(resumed) Victoria Bunker

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P R O C E E D I N G S

(Hearing resumed at 1:44 p.m.)

CHAIRMAN HONIGBERG: Ms. Crane,
whenever you're ready you may proceed.

MS. CRANE: Thank you. I will
admit that I did have to deviate from my
prepared script a bit. I wanted to return to
the area --

CROSS-EXAMINATION

BY MS. CRANE:

Q. Oh, I'm sorry, Ms. Widell. I'm Charlotte
Crane.

A. (Widell) Good afternoon, Ms. Crane.

Q. I'm the spokesperson for the Southern
Non-abutters, Ashland to Deerfield. And I
wanted to return to the Peaked Hill Road,
which I believe you said had already been
identified and inventoried; correct?

A. (Widell) Yes, as a historic district, yes.

Q. As a historic district. And you indicated
that because of its inclusion in the
inventory, that was essentially a closed item
in the inventory; is that correct?

1 A. (Widell) I'm not sure I understand what you
2 mean by "closed item."

3 Q. You said that the time for changing
4 boundaries in a district like that would be
5 closed.

6 A. (Widell) No, not necessarily. DHR could
7 reopen it if they choose to. But they looked
8 at all the materials at the time, and they
9 did what is called a "green sheet," a
10 determination of eligibility, and identified
11 what they thought captured the historic
12 resource at the time they did that.

13 Q. And if I'm correct, you concluded that the
14 work that had been done to that stage you
15 would in general describe as excellent work
16 upon which the SEC can rely; is that correct?

17 A. (Widell) Yes.

18 Q. Okay. I want to show you a few things about
19 this area. I don't want to try to show them
20 to you for their content, and I'm essentially
21 not going to try to figure out whether
22 they've been properly characterized and
23 whether the effect on them has been properly

1 explored. I did want to call them to your
2 attention merely as a matter of what kind of
3 work might have gone into identifying them
4 and having them in the inventory with the
5 defined boundaries that this map, which is
6 Appellant's [sic], it's Bates stamped 82274.
7 We were looking at that earlier this morning
8 with Ms. Merritt. I believe that it's
9 being -- it's on the projector.

10 MS. MONROE: It's on its side.

11 MS. CRANE: Oh, I'm sorry.

12 That's perfect.

13 BY MS. CRANE:

14 Q. I wanted to point out again the Peaked Hill
15 Road district. This map also shows it
16 immediately south of the town of Plymouth.
17 Do you know what lies between the Peaked Hill
18 Road district and the town of Plymouth?

19 A. (Widell) I have traversed that area, but I
20 can't speak specifically to that specific
21 resource.

22 Q. If I told you it was Bridgewater?

23 A. (Widell) Yes.

1 Q. Okay. Thanks.

2 And moving on to the kinds of materials
3 that might have been used in developing an
4 analysis of this area, is this -- okay. I
5 guess I've got to zoom in.

6 Okay. This is a photocopy of the text
7 of a book. I could make the book available
8 to you, but I don't believe I need to. It's
9 written by a gentleman named Thomas Curren in
10 a volume sponsored by the -- oh, I guess I
11 don't have that up. Its title is A
12 Bicentennial History of Bridgewater, New
13 Hampshire. Have you seen this book before?

14 A. (Widell) I have not seen this book, no.

15 Q. Is this the kind of book that you would
16 expect to be taking into account in analyzing
17 historic districts and cultural landscapes?

18 A. (Widell) Yes.

19 Q. And is that showing properly? I am not going
20 to try to ask you to read anything on here
21 except the title, which I'll read for you, if
22 you could agree that that's what it says.

23 "Bridgewater Old Homes," November 16, 2004.

1 And it's a table of all of the homes that
2 appeared on a map in 1860, and the compiler
3 of this table's best efforts to trace the
4 origins of the buildings and the current use
5 of its building. Would a table like this be
6 useful?

7 A. (Widell) Yes.

8 MS. CRANE: And now I need my
9 slides and need to be attached to my computer.

10 BY MS. CRANE:

11 Q. Okay. What's on the screen now is an item
12 that appeared in the PAL bibliography. Are
13 you familiar with this item?

14 A. (Widell) I'm not precisely, but I am familiar
15 with it as having been a source for the
16 cultural landscape reports.

17 Q. And may I read the title, "Old Homesteads of
18 Bridgewater," arranged by the Bridgewater Old
19 Home Committee. And the caption for the
20 picture says "View from Peaked Hill." Are
21 you familiar with those views?

22 A. (Widell) I have been to Peaked Hill a number
23 of times, the historic district. So I'm

1 familiar with the area, yes.

2 Q. So did you see these views from where you
3 visited when you went to the historic
4 district?

5 A. (Widell) I saw some scenic views, yes.

6 Q. And the Committee had an opportunity to see
7 some of those views on Monday morning. I
8 apologize. I'm not going to show them to you
9 now.

10 And are you familiar with this kind of
11 map?

12 A. (Widell) Yes.

13 Q. Okay. And this is the 1860 Walling map that
14 was used by the persons who did the table of
15 historic homes. I don't need for you to
16 agree to that. All we're doing is looking at
17 these as things that might have been included
18 in an analysis of this district.

19 A. (Widell) Yes.

20 Q. And this is a map using the LIDAR data
21 available through the Granit database, as I
22 understand it, and it is outlining the stone
23 walls and other features relating to cellar

1 holes and things like that in roughly this
2 area; is that correct? You don't have to
3 agree with that.

4 Is information like this useful in doing
5 a historical analysis --

6 A. (Widell) Yes.

7 Q. -- of the sort you were talking about?

8 A. (Widell) Yes.

9 Q. Okay. And are you aware that the town of
10 Bristol was partitioned from the town of
11 Bridgewater in 1818?

12 A. (Widell) Not precisely, no. I don't know
13 that fact precisely.

14 MS. CRANE: Okay. I'm afraid I
15 need the ELMO again.

16 BY MS. CRANE:

17 Q. So we don't really need to study this very
18 closely. It is taken -- it is Ashland to
19 Deerfield Non-Abutters Exhibit 57. It is
20 taken -- it's pages that were taken from a
21 book that was included in the cultural
22 landscape's bibliography. And on Page 85 it
23 appears to be dating the state of New

1 Hampshire's -- the Legislature at the State
2 of New Hampshire's action partitioning
3 Bristol from Bridgewater. Does that seem
4 likely that's what that is?

5 A. (Widell) I will take your word for it.

6 MS. CRANE: Okay. I'm afraid I
7 need to go back to my computer. Thank you.

8 BY MS. CRANE:

9 Q. This is the proprietor's map for an area that
10 includes what is now Bridgewater and Bristol.
11 And if the town were partitioned based on the
12 proprietor's maps, it would bear no real
13 relationship to the geography since the
14 geography doesn't really follow this grid.
15 Would you agree?

16 A. (Widell) Yes.

17 Q. Okay. And so it's perfectly possible that
18 there's some confusion about what one means
19 when one refers to Peaked Hill. And indeed,
20 there might be some confusion -- sorry.

21 These were all items that might have
22 been taken into account in trying to
23 determine what the appropriate boundary of

1 the Peaked Hill Historic District was and
2 whether it might be a cultural landscape or
3 have some other features of interest in
4 identifying historical resources for the
5 purposes of any of the procedures we've been
6 reviewing; correct?

7 A. (Widell) Yes.

8 Q. And in the tables that you're aware of, the
9 only mention of Peaked Hill is as part of
10 Bristol; is that correct?

