STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

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

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

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)

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 Dandeneau  Public Member

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

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER:  Susan J. Robidas, NH LCR No. 44
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(resumed) Victoria Bunker

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

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

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

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

A. (Widell) Yes.

Q. Okay. I want to show you a few things about this area. I don't want to try to show them to you for their content, and I'm essentially not going to try to figure out whether they've been properly characterized and whether the effect on them has been properly
explored. I did want to call them to your
attention merely as a matter of what kind of
work might have gone into identifying them
and having them in the inventory with the
defined boundaries that this map, which is
Appellant's [sic], it's Bates stamped 82274.
We were looking at that earlier this morning
with Ms. Merritt. I believe that it's
being -- it's on the projector.

MS. MONROE: It's on its side.

MS. CRANE: Oh, I'm sorry.

That's perfect.

BY MS. CRANE:

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

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

Q. If I told you it was Bridgewater?

A. (Widell) Yes.
Q. Okay. Thanks.

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

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

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

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

A. (Widell) Yes.

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

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

A. (Widell) Yes.

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

BY MS. CRANE:

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

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

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

A. (Widell) I have been to Peaked Hill a number of times, the historic district. So I'm
familiar with the area, yes.

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

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

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

And are you familiar with this kind of map?

A. (Widell) Yes.

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

A. (Widell) Yes.

Q. And this is a map using the LIDAR data available through the Granit database, as I understand it, and it is outlining the stone walls and other features relating to cellar
holes and things like that in roughly this area; is that correct? You don't have to agree with that.

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

A. (Widell) Yes.

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

A. (Widell) Yes.

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

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

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

BY MS. CRANE:

Q. So we don't really need to study this very closely. It is taken -- it is Ashland to Deerfield Non-Abutters Exhibit 57. It is taken -- it's pages that were taken from a book that was included in the cultural landscape's bibliography. And on Page 85 it appears to be dating the state of New
Hampshire's -- the Legislature at the State of New Hampshire's action partitioning Bristol from Bridgewater. Does that seem likely that's what that is?

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

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

BY MS. CRANE:

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

A. (Widell) Yes.

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

These were all items that might have been taken into account in trying to determine what the appropriate boundary of
the Peaked Hill Historic District was and whether it might be a cultural landscape or have some other features of interest in identifying historical resources for the purposes of any of the procedures we've been reviewing; correct?

A. (Widell) Yes.

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

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

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

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

Q. Yes, yes.

A. (Widell) And the question is?

Q. Was it categorized as part of Bristol?

A. (Widell) Yes.

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

MS. CRANE:  Oops. I'm sorry

switch to the ELMO.
BY MS. CRANE:

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

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

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

A. (Widell) Yes, it says "Bridgewater."

Hmm-hmm.

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

A. (Widell) Yes.

Q. And we also see Peaked Hill within Bridgewater.

Now, these items that I have referred to -- beginning with Ashland to Deerfield Non-Abutters Exhibit 55, the book; Exhibit 56, the table of homesteads; Exhibit 57, a
little bit of history on the relationship
between Bristol and Bridgewater -- are those
all things that if one were doing excellent
work of the sort that you would do in
developing these historical resources, you
would have taken into account?

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

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

A. (Widell) They would be given to the
researchers. And my understanding is that
there were public hearings held by PAL at the
time they were expanding the study areas for
the cultural landscapes, and they
specifically received such materials.

Q. And who would they receive such materials
from?

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

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

A. (Widell) I personally did not.

Q. Do you know if anyone did?

A. (Widell) I do not.

Q. I had some more questions about similarly
problematic places. I'm only going to put
one of them up. Okay. And again, I'm not
going to worry about where we are in the
record in this process with respect to this
particular property. It is Bates stamped
82920. It is the Benjamin Teal Barn on
Route 3, south of Plymouth. Are you familiar
with this location?

A. (Widell) Yes, I have been.

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

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

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

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

MS. CRANE: And I'm out of time.

Thank you.

