

**STATE OF NEW HAMPSHIRE**  
**SITE EVALUATION COMMITTEE**

October 18, 2017 - 1:00 p.m. DAY 48  
49 Donovan Street Afternoon Session ONLY  
Concord, New Hampshire {No Morning Session held}

*{Electronically filed with SEC 10-30-17}*

**IN RE: SEC DOCKET NO. 2015-06**  
**NORTHERN PASS TRANSMISSION -**  
**EVERSOURCE; Joint Application of**  
**Northern Pass Transmission LLC and**  
**Public Service 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:**

<b>Chmn. Martin Honigberg</b> <i>(Presiding Officer)</i>	Public Utilities Comm.
<b>Cmsr. Kathryn M. Bailey</b>	Public Utilities Comm.
<b>Dir. Craig Wright, Designee</b>	Dept. of Environ.Serv.
<b>Christopher Way, Designee</b>	Dept. of Business & Economic Affairs
<b>William Oldenburg, Designee</b>	Dept. of Transportation
<b>Patricia Weathersby</b>	Public Member

**ALSO PRESENT FOR THE SEC:**

Michael J. Iacopino, Esq. Counsel for SEC  
*(Brennan, Caron, Lenehan & Iacopino)*

Pamela G. Monroe, SEC Administrator

*(No Appearances Taken)*

**COURT REPORTER: Cynthia Foster, LCR No. 14**

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**P R O C E E D I N G S****(Hearing resumed at 1:00 p.m.)**

PRESIDING OFFICER HONIGBERG: Good afternoon, everyone. We're here for an afternoon start. Unusual. But we have a number of witnesses we're going to try and get through this afternoon. Is there anything we need to do before we hear from the first witnesses who are already in place? All right.

(Whereupon, **Joan Bilodeau** and **Philip Bilodeau** were duly sworn by the Court Reporter.)

**JOAN BILODEAU, DULY SWORN****PHILIP BILODEAU, DULY SWORN**

PRESIDING OFFICER HONIGBERG: Since the Bilodeaus do not have counsel here, Mr. Iacopino is going to go through some basic questions with them to get their testimony set up for us.

**DIRECT EXAMINATION****BY MR. IACOPINO:**

Q Good afternoon, Mr. and Mrs. Bilodeau. How are you?

A (Joan Bilodeau) Okay.

Q If you could make sure your microphones are on. So the questions that I'm going to ask you will

1 be for both of you. I'm going to start with  
2 you, Mr. Bilodeau. Would you please identify  
3 yourself by telling us your name and address?

4 A (Philip Bilodeau) Yes. My name is Phillip  
5 Bilodeau. I live at 140 Nottingham Road in  
6 Deerfield, New Hampshire.

7 Q And Mrs. Bilodeau, could you do the same?

8 A (Joan Bilodeau) Joan Bilodeau. I live at 140  
9 Nottingham Road, Deerfield, New Hampshire.

10 Q Thank you. It's my understanding that, Mr. and  
11 Mrs. Bilodeau, you have filed Joint Prefiled  
12 Testimony in this case; is that correct?

13 A (Joan Bilodeau) Yes.

14 A (Philip Bilodeau) Correct.

15 Q And I understand you've marked that testimony as  
16 Bilodeau number 2. Is that correct?

17 A (Philip Bilodeau) Correct.

18 Q And you obviously know the contents of that  
19 testimony?

20 A (Philip Bilodeau) Yes.

21 Q Do you have any changes or additions to make to  
22 that testimony?

23 A (Philip Bilodeau) No.

24 Q Okay. So if you were to testify in person here

1           today your testimony would be the same as  
2           contained in Bilodeau 2; is that correct?

3       A     (Philip Bilodeau) Our testimony today may be  
4           based on what's happened since then.

5       Q     Okay. But with respect to the testimony that  
6           you've filed, the Prefiled Testimony, that has  
7           not changed?

8       A     (Philip Bilodeau) No.

9       Q     So if asked those questions, you would answer  
10          those questions but for any additions you may  
11          have today, correct?

12      A     (Philip Bilodeau) Yes.

13      Q     And has there been any events that have occurred  
14          during the course of these hearings that have  
15          led you to believe that you need to add  
16          additional testimony?

17      A     (Philip Bilodeau) What's taken place at the  
18          substation subsequent to our filings may have  
19          called our attention to, has called our  
20          attention to the performance of any Best  
21          Management Practices that the Eversource  
22          contractors are not truly complying with.

23      Q     So it's your desire to offer some testimony in  
24          that regard today as Direct Testimony. In other

1 words, now?

2 A (Philip Bilodeau) I just said it. I'm sorry.  
3 Meaning will someone ask me that question or am  
4 I just to expand?

5 Q That's the question is is that what you intend  
6 to testify about today in additional to your  
7 Prefiled Testimony?

8 PRESIDING OFFICER HONIGBERG: Off the  
9 record real quick.

10 (Discussion off the record)

11 A (Philip Bilodeau) As I understand your question,  
12 I am prepared today to say that Eversource of  
13 New Hampshire in their contractors working on  
14 the substation site have not complied with BMPs.

15 Q Okay. Is there anything more that you have to  
16 offer than that statement? In other words, what  
17 do you mean by that?

18 A (Philip Bilodeau) I would, thank you. I would  
19 wonder if the minuscule amount of work that's  
20 taking place there at this time cannot comply  
21 with Best Management Practices when the full  
22 scale substation work would take place what  
23 assurances are that those larger contracts would  
24 meet BMPs.

1 Q Do you have anything else to offer in addition  
2 to your Prefiled Testimony?

3 A (Philip Bilodeau) Will we have the opportunity  
4 to make a statement at the end of our --

5 Q No. That is that opportunity so that you can be  
6 cross-examined on whatever you have to say by  
7 the other parties.

8 PRESIDING OFFICER HONIGBERG: At the end of  
9 the entire proceeding, if you want to file  
10 something in writing as everybody will have an  
11 opportunity to do, you could file something in  
12 writing at the end of the entire presentation of  
13 all the witnesses which will happen some time in  
14 the future.

15 A (Joan Bilodeau) It's a little difficult to know  
16 exactly what you're asking us, but since we  
17 filed, which is quite a while ago, we have  
18 become more aware of the impacts in a personal  
19 way that they are having on us health-wise.  
20 Fears of what's to come, fears for our futures?  
21 Is that what you're implying, Mr. Iacopino? I'm  
22 a little shaky on that. I don't know what it is  
23 you want us to say.

24 Q What I'm asking is if you have anything to add

1 to your testimony as a result of things that  
2 have occurred since the filing of that testimony  
3 during the course of these hearings. I can't  
4 advocate, can't act as an advocate for you. I  
5 can just give you the opportunity to answer the  
6 question.

7 A (Joan Bilodeau) Okay. Since we filed, I have  
8 had some personal impacts on my health that are  
9 directly related to the stress that we are  
10 under. I can be specific if you want me to.

11 Q It's up to you.

12 A (Joan Bilodeau) It's up to me. I am being  
13 treated for insomnia, anxiety, and high blood  
14 pressure connected to the stress that we are  
15 currently living under. That's one thing.  
16 There is a bigger fear factor, I think, for us  
17 than there was originally. As more things come  
18 out, the fire fear has become more evident.  
19 Particularly for what's been in the headlines  
20 very recently about what happens when a fire  
21 becomes out of control. I think that's --

22 Q If there's nothing else, Mr. Chairman, they're  
23 available for cross-examination.

24 PRESIDING OFFICER HONIGBERG: Who has

1 questions for the Bilodeaus out there?

2 Mr. Pappas, you have questions?

3 MR. PAPPAS: I do.

4 PRESIDING OFFICER HONIGBERG: I see you,  
5 Ms. Menard. Who else thinks they have questions  
6 for the Bilodeaus? I only saw Ms. Menard's hand  
7 go up. Ms. Pacik. You think you have questions  
8 as well?

9 MS. PACIK: It depends on what's covered  
10 but possibly.

11 PRESIDING OFFICER HONIGBERG: Okay.  
12 Anybody else? Mr. Pappas, you may proceed.

13 MR. PAPPAS: Thank you, Mr. Chairman.

14 **CROSS-EXAMINATION**

15 **BY MR. PAPPAS:**

16 Q Good afternoon, Mr. and Mrs. Bilodeau. I'm Tom  
17 Pappas, and I represent Counsel for the Public  
18 in this proceeding.

19 I understand your property at 140  
20 Nottingham Road abuts the PSNH substation in  
21 Deerfield; is that right?

22 A (Philip Bilodeau) Correct.

23 Q I'm going to use the ELMO. Mr. and  
24 Mrs. Bilodeau, what's on the screen now is

1 Counsel for the Public's Exhibit 590 which is a  
2 map of the substation as it currently exists.

3 Do you recognize that?

4 A (Joan Bilodeau) Yes.

5 A (Philip Bilodeau) Yes.

6 Q And I will tell you this was filed by the  
7 Applicant early in the proceeding at the request  
8 of the Committee.

9 A (Philip Bilodeau) Yes.

10 Q It indicates your property down in the middle of  
11 the page; do you see that?

12 A (Philip Bilodeau) Correct.

13 Q And your property abuts the PSNH property,  
14 correct?

15 A (Philip Bilodeau) Correct.

16 Q And could you just for the sake of the Committee  
17 describe the topography of the land between your  
18 property and the substation that you can see in  
19 that rectangular area in green?

20 A (Philip Bilodeau) We're talking about the  
21 current substation now?

22 Q Correct.

23 A (Philip Bilodeau) Thank you. As you would go  
24 out our back porch, if you see the houses there

1 the porch, the screen porch is on the back. We  
2 have a, where your septic system is in the back  
3 it kind of goes down to a lower area, a wetter  
4 area a bit, and then it begins to climb  
5 gradually up towards the substation. Heavily  
6 wooded as you see on this aerial.

7 Q So that's essentially a hill is what you're  
8 telling me?

9 A (Philip Bilodeau) Yes.

10 Q All right. Thank you.

11 What you see on the screen now is document  
12 from Applicant's Exhibit 200 which is the August  
13 2017 Alteration of Terrain Permit Application  
14 Plans, and this depicts the proposed work in the  
15 area of the Deerfield substation. Are you  
16 familiar with that?

17 A (Philip Bilodeau) Yes. This is a drawing very  
18 similar to what we have seen that's been  
19 presented on a number of occasions.

20 Q Okay. And Mr. Bilodeau, I understand you're an  
21 engineer; is that correct?

22 A (Philip Bilodeau) Yes. I'm a licensed  
23 professional engineer in the State of New  
24 Hampshire.

1 Q All right. Thank you. Now, if you look at this  
2 drawing, it shows the area where the  
3 construction will take place. Do you see that  
4 in the gray?

5 A (Philip Bilodeau) Yes. The grayed-out area  
6 there has been described as the construction  
7 site.

8 Q And you can see your property to the left in  
9 this diagram along Nottingham Road; is that  
10 correct?

11 A (Philip Bilodeau) Correct.

12 Q And it's really hard to read, but the number's  
13 there, 416-14 depicts your property if you're  
14 able to pick that out.

15 A (Philip Bilodeau) Yes. That's correct. I  
16 believe that's a map block and lot from  
17 municipal records.

18 Q All right. And if you take a look at this  
19 diagram, it shows the relocation of the  
20 transmission line that's going to, and indicates  
21 the construction pads in the yellow squares; do  
22 you see that?

23 A (Philip Bilodeau) Correct. Yes.

24 Q And if you look closely at the proposed area of

1 construction, the topography indicates that it  
2 goes from 400 feet down to 380, about a 20-foot  
3 drop; is that consistent with your  
4 understanding?

5 A (Philip Bilodeau) Yes. Other drawings that were  
6 part of the submittals, as I understand, to the  
7 wetlands permits and the SEC had construction  
8 drawings that showed clearing limits and  
9 changing in grades. Yes. They'll change the  
10 grade there.

11 Q And in a shorthand way, is it your understanding  
12 that essentially that hill that you describe  
13 between the current substation and your property  
14 is essentially going to be leveled in order to  
15 add some additional equipment?

16 A (Philip Bilodeau) Yes. The drawings that I  
17 reference shows 22-foot cut in one section and a  
18 14-foot fill on the other side.

19 MR. WAY: Mr. Pappas, could you point out  
20 on the ELMO exactly where the property is or  
21 Pam, can you point that out?

22 MR. PAPPAS: See that sort of shaped  
23 property right there? That's the Bilodeaus'  
24 property.

1 MR. WAY: Thank you.

2 MR. PAPPAS: You're welcome.

3 Q And, Mr. Bilodeau, in addition to leveling that  
4 area to put in some new equipment, you can see  
5 that they're going to, a transmission line will  
6 then be run around essentially the perimeter of  
7 that property to relocate a transmission line,  
8 correct?

9 A (Philip Bilodeau) Yes.

10 Q So I'm going to show you now what's Counsel for  
11 the Public's Exhibit 591 which is another  
12 drawing depicting the construction site that was  
13 also submitted earlier in this proceeding by the  
14 Applicant, and you can see down the bottom  
15 middle, do you see your lot?

16 A (Philip Bilodeau) Yes.

17 Q And then it shows where the SVC and capacitor  
18 bank area will be installed?

19 A (Philip Bilodeau) Correct.

20 Q And that's the area that's going to be leveled,  
21 correct?

22 A As I understand it, yes.

23 Q As you look carefully at this, you can sort of  
24 see the transmission line coming around the

1 perimeter of the substation and then connecting  
2 to the right-of-way. Do you see that?

3 A (Philip Bilodeau) Yes.

4 Q Now, I understand that you've lived at 140  
5 Nottingham Road for about 40 years?

6 A (Philip Bilodeau) Correct.

7 Q And during that time, have you observed other  
8 construction activity that took place at the  
9 substation?

10 A (Philip Bilodeau) Yes.

11 Q Now, the current proposal to expand the  
12 substation will take place over a 18- to  
13 24-month period. Is that your understanding?

14 A That's our understanding.

15 Q And you've had the opportunity to look at  
16 drawings and learn about that construction; is  
17 that right?

18 A (Philip Bilodeau) To the extent possible. Yes.

19 Q Okay. And do you have concerns about the  
20 construction activity during that 18- to  
21 24-month period?

22 A Yes.

23 Q And what are your concerns?

24 MR. NEEDLEMAN: Objection. Sounds like

1 this is just expanding on existing testimony.

2 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

3 MR. PAPPAS: Mr. Chair, I think the Counsel  
4 for the Public's role in this matter, statutory  
5 role, is to expand, clarify testimony that's in  
6 the record, and I've given this witness an  
7 opportunity to do that. He's explained, he's  
8 got the background, he's observed past  
9 experiences, he's studied, and I'm simply  
10 expanding or clarifying his testimony allowing  
11 him to express the concerns that he has. I  
12 think that's all within the statute of role of  
13 Counsel for the Public. I think that they'll  
14 provide the Committee with important information  
15 that they need to know.

16 PRESIDING OFFICER HONIGBERG: It sounds  
17 like expand is a problem. You are expanding on  
18 this witness's Prefiled Testimony by your own  
19 description of what you're doing.

20 MR. PAPPAS: I don't think expansion is a  
21 problem. I think expansion falls within  
22 clarification, and I think part of  
23 cross-examination is to expand Direct Testimony.  
24 I mean, cross-examination is to fully get at

1 what the Direct Testimony is. That includes  
2 expanding Direct Testimony. I'm not providing  
3 new Direct to him.

4 PRESIDING OFFICER HONIGBERG: It sure  
5 sounds like you are. I don't recall reading in  
6 Mr. and Mrs. Bilodeau's testimony concerns,  
7 specific concerns about the construction. I  
8 know it's apparent that they're very concerned  
9 about construction on the property. They say  
10 they've seen things since that gives them more  
11 cause for concern, but what they filed is what  
12 they filed.

13 MR. PAPPAS: Well, in addition to what they  
14 filed, as in the Committee's order granting them  
15 intervention, the order specifically notes that  
16 they will be uniquely affected as a result of  
17 construction and operation of the Project. So I  
18 think that is already in the record, the  
19 construction and the impact construction will  
20 have on the Bilodeaus, and I think they've  
21 expressed that before, and I'm just giving them  
22 the opportunity to fully explore that issue.

23 PRESIDING OFFICER HONIGBERG: So that, this  
24 applies to only the Bilodeaus then because of

1           their unique status. So you're not going to be  
2           making the same argument with respect to the  
3           rest of the witnesses we're going to be hearing  
4           from, correct?

5           MR. PAPPAS: Well, I'll reserve argument  
6           for when I get an objection from the other  
7           witnesses, but this applies, this specifically  
8           applies to the Bilodeaus because it is in your  
9           order and it is something that they have raised  
10          throughout this proceeding.

11          PRESIDING OFFICER HONIGBERG: I'm going to  
12          let you go on with the Bilodeaus, but it's not  
13          clear to me that there's anyone else to whom  
14          this argument might even remotely apply.

15          MR. PAPPAS: Thank you.

16          PRESIDING OFFICER HONIGBERG: So just to be  
17          clear, the objection is overruled on the  
18          question you just asked.

19          MR. PAPPAS: Okay.

20 BY MR. PAPPAS:

21 Q       Mr. and Mrs. Bilodeau. Do you remember my  
22       question? Let me try it again.

23 A       (Philip Bilodeau) Please.

24 Q       What are your concerns regarding the

1 construction activity at the Deerfield  
2 substation over that 18- to 24-month period?

3 A (Philip Bilodeau) As we understand it, 18- to  
4 24-months of construction at the substation site  
5 will, as the Applicant has posed, would take  
6 place 6 days a week from 7 o'clock in the  
7 morning to 7 o'clock in the afternoon. It's  
8 obvious to us that construction of this nature  
9 to level a hill and clearcut and blast would  
10 have a lot of noise impact, truck traffic and  
11 machinery and backup beepers. I do not know if  
12 the Applicant has completed borings or done  
13 borings to see if there may be ledge there.  
14 It's New Hampshire, so one might assume there  
15 will be blasting that goes on which has its own  
16 impacts of, you know, contamination and noise  
17 and debris.

18 The traffic in order to support that  
19 construction would be, if work starts at 7, the  
20 construction equipment generally starts before  
21 the start of the day and every interested  
22 employee is there to get his equipment going and  
23 be the first to be performing well. There will  
24 be concrete and trucks and things of that,

1 additional trucks of that nature.

2 We're not counting the employees that are  
3 coming from all directions, from north, south,  
4 east, west and such traveling all the roads and  
5 all that morning traffic that's not there in the  
6 rural character. Dust from the construction.  
7 We mentioned BMPs earlier. If they let the  
8 stormwater retention basins fail, then it comes  
9 down the hill somewhere. No telling where it  
10 would take place.

11 We enjoy wildlife in our backyard now. On  
12 our back porch we'll witness turkeys and such  
13 and with all of that construction going on, it  
14 will clearly displace any wildlife that's in the  
15 area for the duration of the construction and  
16 may replace their habitats forever.

17 We're also concerned about our property  
18 values and our enjoyment of our porch.

19 PRESIDING OFFICER HONIGBERG: We're just  
20 repeating Prefiled Testimony right now.

21 A (Philip Bilodeau) Right.

22 Q Have you had an opportunity to discuss these  
23 concerns with the Applicant?

24 A (Philip Bilodeau) We have, yes.

1 Q Okay. And are those discussions ongoing?

2 A (Philip Bilodeau) Yes.

3 Q And have you had an opportunity to ask the  
4 Applicant to either do certain things or provide  
5 certain conditions that will help alleviate some  
6 of your concerns?

7 A (Philip Bilodeau) Yes.

8 Q And has the Applicant been receptive to any of  
9 your suggestions?

10 MR. NEEDLEMAN: Mr. Chair, could I approach  
11 for a moment?

12 PRESIDING OFFICER HONIGBERG: Sure.

13 (Mr. Pappas and Mr. Needleman at the  
14 front with the Hearing Officer)

15 BY MR. PAPPAS:

16 Q Mr. Bilodeau, let me just ask you one last area.

17 When you started your testimony, you  
18 indicated that there were certain actions at the  
19 substation where certain BMPs were not fully  
20 complied with. What BMPs were you referring to?

21 A (Philip Bilodeau) There were borings taken, some  
22 borings, and I said earlier there weren't  
23 sufficient borings for ledge. I don't know what  
24 they went to, but the boring rigs were out



1 property value impacts. Emergency at the  
2 substation. You spoke earlier of some testimony  
3 that is in the record. On the afternoon of  
4 April 17th, Day 3, Mr. Bowes had testified that  
5 in the event of a substation fire, the fire  
6 burns and the smoke billows until the firemen  
7 put it out or it burns itself out.

8 Are you aware of that testimony?

9 A (Philip Bilodeau) Yes. We are aware.

10 Q How far back is your porch from the substation,  
11 the current substation?

12 A (Philip Bilodeau) About 1500 feet.

13 Q And from the new substation, how far will it be?

14 A (Philip Bilodeau) About 500 feet.

15 Q Are you aware in the event of a fire that no  
16 firemen can enter the property until Eversource  
17 personnel are onsite?

18 A (Philip Bilodeau) Yes.

19 Q Mr. Bowes testified that materials in the new  
20 substation are the same as in the existing  
21 substation so that there is no greater fire  
22 risk. Do you agree with his statements?

23 A (Philip Bilodeau) No. I would imagine that if  
24 twice as much equipment is there, then the risk

1 is twice as much as what was there now.

2 Q Attorney Pappas was asking you a question about  
3 the construction impacts, and if permitted, I  
4 would like to ask you a question regarding to  
5 the operation of the substation, that new  
6 expanded substation, and whether or not you feel  
7 that there are any, have you come to appreciate  
8 or understand any other impacts that this  
9 Project will have on you and your property?