11 A. (Widell) When you're referring to "tables,"
12 are you talking about the effects tables?

13 Q. I'm referring to the inventory that you and
14 Ms. Merritt were discussing this morning.

15 A. (Widell) The inventory format that was
16 completed for the Peaked Hill District.

17 Q. Yes, yes.

18 A. (Widell) And the question is?

19 Q. Was it categorized as part of Bristol?

20 A. (Widell) Yes.

21 Q. Okay. This is Applicant's Page 14544.

22 MS. CRANE: Oops. I'm sorry
23 switch to the ELMO.

1 BY MS. CRANE:

2 Q. These are pages from the Visual Impact Study,
3 and this is the page for Bridgewater;
4 correct?

5 A. (Widell) I don't know precisely because the
6 Visual Impact Study is not my area of
7 expertise.

8 Q. But at the top it says "Bridgewater";
9 correct?

10 A. (Widell) Yes, it says "Bridgewater."
11 Hmm-hmm.

12 Q. And when we look at the map that he is
13 concerned with here in exploring Bridgewater,
14 we can see a political boundary that looks a
15 whole lot more like those proprietors' lots
16 than like geography; correct?

17 A. (Widell) Yes.

18 Q. And we also see Peaked Hill within
19 Bridgewater.

20 Now, these items that I have referred
21 to -- beginning with Ashland to Deerfield
22 Non-Abutters Exhibit 55, the book; Exhibit
23 56, the table of homesteads; Exhibit 57, a

1 little bit of history on the relationship
2 between Bristol and Bridgewater -- are those
3 all things that if one were doing excellent
4 work of the sort that you would do in
5 developing these historical resources, you
6 would have taken into account?

7 A. (Widell) Yes, perhaps. Yes. And I think you
8 indicated absolutely in the bibliography for
9 the cultural landscape study that was done
10 for the study area.

11 Q. And if these materials were made available to
12 the people, whichever people it is, and I'm
13 not going to try to retrace all of the
14 testimony we did this morning about which
15 juncture -- which evidence is still invited
16 and when cases are closed and how to get back
17 into the process, but if at some point in the
18 process these materials became available,
19 what would you as a professional expect would
20 happen with materials like these?

21 A. (Widell) They would be given to the
22 researchers. And my understanding is that
23 there were public hearings held by PAL at the

1 time they were expanding the study areas for
2 the cultural landscapes, and they
3 specifically received such materials.

4 Q. And who would they receive such materials
5 from?

6 A. (Widell) From the consulting parties, from
7 local historians, from property owners, from
8 e-mails and letters.

9 Q. Okay. I know that you can't speak for who
10 the PAL people talked to, but did you ever
11 talk to the Bridgewater Historical Society,
12 the custodian of all the materials that I
13 presented?

14 A. (Widell) I personally did not.

15 Q. Do you know if anyone did?

16 A. (Widell) I do not.

17 Q. I had some more questions about similarly
18 problematic places. I'm only going to put
19 one of them up. Okay. And again, I'm not
20 going to worry about where we are in the
21 record in this process with respect to this
22 particular property. It is Bates stamped
23 82920. It is the Benjamin Teal Barn on

1 Route 3, south of Plymouth. Are you familiar
2 with this location?

3 A. (Widell) Yes, I have been.

4 Q. And if you noticed when you went back there
5 again, there is a refurbished school house
6 with a sign that says "Local Intervale" on
7 it. And if you looked across the street in
8 front of the grange house that was still in
9 active use as a grange house with hay fields
10 around it, would that be information that
11 might change the way this particular property
12 and its surrounding areas was classified for
13 the purposes of the SEC proceeding?

14 A. (Widell) No, we considered it a historic
15 property that might be affected by the
16 underground section of the Project. And it
17 was determined to be eligible. Those
18 additional materials which were not in that
19 underground APA could contribute to an
20 understanding. But the important thing was
21 to identify the historical resources that
22 were in the Area of Potential Effect and
23 determine whether there would be an adverse

1 effect caused by the Project.

2 Q. And my question is about your confidence in
3 what was identified. You said this was only
4 a single property. But it could have been
5 looked at in connection with the buildings
6 around it and treated differently; is that
7 correct?

8 A. (Widell) It could have been looked at with
9 additional properties, but it would not have
10 affected the outcome of a determination of no
11 adverse effect.

12 MS. CRANE: And I'm out of time.
13 Thank you.

14 CHAIRMAN HONIGBERG: Ms. Crane,
15 if you have other things you need to ask, by all
16 means, do it.

17 MS. CRANE: I'm good. Thank you.

18 CHAIRMAN HONIGBERG: All right.
19 I have no other intervenors who have indicated
20 they have questions for the panel, so I think we
21 are ready to turn to the Subcommittee Members.
22 Who has questions? Mr. Way.

23

1 QUESTIONS BY SUBCOMMITTEE MEMBERS AND BY SEC

2 COUNSEL:

3 BY MR. WAY:

4 Q. Good afternoon.

5 A. (Widell) Good afternoon, Mr. Way.

6 Q. Welcome back.

7 A. (Widell) Thank you.

8 Q. Just a few questions. This has been helpful.
9 The duration of the PA I noticed is for three
10 years. Is that what I saw at the end of the
11 agreement?

12 A. (Widell) No, I believe it is for ten. I can
13 double-check that for you, but I believe it
14 is ten years.

15 Q. It is for ten years?

16 A. (Widell) Yes.

17 Q. All right. I misread that wrong. Thank you
18 for clearing that up.

19 One issue that was brought up, and we
20 had talked about it last time, is that if you
21 find something during the construction,
22 something as famously known as a "game
23 changer" now -- going copyright that -- so

1 the person, the compliance officer on site
2 would be the person to make a determination
3 whether to do something this way or do
4 something that way. They would make the
5 determination; correct?

6 A. (Widell) Yes, they would have precise
7 instructions for what to do, depending on
8 what the resource was.

9 Q. So there is an element of trust there,
10 because that person has an inherent conflict,
11 obviously, being employed by the Applicant.
12 Not implying anything, not implying anything.
13 But just saying that there is an element of
14 trust that someone will decide to actually
15 cease operation at that moment and pursue
16 with that discovery and do something or just
17 keep on going.

18 A. (Widell) Yes. But they are trained and --
19 but yes, trust is involved.

20 Q. Has it ever been a concern in any of the
21 projects that you've worked with or that you
22 followed up with?

23 A. (Widell) No, it has not.

1 Q. The other thing, too, is this is a ten-year
2 document. People are going to change.
3 Looking at the signatories, I've already
4 noticed that there's several that have
5 already changed. And so we may have talked
6 about this last time, and so I'm apologizing
7 if I'm forgetting.

8 In terms of reporting, what keeps this
9 document "living"? In other words, it isn't
10 a document that's just put on the shelf. We
11 talked about who will do certain things under
12 certain conditions. But who pulls it off the
13 shelf to make sure that things are working
14 right?

15 A. (Widell) A number of individuals would have
16 it regularly on their desk and being used.
17 One is there is a regular reporting
18 mechanism, and therefore the Applicant --
19 there is a training program, and that is not
20 just done one time and left at all. There
21 are individuals that -- individuals you asked
22 about trusting. The individuals that are
23 making decisions have to meet the Secretary

1 of Interior's standards for professionals.
2 So they -- it's not just someone that happens
3 to be hired to fill the position. They have
4 to meet specific requirements. And so those
5 are some of the things. I can go further if
6 you would like, but those are some of the
7 reasons why it's quite an active document
8 when you have a project of this size with
9 individuals in a state historic preservation
10 office. So...

11 Q. All right. Thank you. You had mentioned
12 that previous decisions by the Site
13 Evaluation Committee have relied on this
14 project agreement --

15 A. (Widell) Yes.

16 Q. -- going forward? So I'm wondering, in your
17 experience, have those project agreements
18 been comparable in scope to this one and
19 comparable in detail, or is this -- how is
20 this one different, or not at all?