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

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

CHAIRMAN HONIGBERG: All right. I have no other intervenors who have indicated they have questions for the panel, so I think we are ready to turn to the Subcommittee Members. Who has questions? Mr. Way.
QUESTIONS BY SUBCOMMITTEE MEMBERS AND BY SEC COUNSEL:

BY MR. WAY:

Q. Good afternoon.

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

Q. Welcome back.

A. (Widell) Thank you.

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

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

Q. It is for ten years?

A. (Widell) Yes.

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

One issue that was brought up, and we had talked about it last time, is that if you find something during the construction, something as famously known as a "game changer" now -- going copyright that -- so
the person, the compliance officer on site would be the person to make a determination whether to do something this way or do something that way. They would make the determination; correct?

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

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

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

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

A. (Widell) No, it has not.
Q. The other thing, too, is this is a ten-year document. People are going to change. Looking at the signatories, I've already noticed that there's several that have already changed. And so we may have talked about this last time, and so I'm apologizing if I'm forgetting.

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

A. (Widell) A number of individuals would have it regularly on their desk and being used. One is there is a regular reporting mechanism, and therefore the Applicant -- there is a training program, and that is not just done one time and left at all. There are individuals that -- individuals you asked about trusting. The individuals that are making decisions have to meet the Secretary
of Interior's standards for professionals. So they -- it's not just someone that happens
to be hired to fill the position. They have
to meet specific requirements. And so those
are some of the things. I can go further if
you would like, but those are some of the
reasons why it's quite an active document
when you have a project of this size with
individuals in a state historic preservation
office. So...

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

A. (Widell) Yes.

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

A. (Widell) Yes, I have reviewed some of those
previous projects that were reviewed and
permit given by this body. One of them is
the Groton Wind Project. And it's specifically a delegated responsibility for oversight to DHR in that agreement, based on your state authority. And I believe it mentions the Programmatic Agreement as the vehicle for overseeing regular maintenance and operations and monitoring on the behalf of the Site Evaluation Committee. And that's just one of them, but that's the one that comes to mind. That was a large project such as this.

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

A. (Widell) I have not put the project side by side and looked at the mitigation. But it is a very large project, and so the extent of mitigation based on adverse effects would be similar.
Q. Would be similar?
A. (Widell) Yes.

MR. WAY: I'm good for now.

Thank you.

CHAIRMAN HONIGBERG: Ms. Weathersby.

MS. WEATHERSBY: Thank you.

BY MS. WEATHERSBY:
Q. Good afternoon.
A. (Widell) Good afternoon.
Q. Just a couple quick questions following up on what Mr. Way mentioned concerning the determination of the agreement. And I understand that this is the Programmatic Agreement. I understand that it's due to terminate in ten years, or I think there are other provisions, you know, if the terms are fulfilled, et cetera, et cetera.
A. (Widell) Yes, yes.
Q. But does that mean that the Programmatic Agreement does not cover obligations of the parties beyond that? What governs maintenance activities or decommissioning of
the line in regard to effects on historic properties or archeological finds?

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

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

A. (Widell) Yes.

Q. -- beyond the Programmatic Agreement --

A. (Widell) Yes.

Q. -- even though --

(Court Reporter interrupts.)

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

A. (Widell) For example, if you delegated that authority to DHR, as has been done in the past through the issuance of the permit, that could be a condition.
Q. The Programmatic Agreement doesn't seem to even list suggested types of mitigation -- purchase of easements, land, publication of information, et cetera -- that I've seen in other Programmatic Agreements set forth as guidelines. Do you know why that is, and is that typical in your experience?

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

So, in this case, there are such a broad number of mitigations that are possible, usually in the area of documentation, education, maybe something web-based education, those sorts of things, so to try to put an entire list in the Programmatic Agreement may actually limit what the individuals, both the professionals and the
consulting parties, might come up with. So I think it's actually a good idea to allow that to occur through consultation.

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

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

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

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

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

Q. Thank you.

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

Q. I have nothing further.

CHAIRMAN HONIGBERG: Mr. Olden-
MR. OLDENBURG: Thank you.