10 MR. NEEDLEMAN: Objection.

11 PRESIDING OFFICER HONIGBERG: I'm not  
12 certain I understand what it is you want to ask.

13 MS. MENARD: The construction impacts are  
14 clearly identified as new information in the  
15 transcripts regarding clarity in terms of hours  
16 of operations, and so I can appreciate the  
17 questions that have been asked, but, similarly,  
18 given the new information about the expansion of  
19 the substation, is there anything about the  
20 operation of Northern Pass Transmission that  
21 might have an impact on the Property Owners  
22 abutting the station. As opposed to  
23 construction impacts, operation impacts.

24 PRESIDING OFFICER HONIGBERG: Is there new

1 information about operation of the substation  
2 that has come out?

3 MS. MENARD: Well, as an abutter to the  
4 Project, I don't know, but I can imagine that  
5 they may have since they've lived through the  
6 Application process and are absorbing its  
7 impacts they may have something that we haven't  
8 thought of.

9 PRESIDING OFFICER HONIGBERG: I'm not aware  
10 of any new information about operation of the  
11 substation. I don't know what you're referring  
12 to.

13 MS. MENARD: I'm referring to a question  
14 that is specific about whether the operation of  
15 Northern Pass Transmission would have any impact  
16 on them.

17 PRESIDING OFFICER HONIGBERG: The objection  
18 is sustained.

19 BY MS. MENARD:

20 Q Let's move on to property values. Have you  
21 considered selling your property because of  
22 Northern Pass Transmission?

23 A (Joan Bilodeau) We considered it, but we came to  
24 the conclusion that we're not at a point in our

1 life that we would choose to do that. We've  
2 been at our residence for 40 years. We've  
3 invested a lot of money and time to building our  
4 property to where it is today. If we were  
5 younger, we probably would have decided as other  
6 people in town have to pick up and start over  
7 somewhere, but we don't feel that that's an  
8 option for us at this point.

9 Q Do you have an opinion as to what you consider  
10 the loss of value to your property to be?

11 MR. NEEDLEMAN: Objection.

12 PRESIDING OFFICER HONIGBERG: Grounds?

13 MR. NEEDLEMAN: This is information that  
14 could have and should have been covered in their  
15 Prefiled Testimony.

16 PRESIDING OFFICER HONIGBERG: It might also  
17 calls for speculation. Ms. Menard?

18 MS. MENARD: What I'm going to be getting  
19 to is Mr. Quinlan has offered a guaranteed  
20 program and so can I withdraw that question and  
21 maybe come back to it?

22 PRESIDING OFFICER HONIGBERG: Sure. You  
23 can always withdraw a question and try a  
24 different one. You can always do that. So if

1 you want to try a different one, go ahead.

2 MS. MENARD: Okay. I best not lose the  
3 opportunity. So the value of their property can  
4 only be considered after they have full  
5 understanding of the impacts of the Project, and  
6 so at the writing of their testimony that may  
7 not have given the uncertainty of the  
8 Application, whether the Project was going to  
9 happen or not. They may not have been prepared  
10 to answer or put in their testimony an answer to  
11 that question.

12 PRESIDING OFFICER HONIGBERG: And as you  
13 know, there was a deadline for the filing of  
14 Supplemental Testimony in April of 2017, was  
15 there not?

16 MS. MENARD: Correct.

17 PRESIDING OFFICER HONIGBERG: I'm going to  
18 sustain the objection to the question that you  
19 asked. You're certainly free to go at it a  
20 different way.

21 MS. MENARD: Okay. Thank you.

22 BY MS. MENARD:

23 Q Mr. Quinlan introduced NPT Guarantee Program in  
24 his Supplemental Testimony, Attachment L.

1           Jo Anne, you want to put that up as a  
2 reminder?

3           This was filed, and there's discussion  
4 about it in April 13th of this year in the  
5 afternoon session, specifically page 24, lines 9  
6 through 21. Mr. Quinlan testified about the  
7 claims process put forth by Northern Pass for  
8 homeowners. Are you familiar with this program?

9           A     (Philip Bilodeau) Yes.

10          Q     And on the afternoon session, similarly, page  
11 27, line 1 through 4, Mr. Quinlan admitted that  
12 there were nine homes that would qualify for  
13 this program. So looking at the criteria, there  
14 are three criteria in which properties can  
15 qualify for the program. Can you take a look at  
16 that and let us know if your property was one  
17 that had an increased likelihood of reduction in  
18 value due to Northern Pass Transmission?

19          A     (Philip Bilodeau) I'm hearing two questions. If  
20 you want to know if that guaranteed program  
21 overview applies to the Bilodeaus, the answer is  
22 no.

23          Q     Okay. So you were not one of the nine homes  
24 that would qualify for the program?

1 A (Philip Bilodeau) No.

2 Q Okay. Do you view the proposed claims process  
3 as fair and reasonable compensation to those  
4 that are impacted by this Project?

5 MR. NEEDLEMAN: Objection. No basis to  
6 answer that question.

7 PRESIDING OFFICER HONIGBERG: Ms. Menard?

8 MS. MENARD: Can I ask Mr. Needleman to  
9 explain what he just said in terms of there's no  
10 basis for what?

11 PRESIDING OFFICER HONIGBERG: I think what  
12 he's saying is that the witnesses have no basis  
13 of knowledge from which they could answer a  
14 question like that. They'd be speculating.  
15 Just offering their opinion.

16 MS. MENARD: Okay. Can I reword the  
17 question?

18 Q Hypothetically, if you were one of the nine  
19 property owners that qualified for a  
20 participation in the program, would you consider  
21 it fair and reasonable?

22 MR. NEEDLEMAN: Same objection.

23 PRESIDING OFFICER HONIGBERG: I'm going to  
24 overrule, and let him answer the question.

1 A (Philip Bilodeau) No.

2 Q Thank you. And lastly, there is earlier  
3 discussion about the Best Management Practices,  
4 and you cited an example of an incident at the  
5 substation. As an abutter to the existing and  
6 the proposed expansion Project, how would this  
7 impact you if there were Best Management  
8 Practices that were not followed?

9 A (Philip Bilodeau) It would be hard for me to  
10 describe as the potential could be, as I  
11 mentioned earlier, a stormwater retention basin  
12 that wasn't managed or maintained properly that  
13 would cause some flooding or some overflow.

14 Q Okay. Thank you. That's all I have.

15 PRESIDING OFFICER HONIGBERG: All right.  
16 As far as I know there's no one else, no other  
17 Intervenors who have questions for the  
18 Bilodeaus, correct? Mr. Needleman. Do you have  
19 questions?

20 MR. NEEDLEMAN: No questions. Thank you.

21 PRESIDING OFFICER HONIGBERG: Members of  
22 the Committee have questions for the Bilodeaus?  
23 Mr. Wright, why don't you go first?

24 **QUESTIONS BY DIR. WRIGHT:**

1 Q Good afternoon, folks. Nice to see you.

2 A (Philip Bilodeau) Thank you.

3 Q Just one question. On the issue you were  
4 describing where you felt like there was onsite  
5 activities that weren't following environmental  
6 Best Management Practices, what did you do with  
7 that information or what did you do with that  
8 when you observed that?

9 A (Philip Bilodeau) We discussed the activities  
10 with some of the Conservation Commission members  
11 in Deerfield. One individual advanced a letter  
12 or an email with some pictures to the Department  
13 of Environmental Services to file an interested  
14 party or complaint of sorts. We discussed that  
15 we would continue to monitor what took place and  
16 what could be taking place in the activities  
17 there. So we advanced the complaint.

18 Q So you followed up with the DES. Did you talk  
19 to the construction company or Eversource at all  
20 about your concerns?

21 A (Philip Bilodeau) No. I personally did not.

22 Q All right. Thank you.

23 PRESIDING OFFICER HONIGBERG: Mr. Way?

24 **QUESTIONS BY MR. WAY:**

1 Q Good afternoon Mr. and Mrs. Bilodeau. Just one  
2 question. Not getting into the substance of  
3 discussions, but who made the initial contact  
4 with you? Did you contact Eversource about your  
5 situation way back when or did they contact you?

6 A (Philip Bilodeau) Could you clarify what  
7 situation?

8 Q Well, in other words, the issues that you were  
9 having and the concerns. Did they, we've seen  
10 you at several public hearings and discussions.  
11 Did they reach out to you or did you reach out  
12 to them?

13 A (Philip Bilodeau) I will recall a presentation  
14 that Mr. Quinlan provided to the public, I  
15 believe it was December the 6th of 2015, at the  
16 Grappone Conference Center here in Concord. In  
17 his presentation he expressed that they had  
18 reached out to most everyone that would have  
19 been impacted. Waiting through the evening, I  
20 had my opportunity to speak and explained that  
21 every time Mr. Quinlan described the Northern  
22 Pass Project running from Canada to Deerfield,  
23 when he said Deerfield, he really was implying  
24 the Bilodeaus' backyard. So at that time, I

1 called him, I didn't call him, I mean I  
2 expressed to him that that was a concern of the  
3 Bilodeaus at that early stage, and that his  
4 statement that they had reached out to most  
5 everyone who was impacted, Mr. Quinlan, you  
6 didn't call the Bilodeaus.

7 Within a week or so, we received a call  
8 from Eversource in Manchester or wherever their  
9 office is and they asked to come and visit our  
10 property and see what our concerns were. And  
11 two or three folks came, public relations  
12 person, and said well, what's your concern? We  
13 started at that point to explain that we were in  
14 a rural, residential, quiet, comfortable,  
15 woodland neighborhood area and that that  
16 construction would clearly affect us.

17 Q But shortly thereafter, after the initial  
18 discussion, at the Grappone Center?

19 A (Philip Bilodeau) Yes.

20 Q Thank you very much.

21 PRESIDING OFFICER HONIGBERG: Ms.  
22 Weathersby?

23 **QUESTIONS BY MS. WEATHERSBY:**

24 Q Good afternoon. Do you know if there's been any

1 photo simulation of the Project from your  
2 property?

3 A (Philip Bilodeau) Not to my knowledge.

4 Q Did you request one of Eversource?

5 A (Philip Bilodeau) No.

6 Q Are your concerns visual or I heard concerns  
7 about noise, traffic. Do you also have visual  
8 concerns?

9 A (Philip Bilodeau) We did not do a detailed  
10 assessment of the grade changes and the  
11 potential loss of forest cover to assess that.  
12 So I can't say to you today that there will be  
13 or will not be a visual impact. I can't say  
14 that.

15 Q Okay. The substation that's there currently.  
16 Was that there when you purchased your property?

17 A (Philip Bilodeau) To our knowledge -- yes.

18 Q In its same size or was it just --

19 A (Philip Bilodeau) No. It was smaller. It's  
20 been expanded since we bought the property.

21 Q Do you have any suggestions for the Committee  
22 should it grant a Certificate for this Project  
23 that conditions that could be placed on Northern  
24 Pass Transmission that would help mitigate some

1 of your concerns? You know, on the screening or  
2 hours or what, are there any conditions that you  
3 could see that could help with your concerns?

4 A (Philip Bilodeau) No. I can't see any  
5 conditions that you would impose that would  
6 satisfy them building a 16-acre substation that  
7 wouldn't impact us. It's going to impact us. I  
8 don't know what conditions, I don't know what  
9 condition you could apply.

10 Q Thank you. I have nothing further.

11 PRESIDING OFFICER HONIGBERG: Mr.  
12 Oldenburg, do you have anything?

13 Commissioner Bailey, do you have any?

14 Mr. Iacopino?

15 **QUESTIONS BY MR. IACOPINO:**

16 Q Just one question. In the time that you've  
17 owned the property, have you found the existing  
18 substation to interfere with your ownership of  
19 the property at all?

20 A (Joan Bilodeau) The biggest interference would  
21 be when, after the new large transformer went  
22 in, I spent two summers listening to beeper  
23 noises that come down through the woods from  
24 backup equipment on machines. That definitely

1 impacted being able to be outside, to be on our  
2 porch. I know we keep talking about our porch.  
3 It's kind of where we live. It sits out in the  
4 woods and it's our sanctuary, and that's, it  
5 definitely impacted that. We also noticed that  
6 this summer and we can't explain why, but the  
7 humming that comes from the substation this  
8 summer has really increased. Not really sure  
9 why that is but it has.

10 Q Just one followup. Those beeper noises, were  
11 they are during some kind of construction that  
12 went on?

13 A (Joan Bilodeau) Yes.

14 Q Okay. Thank you.

15 PRESIDING OFFICER HONIGBERG: All right.  
16 Normally, if you were represented by counsel, I  
17 would ask the lawyer whether they had any  
18 questions for you to answer in light of the  
19 questions you were asked by the various people  
20 who have asked you questions here today. So I  
21 will do that.

22 Do you have anything that you want to say  
23 in response to or to follow up on any of the  
24 questions that anybody asked you here today?

1 And understanding that you will be able at the  
2 end of the proceeding to file something as  
3 everybody else will in writing.

4 A (Joan Bilodeau) I guess I would just like to  
5 restate what we said at the beginning. That  
6 what we know now is very different from what we  
7 knew when we filed our Original Testimony.  
8 We've now been living this for two years. It's  
9 been very long and very stressful, and we are  
10 very concerned that it will go on and on. We  
11 can't make plans for our future. We don't know  
12 where we stand. And that is a heavy impact for  
13 people to bear. Not just us but everybody. And  
14 like I stated before, my health has definitely  
15 been impacted. I didn't know that that was  
16 going to happen.

17 PRESIDING OFFICER HONIGBERG: All right.  
18 Anything else?

19 A (Philip Bilodeau) Just thank you, Mr. Iacopino,  
20 and the Committee.

21 PRESIDING OFFICER HONIGBERG: All right.  
22 Well, thank you very much. You can step down.  
23 According to my list, we're looking to hear from  
24 Mr. Cunningham's clients next.

1 MR. NEEDLEMAN: Mr. Chair, before that  
2 happens?

3 PRESIDING OFFICER HONIGBERG: Yes.

4 MR. NEEDLEMAN: We're going to object.  
5 There's only one person on the stand who's  
6 actually filed Prefiled Testimony in this  
7 matter.

8 PRESIDING OFFICER HONIGBERG:  
9 Mr. Cunningham, did you hear the objection that  
10 Mr. Needleman just made?

11 MR. CUNNINGHAM: Yes, I did, Mr. Chair, and  
12 I want to say something, and I want to say it as  
13 carefully and as strongly as I can say it. This  
14 Committee has listened to four dozen witnesses  
15 now, most of whom had something to gain;  
16 experts, high paid experts, and others who had  
17 something to gain from their testimony. My  
18 clients, the Bilodeaus, the folks from Percy  
19 Summer Club, and others have everything to lose.  
20 And I would say to the Committee that, and to  
21 you, Mr. Chair, that who I have here are the  
22 owners of this lodge. The Percy Lodge &  
23 Campground. They have over \$700,000 invested.  
24 They are Intervenors in this case. And they

1 have every right to be on the witness stand, to  
2 be introduced, and to be questioned.

3 PRESIDING OFFICER HONIGBERG: Well, they  
4 have every right to file Prefiled Testimony if  
5 they intended to testify, like every other  
6 witness. So I'm a little confused. Is it your  
7 intention to ask questions that you would expect  
8 Mr. Lagasse and Mr. Spencer to answer?

9 MR. CUNNINGHAM: I am going to questions  
10 the questions to Mrs. Spencer. She's the one  
11 that signed the testimony, but I think it's  
12 very, very important for the Committee to meet  
13 these people, to meet my clients, to understand  
14 who they are. How this Percy Lodge & Campground  
15 came to be, what they've invested in it in terms  
16 of dollars and sweat equity.

17 PRESIDING OFFICER HONIGBERG: And  
18 Mrs. Spencer's Prefiled Testimony is filled with  
19 exactly that kind of information. I'm at a loss  
20 to understand what it is Mr. Lagasse and  
21 Mr. Spencer would be testifying to beyond that.

22 MR. CUNNINGHAM: I'm prepared to proceed,  
23 Mr. Chair, but I want them up there. If it's  
24 your order, they'll remain silent.

1           PRESIDING OFFICER HONIGBERG: Fair enough.  
2           They can be there as moral support, but it  
3           sounds like Ms. Spencer is the witness,  
4           Mrs. Spencer is the one who should be answering  
5           the questions.

6           MR. CUNNINGHAM: Yes. We'll go with that.

7           PRESIDING OFFICER HONIGBERG: Thank you,  
8           Mr. Cunningham. Would you swear Mrs. Spencer  
9           in, please?

10                         (Whereupon, **Karen Spencer** was  
11                         duly sworn by the Court Reporter.)

12           PRESIDING OFFICER HONIGBERG:  
13           Mr. Cunningham, you may proceed.

14                                 **DIRECT EXAMINATION**

15           **BY MR. CUNNINGHAM:**

16           Q     Mrs. Spencer, you have a role, do you not, in  
17           the client here?

18           A     A role in the Percy Lodge & Campground?

19           Q     Yes.

20           A     I'm secretary/treasurer of Percy Lodge &  
21           Campground.

22           Q     Where do you live?

23           A     I live in Stark, New Hampshire. 161 Sullivan  
24           Road, Stark.

1 Q The gentleman on your right, who is that?

2 A My husband Kevin Spencer.

3 Q And he lives with you, of course.

4 A Yes.

5 Q And the gentleman on the far right?

6 A Mark Lagasse. Kevin's partner.

7 Q And could you explain briefly, you may have done  
8 this in your Prefiled Testimony, but can you  
9 explain briefly so the Committee totally  
10 understands the role that your husband played in  
11 the development of the Percy Lodge & Campground?

12 A Kevin has performed all the what's called sweat  
13 equity. He is a builder by trade. He has built  
14 this from the ground up.

15 Q And do you have an idea how many hours he's  
16 devoted to the construction?

17 A Hours. We started this demo in the winter of  
18 2013. They started building it over the winter  
19 of 2000, no, excuse me. Yes. 2013. The hours  
20 is basically 40 hours a week, if he is at  
21 another job site. But basically if you multiply  
22 at least 16, an average of 40 hours a week. I  
23 cannot do anything in my head. If somebody has  
24 a calculator, maybe they can tell me how many

1 hours it would be since 2013.

2 Q And you described that as sweat equity?

3 A Sweat equity.

4 Q Has he drawn a paycheck?

5 A He does not draw a paycheck. It goes into sweat  
6 equity into the corporation.

7 Q And Mr. Lagasse, what role has he played in the  
8 construction of Percy Lodge & Campground.

9 A He is our financier, if you want to call it  
10 that. He is the one that pays the bills.

11 Q And what's his professional or business  
12 background?

13 MR. NEEDLEMAN: Mr. Chair, I'm going to  
14 object. This is all material that should have  
15 been or could have been in the testimony.

16 PRESIDING OFFICER HONIGBERG: Some of it is  
17 in the testimony. So why don't you have them,  
18 rather, have Ms. Spencer adopt her Prefiled  
19 Testimony. That would be important for you to  
20 do. So why don't you do that. And we're not  
21 going to have you have her repeat what's in this  
22 testimony. We have read it. I can guarantee  
23 you. Every irascible one of us.

24 BY MR. CUNNINGHAM:

1 Q And Mrs. Spencer, you're familiar with your  
2 Prefiled Testimony, are you not?

3 A Yes.

4 Q And are you satisfied with your Prefiled  
5 Testimony?

6 A I am to the date that I wrote it.

7 Q And let me ask it this way then. What has been  
8 done on the Percy Lodge & Campground since the  
9 date of your Prefiled Testimony?

10 A We've continued to build it. The Great Room has  
11 been completed. The parking lot has been graded  
12 and graveled. The land around the lodge has  
13 been graded and graveled. The campground, we  
14 have opened up spaces for the tenters along  
15 Upper Ammonoosuc River. We have purchased  
16 canoes, kayaks to rent, ATVs for the ATV trail  
17 runs right in front of the lodge to rent for our  
18 campers and tenters. Let's see here. We  
19 continue to work with the state of New Hampshire  
20 to open up our small convenience store and also  
21 with them in a small kitchen.

22 We have started advertising to bring in the  
23 winter tourists to the area for the snowmobiles  
24 and skiing. The campground opened up this year

1 for all the events, the Razor and the Jericho  
2 event, so we had campers and our tenters and RV  
3 campers in the campground. and we also had a  
4 full lodge of guests for these events, and  
5 people come up also renting the campground and  
6 the lodge for fishing and the hunting season and  
7 hiking the Coos Trail and looking at the  
8 beautiful scenic view of our campground and of  
9 Percy Lodge, and we would like to continue that  
10 success.

11 Q Mrs. Spencer, do you have pictures that would  
12 update your testimony regarding the improvements  
13 and upgrades you've made?

14 A I have a picture of the Great Room that was  
15 finished this year. I have a picture of the  
16 bedrooms that were also finished this year.  
17 Well, only one of the bedrooms. I have pictures  
18 of the lodge showing the front porch has now  
19 been done. I have pictures of the Great Room  
20 looking into the lodge, showing the tongue and  
21 groove that has been finished. And pictures of  
22 the campground showing what we call the peak  
23 situation of the peepers that come up to look at  
24 the beautiful foliage that happened about two

1 weeks ago. That shows you the beauty that  
2 people come up to this area to see.

3 Q Just hold on a second. Can I have the ELMO  
4 Dawn?

5 PRESIDING OFFICER HONIGBERG:

6 Mr. Cunningham, are the pictures you're showing  
7 different from what's in the Supplemental  
8 Testimony?

9 MR. CUNNINGHAM: Yes. These show the  
10 updates, Mr. Chair, and they'll be attached to  
11 the Original Testimony which I'm going to ask  
12 Mrs. Spencer to adopt. They'll be part of that  
13 exhibit.