21 A. (Widell) Yes, I have reviewed some of those
22 previous projects that were reviewed and
23 permit given by this body. One of them is

1 the Groton Wind Project. And it's
2 specifically a delegated responsibility for
3 oversight to DHR in that agreement, based on
4 your state authority. And I believe it
5 mentions the Programmatic Agreement as the
6 vehicle for overseeing regular maintenance
7 and operations and monitoring on the behalf
8 of the Site Evaluation Committee. And that's
9 just one of them, but that's the one that
10 comes to mind. That was a large project such
11 as this.

12 Q. And so if you look at the Groton Wind Farm
13 Project decision, that project agreement, the
14 level of detail, say with regards to
15 mitigation and avoidance strategies that
16 might be detailed in a programmatic
17 agreement, are there more or less, or is it
18 comparable?

19 A. (Widell) I have not put the project side by
20 side and looked at the mitigation. But it is
21 a very large project, and so the extent of
22 mitigation based on adverse effects would be
23 similar.

1 Q. Would be similar?

2 A. (Widell) Yes.

3 MR. WAY: I'm good for now.

4 Thank you.

5 CHAIRMAN HONIGBERG: Ms.

6 Weathersby.

7 MS. WEATHERSBY: Thank you.

8 BY MS. WEATHERSBY:

9 Q. Good afternoon.

10 A. (Widell) Good afternoon.

11 Q. Just a couple quick questions following up on
12 what Mr. Way mentioned concerning the
13 determination of the agreement. And I
14 understand that this is the Programmatic
15 Agreement. I understand that it's due to
16 terminate in ten years, or I think there are
17 other provisions, you know, if the terms are
18 fulfilled, et cetera, et cetera.

19 A. (Widell) Yes, yes.

20 Q. But does that mean that the Programmatic
21 Agreement does not cover obligations of the
22 parties beyond that? What governs
23 maintenance activities or decommissioning of

1 the line in regard to effects on historic
2 properties or archeological finds?

3 A. (Widell) Those are the types of things that
4 might be detailed in the Historical
5 Preservation Treatment and Plan. So, even
6 though the agreement is no longer functioning
7 because the identification, assessment and
8 mitigation of adverse effects has been
9 determined, the Historic Preservation
10 Treatment Plan may continue beyond the
11 agreement document.

12 Q. Okay. That was my next question. Those
13 agreements can continue --

14 A. (Widell) Yes.

15 Q. -- beyond the Programmatic Agreement --

16 A. (Widell) Yes.

17 Q. -- even though --

18 (Court Reporter interrupts.)

19 Q. I think we have the answer, so I'll move on.

20 A. (Widell) For example, if you delegated that
21 authority to DHR, as has been done in the
22 past through the issuance of the permit, that
23 could be a condition.

1 Q. The Programmatic Agreement doesn't seem to
2 even list suggested types of mitigation --
3 purchase of easements, land, publication of
4 information, et cetera -- that I've seen in
5 other Programmatic Agreements set forth as
6 guidelines. Do you know why that is, and is
7 that typical in your experience?

8 A. (Widell) Yes, it is typical for a
9 Programmatic Agreement. And perhaps, I don't
10 know this for sure, what you were looking at
11 is what we would call a Memorandum of
12 Agreement, which tends to be for just a
13 precise project or a smaller project where
14 you know precisely what the properties are
15 and you can identify the mitigation.

16 So, in this case, there are such a broad
17 number of mitigations that are possible,
18 usually in the area of documentation,
19 education, maybe something web-based
20 education, those sorts of things, so to try
21 to put an entire list in the Programmatic
22 Agreement may actually limit what the
23 individuals, both the professionals and the

1 consulting parties, might come up with. So I
2 think it's actually a good idea to allow that
3 to occur through consultation.

4 Q. Okay. The Historic Preservation Treatment
5 Plan that would be developed, I think I
6 understand the process, and we got walked
7 through that a little bit this morning. It
8 follows the similar time frames as were
9 talked about with Ms. Merritt this morning.

10 Based on all of the things that need to
11 go into it and the meetings and the
12 consulting parties's input, et cetera, when
13 would you expect a final HPTP for this
14 project?

15 A. (Widell) Realistically, I would expect it to
16 be completed by the spring. There are some
17 pretty standard provisions. I think my
18 colleague, Dr. Bunker, has talked about
19 monitoring unexpected discovery. Just as I
20 said, there's a lot of boiler plate in the
21 Programmatic Agreement. When you do a
22 Historic Property Treatment Plan, there is
23 some basic stuff about how you handle those

1 things in the field.

2 Q. Doesn't the process that Ms. Merritt was
3 speaking of concerning, you know, the actual
4 identification of the properties and the
5 effects, that has to be done first before you
6 can decide how to address the effects? So is
7 spring a realistic -- not to question you,
8 but to me, it seems like in my mind it seems
9 as though spring may be overly optimistic.

10 A. (Widell) Well, I think it is realistic
11 because we have a really good understanding
12 of the resources that are being affected and
13 what those effects are going to be, visual,
14 direct, whatever. So, maybe the precise
15 properties, there may be some changes to
16 that, but the types of effects I think we
17 have a good idea of. So...

18 Q. Thank you.

19 A. (Widell) And really, the record for the SEC
20 is quite complete in its identification and
21 assessment of effects.

22 Q. I have nothing further.

23 CHAIRMAN HONIGBERG: Mr. Olden-

1 years from now. Would they have to do
2 something, do another effects -- another
3 report, another investigation, or does this
4 PA cover those activities?

5 A. (Widell) I believe the Historic Property
6 Treatment Plan would cover that, for an
7 example, if there were stone walls, how those
8 were cared for, if there needed to be
9 maintained a structure or something. So
10 that's what they mean by operations and
11 maintenance going forward. It's how the
12 historical resources are cared for moving
13 forward long-term.

14 Q. Okay. So when we talk about the duration of
15 this agreement being ten years, that covers
16 the construction, operation and maintenance.
17 So what happens to the operations and
18 maintenance after the ten years and this PA
19 expires?

20 A. (Widell) I believe Mr. Way asked a similar
21 question. In my experience, these plans
22 sometimes are specifically required to
23 continue after the agreement is done. Most

1 of the agreement is a blueprint for getting
2 through identification, assessment and
3 mitigation, and then the Historic
4 Preservation Treatment Plan can continue
5 beyond the Programmatic Agreement, if that is
6 what is appropriate for the Project.

7 Q. Okay. And on page -- when we go into the
8 stipulations on Page 12, at the top there's
9 Paragraph C, and it says that all these
10 groups shall ensure that NPT implements the
11 requirements of Stipulations III through V
12 prior to commencement of project construction
13 activities. So I take that to mean that all
14 those stipulations within those sections,
15 which is many pages, have to be done prior to
16 any of the construction beginning. And I
17 realize the next paragraph talks about the
18 segments. And I think in questioning Ms.
19 Merritt, you don't know what those segments
20 are yet.

21 A. (Widell) Right, right.

22 Q. So we'll just say when construction
23 activities begin. Do you know when the

1 Project construction activities will begin?

2 A. (Widell) I do not.

3 Q. So I'm assuming that -- can we assume, just
4 as soon as -- if they get a certificate in
5 the spring, they would start in the spring?
6 Would that be an assumption? They're not
7 going to wait five years after they get this
8 to begin, so --

9 A. (Widell) I cannot speak for the Project. But
10 the Programmatic Agreement enables
11 construction to begin by segments, if that is
12 what is chosen, rather than all of it being
13 completed before construction begins.

14 Q. So if we look at what's in Stipulations III
15 going through V, on Page 14 there's certain
16 things that says that identification
17 investigation in New Hampshire shall include,
18 at a minimum, and i is Phase 1A and 1B,
19 archeological investigations shall be
20 complete prior to commencement of
21 construction. Has that been complete?

22 A. (Bunker) The phase?

23 Q. 1A and Phase 1B?

1 A. (Bunker) Phase 1A has been complete for the
2 entire project. The Phase 1B has been
3 complete, with the exception of four or
4 five miles of locally maintained roads in the
5 towns of Clarksville and Stewartstown.