BY MR. OLDENBURG:

Q. Good afternoon.

A. (Widell) Good afternoon.

Q. All my questions are about the Programmatic Agreement.

In the preamble on page, and you can follow along if you want, but on Page 6, under No. 18, it says the PA addresses the planning and construction activities of the proposed project. This PA also addresses operations and maintenance activities of the proposed project as reasonably foreseeable effects. So I'm reading that two ways, and I hope you can help me out on which way is right.

Are the operations and maintenance activities, assuming the Project's complete and they move into operations and maintenance, are those activities covered by this Agreement, or would something have to be done? Say they had to replace a line five
years from now. Would they have to do
something, do another effects -- another
report, another investigation, or does this
PA cover those activities?

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

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

A. (Widell) I believe Mr. Way asked a similar
question. In my experience, these plans
sometimes are specifically required to
continue after the agreement is done. Most
of the agreement is a blueprint for getting through identification, assessment and mitigation, and then the Historic Preservation Treatment Plan can continue beyond the Programmatic Agreement, if that is what is appropriate for the Project.

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

A. (Widell) Right, right.

Q. So we'll just say when construction activities begin. Do you know when the
Project construction activities will begin?

A. (Widell) I do not.

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

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

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

A. (Bunker) The phase?

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

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

A. (Bunker) Yes.

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

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

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

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

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

A. (Bunker) Yes, that's correct.
Q. Are those done?
A. (Bunker) And the Phase II archeological study is complete, with the exception of any sites discovered during Phase 1B in Stewartstown and Clarksville on the locally maintained roads that may necessitate completing the Phase II. Otherwise, all of the Phase II work has been completed.

Q. All right. On Page 17, there's a myriad list of all these standards and guidelines and policies from all these different agencies that have to be followed.
A. (Widell) Yes.

Q. One thing I noticed is that there's a specific date that's assigned to each of them. If this agreement lasts ten years, how -- there's nothing in there that says "or current edition" or "updated edition" or "revised edition." I would assume that if one of these guidelines is revised or updated, you would use the revised and updated version; right?
A. (Widell) Yes, of course that would be
something included in the monthly report that
would be done, that there would be an
announcement that that is now what would be
required. But yes.

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

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

Q. But that will be ready prior to spring?

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

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

A. (Widell) Yes.

Q. Is that complete?

A. (Widell) Once again, it's in the Historic
Preservation Treatment Plan, and it is in a
draft form. And it is something, as I stated before, that is kind of not completely boiler plate because you have specific people that are responsible for answering to it, but it's a standard thing that is used for our field of expertise.

Q. I'm assuming the training plan --
A. (Widell) Same thing.

Q. -- is the same answer?
A. (Widell) Yes.

Q. And the entire HPTP is the same?
A. (Widell) Yes.

Q. Okay. One of the things I noticed with the training plan, and I think we had talked about this originally, about the archeology, that people are going to be trained to see or if something is found. And one of the things that I noticed going through the archeological reports is when some of the stuff, some of the artifacts that you found or that were found or that were shown in photographs, it appeared to me you had to be a pretty well-trained person to realize that
that shard of pottery or that stone was something important. How do you get a person that's running the excavator or running a shovel to realize, hey, that's something that I should mention and it's not just some piece of broken thing that's only two years old?

A. (Bunker) I understand the question. You're correct. It does require some knowledge and experience to distinguish some of the artifacts from just a natural item. But to answer your real question, those types of items that are very small probably would not show up in the scoop of a backhoe. You're right about that. But what would show up are other things like soil stratigraphy, discolored, or soils of a different texture, color, density that would show up. And somebody in even mechanical equipment would be trained to recognize that and a red flag would go up. Other things that might be slightly larger would be a foundation of a building, a well, that type of thing. And please also remember that there would be
cultural resources monitors who would, if something popped up on the radar, or if it was an area that looked particularly sensitive, then that monitoring personnel would be there and would be able to identify those smaller items.

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

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

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

A. (Widell) No.

Q. I guess my last question is just a clarification. When Ms. Boepple was questioning Dr. Bunker, she read some
testimony about finding -- if remains were
found.

A. (Bunker) Yes.

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

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

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

A. (Bunker) That's correct.

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

A. (Bunker) Yes.

Q. And I didn't know if I was reading the
question wrong or if I was reading into it.

Thank you.