14 BY MR. CUNNINGHAM:

15 Q And tell the Committee what this is,  
16 Mrs. Spencer.

17 A This is the lodge.

18 Q Is it in the finished configuration now?

19 A The outside front porch is now finished. The  
20 bulkhead which is on the east side has been  
21 removed. The parking lot on the east site is  
22 now there for all the trailers and RVs and  
23 parking available for the lodgers.

24 I'm trying to think of everything. The

1 third floor is being finished. Maybe this means  
2 nothing, but there's over three and a half miles  
3 of tongue and groove into this building. The  
4 inside only. And we've contacted, like I said,  
5 the state of New Hampshire to start the  
6 proceedings for the convenience store and the  
7 kitchen. That's in the works right now.

8 This is a picture looking north from the  
9 Great Room. If you did read our testimony, you  
10 must understand that this building was the  
11 original building back in the 1800s. The back  
12 portion had to be completely ripped down because  
13 it was falling in.

14 This what you're looking at here used to be  
15 the Percy Village Post Office. The kitchen is  
16 off to your left, that door. The store is a  
17 little bit beyond that to your left. There are  
18 three rooms, full bathrooms, and three rooms on  
19 the second floor, full bathrooms.

20 This is a picture looking south in the  
21 Great Room, and the front porch is out those  
22 three windows. The access to the store will be  
23 on that porch off to your right.

24 This is a picture of one of the rooms.

1           They all have queen-sized rooms with full  
2           bathrooms, refrigerators, microwaves and coffee  
3           machines.

4           This is a picture of the campground.  
5           Behind us is the Upper Ammonoosuc River. This  
6           is a view of Percy Peaks and Long Mountain. If  
7           you see the line that goes across the tree line,  
8           that little dark line, that is their easements  
9           as we see them today.

10          Q     And one last picture.

11          A     This is taken two weeks ago at the peak of the  
12                foliage. Again, the stark line down basically  
13                the middle of the picture is easements as of  
14                today. This is what people come up to look at  
15                and to hike through and to RV through and to  
16                snowmobile through.

17          Q     And the reason you're here, is it not, is  
18                because that's all going to change because of  
19                this Project?

20                MR. NEEDLEMAN: Objection.

21                PRESIDING OFFICER HONIGBERG: Sustained.

22                You may continue, Mr. Cunningham.

23          BY MR. CUNNINGHAM:

24          Q     Now, during the course of this proceeding, Mrs.

1 Spencer, during that examination of the  
2 Construction Panel, the Eversource Energy  
3 Construction Panel, I asked a series of  
4 questions about the high-pressured gas pipeline.

5 A Yes.

6 Q Are you familiar with that situation?

7 A Very familiar.

8 Q Would you describe for us, please, and for the  
9 Committee exactly what your familiarity is with  
10 respect to the pipeline? What's going on with  
11 the pipeline?

12 MR. NEEDLEMAN: Objection. This sounds  
13 like based on the question this all could have  
14 and should have been in the testimony.

15 PRESIDING OFFICER HONIGBERG:

16 Mr. Cunningham?

17 MR. CUNNINGHAM: They didn't introduce,  
18 Mr. Chair, their so-called study until June,  
19 late June of 2017.

20 PRESIDING OFFICER HONIGBERG: You want to  
21 ask questions about a study?

22 MR. CUNNINGHAM: I'm going to put it up.

23 MR. NEEDLEMAN: I misunderstood. I thought  
24 it was about the pipeline. If it relates to the

1 study, my objection is it would call for  
2 speculation.

3 PRESIDING OFFICER HONIGBERG: I don't know  
4 what the question is yet. I suspect you may be  
5 right, but since we don't know what the question  
6 is, let's wait until we have a question about  
7 the colocation study.

8 BY MR. CUNNINGHAM:

9 Q Are you familiar, Mrs. Spencer, with the study  
10 that Eversource Energy supplied to this  
11 Committee?

12 A I'm familiar with the study. I have not read a  
13 study. I am familiar that the gas line is on  
14 the southern part of our easement, and I know  
15 that it's a 24-inch high pressure natural gas  
16 line. I know that the --

17 PRESIDING OFFICER HONIGBERG: Wait, wait,  
18 wait, Mrs. Spencer. You've answered the  
19 question.

20 A Okay.

21 PRESIDING OFFICER HONIGBERG: What's the  
22 next question, Mr. Cunningham?

23 BY MR. CUNNINGHAM:

24 Q Do you know based on the testimony that

1 Eversource has provided to this Committee to  
2 date and with respect to what's been marked  
3 Dummer Northumberland number 64, do you know  
4 what Eversource has done about engineering to  
5 take care of the issues and dangers with respect  
6 to the pipeline?

7 MR. NEEDLEMAN: Objection. Calls for  
8 speculation.

9 PRESIDING OFFICER HONIGBERG:  
10 Mr. Cunningham?

11 MR. CUNNINGHAM: It doesn't call for  
12 speculation at all, Mr. Chair.

13 PRESIDING OFFICER HONIGBERG: It's a yes or  
14 no quo, right? Do you know. It's a yes or no  
15 question, correct?

16 Q Can you answer it yes or no?

17 A Yes.

18 PRESIDING OFFICER HONIGBERG: You do know  
19 what the company has done?

20 A Okay. Repeat the question, please. Now I'm  
21 confused.

22 Q Do you know what, if anything, Eversource has  
23 done with respect to the engineering necessary  
24 to erect a high voltage HVDC line, a relocated

1 115 AC line and 150-foot easement in the ledge  
2 that lies behind Percy Lodge & Campground?

3 A I only can go by what I have that I've  
4 downloaded. So I have to say the information  
5 that I have based on what I've seen on my  
6 emails, that's all the information I have.

7 PRESIDING OFFICER HONIGBERG: That sounds  
8 like a no, Mr. Cunningham.

9 A No.

10 Q If you know, have they done any real engineering  
11 with respect to the pipeline issue and the  
12 co-location of the pipeline with respect to the  
13 high voltage electric lines?

14 MR. NEEDLEMAN: Objection. Calls for  
15 speculation.

16 PRESIDING OFFICER HONIGBERG: It's an  
17 ambiguous question. Try and reword that.

18 BY MR. CUNNINGHAM:

19 Q If we looked line by line through DNA Exhibit  
20 64, Mrs. Spencer, would that give us any  
21 information whatsoever on how Eversource is  
22 going to handle the dangers and safety issues  
23 with respect to the co-location of the pipeline  
24 with these high voltage electric lines?

1 MR. NEEDLEMAN: Same objection.

2 PRESIDING OFFICER HONIGBERG:

3 Mr. Cunningham, does Ms. Spencer have any basis  
4 in her background, experience, or knowledge to  
5 be able to answer a question like that?

6 MR. CUNNINGHAM: What I'm trying to do,  
7 Mr. Chair, is to demonstrate to the Committee  
8 with the use of Exhibit number 64 that they've  
9 done nothing.

10 PRESIDING OFFICER HONIGBERG: You can argue  
11 that. You can argue that at the end. Doing it  
12 through a witness who doesn't know, has no  
13 knowledge basis about it, is not going to be  
14 effective. I guarantee you. You can argue that  
15 at the end, as I'm sure you will.

16 BY MR. CUNNINGHAM:

17 Q So Mrs. Spencer, you basically don't know what,  
18 if anything, they have done.

19 A No.

20 Q And there was testimony during the construction  
21 Panel as well, Mrs. Spencer, about whether or  
22 not blasting would be required in the  
23 right-of-way behind Percy Lodge & Campground.  
24 Are you familiar with what, if anything,

1 Eversource is going to do with respect to  
2 blasting?

3 A No.

4 Q And could you describe how far your lodge is  
5 from the old easement?

6 A Approximately 350 feet.

7 Q And are you familiar with the existence of ledge  
8 or what's the topography and geological  
9 condition?

10 A Well, when you walk the easements behind us and  
11 you walk our land that goes to the easements,  
12 it's pretty much big huge rocks and ledge.

13 Q And so do you have any information based on  
14 testimony, based on the Application that  
15 Eversource filed in this case on how they going  
16 to deal with that ledge?

17 A No.

18 Q And to your knowledge, Mrs. Spencer, has any  
19 Eversource employee done any final engineering  
20 of this Project?

21 A No.

22 Q And is that of concern to you?

23 A Yes.

24 Q And could you explain to the Committee why?

1 MR. NEEDLEMAN: Objection.

2 PRESIDING OFFICER HONIGBERG: Sustained.

3 Mr. Cunningham, she has no basis for answering  
4 that question. No knowledge basis at all.

5 MR. CUNNINGHAM: Mr. Chair.

6 PRESIDING OFFICER HONIGBERG: Mr.  
7 Cunningham.

8 MR. CUNNINGHAM: It's a matter of fact that  
9 they've done no information. No engineering.

10 PRESIDING OFFICER HONIGBERG: That's your  
11 argument. I don't know if that's true, but I  
12 understand that to be your argument.

13 MR. CUNNINGHAM: Well, let me ask her the  
14 question one more time.

15 BY MR. CUNNINGHAM:

16 Q To your knowledge, with respect to the pipeline,  
17 with respect to the blasting, with respect to  
18 the erection of these towers and poles, to your  
19 knowledge, has Eversource done any engineering  
20 that would give you any peace of mind on what  
21 they're going to do behind the Percy Lodge &  
22 Campground?

23 PRESIDING OFFICER HONIGBERG: And those  
24 questions have been asked and answered, and she

1           said no. So we got that. She's not aware of  
2           what the company has done.

3           MR. CUNNINGHAM: Just a few more questions,  
4           Mr. Chair.

5           PRESIDING OFFICER HONIGBERG: Okay.

6 BY MR. CUNNINGHAM:

7 Q        Could you explain what your water source is for  
8        Percy Lodge & Campground?

9 A        Our water source comes from Pond Brook which is  
10       a small stream off of Christine Lake which is up  
11       behind us. It goes across the easement down  
12       into our property into a big cistern, if I'm  
13       saying that word right. The cistern supplies  
14       our water supply to five different houses  
15       together with us on Percy Road.

16           To further let the Committee know that on  
17       August 10th it was compromised by Eversource's  
18       subcontractor, Brown & Sons, while they were  
19       clearing the land of the easements, and they  
20       drove their heavy equipment over our water  
21       supply. I filed a complaint with the Standard  
22       and EPA. A letter was sent to Eversource and  
23       Brown on my complaint, and they have responded  
24       within the 20 days. They quoted a lot of RSA

1 laws about the management of going over water,  
2 and the last paragraph basically states that  
3 they weren't aware of our water supply. They  
4 weren't aware that it was our drinking water  
5 supply. And that's how it has been ended at  
6 this point.

7 Q And who was present when this took place?

8 A Kevin was present, just cleaned out the cistern  
9 with our neighbor across the street. He heard  
10 the loud equipment moving. He looked up as they  
11 were crossing over our water supply. He went up  
12 to them and raised his arms and said what are  
13 you doing. They continued on without  
14 responding. He called me. I called EPA, I  
15 filed a complaint, I called Brown & Sons and  
16 said you can't do this. This is our water  
17 supply, and filing my complaint was handled by  
18 the EPA and the Standard Water.

19 Q And when did you receive the reply from -- I  
20 don't think you mean the EPA. You mean DES?

21 A I received, first of all, I had to call the  
22 office and ask for a copy of the response to my  
23 complaint and I did get an email from them. And  
24 I did call the Standard Water and they told me

1           that they went out on the 24th of August and  
2           looked at the disturbance and said they saw no  
3           further damage to the soil, and that's all I  
4           have from them.

5       Q     Okay. I think everything else is covered,  
6           Mr. Chair.

7                   PRESIDING OFFICER HONIGBERG: Thank you,  
8           Mr. Cunningham. Who has questions?

9       BY MR. CUNNINGHAM:

10      Q     Do you swear, Mrs. Spencer, that the testimony  
11           is true and accurate?

12      A     Yes.

13      Q     And you adopt it and want this Committee to  
14           adopt your testimony as part of the record in  
15           this case?

16      A     Yes.

17                   PRESIDING OFFICER HONIGBERG: Thank you for  
18           covering those bases.

19                   MR. CUNNINGHAM: Thank you.

20                   PRESIDING OFFICER HONIGBERG: Mr. Pappas,  
21           Mr. Aslin, do you have questions? Mr. Pappas  
22           does.

23                   MR. PAPPAS: I do.

24                   PRESIDING OFFICER HONIGBERG: Who else has

1 questions for Ms. Spencer? I see Ms. Menard, I  
2 see Ms. Schibanoff. Is there anybody else?  
3 Okay.

4 **CROSS-EXAMINATION**

5 **BY MR. PAPPAS:**

6 Q Good afternoon, Mrs. Spencer. My name is Tom  
7 Pappas. I represent Counsel for the Public in  
8 these proceedings, and I just have a few  
9 questions.

10 I want to just start by identifying the  
11 lodge and the campground on some of the  
12 Applicant's drawings. What's on the screen now  
13 is a page from the Applicant's October 2015  
14 Project maps. And if you look and you see where  
15 it says 12534, do you see those numbers?

16 A Yes.

17 Q And do you understand that to be the property of  
18 the lodge?

19 A Yes.

20 Q And does the property then run down to where it  
21 borders the green area which is the forest into  
22 the right-of-way?

23 A I'm not understanding where you're at.

24 Q Sure. I just want to be able to, so the

1 Committee understands where the Percy Lodge  
2 property is.

3 A Okay. All right. You need to move.

4 Q Let me -- I'll tell you what. I'm going to run  
5 this pen and you tell me if I'm accurately  
6 showing the property.

7 A Go east. Right there.

8 Q Right here.

9 A Yes.

10 Q And then is this the boundary of your property?

11 A Yes.

12 Q So it encompasses this part of the right-of-way  
13 and this area here right up to this road?

14 A Well, it needs go further east. It's 26 acres.

15 Q But it keeps going off.

16 A Yes.

17 Q All right. Now, you indicated that the lodge  
18 itself is about 350 feet from the easement?

19 A Approximately. Yes.

20 Q Now, for the campground, is the campground  
21 located up in this area?

22 A If you see that yellow dot, that's it.

23 Q That's the campground right here?

24 A See the Ammonoosuc River? That surrounds -- no,

1           you're too far over.

2       Q     Over here?

3       A     Right there.

4       Q     Got it. Okay. So here's the river and here's  
5           the campground?

6       A     The river is up off the screen.

7       Q     Way up here?

8       A     Yes. It surrounds the property.

9       Q     But is this dot the campground?

10      A     No. That's not us.

11      Q     I didn't think so. Right up here is the  
12           campground.

13      A     That's where, the green part is where the  
14           hookups for the RVs and the trailers, and along  
15           the Ammonoosuc River off to the east is camping  
16           sites.

17      Q     Okay. Now, if you look at this map, you will  
18           see the white squares. Do you see those running  
19           along the easement on your property? You can  
20           see three of them?

21      A     Yes. That's the existing line.

22      Q     Yes. And the green squares represent the --

23      A     The relocated lines.

24      Q     So the existing lines would be located in the

1 direction of the lodge, correct?

2 A Yes.

3 Q And the new line will be located in the  
4 direction away from the lodge, correct?

5 A Yes. The red.

6 Q Okay. And you testified earlier about the gas  
7 line. Do you know where the gas line is  
8 located?

9 A Yes.

10 Q Where is that?

11 A It's 50 feet starting at the southern portion  
12 going towards the middle.

13 Q All right. I'm directionally challenged as I've  
14 proven. Tell us where the southern portion is.

15 MS. PACIK: Sorry. Before we proceed for  
16 the benefits of the parties and the record,  
17 could we mark on that where her lodge, the lodge  
18 was because I don't think it was clear just  
19 listening to it.

20 MR. PAPPAS: The lodge is at 12534. And  
21 see the yellow dot?

22 A The lodge is under the yellow dot. To the right  
23 of the 12534.

24 MS. PACIK: Thank you.

1 Q So could you just let the Committee know in what  
2 direction is the gas pipeline you testified  
3 about?

4 A It's north of the lodge.

5 Q Would that be heading towards the campground?

6 A No. The campground is south of the lodge.

7 Q So it's heading down the bottom of the picture.

8 A Yes.

9 Q Okay. And do you know if the gas line is on the  
10 north or south side of where the existing  
11 transmission line is?

12 A It runs along the southern 50 feet of the  
13 easement.

14 Q Thank you. So your Prefiled Testimony included  
15 information about tower heights, and you  
16 discussed a little bit about visibility so I  
17 just have a couple of questions about that. And  
18 you indicated and were shown some pictures about  
19 visibility of the existing transmission line  
20 from the lodge. Is that line visible throughout  
21 the year?

22 A At this moment, no.

23 Q What time of year can you see it? Or can you  
24 see it any time of the year?

1 A Existing power lines could be seen once all the  
2 tree leaves fall, but not very, we've been there  
3 since 2012. You don't see them.

4 Q Is the existing line screened by the trees?

5 A Yes.

6 Q Can you see the existing line from the  
7 campground?

8 A They're under the tree line, but you can see  
9 where they are by the dark line.

10 Q Okay. Now, your testimony included information  
11 about the heights of the proposed transmission  
12 line. Would I be correct in saying that you've  
13 looked at what the proposed heights would be?

14 A Yes.

15 Q And based on -- let me ask this question. Have  
16 you seen any photo simulations in your area?

17 A Yes.

18 Q So based on your understanding of what the  
19 proposed heights would be and your view of photo  
20 simulations, do you believe that you'll be able  
21 to see any portion of the new line if it's  
22 built?

23 A Yes.

24 Q From the lodge?

1 A Yes.

2 Q And do you believe that will be visible  
3 throughout the year?

4 A Yes.

5 Q Do you believe that it will be partially  
6 screened by trees?

7 A No.

8 Q Do you believe that the new proposed line will  
9 be visible from the campground?

10 A Yes.

11 Q And do you believe that to be throughout the  
12 year?

13 A Yes.

14 Q You don't believe that part of it will be  
15 screened by trees?

16 A No.

17 Q Okay. Let me ask you just a few questions about  
18 your business that you testified about in your  
19 Direct Testimony.

20 Now, I understand the company has nearly  
21 completed the lodge; is that correct?

22 A Yes.

23 Q Have you opened the lodge for business?

24 A Yes.

1 Q Did you open this year?

2 A The guest lodge, yes.

3 Q Was this the first year you were open?

4 A For the guest lodge, yes. Campground last year.

5 Q In terms of the campground, tell me has your  
6 business, how has it compared last year to this  
7 year? Is it increasing, is it the same, is it  
8 decreasing?

9 A Increased.

10 Q Okay. Now, have any of your visitors to the  
11 lodge said anything to you about the proposed  
12 transmission line?

13 A If they know about Northern Pass, they've asked  
14 us about it.

15 Q Well, that's my question. Has anybody asked you  
16 about it?

17 A Yes.

18 Q And what have they asked you?

19 A How will it be affecting our property. Quote,  
20 unquote.

21 Q Have any of the guests indicated to you whether  
22 if the line is built that will affect whether  
23 they come back and stay in the lodge?

24 A They did not answer that. Or say anything about

1           it.

2       Q     All right.  How about campers in the campground,  
3           have any of the campers asked you any questions  
4           about the proposed line?

5       A     Very much so.  Yes.

6       Q     And what have they asked you?

7       A     How much of the towers will we be seeing across  
8           the mountain scenic view.

9       Q     Have any of them expressed any intention one way  
10          or another of whether or not they will return as  
11          campers if the line is built?

12      A     I have to say no.

13      Q     Finally, there's been some testimony in this  
14          case about a proposed business mitigation or  
15          disruption program.  Are you familiar with that  
16          at all?

17      A     No.

18      Q     Has anybody from the Applicants reached out to  
19          the company to talk about potential impact to  
20          your business and whether or not you'll be  
21          eligible for this program?

22      A     Not personally, no.

23      Q     Are you aware of whether they reached out to  
24          anybody in the company?

1 A That I do not know.

2 Q Not to you though?

3 A Not to me or us.

4 Q Okay. Finally, let me ask you this. Your  
5 Prefiled Testimony indicated a number of  
6 contacts you've had with the Applicants. Have  
7 you had an opportunity to express your concerns  
8 to the Applicants?

9 A Yes.

10 Q And are you continuing those discussions?

11 A Not personally.

12 Q Do you know if the company itself is, anybody  
13 else in the company?

14 A From Eversource, you're talking about?

15 Q No, no. I'm talking about the Percy Lodge &  
16 Campground.

17 A Okay. I'm not understanding your question.

18 Q I apologize. Let me ask it again. Do you know  
19 if anybody from the Percy Lodge & Campground is  
20 currently discussing with anyone on behalf of  
21 the Applicants the campground's concerns?

22 A We are. I don't understand your question.

23 Q Okay.

24 A Sorry.

1 Q No. No. It's my fault. It's a poorly worded  
2 question.

3 A We can -- can I say something to that?

4 Q Perhaps let me ask the question first.

5 A Well, I'd just say we know of other people that  
6 ask us about it, but they don't, they're not at  
7 Percy Lodge. Just fellow townsfolks.

8 Q Okay. My question is geared towards any  
9 discussion between the lodge itself and the  
10 Applicants, and whether or not there are any  
11 ongoing discussions where you are expressing  
12 concerns of the Applicants and asking them to  
13 address your concerns. Are those discussions --

14 A No. The only contact we've had with Burns and  
15 McDonnell, I believe, back on January 16th they  
16 met with Mark and Kevin at the property and  
17 basically they just talked about how good it's  
18 going to be, and they never answered any  
19 questions and left.

20 Q Are you aware of any contact since that time?

21 A No.

22 Q Thank you, Mr. Chairman. I have no other  
23 questions.

24 PRESIDING OFFICER HONIGBERG: Ms. Menard,

1 and then Ms. Schibanoff. And am I correct  
2 there's no other Intervenors with questions?  
3 Okay.