6 Q. Is it anticipated that that would be done by
7 spring?

8 A. (Bunker) Yes.

9 Q. Okay. Under ii, I guess we'd call it,
10 archeological inventory shall be complete
11 prior to commencement of construction
12 activities. Are all those complete?

13 A. (Widell) Yes, the inventory is complete based
14 on the DHR requirements, yes.

15 Q. Okay. The next one is cultural landscape
16 inventory must be complete before
17 construction. Is that done?

18 A. (Widell) Yes, the cultural landscape
19 inventory is complete.

20 Q. Next one is Phase II archeological
21 investigations have to be complete of all
22 those that were found in Phase 1A and B.

23 A. (Bunker) Yes, that's correct.

1 Q. Are those done?

2 A. (Bunker) And the Phase II archeological study
3 is complete, with the exception of any sites
4 discovered during Phase 1B in Stewartstown
5 and Clarksville on the locally maintained
6 roads that may necessitate completing the
7 Phase II. Otherwise, all of the Phase II
8 work has been completed.

9 Q. All right. On Page 17, there's a myriad list
10 of all these standards and guidelines and
11 policies from all these different agencies
12 that have to be followed.

13 A. (Widell) Yes.

14 Q. One thing I noticed is that there's a
15 specific date that's assigned to each of
16 them. If this agreement lasts ten years,
17 how -- there's nothing in there that says "or
18 current edition" or "updated edition" or
19 "revised edition." I would assume that if
20 one of these guidelines is revised or
21 updated, you would use the revised and
22 updated version; right?

23 A. (Widell) Yes, of course that would be

1 something included in the monthly report that
2 would be done, that there would be an
3 announcement that that is now what would be
4 required. But yes.

5 Q. Okay. On page, I think Page 28 of the
6 Agreement, see how fast I can get there.
7 This is still under V. So this all has to be
8 done prior to construction activities
9 beginning. Page 28a at the top talks about a
10 monitoring plan. Has that been developed and
11 I guess ready to be used for the Project?

12 A. (Widell) The monitoring plan is part of the
13 Historic Preservation Treatment Plan. My
14 understanding is that is in a draft form.

15 Q. But that will be ready prior to spring?

16 A. (Widell) That would be ready prior to
17 construction, yes.

18 Q. Okay. Under b on Page 29 it talks about an
19 Unanticipated Discovery Plan?

20 A. (Widell) Yes.

21 Q. Is that complete?

22 A. (Widell) Once again, it's in the Historic
23 Preservation Treatment Plan, and it is in a

1 draft form. And it is something, as I stated
2 before, that is kind of not completely boiler
3 plate because you have specific people that
4 are responsible for answering to it, but it's
5 a standard thing that is used for our field
6 of expertise.

7 Q. I'm assuming the training plan --

8 A. (Widell) Same thing.

9 Q. -- is the same answer?

10 A. (Widell) Yes.

11 Q. And the entire HPTP is the same?

12 A. (Widell) Yes.

13 Q. Okay. One of the things I noticed with the
14 training plan, and I think we had talked
15 about this originally, about the archeology,
16 that people are going to be trained to see or
17 if something is found. And one of the things
18 that I noticed going through the
19 archeological reports is when some of the
20 stuff, some of the artifacts that you found
21 or that were found or that were shown in
22 photographs, it appeared to me you had to be
23 a pretty well-trained person to realize that

1 that shard of pottery or that stone was
2 something important. How do you get a person
3 that's running the excavator or running a
4 shovel to realize, hey, that's something that
5 I should mention and it's not just some piece
6 of broken thing that's only two years old?

7 A. (Bunker) I understand the question. You're
8 correct. It does require some knowledge and
9 experience to distinguish some of the
10 artifacts from just a natural item. But to
11 answer your real question, those types of
12 items that are very small probably would not
13 show up in the scoop of a backhoe. You're
14 right about that. But what would show up are
15 other things like soil stratigraphy
16 discolored, or soils of a different texture,
17 color, density that would show up. And
18 somebody in even mechanical equipment would
19 be trained to recognize that and a red flag
20 would go up. Other things that might be
21 slightly larger would be a foundation of a
22 building, a well, that type of thing. And
23 please also remember that there would be

1 cultural resources monitors who would, if
2 something popped up on the radar, or if it
3 was an area that looked particularly
4 sensitive, then that monitoring personnel
5 would be there and would be able to identify
6 those smaller items.

7 Q. Okay. Now, this is towards the end of the
8 Agreement, on Page 34, where you talk about
9 amending the APE. And when you were
10 previously here, we had the discussion about
11 what the APE was, who set the APE. I don't
12 know if you've had any discussions since then
13 or with the engineering group, but do you
14 know whether or not any of the underground is
15 going to -- is planned to be constructed
16 outside the APE?

17 A. (Widell) No, I do not know that.

18 Q. So there's nothing needs to be done to amend
19 the APE at this point?

20 A. (Widell) No.

21 Q. I guess my last question is just a
22 clarification. When Ms. Boepple was
23 questioning Dr. Bunker, she read some

1 testimony about finding -- if remains were
2 found.

3 A. (Bunker) Yes.

4 Q. In your previous testimony, you said it would
5 be covered in the PA. And I thought she
6 asked is it in the PA, and you said no. Did
7 I hear that wrong?

8 A. (Bunker) I was also confused by the question.
9 And I thank you for letting me clarify this.
10 The Unanticipated Finds Policy is going to be
11 part of the Historic Properties Treatment
12 Plan.

13 Q. Okay. Because I was going to ask you about
14 that --

15 A. (Bunker) That's correct.

16 Q. -- because it talks about the unanticipated
17 discoveries and how to treat human remains.

18 A. (Bunker) Yes.

19 Q. And I didn't know if I was reading the
20 question wrong or if I was reading into it.
21 Thank you.

22 A. (Bunker) You're welcome.

23 MR. OLDENBURG: That's all I

1 have.

2 CHAIRMAN HONIGBERG: Mr. Wright.

3 BY DIR. WRIGHT:

4 Q. Just a couple quick questions, I think. And
5 I'll throw this out there, and feel free for
6 either one of you to answer. I want to give
7 Dr. Bunker her fair shot here.

8 Is it normal practice for ACHP to be a
9 signatory on PAs under Section 106?

10 A. (Widell) No, not normal. It now must be
11 requested by the state historic preservation
12 officer in which the undertaking is taking
13 place. Used to be standard, but then it was
14 changed. So now the advisory council is
15 usually only a signatory on agreements where
16 they have indicated that they have an
17 important interest because of the size or the
18 innovativeness of the Project. Or in this
19 case, I'm sure it would be because it is
20 crossing international lines. So...

21 Q. Okay. Because I think I read in your
22 prefiled testimony that DHR actually
23 requested --

1 A. (Widell) Yes.

2 Q. -- ACHP to be involved --

3 A. (Widell) Yes.

4 (Court Reporter interrupts.)

5 Q. ACHP to be involved in developing the PA.

6 The reason I ask that is they also carry
7 a role in the dispute resolution; isn't that
8 correct?

9 A. (Widell) Yes.

10 Q. Okay. That just seems to me to be an unusual
11 situation, where you have one party involved
12 in both the development of the document and
13 also in dispute resolution.

14 A. (Widell) The Advisory Council on Historic
15 Preservation members are appointed by the
16 President, and they are considered to be an
17 oversight board for federal agencies, and
18 that is why.

19 Q. Okay. Ultimately, at the end of the day,
20 it's the Department of Energy, DOE, who
21 carries the responsibility for ensuring
22 compliance --

23 A. (Widell) Yes.

1 Q. -- with this document. What tools does DOE
2 have at their disposal if there is
3 noncompliance with this document? Do you
4 know?