A. (Bunker) You're welcome.

MR. OLDENBURG: That's all I
CHAIRMAN HONIGBERG: Mr. Wright.

BY DIR. WRIGHT:

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

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

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

Q. Okay. Because I think I read in your prefiled testimony that DHR actually requested --
A. (Widell) Yes.

Q. -- ACHP to be involved --

A. (Widell) Yes.

(Court Reporter interrupts.)

Q. ACHP to be involved in developing the PA.

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

A. (Widell) Yes.

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

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

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

A. (Widell) Yes.
Q. -- with this document. What tools does DOE have at their disposal if there is noncompliance with this document? Do you know?

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

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

A. (Widell) Yes.

Q. -- or is it the advisory council?

A. (Widell) Yes, DOE enforces it day-to-day and has, as you can see, responsibility in the agreement. But say for whatever reason DOE does not do it. They are a federal agency. So it is the advisory council who has oversight over any and all federal agencies for compliance with the National Historic Preservation Act.
Q. So if DOE fails to do it, then it would --
A. (Widell) Yes, yes.
Q. -- fall back to the advisory council to do it?
A. (Widell) Yes, yes.
Q. Okay. Thank you.

MR. WRIGHT: I'm all set.

CMSR. BAILEY: Thank you.

BY COMMISSIONER BAILEY:
Q. Good afternoon.
A. (Widell) Good afternoon.
Q. Could you explain the difference between the Programmatic Agreement and the MOU -- or an MOU?
A. (Widell) Yes. Yes, and that's a great question, actually. The MOU that I'm assuming you're talking about is the December 2016 MOU that Northern Pass signed with DHR.
Q. I think that's what I'm talking about. You've referred to an MOU several times, and I know from past cases we've had MOUs that DHR, the state Division of Historical
Resources, had with I think the Applicant.
But that's what I'm trying to understand.

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

Q. Go ahead. Finish your --

A. (Widell) In my testimony today, I have talked about memorandums of agreement as normally slightly smaller kinds of documents, similar to a programmatic agreement, that usually just deal with a particular project, say the rehabilitation of a courthouse, a federal courthouse. That might be covered in a memorandum of agreement; whereas, a linear project, a project that has many segments, is a programmatic agreement because you have several stages that you're going through, and it's going to be over a time period and it's
going to be several segmentations. Did I
give you too much information or --

Q. No --
A. (Widell) -- is that helpful?

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

A. (Widell) Okay.

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

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

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

A. (Widell) Yes.

Q. Okay. Did you help draft the HTPT?

A. (Widell) No. It's in draft form. I have not
participated in that. Actually, I gave some
information early on, before the formal draft was completed. So I'm sorry. I have to say yes, I did participate in a small way.

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

A. (Widell) Yes.

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

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

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

A. (Bunker) I can help.

A. (Widell) My colleague can help.

Q. Great.

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

Eversource's cultural resources manager, Mark Doperalski, is leading the charge on this effort. And over the past winter months I was involved in providing information to him to get it started. As time went on, the
concept of the plan has grown. I provided him information on the archeological perspective. And the plan will now include, as you can be assured, the above-ground resources, as well as the landscapes. And so the authors of those chapters have not yet been identified. But as I said, Mark Doperalski will be heading this and requesting information that I might provide, that the above-ground resources might provide and that the cultural landscape consultants might provide. The exact writing of that has not yet started.

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

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

Q. Okay.

A. (Bunker) I've made recommendations for resources that I believe are considered
eligible and that would be mitigated if not avoided. And those exact mitigation methods have not yet been described or defined. But that's part of the process, to really get a concrete research design, a strategy, a protocol for each particular archeological site that may ultimately need mitigation. One or more types of mitigation could occur.

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

A. (Bunker) Yes.

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

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

Q. But that all happens after we have to make our decision?
A. (Bunker) I don't know the timing.

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

A. (Widell) I do not know that.

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

Q. Okay. Thank you.

CHAIRMAN HONIGBERG: Mr. Iacopino, do you have any questions?