4 **CROSS-EXAMINATION**

5 **BY MS. MENARD:**

6 Q Good afternoon.

7 A Hi, Jeanne.

8 Q Hi. I'm Jeanne Menard representing the  
9 Deerfield Abutters. I just have three questions  
10 for you. Did you buy this property originally  
11 for the view?

12 A We bought it for the opportunity to use the ATV  
13 trails that go in front, the snowmobilers in the  
14 winter, the fantastic views and the campground  
15 to build Percy Lodge and hoped that they would  
16 use Upper Ammonoosuc River with the canoes and  
17 hiking, the Christine Lake which is up behind us  
18 for swimming and fishing. It's a pristine area  
19 for the tourists to come into and enjoy Coos  
20 County.

21 Q Okay. So when you started with your business  
22 plan, and most people when they are evaluating a  
23 project they have an idea of how long it's going  
24 to take to recoup your investment in the

1 property, and your testimony has a lot of  
2 information about how much you've put into the  
3 property. Do you have an idea of how long, did  
4 you have a sense of how long it was going to  
5 take for you to recoup your business investment?

6 A We were hoping minimum of ten years.

7 Q And my last question is, in your opinion, if  
8 Northern Pass is constructed, do you see that  
9 projection as changing? Do you see a sense of a  
10 loss of revenue to you so that your ability to  
11 recoup would be achieved in that 10-year period?

12 A I'm going to answer this by the seasons because  
13 the people that are coming for what we consider  
14 the peak season of the changing of the colors  
15 may go elsewhere because that scenic view that  
16 we offer them will be gone.

17 Q Okay. Thank you. I have no further questions.

18 PRESIDING OFFICER HONIGBERG: Ms.  
19 Schibanoff? Make sure that they know where you  
20 are.

21 MS. SCHIBANOFF: Ms. Spencer? Way in the  
22 back.

23 MRS. SPENCER: Hello.

24 **CROSS-EXAMINATION**

1 **BY MS. SCHIBANOFF:**

2 Q Hi. I'm Susan Schibanoff, and I am the  
3 spokesperson for the Non-Abutting Property  
4 Owners Bethlehem to Plymouth. Attorney Pappas  
5 has and Ms. Menard have basically asked my  
6 questions, but I want to just follow up with one  
7 question that I think Mr. Pappas brought up. I  
8 wasn't clear whether or not you are aware of the  
9 business loss claim program that Northern Pass  
10 has mentioned in these hearings at least.

11 A No.

12 Q No one has talked to you about this?

13 A No.

14 Q You are keeping no records now that you could be  
15 using to claim such a loss if it occurs?

16 A I keep extensive spreadsheets on all expenses.

17 Q Do you think those would be what would be  
18 required to file a claim for a loss?

19 A Yes.

20 Q Do you think you'd need anything else?

21 A Loss of income. I don't think there would be  
22 anything else.

23 Q But you don't know.

24 A No.

1 Q Okay. That's all I have to ask. Thank you.

2 MR. REIMERS: Mr. Chair? Jason Reimers  
3 over here. Can I follow up on a question of Ms.  
4 Menard?

5 PRESIDING OFFICER HONIGBERG: Sure.

6 **CROSS-EXAMINATION**

7 **BY MR. REIMERS:**

8 Q My name is Jason Reimers, I represent the Forest  
9 Society.

10 You showed pictures of your view, and Ms.  
11 Menard asked you a question, and in response you  
12 said you bought the property at least in part  
13 with ATV use in mind. In your experience, is a  
14 scenic view important to ATV users?

15 A I think for, this is my opinion only, for them  
16 to be able to go into the tree line and get  
17 into, my opinion, Mother Nature and what the  
18 tree lines offer and the roads in the tree line,  
19 yes, I think ATVs come up here because they can  
20 get into this type of roadway to go through Coos  
21 County.

22 Q Thank you.

23 PRESIDING OFFICER HONIGBERG: Mr. Thompson.  
24 Do you have a question?

1 MR. THOMPSON: Yes.

2 **CROSS-EXAMINATION**

3 **BY MR. THOMPSON:**

4 Q Brad Thompson. I'm a spokesperson for the North  
5 Country towns of Pittsburg, Clarksville and  
6 Stewartstown. Are you familiar, Ms. Spencer,  
7 with the Coos Trail?

8 A Yes.

9 Q Does it pass near your property?

10 A Yes.

11 Q Could you describe how often it's used? Daily,  
12 weekly, hourly?

13 A Well, we're talking about the ATVs or just  
14 general traffic. Just the trails. The trails  
15 for ATVs are from Memorial Day until November  
16 1st. Then the trails for hiking Coos Trail is  
17 year-round. You can walk up from Percy Road all  
18 the way to Percy Peak. Christine Lake. All the  
19 trails are all over that area of the Coos Trail.  
20 It can be hiked or it can be snowmobiled in the  
21 winter, and if you're on the ATV trail during  
22 the season.

23 Q Does Coos Trail go to the top of Percy Peak?

24 A I think it goes, I believe it's part of it.

1 Q Do you get a view from the top of Percy Peak?

2 A Oh, good heavens, yes. Have you ever been up  
3 there?

4 Q No. But I will. Thank you.

5 PRESIDING OFFICER HONIGBERG: All right.  
6 Anybody else out there? All right. Members of  
7 the subcommittee. Ms. Weathersby, I understand  
8 you have a question?

9 **QUESTIONS BY MS. WEATHERSBY:**

10 Q Good afternoon. Could you explain for us the  
11 elevation change with regard to the campground  
12 and the Lodge? Is it lower, it's near the river  
13 so I'm guessing is it lower down or is it  
14 perhaps higher up?

15 A It's not really, the lodge sets on a little high  
16 point, but if you get down to Percy Road, it's  
17 all the same level.

18 Q So are you looking up towards the right-of-way  
19 or is it more level?

20 A From the lodge?

21 Q From the campground.

22 A From the campground, you're looking up to the  
23 tree line. Long Mountain.

24 Q Have you had any discussions with Eversource or

1 Northern Pass Transmission folks concerning  
2 mitigation measures, things they maybe could use  
3 different pole types or different heights. Have  
4 you had any sort of discussions with the  
5 Applicant?

6 A No.

7 Q Same question that I asked the Bilodeaus. If  
8 this Committee were to grant approval of the  
9 Project, would there be conditions that could be  
10 imposed that might mitigate the effects of the  
11 Project on your property?

12 A Yeah. Maybe bury it.

13 Q Anything else?

14 A Don't do it at all.

15 Q Okay. Thank you. I have nothing else.

16 PRESIDING OFFICER HONIGBERG: Mr. Way?

17 **QUESTIONS BY MR. WAY:**

18 Q Good afternoon.

19 A Hello.

20 Q So hearing that you have not had a lot of  
21 contact with Eversource about the Project.  
22 Somewhat different question. Did they attempt  
23 to reach out to you?

24 A We received one letter back in 2013. It was a

1 form letter basically just saying if you had any  
2 questions they would make an appointment. Sara  
3 Demers, I believe. That appointment was made.  
4 January 16th. They came out. There was snow on  
5 the ground. Mark and Kevin met them. They  
6 tried to ask questions about the pole heights  
7 and damage to the property, and all they wanted  
8 to talk about is how good it was going to be and  
9 that's how it ended. That was it.

10 Q And there's been no further attempts? You  
11 haven't received any emails or calls or anything  
12 like that trying to meet?

13 A No.

14 Q Or hoping to meet?

15 A No.

16 Q One quick question on the water supply incident  
17 that you mentioned. If you could, I think you  
18 mentioned it, when did that occur?

19 A August 10th.

20 Q August 10th of this year?

21 A Yes.

22 Q You mentioned that you had made a complaint and  
23 I heard EPA but then someone asked DES. Was it  
24 DES or EPA or was it both?

1 A I called EPA on the phone. They told me to go  
2 to the website and download the form, and then  
3 they told me to call another person from the  
4 Standard Water Supply which I did. They asked  
5 me to file that form also which I did.

6 Q And the response they gave back to you, did you  
7 say they did email or was it a formal letter?  
8 Is there anything that we can take a look at to  
9 get a sense of what you received?

10 A I had to call EPA to get a copy of the letter  
11 that they sent out to Eversource and Brown  
12 Company. I also had to call and get a copy of  
13 the response that they had to do it within 20  
14 days from that letter. I received an email from  
15 the Standard saying on the 24th they were in the  
16 area by Christine Lake and walked over to the  
17 area that they felt was the incident area and  
18 they found no further damage to the soil, and  
19 that's how they ended it. I do have copies of  
20 all those forms.

21 Q I'd like to request that.

22 PRESIDING OFFICER HONIGBERG:

23 Mr. Cunningham?

24 MR. CUNNINGHAM: We can provide that.

1 PRESIDING OFFICER HONIGBERG: Thank you.

2 MR. WAY: Thank you very much.

3 A You're welcome.

4 PRESIDING OFFICER HONIGBERG: Mr. Wright?

5 DIR. WRIGHT: Mr. Chairman, Mr. Way just  
6 covered the area I was going to cover.

7 PRESIDING OFFICER HONIGBERG: Okay. Mr.  
8 Oldenburg, do you have any questions?  
9 Commissioner Bailey?

10 COMMISSIONER BAILEY: No questions.

11 PRESIDING OFFICER HONIGBERG: Mr. Iacopino?

12 MR. IACOPINO: No questions.

13 PRESIDING OFFICER HONIGBERG: I have no  
14 questions. Mr. Cunningham, do you have any  
15 redirect for your witness?

16 MR. CUNNINGHAM: I do not, Mr. Chair.

17 PRESIDING OFFICER HONIGBERG: Thank you  
18 all, and you may step down. We're going to take  
19 a 10-minute break. Off the record.

20 (Discussion off the record)

21 (Recess taken 2:39 - 2:55 p.m.)

22 (Whereupon, **Susan Percy, Margaret Jones** and **Eric**  
23 **Jones** were duly sworn by the Court Reporter.)

24 **SUSAN PERCY, DULY SWORN**

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**MARGARET JONES, DULY SWORN**

**ERIC JONES, DULY SWORN**

PRESIDING OFFICER HONIGBERG: Because you're not represented by counsel, we're going to have Mr. Iacopino get you set up with your Prefiled Testimony and ready to be questioned. Okay?

MS. PERCY: Thank you.

**DIRECT EXAMINATION**

**BY MR. IACOPINO:**

Q Let me start with Mr. and Mrs. Jones.

Mr. Jones, would you please identify yourself and tell us where you live?

A (Eric Jones) My name is Eric Jones and I live at two places. 1785 Chadwick Road, Englewood, Florida, and 1416 New Hampshire Route 25 in Glencliff, New Hampshire.

Q And Mrs. Jones, would you please identify yourself and tell us if you live at the same addresses?

A (Margaret Jones) My name is Margaret Jane Jones, and we reside together in the same places.

Q Okay. And Mr. and Mrs. Jones, did you file Prefiled Testimony in this proceeding?

1 A (Eric Jones) Yes. We did.

2 Q Did you file Prefiled Testimony on April 3rd,  
3 2017, which is designated as Supplemental  
4 Prefiled Testimony?

5 A (Eric Jones) Yes. We did.

6 Q And for the purposes of our proceedings do you  
7 adopt those testimonies here today as your  
8 Direct Filed Testimony?

9 A (Eric Jones) Yes. We do.

10 Q Do you have any changes to your Direct Filed  
11 Testimony that you'd like to make at this time?

12 A (Eric Jones) Changes.

13 Q Changes. Not additions but just changes for now  
14 because I'm going to go through the same  
15 questions with Ms. Percy.

16 A (Eric Jones) Okay. I'm assuming that you've  
17 read both of them. The Pre and the  
18 Supplemental, and you will see that the  
19 Supplemental begins with a mea culpa that I  
20 hadn't delved into the information of where  
21 these structures would be and their nature to  
22 the extent that I should have on the Prefiled.  
23 So I began the Supplemental by correcting that,  
24 and saying yes, now I know what's going to be

1           there, and here's my testimony about that. Yes.  
2           Other than that, no. I don't have anything.

3           Q     Okay. Mr. and Mrs. Jones at this point in time,  
4           if you were asked the same questions that are  
5           contained in your Prefiled Testimony and your  
6           Supplemental Prefiled Testimony, you would  
7           answer them the same as is contained in these  
8           documents?

9           A     (Eric Jones) Yes, we would.

10          Q     Ms. Percy, I'm now going to turn to you. First  
11          of all, why don't you identify yourself and tell  
12          us your name and where you live.

13          A     (Percy) My name is Susan Percy. I live in two  
14          places. 275 Summer Club Hill in Stark, New  
15          Hampshire. And also 80 Gloucester Hill in New  
16          Gloucester, Maine.

17          Q     And you filed Prefiled Testimony in this  
18          proceeding, I believe on November 15th, 2016.  
19          Correct?

20          A     (Percy) I did.

21          Q     And you also filed Supplemental Prefiled  
22          Testimony on April 17th, 2017, correct?

23          A     (Percy) I did.

24          Q     And do you you have any changes to those

1 Supplemental Testimonies?

2 A (Percy) I might have one.

3 Q I'm sorry. To your Direct Testimony and your  
4 Supplemental Testimony.

5 A (Percy) I might have a mountain that is actually  
6 Cummings Mountain. It's not Milan and it's not  
7 Dummer, but it's Cummings. That would be the  
8 only change.

9 Q And do you know which testimony that change is  
10 in?

11 A (Percy) It's in the Supplemental.

12 Q All right. Are there any changes you wish to  
13 make to either your Prefiled or your  
14 Supplemental Testimony?

15 A (Percy) There are none.

16 Q Do you adopt those testimonies as your testimony  
17 for our proceedings here today? Would you  
18 answer all the questions if asked of you today  
19 in the same manner?

20 A (Percy) I hope so.

21 Q Okay. To the three members of this Panel, do  
22 you have anything to add to your testimony based  
23 upon anything new that has occurred during the  
24 course of these proceedings?

1 A (Eric Jones) No.

2 A (Margaret Jones) No.

3 Q Ms. Percy?

4 A (Percy) Well, that's a harder one for me, partly  
5 because there is some information that's just  
6 come out that I still don't have access to with  
7 the cultural landscapes. Additionally, on the  
8 New Hampshire historic resource, no, no.

9 Historic, you know, the Division of Historic  
10 Resources has compiled a report of the Percy  
11 Summer Club. There are inaccuracies in that,  
12 but I have asked all the club members to read  
13 that report before we respond to it, and I don't  
14 know where that goes.

15 Q Okay. Just for the record, can you tell us when  
16 that report was issued by DHR?

17 A (Percy) I believe I picked it up in August of  
18 2017. Might have been July. The end of July.  
19 Actually, I have it here.

20 Q If you have the date, if you could put that in  
21 the record, please.

22 A (Percy) August 1st, 2017.

23 Q Okay. Do you know if that particular report is  
24 already marked as an exhibit in the record?

1 A (Percy) Not by me.

2 Q Okay.

3 A (Percy) I think it is though because it's, I  
4 think it was done in collaboration with the  
5 Applicant's process.

6 Q Okay. Do you have anything else to add with  
7 respect to your testimony?

8 A (Percy) I do not.

9 Q Okay. They are available for cross-examination?

10 PRESIDING OFFICER HONIGBERG: Just before  
11 we do that, Ms. Percy, the correction that you  
12 wanted to make, is that in your Supplemental  
13 Testimony on page 4, the reference to Dummer  
14 Hill that you say in the testimony is actually  
15 Milan Hill. Is that the correction?

16 A (Percy) It is.

17 PRESIDING OFFICER HONIGBERG: And the  
18 correct name of it is?

19 A (Percy) Cummings.

20 PRESIDING OFFICER HONIGBERG: All right.  
21 Mr. Pappas. Do you have questions?

22 MR. PAPPAS: I do.

23 PRESIDING OFFICER HONIGBERG: Who else has  
24 questions for this Panel out there. Can I see



1 A (Percy) Yes.

2 Q (Percy) Are they visible from Bald Mountain?

3 A Yes.

4 Q (Percy) How about Potters Ledge?

5 A Yes.

6 Q (Percy) How about the hiking trails in Kauffmann  
7 Forest? Are they visible from the trails?

8 A (Percy) You cross under them.

9 Q How about the hiking trails in the Nash Stream  
10 Forest?

11 A (Percy) Yes.

12 Q Okay. Now, all the areas I just listed are all  
13 public areas; are they not?

14 A (Percy) They are.

15 Q And I take it you're familiar with those areas?

16 A (Percy) I am.

17 Q Now, in the Prefiled Testimony you state the new  
18 towers will be 100 to upwards of 130 feet in the  
19 right-of-way that passes through the Percy  
20 Summer Club land, correct?

21 A (Percy) Yes. I think I said that it would, it  
22 passes in the corridor and crosses Percy Summer  
23 Club Land.

24 Q Okay. Thank you. Now, do you believe that the

1 proposed towers will have greater visibility  
2 from the public places I just listed?

3 A (Percy) I do.

4 Q And greater visibility than the current  
5 transmission towers, correct?

6 A (Percy) Absolutely.

7 Q Now, you raised some additional, you testified  
8 that additional assessments on the visual impact  
9 of the proposed line should be done. Do you  
10 remember that in your testimony?

11 A (Percy) I do.

12 Q Tell me why you believe that.

13 MR. NEEDLEMAN: Objection. Calls for  
14 expansion of the testimony.

15 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

16 MR. PAPPAS: Well, I think  
17 cross-examination requires a delving into what  
18 the testimony stated. That's part of what  
19 cross-examination is is to examine what the  
20 direct testimony is, and I was laying a  
21 foundation before I can go further. So she's  
22 indicated she testified about that, I just want  
23 to hear why she thinks that and I'm going to go  
24 further, if necessary. That's what

1 cross-examination is is to delve into the direct  
2 testimony.

3 PRESIDING OFFICER HONIGBERG:

4 Cross-examination is a lot of different things,  
5 and it is not, as you stated earlier,  
6 appropriate to expand Prefiled Testimony at a  
7 proceeding like this.

8 MR. PAPPAS: Well, we may disagree on that  
9 point.

10 PRESIDING OFFICER HONIGBERG: I've looked  
11 at your statutory charge, and it doesn't talk  
12 about expanding testimony.

13 MR. PAPPAS: But I think that our statutory  
14 charge lays out the areas in which we're to  
15 inquire, but I don't think it says how you  
16 cross-examine. I think it adds more in terms of  
17 how cross-examination goes.

18 PRESIDING OFFICER HONIGBERG: You really  
19 don't want to rely on what your statute says for  
20 the scope of this because it's much narrower  
21 than the practice has been and your efforts in  
22 this case have been. So that's not really where  
23 you want to go. But you should not be doing  
24 things with any of these witnesses that should

1 have been part of their Prefiled Testimony.

2 MR. PAPPAS: Oh, I understand that.

3 PRESIDING OFFICER HONIGBERG: All right.

4 MR. PAPPAS: Do you want me to start this  
5 line of questioning over?

6 PRESIDING OFFICER HONIGBERG: Why don't you  
7 start again, and we'll see how narrow we can  
8 make it.

9 MR. PAPPAS: Okay.

10 BY MR. PAPPAS:

11 Q Mrs. Percy, in your Prefiled Testimony, you  
12 testified that additional assessments on visual  
13 impact should be done. Do you recall that part?

14 A (Percy) I do.

15 Q And let me ask the question this way. Are you  
16 aware of any information that the assessments on  
17 visual impact did not address that you believe  
18 should be addressed in this accident this  
19 Committee should know about?

20 A (Percy) Yes, and actually, I put that in my  
21 testimony.

22 Q All right. Then if it's in your testimony, the  
23 Committee can read it.

24 A (Percy) Okay.

1 Q I just want to know if there's anything  
2 additional that's come up.

3 A (Percy) No. The only addition I would add is  
4 that I suggested to Terry DeWan, I invited Terry  
5 DeWan to hike all the trails with me. And he  
6 did not do that.

7 Q Okay.

8 A (Percy) Might not be lost anymore.

9 Q Let me ask you some questions about historic  
10 interest because that's also part of your  
11 testimony.

12 A (Percy) It is.

13 Q Now, you testified that the Percy Summer Club's  
14 houses and communal areas are virtually  
15 unchanged since the late 1800s, early 1900s; do  
16 you recall that?

17 A (Percy) I do.

18 Q Now, you also testified that the buildings  
19 should be considered historic resources,  
20 correct?

21 A (Percy) Yes.

22 Q Now, if the Percy Summer Club's buildings were  
23 considered historic resources by this Committee,  
24 do you believe that the Committee should

1 consider the impact on the proposed line to the  
2 Summer Club's buildings as historic resources?

3 A (Percy) Well, I think I was talking about the  
4 Percy Summer Club with its historic integrity  
5 has been noted by a number of different  
6 organizations. And so in that vein, the  
7 location of the Percy Summer Club in the Nash  
8 Stream Forest, in the Kauffmann Forest, open to  
9 the public is something that I think bears  
10 further scrutiny.

11 Q Something you think the Committee should  
12 consider?

13 A (Percy) I do.

14 Q Okay. Thank you. Mr. and Mrs. Jones. Let me  
15 turn you to and ask you some questions. Now, in  
16 your Prefiled Testimony, you talk about  
17 approximately 750 acres that you own in  
18 Northumberland and Stark, correct?

19 A (Eric Jones) Yes.

20 Q Let me start by asking when did you acquire that  
21 property.

22 A (Eric Jones) Good question. I would say about  
23 ten years ago.

24 Q Okay. So what's on the screen now in front of

1           you, do you have something on the screen in  
2           front of you?