5 A. (Widell) Well, it would be the advisory
6 council who would be informed by consulting
7 parties or by the state historic preservation
8 officer. And the advisory council has the
9 ability to go directly to the head of the
10 agency and inquire about the problem, the
11 issue. Now, did I answer your question?

12 Q. So is it DOE who carries the ability to
13 enforce it --

14 A. (Widell) Yes.

15 Q. -- or is it the advisory council?

16 A. (Widell) Yes, DOE enforces it day-to-day and
17 has, as you can see, responsibility in the
18 agreement. But say for whatever reason DOE
19 does not do it. They are a federal agency.
20 So it is the advisory council who has
21 oversight over any and all federal agencies
22 for compliance with the National Historic
23 Preservation Act.

1 Q. So if DOE fails to do it, then it would --

2 A. (Widell) Yes, yes.

3 Q. -- fall back to the advisory council to do
4 it?

5 A. (Widell) Yes, yes.

6 Q. Okay. Thank you.

7 MR. WRIGHT: I'm all set.

8 CMSR. BAILEY: Thank you.

9 BY COMMISSIONER BAILEY:

10 Q. Good afternoon.

11 A. (Widell) Good afternoon.

12 Q. Could you explain the difference between the
13 Programmatic Agreement and the MOU -- or an
14 MOU?

15 A. (Widell) Yes. Yes, and that's a great
16 question, actually. The MOU that I'm
17 assuming you're talking about is the
18 December 2016 MOU that Northern Pass signed
19 with DHR.

20 Q. I think that's what I'm talking about.
21 You've referred to an MOU several times, and
22 I know from past cases we've had MOUs that
23 DHR, the state Division of Historical

1 Resources, had with I think the Applicant.

2 But that's what I'm trying to understand.

3 A. (Widell) Okay. I want to make sure -- there
4 is an MOU that was signed by Northern Pass,
5 by the Applicant, with the Division of
6 Historic Resources last year to begin
7 inventorying the cultural landscapes, hire a
8 professional within Eversource. That is an
9 MOU that is signed right now for this
10 project. I was -- I'm sorry.

11 Q. Go ahead. Finish your --

12 A. (Widell) In my testimony today, I have talked
13 about memorandums of agreement as normally
14 slightly smaller kinds of documents, similar
15 to a programmatic agreement, that usually
16 just deal with a particular project, say the
17 rehabilitation of a courthouse, a federal
18 courthouse. That might be covered in a
19 memorandum of agreement; whereas, a linear
20 project, a project that has many segments, is
21 a programmatic agreement because you have
22 several stages that you're going through, and
23 it's going to be over a time period and it's

1 going to be several segmentations. Did I
2 give you too much information or --

3 Q. No --

4 A. (Widell) -- is that helpful?

5 Q. I think I understand it. That was very
6 helpful. Thank you.

7 A. (Widell) Okay.

8 Q. So there isn't going to be any kind of
9 agreement going forward between the Applicant
10 and the New Hampshire Division of Historic
11 Resources on mitigation, other than the HTPT
12 [sic]; is that true?

13 A. (Widell) Yes, that's probably true. It is
14 always possible for a Memorandum of
15 Understanding to be written. But normally
16 that would be taken care of in the
17 Programmatic Agreement. So, yeah.

18 Q. And the mitigation plan is taken care of
19 through the HTPT.

20 A. (Widell) Yes.

21 Q. Okay. Did you help draft the HTPT?

22 A. (Widell) No. It's in draft form. I have not
23 participated in that. Actually, I gave some

1 information early on, before the formal draft
2 was completed. So I'm sorry. I have to say
3 yes, I did participate in a small way.

4 Q. Okay. But the Programmatic Agreement says
5 that NPT will draft it.

6 A. (Widell) Yes.

7 Q. So are they drafting it -- who's drafting it
8 for NPT?

9 A. (Widell) There is a draft, and it has been
10 provided to the Department of Energy is my
11 understanding.

12 Q. Well, I know you keep saying there's a draft.
13 But who drafted it? That's what I want to
14 know.

15 A. (Bunker) I can help.

16 A. (Widell) My colleague can help.

17 Q. Great.

18 A. (Bunker) I can help a small bit.

19 Eversource's cultural resources manager,
20 Mark Doperalski, is leading the charge on
21 this effort. And over the past winter months
22 I was involved in providing information to
23 him to get it started. As time went on, the

1 concept of the plan has grown. I provided
2 him information on the archeological
3 perspective. And the plan will now include,
4 as you can be assured, the above-ground
5 resources, as well as the landscapes. And so
6 the authors of those chapters have not yet
7 been identified. But as I said, Mark
8 Doperalski will be heading this and
9 requesting information that I might provide,
10 that the above-ground resources might provide
11 and that the cultural landscape consultants
12 might provide. The exact writing of that has
13 not yet started.

14 Q. Okay. So you two experts may or may not be
15 involved in actually planning the mitigation;
16 is that right?

17 A. (Bunker) In terms of the mitigation, we have
18 made recommendations. And those will be
19 intertwined. I can only speak for my
20 discipline, from the archeology.

21 Q. Okay.

22 A. (Bunker) I've made recommendations for
23 resources that I believe are considered

1 eligible and that would be mitigated if not
2 avoided. And those exact mitigation methods
3 have not yet been described or defined. But
4 that's part of the process, to really get a
5 concrete research design, a strategy, a
6 protocol for each particular archeological
7 site that may ultimately need mitigation.
8 One or more types of mitigation could occur.

9 Q. I understand your answer. And I think what
10 you said is that you identified sites that
11 may need -- that need to either be avoided or
12 mitigated?

13 A. (Bunker) Yes.

14 Q. And the question is who is going to decide
15 how the mitigation happens if it can't be
16 avoided? And it doesn't sound like it's you.

17 A. (Bunker) I made recommendations on ways that
18 that could happen. Then it goes into a
19 consultation. Division of Historic Resources
20 is involved and Department of Energy. And if
21 I mixed it up, Cherilyn will fix that.

22 Q. But that all happens after we have to make
23 our decision?

1 A. (Bunker) I don't know the timing.

2 Q. Okay. Do you happen to know, either of you,
3 if the HPTP has been prepared using segments?

4 A. (Widell) I do not know that.

5 A. (Bunker) I don't know it either.

6 Q. Okay. Thank you.

7 CHAIRMAN HONIGBERG: Mr.

8 Iacopino, do you have any questions?

9 MR. IACOPINO: Yes, I do. Thank
10 you.

11 BY MR. IACOPINO:

12 Q. For both of the witnesses, my first question
13 is: In each of your disciplines, is the
14 Section 106 process or methodology the
15 standard in your industry for the
16 identification and assessment of historic
17 above-ground or underground resources?

18 A. (Widell) Yes.

19 A. (Bunker) Yes, it is.

20 Q. And what about in those cases where, and I
21 know they're few and far between probably,
22 but where you have a major construction
23 project that is not a federal undertaking?

1 Do you use the same methodologies in those
2 types of projects?

3 A. (Widell) Yes, in my experience.

4 A. (Bunker) Yes.

5 Q. How about for underground?

6 A. (Bunker) Yes, I do.

7 Q. Okay. Is a Programmatic Agreement something
8 that is commonly used as part of that
9 methodology or process?

10 A. (Widell) Yes.

11 Q. Same for underground?

12 A. (Bunker) Yes.

13 Q. In this particular case, we have a
14 Programmatic Agreement that, when I read it,
15 really just is an agreement to make more
16 agreements is what it seems to be, because
17 you have a historical property -- in your
18 HPTP, you've got an agreement that's got to
19 be drafted dealing with Native Americans;
20 you've got the monitoring plan, unanticipated
21 discovery plan, a training plan. Is it
22 common that a Programmatic Agreement does not
23 include those things, but only includes a

1 plan to make those plans?