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

BY MR. IACOPINO:

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

A. (Widell) Yes.

A. (Bunker) Yes, it is.

Q. And what about in those cases where, and I know they're few and far between probably, but where you have a major construction project that is not a federal undertaking?
Do you use the same methodologies in those types of projects?

A. (Widell) Yes, in my experience.

A. (Bunker) Yes.

Q. How about for underground?

A. (Bunker) Yes, I do.

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

A. (Widell) Yes.

Q. Same for underground?

A. (Bunker) Yes.

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

A. (Widell) Yes.

Q. And is that the same for underground?

A. (Bunker) Yes.

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

A. (Widell) Yes.

Q. And for underground as well?

A. (Bunker) Yes.

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

A. (Widell) Yes.

A. (Bunker) Agreed.

Q. Okay. Ms. Bunker, you mentioned both in your prior testimony and today this issue about
the Phase 1B not being complete up in the North Country. Is that because of the issue of the suspected human remains? Is that what's holding things up, up there?

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

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

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

Q. Okay. But they've now signed it; is that
right?
A. (Widell) Yes.
Q. So they're bound by it --
A. (Widell) Yes, they are.
Q. -- as far as the process is concerned; is that right?
A. (Widell) Yes.
Q. And finally, I know you were asked a lot of questions about other cases where the Site Evaluation Committee may have conditioned the granting of a certificate on something that occurs after the certificate is actually issued. And you mentioned the Groton Wind Farm. Have you reviewed our Rule 301.17(c) which specifically grants that authority to the Site Evaluation Committee?
A. (Widell) Yes, I'm aware of that.
Q. This project is, I would say, quite a bit larger than the Groton Wind Project. Is there any insight that you can give to the Committee on what types of conditions, other than simply compliance with the Programmatic Agreement, what other types of conditions
that this Committee ought to consider, given your expertise with respect to if they were to choose to grant a certificate, with respect to the historic resources? And the same question to you, Ms. Bunker, when she's done.

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

Q. Well, do you have any precise mitigation requirements that you would recommend that the Committee might employ in order to protect historic resources?
A. (Widell) In a project like this, I would defer to the state historic preservation office that has the best knowledge of what is needed. I know that there's interest in education materials, perhaps a web-based education program that's going to benefit the entire citizenry of New Hampshire for protecting not only the historic resources that might be affected by this project, but others throughout the state, to benefit all of the citizenry, documentation as well and research. We have created a huge amount of information to help understand the history and resources of New Hampshire, and it would be a wonderful part of mitigation to make that information available to the public in a format, in an accessible way. Right now, many of the materials at DHR are only available by paper. And that would be beneficial because it is a long way from here to the Great North Woods, and everyone should be able to use this material as we move forward.
Q. And what about for the underground, Ms. Bunker? Do you have any recommendations for conditions that the Committee ought to consider above and beyond just compliance with the Programmatic Agreement?

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

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

In the longer term, to follow up on what Cherilyn Widell said, I also agree that part
of mitigation can be creative. From the
archeological perspective, we typically
mitigate an archeological site by complete
data recovery. We design a sampling
strategy, an excavation plan and get the
information from the site. However,
information in a box doesn't help the people
of New Hampshire. And so I would like to, as
she said, see that there's more
interpretation, more education, more
accessibility. Even though it's a tricky
matter, we have sites that are confidential,
and we don't want to encourage people to go
treasure hunting. But we still want people
to understand the depth of human -- I'm
getting a little agitated.

Q. Human history?

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

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

MR. IACOPINO: Thank you very
much.

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

[No verbal response]

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

MR. WALKER: Just briefly.

REDIRECT EXAMINATION

BY MR. WALKER:

Q. Good afternoon, Ms. Widell.

A. (Widell) Good afternoon.

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

A. (Widell) Yes.
Q. Rather, it outlines a process, an ongoing, consultative process with the different agencies, including in this case, New Hampshire DHR; is that right?

A. (Widell) Yes.

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

A. (Widell) Yes.

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

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

BY MR. WALKER:

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

A. (Widell) Yes, I can.

Q. And that is the decision granting the certificate in that case. And I think we've established that that project is different.
It's a wind project, as Attorney Iacopino pointed out, different scope than this project. But is it your understanding that the process, the SEC process in considering whether to grant a certificate in that case, is the same as in this case?