3           A     (Eric Jones) Yes. We do.

4           Q     What's on the screen is from Applicant's Exhibit  
5           201, Sheet 49, which is the August 2017 Project  
6           Maps.

7                     Now, you can see where it says  
8           Northumberland, correct?

9           A     (Eric Jones) Yes.

10          Q     And you can see where it says 13508, correct?

11          A     (Eric Jones) Yes.

12          Q     And do you understand that to be your parcel of  
13          land?

14          A     (Eric Jones) I do.

15          Q     Okay.

16          A     (Eric Jones) That's a nonsurveyed tax map, but  
17          yes, I do understand as far as I can that that  
18          is our property.

19          Q     I just want to establish that we are looking at  
20          your property on the screen.

21          A     (Eric Jones) We are.

22          Q     Thank you. And you can see where the  
23          right-of-way passes through your property, do  
24          you see that?

1 A (Eric Jones) Yes.

2 Q I understand as it passes through your property  
3 it's 150 feet wide; is that right?

4 A (Eric Jones) That is true.

5 Q And if you look at the white squares, those  
6 depict the existing transmission lines; is that  
7 correct?

8 A (Eric Jones) That's correct.

9 Q And the green squares represent the relocation  
10 of those existing transmission lines?

11 A (Eric Jones) That's correct.

12 Q And the red squares depict the new Northern Pass  
13 Transmission line, correct?

14 A (Eric Jones) Yes. The high HD, whatever it is.  
15 The big power lines, yes.

16 Q Thank you. So the construction activity through  
17 your property will include relocating existing  
18 lines and erecting new lines, correct?

19 A (Eric Jones) That is true.

20 Q And am I also correct that the existing towers  
21 are wooden towers that are roughly 40 to 45 feet  
22 tall?

23 A (Eric Jones) That's true.

24 Q And the new towers, the relocated towers will be

1           monopoles that are 70 to 80 feet tall, correct?

2           A     (Eric Jones) Yes.

3           Q     And the new towers for the Northern Pass line  
4           will be lattice towers that are also 70 to 80  
5           feet tall, correct?

6           A     (Eric Jones) I think they're taller. But they  
7           are the lattice towers, yes.

8           Q     All right. And each of the relocated line and  
9           the new lattice towers will have concrete  
10          foundations, correct?

11          A     (Eric Jones) Yes.

12          Q     And am I also correct that in this right-of-way  
13          also passes the Portland Natural Gas pipeline?

14          A     (Eric Jones) That is true, and if you're looking  
15          at the map it's on the -- the part that's in  
16          yellow, top of your map, the gas pipeline is on  
17          that side of the right-of-way.

18          Q     Towards the label that says Northumberland,  
19          towards that part of the paper?

20          A     (Eric Jones) Yes.

21          Q     And finally, if you look over to the right-hand  
22          side, that's the Lost Nation substation; is that  
23          right?

24          A     (Eric Jones) That is true. And the National

1 Forest is the green part abutting it on the  
2 left-hand side.

3 Q Okay. On your screen now is a page from  
4 Applicant's Exhibit 200 which is the Alteration  
5 of Terrain Permit Application Plans submitted by  
6 the Applicant.

7 Now, do you recognize this is also your  
8 property?

9 A (Eric Jones) I do. I want to be clear to the  
10 SEC that the part of the property we're looking  
11 at is about 129 acres of the 750 acres which is  
12 off to the, your left-hand side, the bulk of the  
13 property. Anyway.

14 Q Is this the part of your property where the  
15 right-of-way goes through?

16 A (Eric Jones) It is.

17 Q And I understand that you have other property  
18 that make up the whole 750 acres?

19 A (Eric Jones) That's true.

20 Q That's not shown on the map.

21 A (Eric Jones) The significance being that the  
22 entire 750 acres is considered by authorities  
23 which I can quote like the Fish & Game and U.S.  
24 Fish & Wildlife, the entire 750 acres is a

1 contiguous wetland that then flows within one  
2 mile into the Ammonoosuc River and within a few  
3 hundred feet thereafter into the Connecticut  
4 River. So yes, this is the piece that the  
5 right-of-way goes over, but it affects according  
6 to experts beyond my expertise the entire 750  
7 acres.

8 Q Okay.

9 A (Eric Jones) Yes.

10 Q Now, we see in the picture on the screen from  
11 Sheet 200 what appears to be a brook. Do you  
12 see that?

13 A (Eric Jones) You mean on the upper part? Yes.

14 Q Correct.

15 A (Eric Jones) Yes, I do.

16 Q Is that Hayes Brook that your testimony refers  
17 to?

18 A (Eric Jones) That is Hayes Brook. Yes.

19 Q Now, looking at the screen, is Hayes Brook north  
20 or south of the right-of-way? Give us a direct  
21 orientation for this picture if you can.

22 A (Eric Jones) It is, it's both. The Hayes Brook  
23 begins in the lower, the lower left-hand corner  
24 of your screen on the National Forest.

1 Q Okay.

2 A (Eric Jones) It crosses our property on the  
3 left-hand side of the right-of-way, and then it  
4 proceeds on southerly which is in this case,  
5 should be, the map should be this way. I always  
6 think of north as uphill. But at any rate, it  
7 proceeds southerly through the rest of the  
8 property. Yes.

9 Q So to put it another way, the top of this map is  
10 south and the bottom is north.

11 A (Eric Jones) That is correct.

12 Q Okay. So can you describe for us the topography  
13 of your land in the right-of-way and then going  
14 south towards Hayes Brook?

15 A (Eric Jones) Yes, I will. It's the side of a  
16 hill, and it's an angle of steepness 15 percent  
17 or greater heading from the north which is the  
18 bottom of your screen to the south. So it's  
19 sloping down to the part where you obviously see  
20 the Hayes Brook.

21 Q Okay. And then just for final orientation, do  
22 you see the, in your property, do you see the  
23 three yellow squares in the right-of-way?

24 A (Eric Jones) I do.

1 Q And those are the construction pads; are they  
2 not?

3 A (Eric Jones) They are the Applicant's rendition  
4 of the construction pads.

5 Q And each of those pads have some wetlands within  
6 them, correct?

7 A (Eric Jones) They do.

8 Q And would I be correct in saying that  
9 essentially most of the right-of-way that runs  
10 through your property contains wetlands?

11 A (Eric Jones) I would say 90 percent of the  
12 right-of-way is wetland as agreed to by the  
13 Applicant in their wetlands mapping.

14 Q Okay. Now, your Prefiled Testimony contains  
15 something you referred to as a scaled project  
16 diagram; do you recall that?

17 A (Eric Jones) Yes. Yes, I do.

18 Q And that diagram depicts all of the construction  
19 activity within the right-of-way?

20 A (Eric Jones) Because the process is being called  
21 iterative, which basically to me means that the  
22 SEC is being asked to decide on a Project where  
23 they don't know where it is and exactly what it  
24 is. So if, what I did was I took the Prefiled

1           Testimony of the Applicant's expert witnesses as  
2           it described wire pulling pads, access roads,  
3           the actual bases of the towers, the concrete  
4           that needs to be poured, and I assumed within  
5           there would be one wire pulling pad. From my  
6           reading it could be every so many hundred feet  
7           they need one of those so I put one of those in  
8           there. It said that you needed to have a work  
9           pad at each structure. You needed to, all of  
10          the work pads and the road -- by the way.  
11          There's no access road on this right-of-way.  
12          Some rights of way have access roads, this one  
13          does not. That all of this construction has to  
14          be during construction, both dry and level, and  
15          you're talking about a wetland on a slope.

16                 So I tried, to the best of my knowledge,  
17                 but I explained that because of all the  
18                 equivocation in the Application and even in the  
19                 prefiled or the expert testimony, there are so  
20                 many equivocations as to what exactly will be in  
21                 the right-of-way, anyone's right-of-way, but in  
22                 my right-of-way. At the best I could do was  
23                 what I did. But I'm admitting that it might be  
24                 better or worse because it's not said

1 specifically what it's going to be. So yes. I  
2 don't know if that answers your questions.

3 Q Well, let me just summarize. What you attempted  
4 to do is on one page list all the construction  
5 activity that you believe will occur within the  
6 right-of-way through your property; is that a  
7 fair summation?

8 A (Eric Jones) Yes, and the attempt was made to  
9 make it to scale. I mean I can work with  
10 PhotoShop and whatever, and I did, and this is  
11 my best rendition of that.

12 Q Okay. Well the Committee can then review it at  
13 its leisure. I don't need to go through each  
14 step. I just wanted to clarify what it was.  
15 Okay.

16 Now, your Prefiled Testimony also contained  
17 this diagram, and could you just tell me what  
18 you were trying to depict? Well, first let me  
19 ask. Did you draw this diagram?

20 A (Eric Jones) Yes, I did.

21 Q Can you tell me what you were depicting in this  
22 diagram?

23 A (Eric Jones) Well, I wasn't trying to be  
24 facetious. I assumed that the members of the

1 SEC are aware that if you're going to try to  
2 make something level on a hill, you've got to do  
3 one of two things. You've got to dig out some  
4 material on the top side of the hill and put it  
5 on the bottom side of the hill. That is what  
6 this is depicting.

7 So I'm saying that in this wetland, one  
8 method of leveling it is to, according to the  
9 Applicant, I believe it's the only method of  
10 leveling it, but, is to do this. To what this  
11 patient depicts. You take away on the soil on  
12 the top side and you put it on the bottom side,  
13 and then the Applicant goes into how you  
14 compress it and put rocks and stuff that  
15 questionably you can't restore. Naturally,  
16 you're not going to restore where the  
17 foundations are but you would attempt to restore  
18 where the work pads are, the pulling pads and  
19 all that stuff. I submit that in a wetland  
20 which is functionally flowing water from north  
21 of it through it to south of it and into two  
22 rivers within a mile, I don't think it can be  
23 done.

24 Q Okay. So in your Prefiled Testimony, you state

1           that the Applicant's construction methods within  
2           the wetlands in the right-of-way on your  
3           property will result in a permanent alteration  
4           to existing wetland and water flow. Do you  
5           recall that?

6           A     (Eric Jones) I do.

7           Q     Let me ask you about that. Now, the Applicant  
8           indicated that it would remove some soil and  
9           gravel and either create a level area with rocks  
10          and gravel or use timber mats. Do you recall  
11          that?

12          A     (Eric Jones) I do.

13          Q     Why won't that, why wouldn't then the removal of  
14          the timber mats --

15          A     (Eric Jones) The timber mats.

16          Q     Let me finish the question first.

17          A     (Eric Jones) Okay. I'm sorry.

18          Q     Start with the timber mats. Why wouldn't the  
19          removal of the timber mats then restore the  
20          area, and, therefore, not have a permanent  
21          impact on the wetlands?

22          A     (Eric Jones) If you consider that in order to  
23          put a crane which is 100 feet wide on this land  
24          you absolutely have to have a level and solid

1 footing. I do not understand how you put  
2 layers, this is their wording, layers of timber  
3 mats upon an incline and how that makes it  
4 level. So I don't believe that their second  
5 method, which they haven't chosen which they're  
6 going to use, but their second method, namely  
7 the timber mats, how that achieves what they  
8 must achieve which is level/dry. So, therefore,  
9 the question of how removing the timber mats  
10 restores it to its original condition, we're not  
11 talking anything yet about compression from  
12 cement trucks, cranes, it just, I mean we've  
13 talking hydric soils, hydric soils are loose and  
14 wet. Now, if you lay timber mats on top of them  
15 and then squash them, and then remove the timber  
16 mats, even if you could do that in making it  
17 level, which I don't think you can, it doesn't  
18 restore it.

19 Q Couldn't the Applicants remove the soil, do  
20 their work and then replace the soil?

21 MR. NEEDLEMAN: Objection. This is a  
22 continued expansion of testimony.

23 MR. PAPPAS: I'm actually trying to probe  
24 to see whether or not the Applicants can

1 restore.

2 PRESIDING OFFICER HONIGBERG: I've looked  
3 at Mr. Jones's testimony, and I don't know that  
4 he has any basis for knowing the answers to any  
5 of these questions.

6 MR. PAPPAS: In his testimony he went on at  
7 some length about what they're going to do, and  
8 he quoted the construction stuff. And if he  
9 knows, he can answer. If he doesn't know, he  
10 can't answer.

11 PRESIDING OFFICER HONIGBERG: What's his  
12 background? What's his knowledge base for his  
13 opinions about what they can and can't do. I  
14 have nothing from his, that I can recall, from  
15 his testimony that gives me a foundation for him  
16 to be able to answer these questions.

17 MR. PAPPAS: His testimony didn't include  
18 background information.

19 PRESIDING OFFICER HONIGBERG: It's kind of  
20 a problem, don't you think, Mr. Pappas?

21 MR. PAPPAS: Well, he certainly is an  
22 articulate person, and he spent a fair amount of  
23 time studying this, and if he has a basis, I'll  
24 ask him if he has a basis, and that's a fair

1 question, but I don't think just because his  
2 testimony didn't include his background  
3 precludes him from testifying because he's put  
4 in his Direct Testimony and it doesn't preclude  
5 him from being challenged on it and being able  
6 to defend it.

7 PRESIDING OFFICER HONIGBERG: I don't hear  
8 a lot of challenging going on but okay. Let's  
9 get an answer to the question you just said  
10 you'd ask him.

11 MR. PAPPAS: I will.

12 BY MR. PAPPAS:

13 Q So Mr. Jones, could you tell us, well, let's  
14 start, I'll back up. Tell us what your  
15 educational background is.

16 A (Eric Jones) I'm a college graduate. I went to  
17 law school. I am a Diplomat in the Foreign  
18 Service. As it pertains to somewhat expertise  
19 on this issue, I am a -- you're not going to  
20 know what this is. I am a New Hampshire, I like  
21 to call it coverts, but they don't like that so  
22 it's coverts which is a program of the Fish &  
23 Game, Trouts Unlimited, UNH, where they take 25  
24 or 30 people every year, take you to a certain

1 camp-type location and train you in wildlife and  
2 wildland preservation for the State. I mean,  
3 for the benefit of the State. You are supposed  
4 to be after this somewhat knowledgeable of the  
5 subject and be able to spread the word to other  
6 people who have wildland.

7 Margaret and I have been buying wildland  
8 since 1985. Our retirement has been diminished.

9 PRESIDING OFFICER HONIGBERG: Okay. Wait,  
10 wait, wait, wait, wait. Now we're beyond the  
11 question.

12 MR. PAPPAS: Let me ask a followup  
13 question.

14 BY MR. PAPPAS:

15 Q In addition to what you just described, your  
16 testimony talks about a Wetland Reserve Easement  
17 that you have applied for with the government,  
18 correct?

19 A (Eric Jones) Correct.

20 Q Have you been actively involved in seeking that  
21 Wetland Reserve Easement?

22 A (Eric Jones) Yes.

23 Q And as part of your involvement in seeking the  
24 Wetland Reserve Easement, have you acquired

1 knowledge and understanding of wetlands?

2 A (Eric Jones) Yes.

3 Q And have you worked with wetlands scientists or  
4 experts as part of the process?

5 A (Eric Jones) Yes.

6 Q And have you specifically acquired knowledge  
7 about the wetlands on your property?

8 A (Eric Jones) Yes. Yes.

9 Q And as part of preparing your Direct Testimony,  
10 did you study what the Applicant had proposed  
11 for work in the wetlands on your property?

12 A (Eric Jones) Yes. Yes, I did.

13 Q So based on what you just told us about your  
14 education and your experience and your study and  
15 part of applying for the Wetland Reserve  
16 Easement, I want to ask you a few questions  
17 about your view about permanent impacts to the  
18 wetland on your land, and you testified that you  
19 believe there will be permanent alterations to  
20 existing wetlands, and I want to test that a  
21 little bit to see why you believe that and why  
22 you believe that they can't be restored. Okay?

23 And I understand your testimony, the  
24 Applicant has identified a couple of methods to

1 use. So I want to know why you think that the  
2 Applicant can't restore your wetlands after  
3 construction so that there will be no permanent  
4 alteration.

5 MR. NEEDLEMAN: Objection, Mr. Chair.  
6 Three bases. Number one, I don't think he's  
7 established that he is a wetlands expert.  
8 Number 2, he certainly has not established that  
9 he's a construction methods expert; and number  
10 3, this is still all material that could have  
11 been included in the initial testimony.

12 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

13 MR. PAPPAS: I don't think he has to be a  
14 wetlands expert or a construction expert to  
15 testify about his Direct Testimony. He touched  
16 upon these areas in his Direct Testimony. He's  
17 not being offered as an expert. I'm asking  
18 about his Direct Testimony. So I don't think he  
19 needs to be an expert in order to testify about  
20 those areas. And the third point is whether or  
21 not I'm challenging him. I asked him to defend  
22 what he said.

23 PRESIDING OFFICER HONIGBERG: You're asking  
24 him to explain his Prefiled Testimony beyond

1           what's in the Prefiled Testimony. The basis for  
2           certain opinions he's expressed, that's what I  
3           hear you doing, and Mr. Needleman is correct and  
4           I think you agree that you have not established  
5           him as an expert on these things. You want him  
6           to offer his opinions as someone who's done some  
7           research on this stuff, right?

8           MR. PAPPAS: I want -- essentially, yes.  
9           But it's more than just -- yes essentially, yes.

10          PRESIDING OFFICER HONIGBERG: I'm going to  
11          sustain the objection. Ask you to move on.

12          MR. PAPPAS: Let me ask a point of  
13          clarification because there's a multi-part  
14          objection so I want to understand. Is it your  
15          ruling that in order to testify about these  
16          subjects he needs to be an expert on them?

17          PRESIDING OFFICER HONIGBERG: No.

18          MR. PAPPAS: Okay. Thank you.

19          BY MR. PAPPAS:

20          Q       Mr. Jones, I want to ask you just a couple  
21                questions about the Wetland Reserve Easement  
22                that you discussed in your Prefiled Testimony,  
23                and specifically about a letter you attach.

24                On the screen in front of you is a

1           September 18, 2015, letter from a New Hampshire  
2           department to the State Conservationist, and in  
3           particular, I want to draw your attention to the  
4           bottom paragraph where it says, quote, "The  
5           Jones property provides critical wildlife  
6           habitat in an important link between parts of  
7           the White Mountain National Forest.  
8           Approximately half the property is mapped as  
9           Tier 1 highest ranked habitat in the state by  
10          the Wildlife Plan and it goes on to talk about  
11          what it contains.

12                     My question here is what half of your  
13          property is mapped as Tier 1? You need the map  
14          to explain that to us?

15          A       (Eric Jones) Yes. Yes, I do.

16          Q       Okay. Does that help?

17          A       (Eric Jones) Oh, no. Not really.

18          Q       I apologize. It's the only map I had.

19          A       (Eric Jones) Simple question. Not a simple  
20          answer. Wait a minute. I don't think I can  
21          answer that. Well, maybe I can. Maybe I can.  
22          I think that the reason that map is not adequate  
23          to answer that question is that the entire 750  
24          acres which is not shown on that map is included

1 in the Wildlife Action Plan and, well, for  
2 instance -- well, you don't have it in front of  
3 you, and there's no way for me to get it in  
4 front of you. Well, yes. It's part of my  
5 original Prefiled Testimony. There are some  
6 maps, and it shows the whole 750 acres. And the  
7 more easterly, the most easterly piece of  
8 property has some what are called high elevation  
9 spruce or forest which is a rare thing in New  
10 Hampshire. And so I would assume since I don't  
11 have the map in front of me that part of the  
12 Tier 1 is there.

13 Q Is that the map you're referring to?

14 A (Eric Jones) Well, no.

15 Q There's a second map you had. How about this  
16 one?

17 A (Eric Jones) Yes.

18 Q Okay.

19 A (Eric Jones) In each, the top and the bottom map  
20 they're pretty much identical although one,  
21 let's see, contiguous wetland and then the other  
22 showing in the National Forest. In the lower  
23 right-hand blue piece which is our property,  
24 everything, there are four pieces of property

1 that make up the 750 acres, and it rises uphill  
2 so we've got elevation from about 600 feet to  
3 about 3000 feet as you move from northwest to  
4 southeast on the property.

5 There's Ames Brook which is not, doesn't  
6 deal with the right-of-way, and. Therefore.  
7 Wasn't featured, but that runs from the  
8 southeast through all the pieces and has  
9 confluence with the Haynes Brook on our property  
10 near the Lost Nation Road which you see  
11 bordering, well, coming from Groveton up and  
12 then turning south at our property. Anyway, I  
13 can't point out with what we have here, but the  
14 Wildlife Action Plan would show it, but I don't  
15 have that with me.

16 Q Just so we understand that map, is everything in  
17 blue the --

18 A (Eric Jones) Other than the wetland piece that  
19 dribbles off to the left, yes, everything in  
20 blue is part of the 750 acres.

21 Q Okay. And that wetland part that's in the  
22 middle of the brown, is that your property as  
23 well?

24 A (Eric Jones) What's the question?

1 Q Does your property consist of the 1, 2, 3, 4,  
2 blue squares? Is that your property?

3 A (Eric Jones) Right.

4 Q And the one in the far left is the one where --

5 A (Eric Jones) With the right-of-way going through  
6 it. Yeah. True.

7 Q Thank you.

8 A (Eric Jones) As a matter of fact, in that map  
9 you can see the right-of-way going through it.  
10 It's a yellow streak.

11 Q Okay. Also in your Prefiled Testimony were two  
12 pages of an evaluation sheet for part of this  
13 easement reserve. You recall that?

14 A (Eric Jones) No. I don't. I mean, I recall the  
15 evaluation, but I didn't know it was part of the  
16 Prefiled Testimony.