2 A. (Widell) Yes.

3 Q. And is that the same for underground?

4 A. (Bunker) Yes.

5 Q. And I notice in this particular Programmatic
6 Agreement you also -- the language seems to
7 leave to the developer the first crack at the
8 draft, if you will. Is that common in other
9 Programmatic Agreements?

10 A. (Widell) Yes.

11 Q. And for underground as well?

12 A. (Bunker) Yes.

13 Q. Okay. So are you both comfortable in saying
14 that this Programmatic Agreement is not much
15 different than others in large construction
16 projects with respect to the number of
17 responsibilities and the extent of
18 responsibilities that's left to the
19 developer?

20 A. (Widell) Yes.

21 A. (Bunker) Agreed.

22 Q. Okay. Ms. Bunker, you mentioned both in your
23 prior testimony and today this issue about

1 the Phase 1B not being complete up in the
2 North Country. Is that because of the issue
3 of the suspected human remains? Is that
4 what's holding things up, up there?

5 A. (Bunker) I don't know if that is the one sole
6 crux of the matter or not. What I can tell
7 you is that the Project had requested of the
8 towns permission to conduct the Phase 1B, top
9 to bottom, both towns, all miles, and that
10 request was not granted. Beyond that, the
11 reasons I don't know.

12 Q. Okay. And also during Ms. Merritt's
13 questioning of you Ms. Widell, she made a
14 reference to the Applicant posing an
15 objection I guess during the drafting of the
16 Programmatic Agreement. Are you -- can you
17 tell us what that was about?

18 A. (Widell) I cannot. The Programmatic
19 Agreement is subject to consultation about
20 different sections of it, and there is
21 discussion about time limits and that sort of
22 thing.

23 Q. Okay. But they've now signed it; is that

1 right?

2 A. (Widell) Yes.

3 Q. So they're bound by it --

4 A. (Widell) Yes, they are.

5 Q. -- as far as the process is concerned; is
6 that right?

7 A. (Widell) Yes.

8 Q. And finally, I know you were asked a lot of
9 questions about other cases where the Site
10 Evaluation Committee may have conditioned the
11 granting of a certificate on something that
12 occurs after the certificate is actually
13 issued. And you mentioned the Groton Wind
14 Farm. Have you reviewed our Rule 301.17(c)
15 which specifically grants that authority to
16 the Site Evaluation Committee?

17 A. (Widell) Yes, I'm aware of that.

18 Q. This project is, I would say, quite a bit
19 larger than the Groton Wind Project. Is
20 there any insight that you can give to the
21 Committee on what types of conditions, other
22 than simply compliance with the Programmatic
23 Agreement, what other types of conditions

1 that this Committee ought to consider, given
2 your expertise with respect to if they were
3 to choose to grant a certificate, with
4 respect to the historic resources? And the
5 same question to you, Ms. Bunker, when she's
6 done.

7 A. (Widell) Yes. From the questioning there is
8 clear concern about continuing with the use
9 of the Historic Property Treatment Plan for
10 operation and maintenance beyond the
11 Programmatic Agreement. There may be other
12 things that the Committee would like to see
13 continue in a stewardship fashion beyond the
14 ten years of the Programmatic Agreement. So
15 those are a couple that come to mind
16 immediately. Also, if the Committee had some
17 precise mitigation requirements they would
18 like to see included, that might be something
19 they would do.

20 Q. Well, do you have any precise mitigation
21 requirements that you would recommend that
22 the Committee might employ in order to
23 protect historic resources?

1 A. (Widell) In a project like this, I would
2 defer to the state historic preservation
3 office that has the best knowledge of what is
4 needed. I know that there's interest in
5 education materials, perhaps a web-based
6 education program that's going to benefit the
7 entire citizenry of New Hampshire for
8 protecting not only the historic resources
9 that might be affected by this project, but
10 others throughout the state, to benefit all
11 of the citizenry, documentation as well and
12 research. We have created a huge amount of
13 information to help understand the history
14 and resources of New Hampshire, and it would
15 be a wonderful part of mitigation to make
16 that information available to the public in a
17 format, in an accessible way. Right now,
18 many of the materials at DHR are only
19 available by paper. And that would be
20 beneficial because it is a long way from here
21 to the Great North Woods, and everyone should
22 be able to use this material as we move
23 forward.

1 Q. And what about for the underground, Ms.
2 Bunker? Do you have any recommendations for
3 conditions that the Committee ought to
4 consider above and beyond just compliance
5 with the Programmatic Agreement?

6 A. (Bunker) In terms of actually accomplishing
7 the task at hand, which is to make sure that
8 there's no unreasonable adverse effect, I
9 think what we have in front of us is
10 sufficient with the Programmatic Agreement,
11 with all the data that has been supplied and
12 all the opinions of the reviewing agencies.
13 I think the package is well composed.

14 I also think that, because we have
15 minimal impact on archeological resources
16 with only one really adverse impact, that's
17 very good news for the Project. And it makes
18 it easier for the line in the future, for the
19 watch dogs, when the route has been
20 thoroughly addressed and we know where
21 resources are and where they're not.

22 In the longer term, to follow up on what
23 Cherilyn Widell said, I also agree that part

1 of mitigation can be creative. From the
2 archeological perspective, we typically
3 mitigate an archeological site by complete
4 data recovery. We design a sampling
5 strategy, an excavation plan and get the
6 information from the site. However,
7 information in a box doesn't help the people
8 of New Hampshire. And so I would like to, as
9 she said, see that there's more
10 interpretation, more education, more
11 accessibility. Even though it's a tricky
12 matter, we have sites that are confidential,
13 and we don't want to encourage people to go
14 treasure hunting. But we still want people
15 to understand the depth of human -- I'm
16 getting a little agitated.

17 Q. Human history?

18 A. (Bunker) Thank you -- in our state. And when
19 we think about 10,000 years of time, let's
20 not forget that.

21 And if nothing else, Mr. Oldenburg, I
22 have another book in mind.

23 MR. IACOPINO: Thank you very

1 much.

2 CHAIRMAN HONIGBERG: My questions
3 have been answered. Does anyone else on the
4 Subcommittee have any further questions?

5 [No verbal response]

6 CHAIRMAN HONIGBERG: Mr. Walker,
7 do you have any redirect?

8 MR. WALKER: Just briefly.

9 REDIRECT EXAMINATION

10 BY MR. WALKER:

11 Q. Good afternoon, Ms. Widell.

12 A. (Widell) Good afternoon.

13 Q. I just want to follow up on some of the
14 questions that recently Attorney Iacopino
15 asked you regarding the Programmatic
16 Agreement. And I think we've established
17 that, in your experience, programmatic
18 agreements typically do not have -- while
19 they have some detail, they do not have the
20 level of detail or all of the details as far
21 as carrying out the terms of the programmatic
22 agreement; is that right?

23 A. (Widell) Yes.

1 Q. Rather, it outlines a process, an ongoing,
2 consultative process with the different
3 agencies, including in this case, New
4 Hampshire DHR; is that right?

5 A. (Widell) Yes.

6 Q. You've mentioned that you understood that the
7 SEC has made its decisions as to whether to
8 grant a certificate while the 106 process is
9 ongoing, including the Programmatic
10 Agreement; is that right?

11 A. (Widell) Yes.

12 Q. And we've talked about the Groton Wind
13 decision.

14 MR. WALKER: And Dawn, if you
15 could pull up what we have marked as Applicant
16 Exhibit 218, please.

17 BY MR. WALKER:

18 Q. And you'll see on the screen -- can you see
19 that, Ms. Widell?

20 A. (Widell) Yes, I can.

21 Q. And that is the decision granting the
22 certificate in that case. And I think we've
23 established that that project is different.

1 It's a wind project, as Attorney Iacopino
2 pointed out, different scope than this
3 project. But is it your understanding that
4 the process, the SEC process in considering
5 whether to grant a certificate in that case,
6 is the same as in this case?