A. (Widell) Yes.

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

A. (Widell) No --

Q. -- the Programmatic Agreement --

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

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

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

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

(Witness reviews document.)

Q. Have you read that, Ms. Widell?
A. Yes.

Q. Is this what you had in mind? And in particular, when you look at the first sentence, it talks about how the Subcommittee, the Site Evaluation Committee Subcommittee, recognizes that the identification and evaluation of historic resources in compliance with 106 and the requirements of DHR is an iterative process that will continue beyond the time frames set forth in RSA 162-H. Is that what you had in mind when you were referring to past decisions of the SEC?
A. (Widell) Yes, it is. Exactly.

Q. And this is an ongoing process that continues beyond when the SEC makes its decision in a case as to whether to grant a certificate.
A. (Widell) Yes.
Q. If you go further down in that paragraph, it also mentions that certain conditions are necessary to ensure that construction and ultimate operation of the proposed facility does not cause an unreasonable adverse impact on historic sites. And then it says that in previous cases it has been determined that continual consultation with the DHR throughout the construction and operation of a facility will assure that impacts on historic sites will not be unreasonably adverse. Is that what you anticipate would happen in this case if the SEC were to grant a certificate?

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

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

(Witness reviews document.).

Q. Once again, in that case the SEC references in its order a continuing role for the DHR in the process; is that right?
A. (Widell) Yes.

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

A. (Widell) Yes.

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

A. (Widell) Yes.

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

A. (Widell) Yes. And certainly I was asked about recommendation for continuance and a continuing role for DHR. Definitely is something that I would recommend, and I included that in my testimony.
Q. And this addresses, I think, Attorney Plouffe's question to you as to whether you understand the SEC having the authority to delegate to the DHR an ongoing role in this process.

A. (Widell) Yes.

Q. And you understand that that is the case?

A. (Widell) Yes.

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

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

BY MR. WALKER:

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

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

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

Q. Changing subjects. Attorney Boepple asked
you some questions this morning suggesting
that the DHR's role in this process was
really for the purposes of Section 106 review
only, not necessarily for the SEC
determination. Do you recall those
questions?
A. (Widell) Yes.
Q. Is that your understanding?
A. (Widell) No, it is not. The SEC process is
separate and independent of the Section 106
process. The Section 106 process informs the
SEC process, but they are independent. And
so definitely DHR has a role in both and is,
I believe, referred to as the expert by the
SEC in matters of historic properties and
resources for the SEC.
Q. You'll recall that Attorney Boepple put up an
exhibit, and it was Exhibit CFP 443.
MR. WALKER: Dawn, if you could
pull that up, please. And it's that
August 25th, 2017 letter from DHR.
BY MR. WALKER:
Q. I want to draw your attention to the first
paragraph. Attorney Boepple asked you to read the second sentence that talks about the DHR having the responsibility to review the Project under Section 106. I want to actually ask you to read the next sentence which states, "Products (site forms, reports, et cetera) of this review process have been used concurrently with the Site Evaluation Committee evaluations for determining whether or not there may be unreasonable adverse effects on historic properties; however, the federal Section 106 process functions independently of the SEC process."

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

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

Q. Okay. Thank you.

Dr. Bunker, just briefly. Attorney
Iacopino asked you about the ongoing -- or the Phase 1B work that has not been completed up in Clarksville and Stewartstown.

Q. And is that on?

A. (Bunker) I think so. No?

Q. No, it's not on.

A. (Bunker) Okay. Sorry.

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

A. (Bunker) That's correct.

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

A. (Bunker) A couple of weeks.

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

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

Q. Okay. Thank you.
MR. WALKER: No further questions.

CHAIRMAN HONIGBERG: All right.

I think we are done with Ms. Widell and Dr. Bunker again. We have one more witness to do this afternoon. Why don't we take a five-minute break and let them get set up. We'll go off the record.