17 Q It's in your, I believe it's in your  
18 Supplemental Testimony.

19 A (Eric Jones) Okay.

20 Q My question is, are you familiar with the  
21 two-page assessment sheet?

22 A (Eric Jones) Yes.

23 Q Who made the assessments?

24 A (Eric Jones) The Department of Agriculture,

1 Natural Resources Conservation Service.

2 Q Okay. Thank you.

3 A (Eric Jones) I might add that in 2015 when this  
4 process of the Wetland Reserve Easement began, I  
5 was told by their office, NRCS office in Durham  
6 I guess is where it is, that this piece of  
7 property was their top priority in 2015.

8 Q Okay. When you say top priority, you mean in  
9 terms of getting a wetland reserve?

10 A (Eric Jones) They have Applications every year.  
11 They have a limited -- it's a government.  
12 They've got limited budget. And so they grade  
13 them. And then the top, you know, they have two  
14 cents they buy the first one, and if they have  
15 four cents they buy the next one. So that's how  
16 it works and ours was number one so if they only  
17 had enough money to buy the easement of one,  
18 ours would be the one.

19 Q Okay. On the assessment indicates that  
20 approximately 42 percent of your property  
21 contains soils that are rich for vernal pools.  
22 Are there vernal pools on your property?

23 A (Eric Jones) Yes.

24 Q Now, Applicant's Exhibit 1, Appendix 31, is the

1 Wetlands, Rivers, Streams and Vernal Pools  
2 Resource Report and Impact Analysis done by the  
3 Applicants. Did you have a chance to review  
4 that?

5 A (Eric Jones) I'm sure I did.

6 Q Okay. When the Applicants did their wetlands  
7 mapping, did they contact you?

8 A (Eric Jones) No.

9 Q Did anybody from the Applicants ever contact you  
10 with respect to your property and the  
11 characteristics of your property?

12 MR. NEEDLEMAN: Objection. This is all  
13 information that could have and should have been  
14 included in the Original Testimony.

15 MR. PAPPAS: He's not my witness. He  
16 testified about these things. I'm just  
17 inquiring as to whether or not he's been  
18 approached by the Applicant, and if he has I can  
19 inquire, if he hasn't, I move on. I mean,  
20 whether it should be in his Direct Testimony I  
21 don't think can be held to Counsel for the  
22 Public since it's not our witness.

23 PRESIDING OFFICER HONIGBERG: Actually,  
24 it's the scope of the testimony that governs

1 cross-examination, and cross-examination needs  
2 to be necessary to a full and true disclosure of  
3 the facts. That's the standards.

4 MR. PAPPAS: Yes.

5 PRESIDING OFFICER HONIGBERG: It isn't,  
6 Counsel for the Public doesn't have a different  
7 standard there.

8 MR. PAPPAS: I don't disagree with that,  
9 but --

10 PRESIDING OFFICER HONIGBERG: But you've  
11 asked other witnesses the same line of  
12 questions, I believe. So I'm going to overrule  
13 the objection and allow him to answer.

14 MR. PAPPAS: Thanks.

15 BY MR. PAPPAS:

16 A (Eric Jones) Would you repeat that?

17 Q I will. Has anybody from the Applicants  
18 approached you with respect to the right-of-way  
19 in your property?

20 A (Eric Jones) No. They have not.

21 Q Okay. Thank you, Mr. and Mrs. Jones, and Ms.  
22 Percy. I have no other questions.

23 PRESIDING OFFICER HONIGBERG: Mr. Reimers?

24 **CROSS-EXAMINATION**

1 **BY MR. REIMERS:**

2 Q Ms. Percy, is ATV use allowed on the Coos Trail?

3 A (Percy) Not in the Nash Stream Forest in the  
4 area of Stark.

5 Q Thank you.

6 PRESIDING OFFICER HONIGBERG: Is that it?

7 MR. REIMERS: Yes. That's it.

8 PRESIDING OFFICER HONIGBERG: Okay. Ms.  
9 Menard?

10 **CROSS-EXAMINATION**

11 **BY MS. MENARD:**

12 Q Good afternoon, Mr. and Mrs. Jones, Ms. Percy.  
13 I'm Jeanne Menard representing the Deerfield  
14 Abutters.

15 I'd like to start a few questions for the  
16 Joneses. I learned on the phone Technical  
17 Session that we had, was it May or June of this  
18 year? That you both have real estate  
19 backgrounds. Is this true?

20 A (Eric Jones) That is true.

21 Q Are you currently licensed or have you held a  
22 real estate license in the past?

23 A (Eric Jones) We've held, we are currently  
24 licensed as brokers and we've held those

1 licenses since 1968.

2 Q Thank you. You're the only realtors that I know  
3 that purchase wetlands. Love to have you in the  
4 Deerfield area. So I'm going to come back to  
5 the real estate theme, but just a few other  
6 questions in between.

7 Is the land in your ownership critical  
8 wetland that is an important component of the  
9 water shed of the Upper Ammonoosuc and  
10 Connecticut Rivers?

11 A (Eric Jones) It is.

12 Q And on another subject, what is your  
13 understanding of the mitigation policy of the  
14 Clean Water Act Section 404 as it relates to the  
15 degradation of or construction of wetland?

16 A (Eric Jones) My understanding and I think  
17 possibly the only understanding one can draw  
18 from 404 is that there are three steps to be  
19 taken sequentially in determining how to  
20 mitigate or if to mitigate a destruction or  
21 diminution of value of a piece of property.  
22 Specifically, wetland. One is, and a primary  
23 one, is avoidance. The second one is  
24 minimization, and the third one, only to be used

1 if one and two aren't used, is mitigation.

2 Mitigation, let's move to mitigation for a  
3 moment, is to, if mitigation is called for, it  
4 should be done on the site that needs to be  
5 mitigated so right next to what you're  
6 destroying, if practicable, which I'm always  
7 hung up on that word because it doesn't mean  
8 anything. Practical. And the last part of  
9 mitigation is money. Pay somebody for  
10 something. The middle part of mitigation is go  
11 offsite somewhere, find another piece of either  
12 land that can be made into wetland which has  
13 been a failure in most places that it's ever  
14 been tried, and the last thing is to just pay  
15 somebody. Well, I'm going beyond the thrust of  
16 the question so maybe you're going to ask me,  
17 you know, how has this been treated, I don't  
18 know what you're going to ask me, but anyway,  
19 that's my answer to my understanding of  
20 mitigation as it relates to wetland vis-a-vis  
21 404.

22 Q Okay. So you both own the land under the  
23 right-of-way; is that true?

24 A (Eric Jones) That is true.

1 Q And you pay the taxes on this property?

2 A (Eric Jones) That is true.

3 Q So and who would pay transfer taxes or federal  
4 capital gains taxes if you sell this wetland?

5 A (Eric Jones) We would.

6 Q So what happens, who is compensating for the  
7 loss of value engendered by the degradation or  
8 destruction of wetlands?

9 MR. NEEDLEMAN: Objection. Relevance.  
10 Basis for answering the question.

11 PRESIDING OFFICER HONIGBERG: Ms. Menard?

12 MS. MENARD: We have a very committed  
13 example of people who have amassed hundreds of  
14 acres of land at their own personal expense, and  
15 from a real estate investment standpoint these  
16 are legitimate questions to query regarding  
17 compensation for their investment. It's a, I  
18 think, a very straightforward line of questions  
19 that --

20 PRESIDING OFFICER HONIGBERG: Why wasn't it  
21 part of their Prefiled Testimony?

22 MS. MENARD: No. And the reason I feel  
23 compelled to bring this forward is their tech  
24 session happened by phone, and it was well past

1 the time period for Prefiled Testimony for me to  
2 query or question on this point.

3 PRESIDING OFFICER HONIGBERG: Overruled.  
4 You can answer.

5 MS. MENARD: Thank you.

6 BY MS. MENARD:

7 Q So do you remember the question?

8 A (Eric Jones) Try it one more time.

9 Q Basically, the investment in this property, are  
10 you feeling in any way or -- I'm not going to  
11 lead you. How do you feel the mitigation of  
12 wetlands, how is that going to affect your  
13 property?

14 A (Eric Jones) I understand the question. I think  
15 that the mitigation as prescribed by the DES, as  
16 agreed to by the DES and all other agencies that  
17 have an oar in that water, doesn't make any  
18 sense because my wife and I, we own the  
19 property. We pay everything to do with the  
20 property if the property is degraded. Now, the  
21 uniqueness is most people don't buy wetland.  
22 They don't want wetland. We want wetland to  
23 save you folks. We're about ready to go into  
24 the next realm here, you know? We're not kids.

1 And so we are sacrificially, you might say,  
2 doing this.

3 But if our mission that we look at as a  
4 mission, if it is degraded or blocked, wouldn't  
5 it be logical that we be compensated for what we  
6 are losing. Not SPNHF. I mean, I'm glad if  
7 they get to be one of the holders of an easement  
8 of some property that's in East Overshoe.  
9 That's good. But it isn't logical. So everyone  
10 is compensated except the property owner which  
11 is strange. It's very strange and we don't  
12 agree with it, but hey, you know, "dems the  
13 rules."

14 Q Thank you. So Ms. Percy. A few questions for  
15 you.

16 A (Percy) Okay.

17 Q And have you had an opportunity to read the  
18 cultural landscape report for Stark?

19 A (Percy) I think that's the Upper Ammonoosuc  
20 report that I only learned about in questioning  
21 from Cherilyn Widell. I have not read that  
22 report except for one page that was made  
23 available.

24 Q Okay.

1 A (Percy) And I don't believe that report is  
2 available beyond this room. Is that right?

3 Q I don't know. I just wanted to know if you've  
4 had the opportunity to review a report that has  
5 been identified.

6 A (Percy) I have not in its entirety.

7 Q Okay. Thank you. Has anyone contacted you  
8 regarding input to the cultural landscape report  
9 as it pertains to the Percy Summer Club and the  
10 surrounding lands?

11 A (Percy) Not a soul.

12 Q The one page that you were able to review, are  
13 you in agreement with the findings?

14 A (Percy) No. It didn't, the boundaries don't  
15 include the Nash Stream Forest which surround  
16 the Percy Summer Club which they did identify as  
17 important in the area of cultural significance,  
18 and the Kauffmann Forest is also left out, and I  
19 have no idea why.

20 Q As a member of the public, it is your  
21 understanding that you'll be able to file  
22 comments and make suggestions for corrections?

23 A (Percy) I've learned that in the questioning of  
24 Cherilyn Widell by Betsy Merrick.

1 Q Okay. Thank you. I have no further questions.

2 PRESIDING OFFICER HONIGBERG: Ms. Draper?

3 MS. DRAPER: Brought my secretary for the  
4 ELMO.

5 MR. DRAPER: No tadpoles. Next time.

6 **CROSS-EXAMINATION**

7 **BY MS. DRAPER:**

8 Q Good afternoon. I'm Gretchen Draper, and I'm a  
9 representative of the Pemigewasset River Local  
10 Advisory Committee. And Ms. Percy, I have  
11 questions for you. I'm wondering what would be  
12 the public's first view of structures when  
13 coming into the Percy summer camps?

14 A (Percy) Well, the public generally comes in by  
15 the lake, and so the boaters come and they just  
16 simply see a collection of 7 camps.

17 Q Okay. And there is a road into the Percy summer  
18 camps, is that right?

19 A (Percy) There is. It is a private, it's sort  
20 of our driveway. The UPS comes down really fast  
21 though.

22 Q All right. So most people come to the beach and  
23 that's the public access is by boat mainly?

24 A (Percy) It is. Yes.

1 Q Do you know or have you been told about tree  
2 cutting that would be required on the  
3 right-of-way that's part of the property?

4 A (Percy) There's, you know, you feel like you're  
5 late to the game. But in reading through a  
6 number of documents, it appears that another 40  
7 feet will be cleared in the current existing  
8 right-of-way. Additionally, I believe it's a  
9 report, and I can't quote which report it is,  
10 that says that nuisance trees can be cleared on  
11 either side of the right-of-way. I don't know  
12 how far out that extends. And I might be  
13 completely incorrect.

14 Q And you would expect that you'll find this out  
15 if the Project is permitted and when the  
16 construction people show up on the right-of-way;  
17 is that right?

18 A (Percy) Well, I'm hoping to find out sooner.

19 Q Are there wetlands in your right-of-way?

20 A (Percy) There absolutely are wetlands. One of  
21 the, Karen Spencer talked about the fact that  
22 there are not just Karen's property but four  
23 camps or houses at the bottom of Christine Lake  
24 Road that receive their water from the lake and

1 from the ponds that feed in or the streams that  
2 feed into Christine Lake.

3 Q Thank you. Now, I have a letter that's from the  
4 DNS, and it's Dummer/Northumberland/Stark  
5 Abutters Exhibit 51/PSC. It's a letter dated  
6 April 13th, 2017, and it summarizes a meeting  
7 between the Percy Summer Club and Eversource  
8 personnel from Berlin. Is that right?

9 A (Percy) That is.

10 Q And my question is, I've highlighted a few of  
11 the areas that you were actually sort of sending  
12 back notes to these three people to check for  
13 clarification and accuracy; is that right?

14 A (Percy) That's correct.

15 Q Have you had any other contact or discussion  
16 with these Eversource people?

17 A (Percy) No.

18 Q Did you get a reply to your letter?

19 A (Percy) We did.

20 Q You did. And what was in the reply?

21 A (Percy) That the -- I have it right here.

22 Q Is it part of your exhibits?

23 A (Percy) No. Not part of mine. It came late.

24 And it came well after this letter. Eversource

1           representatives stated in the letter that the  
2           plan as presented was largely the plan, and  
3           until actual site work happened, and there could  
4           be conditions on the ground that change by a  
5           minor amount, either the height of the towers or  
6           the location of the towers, but they felt fairly  
7           comfortable with the plan.

8           Q     If you were to write that letter today, would  
9           you change any of your conclusions?

10          A     (Percy) No.

11          Q     Okay. Thank you.

12          A     (Percy) Thank you.

13          Q     Now, Mr. and Mrs. Jones. I'm interested in what  
14                happens currently in this right-of-way. How  
15                does the utility do maintenance on the wetlands?

16          A     (Eric Jones) To the extent that they do, they  
17                mow it. Yup.

18          Q     And has, do you feel that they do less mowing?  
19                I mean, I'm not sure if you could judge this,  
20                but do you feel there's any mitigation or any  
21                holding back because they are wetlands?

22          A     (Eric Jones) No.

23          Q     And I was also wondering how the, if there's no  
24                access roads, how does the utility company get

1 their mowing machines on this to this area?

2 A (Eric Jones) We may need the map back again, but  
3 we have about 1700 feet. Going west probably  
4 another 15 or 1700 feet, you get to Lost Nation  
5 Road which is a tar road, not a very good tar  
6 road, but it's a tar road. Anyway, I would  
7 assume, I have never actually been there while  
8 they were mowing, but I would assume that is how  
9 they would get on there, and I would assume that  
10 that's where the access road that would have to  
11 be built to do all the work for this Project  
12 will come from there.

13 Q Um-hum. So that would be a point then where the  
14 power lines, the lines now cross the road there;  
15 is that right?

16 A (Eric Jones) Yes.

17 Q So that would be an access point.

18 A (Eric Jones) Yes. Directly opposite, there's a  
19 substation there.

20 Q Okay. Yup. Is that substation on your land or  
21 is that --

22 A (Eric Jones) No, it isn't. It's across Lost  
23 Nation Road.

24 Q And are there wetlands at that area as well

1 where the substation is?

2 A (Eric Jones) Oh, yes. There are, moving from  
3 there south there are thousands of acres if you  
4 can consider going through the town of  
5 Northumberland and into Lancaster, I just read  
6 the other day on something on the Project that  
7 it's the largest fresh water wetland in New  
8 Hampshire is this 2300-acre or whatever it is  
9 when you glom all this together, ours and going  
10 down south. Yes.

11 Q All right. Thank you. And you're surrounded by  
12 conservation lands then. You've got the White  
13 Mountain National Forest, and there's also land  
14 in conservation through Society for Protection  
15 of New Hampshire Forests; is that right?

16 A (Eric Jones) The Society's Kauffmann Forest does  
17 not touch our property. The town of  
18 Northumberland also has conservation. Their  
19 Conservation Commission owns a big chunk of land  
20 that's right south of ours. Other than that,  
21 we're completely surrounded on three sides by  
22 the National Forest so yes.

23 Q All right. So it would be fair to say that this  
24 is a pristine and rare environment in the state

1 of New Hampshire?

2 A (Eric Jones) I would say that's absolutely true.

3 Q Thank you. That's all I have to say.

4 PRESIDING OFFICER HONIGBERG: Do any other  
5 Intervenors? Yes. Ms. Schibanoff?

6 **CROSS-EXAMINATION**

7 **BY MS. SCHIBANOFF:**

8 Q Ms. Percy?

9 A (Percy) Yes.

10 Q I'm Susan Schibanoff, speaker for the  
11 Non-Abutting Property Owners from Bethlehem to  
12 Plymouth.

13 I have just a few quick questions for you.  
14 The property that you own on Christine Lake, is  
15 that the correct pronunciation?

16 A (Percy) It is.

17 Q I hear Christine and Christine. That property  
18 is, is that a primary or a secondary residence?

19 A (Percy) It's a secondary residence.

20 Q Okay. Do you feel that property would lose  
21 value if the Project as proposed is built?

22 MR. NEEDLEMAN: Objection.

23 PRESIDING OFFICER HONIGBERG: Grounds?

24 MR. NEEDLEMAN: Calls for speculation and

1 it should have been in the Original Testimony.

2 PRESIDING OFFICER HONIGBERG: Ms.

3 Schibanoff?

4 MS. SCHIBANOFF: I can rephrase the  
5 question to are you worried that your property  
6 will lose value?

7 MR. NEEDLEMAN: Same objection.

8 PRESIDING OFFICER HONIGBERG: That should  
9 have been in the Direct Testimony, but I'll  
10 overrule and let you answer because I think I  
11 know the answer, and I think we all do.

12 A (Percy) Really?

13 MS. SCHIBANOFF: We're just on the way to  
14 something else.

15 PRESIDING OFFICER HONIGBERG: Go ahead.  
16 You can answer.

17 A (Percy) I believe that the entire area will lose  
18 value.

19 Q Do you know if the evolving property guarantee  
20 program which applies only to single family  
21 residences applies to second homes?

22 A (Percy) I do not.

23 Q Thank you. That's all I have.

24 PRESIDING OFFICER HONIGBERG: Any other

1 Intervenor have questions for this Panel? Mr.  
2 Needleman. Do you have questions for the Panel?  
3 And I know I forgot you last time, and I  
4 apologize for that.

5 MR. NEEDLEMAN: That's okay, and we do have  
6 questions.

7 **CROSS-EXAMINATION**

8 **BY MR. DUMVILLE:**

9 Q Good afternoon. My name is Adam Dumville, and I  
10 represent the Applicants. I just have a few  
11 questions for each of you. I'll start with you,  
12 Ms. Percy.

13 A (Percy) Okay.

14 Q On page one of your Prefiled Testimony, you  
15 describe the Percy Summer Club, right, as being  
16 a group of 7 private properties or cottages,  
17 correct?

18 A (Percy) Yes.

19 Q And these are all privately owned and  
20 maintained, correct?

21 A (Percy) They are.

22 Q Okay. And it's your understanding that because  
23 the Percy Summer Club cottages are in fact  
24 privately owned those will not qualify as a

1 scenic resource under the SEC's approvals, is  
2 that correct?

3 A (Percy) No. Help me out with that. What?

4 Q I'll move on. You also state in your Prefiled  
5 Testimony that approximately 50 towers will be  
6 visible from Percy Summer Club properties, the  
7 lake and lands?

8 A (Percy) Yes.

9 Q And at the Tech Session I asked you about that,  
10 and I believe you said that you had meant  
11 structures would be visible from Potters Ledge  
12 and not actually from the lake and Percy Summer  
13 Club properties; is that correct?

14 A (Percy) Well, yes and no. Fifty towers will,  
15 actually more than 50 towers will be visible  
16 from Potters Ledge. And the comment about  
17 towers will be -- so that was included in my  
18 statement that more than 50 towers will be  
19 visible. That's directly from Potters Ledge.  
20 From the camps and from the lake, I believe we  
21 now have a report that says that there is tower  
22 visibility from the lake, and no one still has  
23 completely ruled out that tower visibility is  
24 not possible from the camps themselves. I think

1 I've said fairly consistently that if you look  
2 down the lake to the east, you look out at  
3 Cummings Hill and the right-of-way is visible  
4 from the porches on the Christine Lake.

5 Q Okay. But you're aware that Mr. DeWan has  
6 concluded that there would be no views of the  
7 project from the cottage on the western shore,  
8 correct?

9 A (Percy) Well, I don't know how he made that  
10 conclusion though.

11 Q Okay. But you're aware that he has made that  
12 conclusion, correct?

13 A (Percy) No.

14 MR. REIMERS: May I object? Jason Reimers  
15 over here. I believe that that visibility of  
16 Mr. DeWan's has been referred to as either  
17 hypothetical or theoretical visibility.

18 MR. DUMVILLE: No, this is from the western  
19 shore of the lake, and he has concluded that  
20 there would be no visibility from the western  
21 shore of the lake.

22 PRESIDING OFFICER HONIGBERG: And I  
23 understand the question to be are you aware that  
24 he has done that, and the answer may well be no,

1 but that's the pending question.

2 A (Percy) He did a visibility assessment  
3 looking -- I get mixed up on this, too.

4 PRESIDING OFFICER HONIGBERG: Ms. Percy,  
5 the question is are you aware.

6 A (Percy) No.

7 PRESIDING OFFICER HONIGBERG: Try and think  
8 of it as a yes or no question.

9 A (Percy) No.

10 PRESIDING OFFICER HONIGBERG: Okay.

11 Q So with regards to the views from Christine  
12 Lake, I believe you've also contended that you  
13 can see the Project from a boat on Christine  
14 Lake; is that correct?