7 A. (Widell) Yes.

8 Q. I want to make sure the record is clear.
9 Earlier I think you mentioned that you've
10 seen this decision. I don't know if it got
11 jumbled and you suggested that you have seen
12 the Programmatic Agreement in that case. You
13 have not seen --

14 A. (Widell) No --

15 Q. -- the Programmatic Agreement --

16 A. (Widell) -- I have not seen the Programmatic
17 Agreement for that case.

18 Q. If I could ask you to refer to Page 55 of
19 that.

20 MR. WALKER: And Dawn, if you
21 could pull the main paragraph that says the
22 Subcommittee. There right there.

23 BY MR. WALKER:

1 Q. And I won't ask you to -- if you could just
2 read that to yourself, and I'm going to ask
3 you a few questions about some of it.

4 (Witness reviews document.)

5 Q. Have you read that, Ms. Widell?

6 A. Yes.

7 Q. Is this what you had in mind? And in
8 particular, when you look at the first
9 sentence, it talks about how the
10 Subcommittee, the Site Evaluation Committee
11 Subcommittee, recognizes that the
12 identification and evaluation of historic
13 resources in compliance with 106 and the
14 requirements of DHR is an iterative process
15 that will continue beyond the time frames set
16 forth in RSA 162-H. Is that what you had in
17 mind when you were referring to past
18 decisions of the SEC?

19 A. (Widell) Yes, it is. Exactly.

20 Q. And this is an ongoing process that continues
21 beyond when the SEC makes its decision in a
22 case as to whether to grant a certificate.

23 A. (Widell) Yes.

1 Q. If you go further down in that paragraph, it
2 also mentions that certain conditions are
3 necessary to ensure that construction and
4 ultimate operation of the proposed facility
5 does not cause an unreasonable adverse impact
6 on historic sites. And then it says that in
7 previous cases it has been determined that
8 continual consultation with the DHR
9 throughout the construction and operation of
10 a facility will assure that impacts on
11 historic sites will not be unreasonably
12 adverse. Is that what you anticipate would
13 happen in this case if the SEC were to grant
14 a certificate?

15 A. (Widell) Yes, and I believe I actually
16 mentioned that in my testimony, yes.

17 Q. If you could turn to Page 56, which is the
18 next page of this document. I'll give you a
19 minute to take a look at that, Ms. Widell.

20 (Witness reviews document.).

21 Q. Once again, in that case the SEC references
22 in its order a continuing role for the DHR in
23 the process; is that right?

1 A. (Widell) Yes.

2 Q. And in fact, imposes certain conditions. If
3 you look down in that paragraph, the three
4 conditions, one of them being that the
5 Applicant has to continue to consult with the
6 Division of Historical Resources. You see
7 that?

8 A. (Widell) Yes.

9 Q. And also comply with all agreements and memos
10 of understanding with the DHR. And then the
11 third requirement is with regard to any new
12 information or evidence of a historic site
13 being found, the Applicant shall immediately
14 report said findings to the DHR and the
15 Committee.

16 A. (Widell) Yes.

17 Q. Is that your sense of what happens in these
18 cases and what might happen here?

19 A. (Widell) Yes. And certainly I was asked
20 about recommendation for continuance and a
21 continuing role for DHR. Definitely is
22 something that I would recommend, and I
23 included that in my testimony.

1 Q. And this addresses, I think, Attorney
2 Plouffe's question to you as to whether you
3 understand the SEC having the authority to
4 delegate to the DHR an ongoing role in this
5 process.

6 A. (Widell) Yes.

7 Q. And you understand that that is the case?

8 A. (Widell) Yes.

9 Q. In fact, there is an order in this case.

10 MR. WALKER: And Dawn, if you
11 could pull up the September 19, 2017 order just
12 recently in this case by this Committee.

13 BY MR. WALKER:

14 Q. And on Page 3 of that, you'll note where it
15 states the Subcommittee can also delegate
16 authority to state agencies as part of a
17 Certificate of Site and Facility.

18 Again, in response to Attorney Plouffe's
19 questions, it's pretty clear that the SEC
20 does have that authority; is that right?

21 A. (Widell) Yes, from this document that is
22 clear.

23 Q. Changing subjects. Attorney Boepple asked

1 you some questions this morning suggesting
2 that the DHR's role in this process was
3 really for the purposes of Section 106 review
4 only, not necessarily for the SEC
5 determination. Do you recall those
6 questions?

7 A. (Widell) Yes.

8 Q. Is that your understanding?

9 A. (Widell) No, it is not. The SEC process is
10 separate and independent of the Section 106
11 process. The Section 106 process informs the
12 SEC process, but they are independent. And
13 so definitely DHR has a role in both and is,
14 I believe, referred to as the expert by the
15 SEC in matters of historic properties and
16 resources for the SEC.

17 Q. You'll recall that Attorney Boepple put up an
18 exhibit, and it was Exhibit CFP 443.

19 MR. WALKER: Dawn, if you could
20 pull that up, please. And it's that
21 August 25th, 2017 letter from DHR.

22 BY MR. WALKER:

23 Q. I want to draw your attention to the first

1 paragraph. Attorney Boepple asked you to
2 read the second sentence that talks about the
3 DHR having the responsibility to review the
4 Project under Section 106. I want to
5 actually ask you to read the next sentence
6 which states, "Products (site forms, reports,
7 et cetera) of this review process have been
8 used concurrently with the Site Evaluation
9 Committee evaluations for determining whether
10 or not there may be unreasonable adverse
11 effects on historic properties; however, the
12 federal Section 106 process functions
13 independently of the SEC process."

14 So is that your understanding of how
15 this works? DHR is involved in the process.
16 The review is done pursuant to the 106
17 process, but obviously that informs or helps
18 inform the SEC's review in this case; is that
19 right?

20 A. (Widell) Yes. Yes, that is exactly my
21 understanding.

22 Q. Okay. Thank you.

23 Dr. Bunker, just briefly. Attorney

1 Iacopino asked you about the ongoing -- or
2 the Phase 1B work that has not been completed
3 up in Clarksville and Stewartstown.

4 A. (Bunker) Yes.

5 Q. And is that on?

6 A. (Bunker) I think so. No?

7 Q. No, it's not on.

8 A. (Bunker) Okay. Sorry.

9 Q. And you explained that you do not have the
10 authorization yet, I believe, from the towns
11 to conduct that work; is that right?

12 A. (Bunker) That's correct.

13 Q. And if you do get that authorization, how
14 long do you anticipate that Phase 1B work to
15 take?

16 A. (Bunker) A couple of weeks.

17 Q. And did you expect to be able to complete
18 that this fall?

19 A. (Bunker) Well, it does depend on the weather.
20 There's no field work in winter conditions,
21 obviously. But if the weather cooperates,
22 yes.

23 Q. Okay. Thank you.

1 MR. WALKER: No further
2 questions.

3 CHAIRMAN HONIGBERG: All right.
4 I think we are done with Ms. Widell and Dr.
5 Bunker again. We have one more witness to do
6 this afternoon. Why don't we take a five-minute
7 break and let them get set up. We'll go off the
8 record.

9 MS. WIDELL: Thank you very much
10 for your attention.

11 (Recess was taken at 2:58 p.m.
12 and the hearing resumed at 3:04 p.m.)

13
14 (WHEREUPON, ELIZABETH A. DRAGON was
15 duly sworn and cautioned by the Court
16 Reporter.)

17 DIRECT EXAMINATION

18 BY MS. YOUNG:

19 Q. Can you please state your full name for the
20 record?

21 A. Elizabeth A. Dragon.

22 Q. And who are you here on behalf of?

23 A. I'm here on behalf of the City of Franklin.

1 I was the city manager up until recently. I
2 am now the city manager for the City of
3 Keene. This is my fourth day in Keene.
4 However, the City of Franklin is in a
5 transition time right now, and they have
6 asked that I continue to represent the City
7 of Franklin while they are in transition.