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

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

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

DIRECT EXAMINATION

BY MS. YOUNG:

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

A. Elizabeth A. Dragon.

Q. And who are you here on behalf of?

A. I'm here on behalf of the City of Franklin.
I was the city manager up until recently. I am now the city manager for the City of Keene. This is my fourth day in Keene. However, the City of Franklin is in a transition time right now, and they have asked that I continue to represent the City of Franklin while they are in transition.

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

A. Yes.

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

A. I did. I did a prefilled testimony.

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

A. No, I don't.

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

CHAIRMAN HONIGBERG: All right.

It is an exhibit. I don't remember what number it is.

MR. IACOPINO: Berlin—Franklin 2.

CHAIRMAN HONIGBERG: This is
Berlin-Franklin 2.

Counsel for the Public has no questions, I understand?

[No verbal response]

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

[No verbal response]

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

QUESTIONS BY SUBCOMMITTEE MEMBERS AND BY SEC COUNSEL:

BY MR. OLDENBURG:

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

CHAIRMAN HONIGBERG: Nobody can hear you, Bill.

MR. OLDENBURG: I'm sorry.

BY MR. OLDENBURG:

Q. I'm sorry. Has been anybody told you, or do you have any information on the depreciation
of that tax, what it will be in ten years or
20 years, what the estimation is? Do you
know that?

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

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

CHAIRMAN HONIGBERG: Commissioner

Bailey.

BY COMMISSIONER BAILEY:

Q. Good afternoon. Could you elaborate a little
on what you think the city of Franklin would
do if it had this additional tax revenue, and
what benefits would it accrue to its
citizens?
A. Absolutely. The city of Franklin has about 24 percent of its population living at or below poverty level right now. And just to give you a sense of what's happening in the community over the last ten years, 453 homes were foreclosed on. And this is a community with a population of 8500 people. The population has not changed. It's remained stagnant.

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

So, obviously, poverty and lack of a tax base has been an issue for the community since really the closure of the mills. This additional tax base would allow the community to really have an opportunity to sort of reset itself in terms of funding, because I know you probably -- I'm sure you've read my
testimony. But the value of $358 million
which is estimated for the increase, our
entire value for the city is 579 right now.
So that is a huge difference in terms of
proportion of value.

And just to give you another sense, net
budget for the city, so after revenues, is $7
million. So if they were collecting another
$6 million, that's huge in terms of tax
revenue. And this last budget that I just
completed for the City of Franklin for the
fiscal year '18, the school in particular is
really struggling. They were $1.1 million in
shortfall this year. And this was the same
thing last year, and every year we have to
really struggle to find the funds to provide
the services. And this provides them the
opportunity to assist the school, to deal
with some infrastructure that has been
delayed year after year. They do not have
capital reserve accounts to speak of. They
haven't been able to afford that. It's been
just getting by in terms of operations. And
this isn't -- you know, this is a project that isn't going to add more kids to the school. It isn't going to be a demand on police and fire. It's strictly going to be an increase in the tax base. So it would definitely mean a lot to the community, which is why I personally spent seven years advocating for this project on behalf of the City of Franklin.

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

Q. Thank you.
CHAIRMAN HONIGBERG: Mr. Iacopino, do you have any questions?

MR. IACOPINO: No questions.

BY CHAIRMAN HONIGBERG:

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

A. Nine years.

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

A. So there's always been debate about the tax cap, and there has been people over the years who felt that we should simply raise the tax cap. My response to that, having balanced that budget year after year, was you can raise the taxes, but who is going to pay for it? Who is going to pay for it if you exceed that tax cap? I think that's what I was trying to allude to with the number of foreclosures that the city was seeing and the number of tax deeding. My peers around the state are not dealing with that number of tax
deeding every year, I mean not for a
community of that size. So it just -- if we
don't have the money to get from the people
who are residing there, the tax cap is not
the issue. We have to create the revenue.

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

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

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

A. Extremely.

CHAIRMAN HONIGBERG: All right.
Does anyone on the Committee have any further questions for Ms. Dragon?

[No verbal response]

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

MS. YOUNG: No, thank you.

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

WITNESS DRAGON: Thank you.

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

All right. So we will adjourn and resume tomorrow morning with the construction panel returning; correct?

That's right. So, we'll adjourn then. Thank you.

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

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 notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

___________________________
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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