15 A (Percy) Yes.

16 Q And you're also aware that Mr. DeWan has  
17 concluded that there would be no visibility of  
18 the Project from Christine Lake, correct?

19 A (Percy) Actually, he corrected that. Or someone  
20 did. And said that there would be one tower  
21 visible. He did say that it was at a distance  
22 of about five miles and suggested that if you  
23 use binoculars it would be more clearly visible.

24 Q Okay. So I'd like to discuss that for one brief

1 second.

2 A (Percy) Okay.

3 Q So Dawn, could we pull up Exhibit DNA 50/PSC? I  
4 believe this is one of the documents that you  
5 cited in your Supplemental Prefiled Testimony  
6 indicating that there would be visibility of the  
7 Project from a portion of Christine Lake,  
8 correct?

9 A (Percy) No. This report came as part of the  
10 report from the Division of Historic Resources  
11 that was completed in August 1st, 2017. I  
12 didn't pick it up until afterwards. So that was  
13 the first time that I'd actually seen that there  
14 was tower visibility from the lake. So it was  
15 this group who identified it.

16 Q So I'm quoting from your Supplemental Prefiled  
17 Testimony that says the New Hampshire Division  
18 of Historical Resources reviewed the Northern  
19 Pass proposal on Christine Lake and determined  
20 that there would be tower visibility from the  
21 lake looking east. And then you cited this  
22 exhibit. Is that correct?

23 A (Percy) Yes. So I apologize.

24 Q And you're aware that this exhibit was produced

1 by T.J. Boyle, correct?

2 A (Percy) No.

3 Q Okay. Well, if I represent to you that this  
4 exhibit was in fact prepared by T.J. Boyle,  
5 would that surprise you?

6 A (Percy) Well, except that it says that it's New  
7 Hampshire Division of Historical Resources on  
8 the top. So where does it say that it's T.J.  
9 Boyle?

10 Q Dawn, can we pull up Applicant's Exhibit 111,  
11 please, page 8 which is APP 57930.

12 And the bottom paragraph here discusses the  
13 viewshed analysis which is part of the area  
14 form, and we can say that the study area was in  
15 fact created by T.J. Boyle?

16 A (Percy) Okay.

17 Q Okay. And the concept of the visibility  
18 analysis is to estimate the number of  
19 potentially visible structures, correct?

20 A (Percy) Yes.

21 Q And, in other words, the visibility analysis  
22 looks to determine whether a structure might be  
23 visible at the very top of the structure,  
24 correct?

1 A (Percy) I take your word for it.

2 Q Okay. So as you're also aware, Mr. DeWan did  
3 complete the viewshed analysis as well, and that  
4 was submitted as part of his Supplemental Report  
5 in April of 2017 addressing Christine Lake, and  
6 you would agree that Mr. DeWan also indicated  
7 potential visibility from Christine Lake,  
8 correct?

9 A (Percy) If you say so.

10 Q Okay. Dawn, can we pull up Applicant's Exhibit  
11 93, page 26, please, which is APP 53824.

12 And in the top paragraph, the revised  
13 viewshed map shows a sliver of potential  
14 visibility on the lake at a distance of over 5.5  
15 miles from the closest proposed structure. You  
16 see that?

17 A (Percy) I do.

18 Q Okay. Dawn, can we highlight the second  
19 paragraph, please?

20 So this is in Mr. DeWan's Supplemental  
21 Report as well.

22 A (Percy) Um-hum.

23 Q And it says, basically, setting up for the next  
24 page, that there are two photos. One is from a

1 normal view and one is from a telegraphic lens.  
2 Are you familiar with this?

3 A (Percy) I am.

4 Q Okay. So, Dawn, if we can flip to the next  
5 page, please. And if you can zoom in on the top  
6 photo, please?

7 And Mr. DeWan has taken this photograph  
8 with a standard 35 millimeter camera, correct?

9 A (Percy) That's what it says.

10 Q Okay. And can you see the existing corridor  
11 with that photograph?

12 A (Percy) You, actually, you can. It's much  
13 better when the lake is calm.

14 Q Okay. So it's your testimony today that with  
15 the naked eye at this location you can see the  
16 corridor?

17 A (Percy) You can see the corridor, yes.

18 Q And now Figure 2, Dawn, if we could go to Figure  
19 2.

20 This is a zoomed-in lens at 210  
21 millimeters, and you can, I mean, I just barely  
22 make out the corridor; is that right?

23 A (Percy) Well, that's what you're saying.

24 Q Okay. So wouldn't this indicate, however, that

1 based on Mr. DeWan's report that the Project  
2 would not be visible with the unaided eye at  
3 this location?

4 A (Percy) Do you know I think that there's a  
5 difference when you have one person who doesn't  
6 know the surrounding area who goes to a  
7 location, doesn't identify that they're on the  
8 lake, doesn't contact anyone, doesn't say help  
9 us out here. Tell us what you're seeing. So  
10 this is a perfect example of someone going and  
11 saying what am I looking for exactly, and I know  
12 the direction that I should be in. But it  
13 doesn't represent what we live with. And so I  
14 think that there is a difference there.

15 Q I just asked if you would agree with me that  
16 this is what Mr. DeWan indicated that this would  
17 be theoretical visibility based on the use of  
18 binoculars; is that right?

19 A (Percy) Well, That's what he said in the other  
20 report. Yes.

21 Q Okay. So on page 3 of your testimony, you also  
22 discuss the impact of transmission lines looping  
23 across the southern edge of Christine Lake from  
24 Victor Head, correct?

1 A (Percy) That's right.

2 Q And you're aware that the Applicant's expert,  
3 Mr. DeWan, had concluded that the Project would  
4 have a low overall visual impact of both Nash  
5 Stream Forest where Victor Head was assessed,  
6 correct?

7 A (Percy) That's right. But that's different than  
8 T.J. Boyle which said there was a significant  
9 impact from the same location.

10 Q Actually, Dawn, can we pull up -- never mind.

11 But, actually, I would disagree with that,  
12 and are you aware that T.J. Boyle, in fact,  
13 concluded that they would have a low potential  
14 impact at Victor Head?

15 A (Percy) Actually, I take that back. I think  
16 they said medium. Low to medium impact. They  
17 said from the Coos Trail that also intersects  
18 with Victor Head that there would be a  
19 significant impact. So you traverse the Coos  
20 Trail in order to get to Victor Head or you can  
21 take it either from the Percy Road to Victor  
22 Head or on the Coos Trail or you can go from the  
23 Percy Summer Club beach property and hike in  
24 that way.

1 Q Okay. I don't have the exact Bates number in  
2 front of me but in Appendix F on page E75 that  
3 Mr. Boyle did conclude that the Project would  
4 have a low potential impact on Victor Head.

5 A (Percy) I'll take your word for it. I believe  
6 that he found a different, he summarized that  
7 differently.

8 Q Okay. And you didn't personally or anybody from  
9 the Percy Summer Club conduct a formal visual  
10 impact assessment following the SEC rules, did  
11 you?

12 A (Percy) We did not. Although, I don't think, I  
13 think we did follow it in terms of the 301.25  
14 which says no intrusive structure in front of  
15 the, whatever view you were looking at. That's  
16 where Mr. DeWan and I were arguing about his  
17 view of Victor Head had a big tree right in  
18 front of it, and if you move to the left of  
19 that, you got a much better view of the  
20 transmission corridor.

21 Q Okay.

22 A (Percy) Our pictures show that.

23 Q You did not follow the rules in 301.05 in  
24 developing a visual assessment?

1 A (Percy) Do our pictures show that true?

2 Q No. My question was did you develop a visual  
3 impact assessment in accordance with Site  
4 301.05?

5 A (Percy) I'm not sure.

6 Q Okay. Just a few more questions here. So Ms.  
7 Percy, the Project as proposed will cross Percy  
8 Summer Club's owned property at the intersection  
9 of Christine Lake Road; is that right?

10 A (Percy) That's correct.

11 Q And this is the only physical crossing of the  
12 land owned by the Percy Summer Club; is that  
13 right?

14 A (Percy) That's correct.

15 Q And there's an existing 115 kV line at this  
16 location, right?

17 A That's correct.

18 Q Dawn, can we pull up Applicant's Exhibit 353,  
19 please?

20 For the record, this is Applicant's  
21 Response to Counsel for the Public's Expert  
22 Assisted Data Request 1-134, and the question  
23 refers to plantings and where they may be  
24 proposed as part of the Project mitigation.

1 Dawn, can we scroll to page 2, please, in  
2 this response?

3 And in the highlighted section, we have  
4 that the Applicant has committed with underlying  
5 landowner permission plantings along the edge of  
6 Christine Lake Road at the point where the  
7 transmission line crosses the road. Are you  
8 aware of this?

9 A (Percy) I am.

10 Q Okay. And so you are aware then that the  
11 Applicant is committed to working with Percy  
12 Summer Club in developing a planting plan at  
13 this location, correct?

14 A (Percy) Well, I would just say that how do  
15 you -- you're going to put up 95-foot towers  
16 where currently we have a minimum of one  
17 structure going along the corridor and those are  
18 at between 43 and 45 feet high. Now you're  
19 going to go to anywhere from 83 to 110. I don't  
20 know what mitigation and what planting protects  
21 that view of those towers.

22 Q Well, there currently aren't trees along the  
23 side of the road, correct?

24 A (Percy) Right. But the clearing of the

1 right-of-way is not fully at 150 feet. My  
2 understanding is that if the Application is  
3 accepted that there will be a further 40 feet of  
4 clearing, and that's not what we're used to. We  
5 go by 110-foot right-of-way that's been long  
6 established. So it would be a dramatic  
7 difference. If you widen the right-of-way by  
8 about a third more and take out all those trees,  
9 there is no mitigation.

10 Q So if the Project were approved, would you be  
11 willing to work with the Applicant to develop a  
12 planting plan?

13 A (Percy) No.

14 Q Dawn, can we pull up Applicant's Exhibit 196,  
15 please?

16 This is Applicant's Bates number 865528.  
17 And this is the Northern Pass Results of Effect  
18 Evaluation for Percy Summer Club. Are you  
19 familiar with this document?

20 A (Percy) I am.

21 Q Okay. And you're aware that the Applicants had  
22 submitted this to DHR, correct?

23 A (Percy) I am.

24 Q And the Effects Table indeed states that there

1 will be no visibility of the Project from the  
2 lake or from the historic lodge area; is that  
3 right?

4 A (Percy) It says that.

5 Q And you're also aware that the Applicant's  
6 historic experts have concluded that there would  
7 be no adverse effect to the historic district in  
8 this location, correct?

9 A (Percy) I have read that.

10 Q In your questioning from Ms. Draper, you  
11 referenced a meeting that you had had with  
12 Eversource, correct?

13 A (Percy) Yes.

14 Q And you state in your Prefiled Testimony that  
15 the Application was based on preliminary design  
16 plans, and as you just testified, you raised  
17 further concerns that there would be a potential  
18 for further design changes, correct?

19 A (Percy) That was according to information that  
20 was mentioned by or stated by Eversource  
21 representatives at that meeting. I was not at  
22 that meeting.

23 Q Okay. So the March 28th meeting was held, as  
24 indicated by the exhibit that Ms. Draper showed,

1 was attended by Ovid Rochon from Burns &  
2 McDonald, Brian Bosse from Eversource, Catalina  
3 Celentano from Eversource as well as Field Rider  
4 and Jay Espey, Lisa Craig and Bill Felling from  
5 Percy Summer Club, correct? Sorry if I  
6 mispronounced those names.

7 A (Percy) So it's Bill Felling, Jay Espey, Field  
8 Rider and Lisa Craig.

9 Q So, Dawn, can we pull you up Applicant's Exhibit  
10 349, please?

11 This is a followup letter, and I believe  
12 you said you had a copy of it.

13 A (Percy) I do.

14 Q That was sent to the Percy Summer Club following  
15 that meeting, correct?

16 A (Percy) That's correct.

17 Q And specifically, in this third paragraph, Dawn,  
18 if you can highlight that.

19 This was back in April and we indicated or  
20 the Applicants indicated that based on  
21 experience constructing similar Projects, due to  
22 selection of structure foundation, installation  
23 methods, some specific structure heights may  
24 increase or decrease in the range of as much as

1 approximately plus or minus three feet, correct?

2 A (Percy) That's correct, but I know the  
3 Construction Panel also indicated that it could  
4 be three to five feet, and I know that in the,  
5 and those are the footings that the Construction  
6 Panel mentioned. In the meeting, I can't  
7 actually talk about the meeting. I mean, it's  
8 hearsay. So here's the letter that says that.

9 Q Right. So this is the letter where the  
10 Applicants have committed to not increasing  
11 structure heights more than three feet and maybe  
12 three to five feet.

13 And Dawn, if we could go to the second page  
14 for a second?

15 A (Percy) Wait, can I just -- so if it says plus  
16 or minus 3 feet, how far could it be plus?

17 Q It means up or down three feet.

18 A (Percy) Could it be more than that?

19 Q Well, the Construction Panel testified 3 to 5  
20 so --

21 A (Percy) Okay.

22 Q All right. So if we go to the second page,  
23 Dawn, please. In the top paragraph.

24 And your concern about additional changes

1 to the location or size of structures is  
2 addressed here, isn't it?

3 A (Percy) Um-hum.

4 Q So you're aware that the SEC does have the  
5 authority to delegate minor structure locations  
6 to other agencies, correct?

7 A (Percy) I am.

8 Q Okay. Thank you, Ms. Percy. I have no further  
9 questions.

10 And Mr. and Mrs. Jones, I only have a  
11 couple here.

12 So Mr. Jones, in your Prefiled Testimony,  
13 you assert that the Project will have an  
14 unreasonable adverse effect on the natural  
15 environment and water quality; is that right?

16 A (Eric Jones) Yes.

17 Q Have you had a chance to -- you're aware that  
18 the New Hampshire Department of Environmental  
19 Services has issued a final permit with  
20 conditions, correct?

21 A (Eric Jones) Yes.

22 Q And at the Technical Session that we had a few  
23 months ago, I asked you whether you had a chance  
24 to review that DES final decision and

1 conditions, and you said that you had not, at  
2 least as they relate to your specific piece of  
3 property. Do you recall that?

4 A (Eric Jones) No, but I'll take your word for it.

5 Q Have you had a chance to review the final DES  
6 final conditions as it relates to your property?

7 A (Eric Jones) No.

8 Q So as you sit here today, you aren't a hundred  
9 percent sure if the concerns that you've raised  
10 in your testimony have in fact been addressed by  
11 the DES conditions, correct?

12 A (Eric Jones) I guess I would have to answer yes,  
13 but I don't know how they would have addressed  
14 them.

15 Q I just have one small point of clarification  
16 from your Prefiled Testimony that we also  
17 discussed at the Tech Session. On page 5 of  
18 your testimony, you address toxic materials that  
19 might be released from a monopole base, and I  
20 believe you said that was incorrect during your  
21 Technical Session, right?

22 A (Eric Jones) That's true. That's when I thought  
23 it was going to be wood for wood and turns out  
24 it's metal for wood.

1 Q So you're no longer making the assertion that  
2 there would be toxic materials leaching?

3 A (Eric Jones) Only the toxic material in the  
4 disposal of the saddle poles that you're going  
5 to get rid of and put in the landfill or burn,  
6 yes. Other than that, no.

7 Q Thank you. I have no further questions.

8 PRESIDING OFFICER HONIGBERG: Members of  
9 the Subcommittee. Mr. Oldenburg? I'm sorry?

10 MR. MARTLAND: I'd like to ask a followup  
11 question based on what we just heard.

12 PRESIDING OFFICER HONIGBERG: I'm sorry.  
13 Who are you, sir?

14 MR. MARTLAND: I'm Carl Martland for the  
15 Historical Preservation Group. I'm with the  
16 Scenic Byways.

17 PRESIDING OFFICER HONIGBERG: I'm sorry.  
18 You needed to let us know you had questions of  
19 this Panel before now.

20 MR. MARTLAND: Okay. I'll be talking soon.

21 PRESIDING OFFICER HONIGBERG: Mr.  
22 Oldenburg.

23 MR. OLDENBURG: Thank you, Mr. Chairman.

24 **QUESTIONS BY MR. OLDENBURG:**

1 Q Good afternoon. Ms. Percy, I've got a couple  
2 questions for you. Just for clarification. I  
3 can actually say that I have been to Lake  
4 Christine. I was one of those people that was  
5 told it was Christine. So I apologize I'm  
6 mispronouncing?

7 A (Percy) We have some good stories.

8 Q I actually went up there with the Department of  
9 Fish & Game who manages the boat launch that's  
10 up there, and we actually met the caretaker of  
11 the property, and we were able to go up to the  
12 view from the cabin side of the lake.

13 A (Percy) Nice.

14 Q So I can officially say I've been to the lake.  
15 The right-of-way if you're standing on the  
16 cabins on the lake, the right-of-way goes down  
17 the right-hand side?

18 A (Percy) Yes.

19 Q And then sort of shoots around towards behind  
20 the boat launch area so that would be your view.  
21 From the pictures we just saw, it appears that  
22 you can see it at the other end of the lake, as  
23 the right-of-way goes sort of away from the boat  
24 launch area at the other end of lake. Can you

1 see it down the right side as well?

2 A (Percy) No.

3 Q And from the cabins you see it all the way  
4 across the lake and sort of into the distance?

5 A (Percy) Yes, and not from all the camps.

6 Q Okay. From the boat launch you really can't see  
7 any of it because it's behind you or off into  
8 the trees?

9 A (Percy) Right.

10 Q The drive up from the boat launch to the cabins  
11 along that side of the lake, that's in the  
12 woods, true?

13 A (Percy) That's correct.

14 Q So it's the hiking trails and the amenities that  
15 the folks go to see?

16 A (Percy) You're right.

17 Q Okay. Thank you. I think that's all.

18 Mr. and Mrs. Jones. One of the questions  
19 that I had was already answered was that your  
20 Prefiled Testimony is very specific about the  
21 natural environment and everything. I was going  
22 to ask your background. I surmised that you  
23 were an environmental scientist, but I found  
24 your answer actually more interesting. But it

1 led me to a question of, so there's no, you  
2 don't have a house on this property?

3 A (Eric Jones) No.

4 Q So you use it for, do you use it for the program  
5 that you had mentioned about teaching land  
6 preservation?

7 A (Eric Jones) Our primary purpose for buying this  
8 and owning it, we bought it in two pieces so I  
9 mean, it wasn't just one purchase, it was an  
10 accretion of property. We have this plan, which  
11 others would say is crazy, to regrow old growth,  
12 and we've found considerable literature that  
13 that's possible as long as you have a rotation  
14 period of 300 years. So we have decided,  
15 naturally we're not going to be here, to put  
16 easements on each and every property that we  
17 own, not just this, that extends that mission.  
18 While everyone else is chopping things down and  
19 putting in big box stores and Dunkin' Donuts and  
20 whatever, we're going in the opposite direction.  
21 And we feel that, you know, probably long after  
22 our demise, we will be, our names will be in  
23 lights because we'll be the only people that had  
24 that in mind. So it's, you know, we're really

1           publicity seekers for that long time project.

2           So my wife wants to say something here.

3           A     (Margaret Jones) I have something to say. I was  
4           an educator for many years, and I have devoted  
5           myself to thinking about future generations and  
6           what they're going to find, and I rather agree  
7           with what President Johnson said when he put in  
8           the Wilderness Act of 1964, and he said, "If  
9           future generations are to remember us with  
10          gratitude rather than contempt, we must leave  
11          them a glimpse of the world as it was in the  
12          beginning, not just after we got through with  
13          it." Also later on he said, "Once our natural  
14          splendor is destroyed, it can never be  
15          recaptured, and once man can no longer walk with  
16          beauty or wonder at nature, his spirit will  
17          wither and his sustenance be wasted."

18                   And among other things, I like to write  
19                   poetry, and I have written a poem about ten  
20                   years ago on our land that we talked about and  
21                   we are considering here with the wetlands.

22                   In the Wilderness at Lost Nation. Climbing  
23                   this mountain under New Hampshire's blue skies,  
24                   we ramble above a cascading brook, racing down

1 the rocky gorge below, we are ever grateful for  
2 this natural beauty and grandeur. Unadorned by  
3 man in the Great North Woods, utterly astonished  
4 and stunned with such good fortune, we are  
5 entranced by this wilderness.

6 Q Thank you. So I understand why you weren't  
7 focused on the views of the towers and  
8 everything. It's more the construction and the  
9 impact to the environment that are your  
10 concerns. In the maps, and, granted, I had very  
11 small grainy pictures of the maps that you  
12 provided, it appeared that the whole  
13 right-of-way wasn't totally wet; that there were  
14 spots of dryness amongst the right-of-way that  
15 offered maybe opportunities for tower placement  
16 outside of the wetlands. If that was possible,  
17 does that sort of quell your hesitation of the  
18 impacts?

19 A (Eric Jones) My recollection of the exact map of  
20 the wetland overlay on the map is that there are  
21 some areas. They're in the north side of it and  
22 they're not together. There's like a patch here  
23 and a patch there, and that would affect, I'm  
24 assuming, the access road would be on that north

1 side. It's the high side. It's the straight  
2 line. Yeah, probably some of the access road  
3 would not be in wetland.

4 In terms of the actual pads that have to be  
5 100 by 200 and, you know, big squares, I didn't  
6 see that there was an on-the-ground mitigation  
7 by way of moving structures or -- I don't know.  
8 And I don't know if they can move the structures  
9 because there's the sag and all the rest of it  
10 and the height and the sag so the higher it is  
11 lowers the sag so it's, I don't know the answer  
12 to that.