8 Q. And were you specifically authorized by the
9 city council to do so?

10 A. Yes.

11 Q. Did you submit any testimony for this hearing
12 today?

13 A. I did. I did a prefilled testimony.

14 Q. Do you have any edits, corrections or
15 additions to the testimony?

16 A. No, I don't.

17 MS. YOUNG: I'd respectfully
18 request that we submit that as an exhibit.

19 CHAIRMAN HONIGBERG: All right.
20 It is an exhibit. I don't remember what number
21 it is.

22 MR. IACOPINO: Berlin-Franklin 2.

23 CHAIRMAN HONIGBERG: This is

1 Berlin-Franklin 2.

2 Counsel for the Public has no
3 questions, I understand?

4 [No verbal response]

5 CHAIRMAN HONIGBERG: Do any of
6 the intervenors have questions for Ms. Dragon?

7 [No verbal response]

8 CHAIRMAN HONIGBERG: Do members
9 of the Subcommittee have questions for Ms.
10 Dragon? Mr. Oldenburg.

11 QUESTIONS BY SUBCOMMITTEE MEMBERS AND BY SEC

12 COUNSEL:

13 BY MR. OLDENBURG:

14 Q. I have to ask a question. In your prefiled
15 testimony, it says in the first year the city
16 of Franklin stands to receive estimated tax
17 benefits in the range of up to \$7 million.

18 CHAIRMAN HONIGBERG: Nobody can
19 hear you, Bill.

20 MR. OLDENBURG: I'm sorry.

21 BY MR. OLDENBURG:

22 Q. I'm sorry. Has been anybody told you, or do
23 you have any information on the depreciation

1 of that tax, what it will be in ten years or
2 20 years, what the estimation is? Do you
3 know that?

4 A. So I don't know the exact numbers. But I do
5 know that there is a depreciation value, and
6 I do know that Northern Pass has provided
7 exhibits with a range of value. And in my
8 conversations with the city council, at the
9 time when the Project is built, I
10 recommended, and they agreed, that they would
11 hire an assessor to create an evaluation, for
12 the converter station in particular. And we
13 do realize there would be a depreciation,
14 although we would not be using DRA value.

15 Q. Okay. That's the only question I had.

16 CHAIRMAN HONIGBERG: Commissioner
17 Bailey.

18 BY COMMISSIONER BAILEY:

19 Q. Good afternoon. Could you elaborate a little
20 on what you think the city of Franklin would
21 do if it had this additional tax revenue, and
22 what benefits would it accrue to its
23 citizens?

1 A. Absolutely. The city of Franklin has about
2 24 percent of its population living at or
3 below poverty level right now. And just to
4 give you a sense of what's happening in the
5 community over the last ten years, 453 homes
6 were foreclosed on. And this is a community
7 with a population of 8500 people. The
8 population has not changed. It's remained
9 stagnant.

10 In that same ten-year period there has
11 been 67 tax deeds. That's a large number of
12 tax-deeded properties in a community of that
13 size. I was averaging about anywhere from 5
14 to 10 homes a year that I was dealing with on
15 behalf of the City through this tax-deeding
16 process.

17 So, obviously, poverty and lack of a tax
18 base has been an issue for the community
19 since really the closure of the mills. This
20 additional tax base would allow the community
21 to really have an opportunity to sort of
22 reset itself in terms of funding, because I
23 know you probably -- I'm sure you've read my

1 testimony. But the value of \$358 million
2 which is estimated for the increase, our
3 entire value for the city is 579 right now.
4 So that is a huge difference in terms of
5 proportion of value.

6 And just to give you another sense, net
7 budget for the city, so after revenues, is \$7
8 million. So if they were collecting another
9 \$6 million, that's huge in terms of tax
10 revenue. And this last budget that I just
11 completed for the City of Franklin for the
12 fiscal year '18, the school in particular is
13 really struggling. They were \$1.1 million in
14 shortfall this year. And this was the same
15 thing last year, and every year we have to
16 really struggle to find the funds to provide
17 the services. And this provides them the
18 opportunity to assist the school, to deal
19 with some infrastructure that has been
20 delayed year after year. They do not have
21 capital reserve accounts to speak of. They
22 haven't been able to afford that. It's been
23 just getting by in terms of operations. And

1 this isn't -- you know, this is a project
2 that isn't going to add more kids to the
3 school. It isn't going to be a demand on
4 police and fire. It's strictly going to be
5 an increase in the tax base. So it would
6 definitely mean a lot to the community, which
7 is why I personally spent seven years
8 advocating for this project on behalf of the
9 City of Franklin.

10 And one other note. I helped them --
11 before I left the City, I participated in the
12 process for recruitment of the next city
13 manager and drafting their profile. The
14 Northern Pass Project and ability to
15 understand and advocate for the project is
16 something that's so important to them, that
17 it's part of their consideration in terms of
18 recruiting their next city manager, which is
19 why it was so important for them to make sure
20 I was willing to come back and deal with
21 anything that needed to happen at this level.
22 It's really at the top of their minds.

23 Q. Thank you.

1 CHAIRMAN HONIGBERG: Mr.

2 Iacopino, do you have any questions?

3 MR. IACOPINO: No questions.

4 BY CHAIRMAN HONIGBERG:

5 Q. Ms. Dragon, how long have you been city
6 manager -- or how long were you city manager,
7 rather, in Franklin?

8 A. Nine years.

9 Q. Has anyone ever done any work on figuring out
10 the effect that the city put on itself with
11 the tax cap, now a couple of decades ago?

12 A. So there's always been debate about the tax
13 cap, and there has been people over the years
14 who felt that we should simply raise the tax
15 cap. My response to that, having balanced
16 that budget year after year, was you can
17 raise the taxes, but who is going to pay for
18 it? Who is going to pay for it if you exceed
19 that tax cap? I think that's what I was
20 trying to allude to with the number of
21 foreclosures that the city was seeing and the
22 number of tax deeding. My peers around the
23 state are not dealing with that number of tax

1 deeding every year, I mean not for a
2 community of that size. So it just -- if we
3 don't have the money to get from the people
4 who are residing there, the tax cap is not
5 the issue. We have to create the revenue.

6 Q. That's clearly the problem now. But has
7 anyone thought and looked at and tried to
8 determine whether the tax cap itself had an
9 effect on the city's ability to attract
10 people to come and live there because of the
11 difficulty the city had spending money on its
12 schools and its infrastructure?

13 A. I can't say of any specific study that I am
14 aware of in regards to the history of the
15 City of Franklin and whether or not that's
16 influenced it. I can only really speak to
17 the time that I've been there and what I have
18 seen.

19 Q. But suffice it to say, today, given where we
20 are, it's your view and the City's view that
21 this would be of great benefit; right?

22 A. Extremely.

23 CHAIRMAN HONIGBERG: All right.

1 Does anyone on the Committee have any further
2 questions for Ms. Dragon?

3 [No verbal response]

4 CHAIRMAN HONIGBERG: Ms. Young,
5 do you have follow-up you want to make?

6 MS. YOUNG: No, thank you.

7 CHAIRMAN HONIGBERG: All right.
8 I think we're good. Thank you very much for
9 coming.

10 WITNESS DRAGON: Thank you.

11 CHAIRMAN HONIGBERG: All right.
12 Is there anything we can accomplish today? I
13 don't think we have more witnesses here; right?

14 All right. So we will adjourn
15 and resume tomorrow morning with the
16 construction panel returning; correct?
17 That's right. So, we'll adjourn then. Thank
18 you.

19 (Whereupon the Day 41 Afternoon
20 Session was adjourned at 3:13
21 p.m., with the Day 42 hearing to resume
22 on September 29, 2017
23 commencing at 9:00 a.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed
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of the State of New Hampshire, do hereby
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