13 Q I don't either. I just didn't know if you had,  
14 if I was reading the plans right.

15 A (Eric Jones) I don't really see, and it's been  
16 brought out, I'm not a soil scientist, I believe  
17 if the Project is approved and it crosses as  
18 proposed or near proposed our right-of-way that  
19 this wetland will be sacrificed in the process.  
20 And I wish there were mitigations that didn't  
21 cause that to happen other than not approving  
22 the Project. And I thought about, well, what  
23 about burial. Well, now when I read all about  
24 the structures involved in burial that are going

1 to go on 116 and 112 so that's in all the  
2 literature that's being developed that comes by  
3 me, I see different but also blocking, maybe  
4 even worse, because these things are buried down  
5 in the ground where this flowing water is going  
6 through. So anyway, that didn't occur to me to  
7 be an alternative.

8 Q One of the other things that we had heard during  
9 the Environmental Panel's testimony was if the  
10 ground was really wet that they might do the  
11 construction during the winter when the ground  
12 is frozen and when the wetlands were frozen and  
13 that would be greater access, greater  
14 accessibility and less impacts to the wetland.  
15 And I don't know if something like that,  
16 qualification like that, could sort of be a  
17 mitigation or would you consider that a  
18 mitigation.

19 A (Eric Jones) Well, let's put it this way. If  
20 you folks approve this Project, then whatever  
21 mitigation you can come up with on this property  
22 or the whole Northumberland/Stark right-of-way,  
23 I don't know about wetland going toward  
24 Christine Lake. There is wetland, but I'm not

1 familiar with what it is. Yeah, I would say  
2 winter construction would be better than spring,  
3 summer or fall. Yeah. I mean, in wetland  
4 you've got to think about compaction and because  
5 this is on a hill, if this was on a level, and  
6 it was same wetland, it wouldn't be flowing, it  
7 wouldn't be the source of something south of it.  
8 But that isn't the case. So I would assume in  
9 the middle of a flat wetland like a pond with  
10 trees growing in it, you'd have a whole  
11 different situation of disturbance of what it  
12 would be doing to the remaining wetland. But in  
13 my case, in our case, we view it as no way to  
14 get around it. I mean, it is what it is, and  
15 anyway that's my answer.

16 Q Okay. Thank you. That's all I have.

17 PRESIDING OFFICER HONIGBERG: Mr. Wright?

18 **QUESTIONS BY DIR. WRIGHT:**

19 Q Good afternoon, folks. I think my questions are  
20 for you, Mr. Jones, but anybody else feel free  
21 to join in.

22 Craig Wright with the Department of  
23 Environmental Services. I just did want to  
24 follow up on some of the wetland things, and

1 just so you know, even though I'm at the  
2 department, I have no role at the department in  
3 terms of wetlands decisions or anything like  
4 that. So I'm an air quality guy, not a wetlands  
5 scientist.

6 Mr. Jones, I was kind of surprised that you  
7 said you hadn't read the DES conditions that  
8 they'd recommended for the Committee to adopt as  
9 part of the Certificate. Were you aware that  
10 DES had issued --

11 A (Eric Jones) No, I wasn't aware of them.

12 Q Okay. You weren't aware of them.

13 A (Eric Jones) I'm sure that you, if you're  
14 conscientiously reading all these, I don't know  
15 how many words, must be millions by now, and,  
16 you know, you have the advantage over me is that  
17 when you read them, you're getting a paycheck,  
18 and when I read them, I'm not doing the other  
19 things that I should be doing. Living and life.  
20 And so no, I wasn't aware that there was  
21 anything produced by the DES or anyone else.  
22 Specifically to our piece of property, is that  
23 what you're saying? There is such a thing?

24 Q They have issued a document with 31 pages of

1 conditions for the entire Project, and I was  
2 just --

3 A (Eric Jones) You mean, each section is a  
4 different page?

5 Q It covers the entire route of the Project.

6 A (Eric Jones) I see. I see. Well, I haven't  
7 read it. Sorry. I didn't know it existed.

8 Q I can appreciate that. There certainly is a lot  
9 of materials associated with this record. So do  
10 you plan on reading the conditions?

11 A (Eric Jones) I do. If someone would tell me  
12 exactly how to hunt for it and where to get it,  
13 I will.

14 Q And you obviously will have the chance to file  
15 final arguments with this Committee, and my  
16 assumption is is if there are things that you  
17 feel like DES missed, then you will certainly  
18 point them out to the Committee as well.

19 A (Eric Jones) I will.

20 Q Thank you.

21 PRESIDING OFFICER HONIGBERG: Ms.  
22 Weathersby?

23 **QUESTIONS BY MS. WEATHERSBY:**

24 Q Good afternoon. Mr. and Mrs. Jones, I'm just

1 following up on what we've just been talking  
2 about. I'm trying to understand precisely what  
3 your concern is concerning the permanent impacts  
4 to the wetlands. I understand maybe some  
5 construction impacts with the matting, et  
6 cetera, but as far as permanent impacts, could  
7 you tell me your concerns?

8 A (Eric Jones) Yes. I believe that the attempt at  
9 minimization that have been described, you know,  
10 the timber mats or the whatever, I've explained  
11 before why I think the timber mats cannot be  
12 used on a slope. Cannot be effectively used on  
13 a slope. I think you would still have to  
14 excavate on the top side in order to lay the  
15 timber mat in a flat configuration. So if  
16 either the cut and fill or using the timber mats  
17 to achieve this dry flat situation, and the  
18 description by the Applicant's experts as to  
19 detail, when you cut and fill, okay, what do you  
20 do. Well, they take away the top layer of  
21 hydric soils, and they store them on the  
22 right-of-way somewhere. That's another pad of  
23 some sort. Whatever. And then they bring in  
24 heavy rock, bigger rocks and then smaller rocks

1 and they make like, I call it a lasagna, okay,  
2 and then they come up and on top they bring in  
3 some sort of a machine or something that  
4 compresses it, pounds it down to makes it firm  
5 so that the crane doesn't tip over.

6 So when you -- now they've built it.  
7 They've done the thing, okay. And in a minute  
8 I'll talk about the footings of the structures  
9 themselves, but I'm now talking about the  
10 so-called temporary work pads and the pulling  
11 pads and all that. When you remove the soil,  
12 put in other stuff, pounded it down in a  
13 flowing, I mean, if we could picture a  
14 cross-section of this ground, we got water  
15 flowing through it down to some depth which I  
16 don't know what it is.

17 So now you remove this, enough to make it  
18 flat, and you put this other stuff and you pound  
19 it down and then you drive cement trucks over it  
20 and cranes and et cetera, how do you undo that?  
21 Because you've now got to remove, I guess, this  
22 lasagna, and you've got the hydric soils which  
23 were sitting over here. Now you're going to put  
24 them back and sort of smooth them out or make

1 the same slope or something, you've compressed  
2 this whole -- not just the lasagna you've put  
3 there, but you've compressed what's below the  
4 lasagna you didn't take out. I don't see how it  
5 can continue to function as a flowing wetland.

6 Q Okay.

7 A (Eric Jones) So I considered that the temporary,  
8 so-called temporary disturbances are permanent.

9 Q Okay. Because of that compaction, I understand.  
10 And did you also have a concern that the bases  
11 of the structures themselves are going to change  
12 the flow of the water or what was your concern?

13 A (Eric Jones) Yes, the flow of the water.

14 Q The flow of the water.

15 A This wasn't brought out yet, but there are three  
16 other perennial streams, there's, not a  
17 perennial. Ephemeral, I love that word. I'm  
18 not too clear what it means, but it means every  
19 now and then, I guess, and so the ephemeral  
20 streams are there, too, three of them across the  
21 whole thing. And then the Hayes Brook which is  
22 full-time, she's running while we're talking  
23 right here, so the whole thing is wet and in a  
24 mess, you know? From anyone else's point of

1 view that doesn't like wetland.

2 So when you put in the cement and the rebar  
3 and the whatever that's going to hold these  
4 things from falling down, that's permanent and  
5 it's big. It's described in my, you know, the  
6 exact dimensions are in the testimony, which I  
7 took from Mr. Kayser or whoever it was. I  
8 searched all around in the expert testimony to  
9 get these proposed sizes which were never, it  
10 was at least this but it could be that or even  
11 bigger. That's the kind of wording that's in  
12 the Application.

13 So I wouldn't want to have your job. I  
14 mean, because it's like whack-a-mole. How do  
15 you figure out what you're really deciding on.  
16 But anyway, I'm told that's the way life goes,  
17 and that's the way all these Projects are  
18 decided and kind of, well, the contractor he'll  
19 tell us. Really? The contractor is up to this  
20 deal? I don't know. Anyway. I'm rambling, but  
21 you asked sort of a ramble-able question.

22 Q I think my question was whether you were  
23 concerned about the water flow because of the  
24 bases, permanent bases, and my answer, the

1 answer I heard was clearly yes. And your  
2 passion for the wetlands is noted and  
3 appreciated. In that regard, the Wetland  
4 Reserve Easement that you're, I guess, hoping to  
5 go on --

6 A (Eric Jones) If you're looking for a verb --

7 PRESIDING OFFICER HONIGBERG: Mr. Jones,  
8 you really need to wait until she's done because  
9 the only way the transcript is going to be  
10 readable is to take turns.

11 A (Eric Jones) Yes. Sorry.

12 Q Could you in a brief form tell me the status of  
13 your proposed or perhaps in place Wetland  
14 Reserve Easement?

15 A (Eric Jones) Yes. The property is being  
16 surveyed now. At the end of that survey,  
17 because there were many delays, so the survey  
18 was supposed to be finished by August 31st, the  
19 thing was supposed to be concluded this August  
20 31st, August 31, '17. However, it's going to be  
21 concluded by August 31st, '18. Prior to that  
22 probably, but that's the maximum extension. So  
23 because the survey has to be done now over the  
24 winter, the completion of it. I mean, there are

1 miles of border to this thing. So it's a big  
2 project.

3 Q Okay. Do you feel as though if this proposal is  
4 built that that easement is jeopardized in any  
5 way?

6 A (Eric Jones) I think it was, and actually when I  
7 made that statement in my Prefiled Testimony, I  
8 think the Applicant questioned me on that, and  
9 said well, you said that this was going to  
10 jeopardize it. If you read it, I didn't say  
11 that. I said it might be. And I had  
12 indications from the people in Durham that it  
13 might be. At this point, the money has been  
14 committed, the surveyors are surveying. I think  
15 it would take an act of Congress to reverse the  
16 thing. Yes. So at this point I would not say  
17 that it's in jeopardy from the Project.

18 Q Okay. Thank you. I have nothing further.

19 PRESIDING OFFICER HONIGBERG: All right. I  
20 think the others have no questions. I have no  
21 specific questions for you. But again because  
22 you're not represented by counsel, if you were,  
23 someone might have what's known as redirect,  
24 questions to ask you on redirect that might be

1 in response to something that happened during  
2 the questioning that's happened here today.

3 Thinking about the questions you've been  
4 asked today, and answered, is there anything you  
5 feel you need to add to your testimony?

6 Mr. Jones, I'll start with you.

7 A (Eric Jones) No.

8 PRESIDING OFFICER HONIGBERG: Mrs. Jones?

9 A (Margaret Jones) I have nothing to add.

10 PRESIDING OFFICER HONIGBERG: Ms. Percy?

11 A (Percy) I do. This is an extraordinarily  
12 challenging process for the layperson, and I  
13 know I have made numerous mistakes, but really  
14 what, and I think I can speak for Eric and  
15 Margaret Jones, that what we've tried to do is  
16 represent a really beautiful part of the country  
17 and how to protect that from any type of  
18 development that impacts us today but also those  
19 future generations. So I apologize if I haven't  
20 been quite up to snuff and providing all the  
21 right documents and clearly my pictures are not  
22 the sharpest that they could be, but I've  
23 learned a lot. Thank you.

24 PRESIDING OFFICER HONIGBERG: All right.

1 We're going to need a break. We're  
2 planning on breaking for about ten minutes.

3 (Discussion off the record)

4 (Recess taken 4:49 - 5:05 p.m.)

5 (Whereupon, **John Conkling** and **Dean Wilber** were duly  
6 sworn by the Court Reporter.)

7 **JOHN CONKLING, DULY SWORN**

8 **DEAN WILBER, DULY SWORN**

9 PRESIDING OFFICER HONIGBERG: Mr. Reimers.

10 **DIRECT EXAMINATION**

11 **BY MR. REIMERS:**

12 Q Good evening. My name is Jason Reimers. I  
13 represent the Forest Society.

14 Would you both please state your names for  
15 the record? One at a time.

16 A (Conkling) John Conkling.

17 A (Wilber) Dean Wilber.

18 Q And you have both submitted Prefiled Testimony  
19 as witnesses for the Society for the Protection  
20 of New Hampshire Forests, haven't you?

21 A (Conkling) Yes.

22 A (Wilber) Yes.

23 Q Mr. Conkling's Prefiled Testimony is SPNF 138  
24 and Mr. Wilber's is 139. Do each of you have

1 your Prefiled Testimony in front of you now?

2 A (Conkling) Yes.

3 A (Wilber) Yes.

4 Q Mr. Wilber, your testimony pertains to your  
5 residence and maple sugaring operation, Maple  
6 Tree Farm in Concord, that has the proposed  
7 Northern Pass right-of-way going through your  
8 property; is that correct?

9 A (Wilber) That is correct.

10 Q Mr. Wilber, do you see your property on this  
11 map?

12 A (Wilber) It says no signal.

13 Q I'm showing the witness Appellant's Exhibit 2  
14 which are the Project site maps.

15 A (Wilber) I see it now.

16 Q Am I pointing to your property right now in the  
17 middle of the map?

18 A (Wilber) That is correct.

19 Q And I believe your property has the number 8045;  
20 is that correct?

21 A (Wilber) I believe so. It just went out again.

22 A (Conkling) I don't have a signal. It's back up.

23 Q So that parcel that contains the letters 8045,  
24 that is your parcel?

1 (Discussion off the record)

2 A (Wilber) That's correct.

3 Q And is your parcel also the one right above  
4 that?

5 A (Wilber) That is correct also.

6 Q And together, those two parcels comprise your  
7 residence and your maple sugaring operation?

8 A (Wilber) Yes. You can actually see the trees  
9 that I planted in that two photos.

10 Q And those are the trees that you talk about in  
11 your Prefiled Testimony?

12 A (Wilber) That's correct.

13 Q Do you adopt that testimony and swear to it  
14 today?

15 A (Wilber) Yes, I do.

16 Q In your testimony you mention an annual open  
17 house at your farm during sugaring season and  
18 you included photos from a prior year's open  
19 house. Did you have that event this year?

20 A (Wilber) Yes, we did.

21 Q How many visitors did you get this year?

22 A (Wilber) I don't have an accurate count but  
23 based on the amount of cars that were there and  
24 the samples that we used, I would say somewhere

1 between 1000 and 1100 people in two days.

2 Q Okay. Mr. Conkling, your testimony pertains to  
3 your residence in New Hampton that has the  
4 Northern Pass right-of-way going through  
5 property, correct?

6 A (Conkling) Yes.

7 Q And I'm showing you Applicant's, I believe it's  
8 Exhibit 221 which is the Project maps with the  
9 August 2017 version.

10 Do you see your property on that map?

11 A (Conkling) Yes.

12 Q And can you describe where it is? Well, is it  
13 the one up on the upper right that says Conkling  
14 CE?

15 A (Conkling) Yes.

16 Q CE, does that in your understanding mean  
17 conservation easement?

18 A (Conkling) Yes.

19 Q And there's an X at the top that's been  
20 handwritten in. Does that generally show where  
21 your house location is on your property?

22 A (Conkling) Yes.

23 Q And your Prefiled Testimony has a photograph  
24 attached to it showing a view from your house,

1 doesn't it?

2 A (Conkling) Yes. That's correct.

3 Q And is that view generally looking northwest?

4 A (Conkling) Yes.

5 Q And would northwest from that X on this map  
6 generally be down and to the left?

7 A (Conkling) I would guess it's down, maybe  
8 straight. Maybe a little to the left.

9 Q Let me clarify. Do you see where I've written  
10 in 70?

11 A (Conkling) Yes.

12 Q Are you aware that that 70 indicates the height  
13 of the one tower that would be on actually on  
14 your property?

15 MR. NEEDLEMAN: Objection. Sounds like  
16 we're wandering into expansion of testimony  
17 here?

18 PRESIDING OFFICER HONIGBERG: What are we  
19 doing here?

20 MR. REIMERS: I'm just trying to orient  
21 which way the view is.

22 PRESIDING OFFICER HONIGBERG: Describing  
23 what the 70 is was maybe the problem. You're  
24 trying to get his house in relationship to where

1 the towers are; is that what's happening?

2 MR. REIMERS: Yes.

3 PRESIDING OFFICER HONIGBERG: Okay.

4 BY MR. REIMERS:

5 Q Do you see where it's written 70 and then  
6 there's 85, and then there's 85, then there's 95  
7 and then there's 95?

8 A (Conkling) Yes.

9 Q Would northwest be looking at the 70, would it  
10 be looking closer at the first 85, at the other  
11 85, towards the 95s?

12 A (Conkling) The first and second 85.

13 Q Thank you. Are there any clarifications to your  
14 testimony that you wish to make?

15 A (Conkling) There's one.

16 Q What is that?

17 A (Conkling) There's one, there's one, there's  
18 one.

19 Q Where is that?

20 A (Conkling) Q. The last page. The height of the  
21 poles. We have down there 120 feet, and I would  
22 say 70 to 110 is better. More appropriate.

23 Q 70 to 110 represents what?

24 A (Conkling) The height of the poles that you're

1 going to put in. The new poles. Not the  
2 current poles. The current poles are maybe 40  
3 feet.

4 Q Just to clarify, when you say 70 to 110 feet,  
5 are you saying that's the range of the height of  
6 the poles that you expect to see?

7 A (Conkling) Yes.

8 Q Other than the change in the height of the  
9 towers, do you adopt that testimony and swear to  
10 it today?

11 A (Conkling) Yes.

12 Q Okay. Mr. Conkling, were you present in the  
13 room when I questioned Robert Varney who was a  
14 witness for Northern Pass regarding the orderly  
15 development of the region?

16 A (Conkling) In this room?

17 Q Right.

18 A (Conkling) No. Never been here before.

19 Q Welcome. I asked him about a conservation on  
20 your property and asked him about one of the  
21 stated purposes of that easement which was to  
22 preserve scenic view. Does that sound like I'm  
23 describing your easement properly?

24 A (Conkling) Yes. That's one of them. That's not

1 the whole answer, but that's part of -- you want  
2 the whole answer?

3 Q Sure.

4 A (Conkling) I was in the real estate business 34  
5 years. From '96 to 2016 the market exploded,  
6 and my wife and I got talking about our property  
7 and how we liked it, and we've lived there since  
8 '64 we moved in. So we decided we're going to  
9 freeze it. We're going to put a conservation  
10 easement on it so it stays the way it is except  
11 for we have 90 some acres left. We're going to  
12 have a house and 12 acres as not in a current  
13 use or a conservation easement. The rest of it  
14 is. My son's got cows. He raises cows on the  
15 fields.

16 Q Now, when I asked Mr. Varney about your easement  
17 and easements that are in part intended to  
18 preserve the scenic view, and I asked him about  
19 if a property has been conserved with a  
20 conservation easement for a scenic view reason  
21 and the property would see the Northern Pass  
22 towers, would that change the view. And  
23 Mr. Varney answered this way, and I'm referring  
24 to the transcript Day 35, Afternoon, Page 140.

1           Mr. Varney said, "And if you can see the  
2 structures and the structures are high, it may  
3 change the view, but it may not be a significant  
4 adverse effect. It's a site-specific situation,  
5 and it's also, of course, within an existing  
6 right-of-way with continued utility use."

7           Using Mr. Varney's opinion that the effect  
8 is a site-specific situation, with regard to  
9 your specific site, do you have an opinion about  
10 whether the Northern Pass would cause a  
11 significant adverse effect?

12           MR. NEEDLEMAN: Objection. This is not  
13 anything new. This calls for an expansion of  
14 existing testimony or testimony that could have  
15 been included.

16           PRESIDING OFFICER HONIGBERG: Mr. Reimers?

17           MR. REIMERS: I'm asking one question to  
18 follow up on something that Mr. Varney talked  
19 about when I was specifically asking Mr. Varney  
20 about the Conkling easement and Mr. Varney said  
21 that it would be a site-specific situation about  
22 whether there would be a significant adverse  
23 effect.

24           PRESIDING OFFICER HONIGBERG: Correct.

1 That's what he said.

2 MR. REIMERS: And that's what he said, and  
3 I'm asking this witness, that's his site. And  
4 I'm asking him if the site-specific in his  
5 opinion --

6 PRESIDING OFFICER HONIGBERG: That's  
7 testimony he could have given in his Direct, and  
8 if he had an opinion on that, that's what he  
9 should have done. I'm going to sustain the  
10 objection.

11 MR. REIMERS: Okay. Mr. Chair, the  
12 witnesses are available for cross-examination.

13 PRESIDING OFFICER HONIGBERG: Mr. Aslin, do  
14 you have questions?

15 MR. ASLIN: Just a couple.

16 **CROSS-EXAMINATION**

17 **BY MR. ASLIN:**

18 Q I guess it's good evening at this point.

19 My name is Chris Aslin. I'm Counsel for  
20 the Public from the Attorney General's office in  
21 this proceeding. Good evening. Just a few  
22 questions for you.

23 Mr. Wilber, your testimony speaks to your  
24 business with a maple farm and a tree farm; is

1           that correct?

2           A     (Wilber) That's correct. I do clarify the fact  
3           that I am retired, and I do this in retirement.

4           Q     Okay. And your testimony also addresses  
5           potential impacts to your property and your  
6           business, correct?

7           A     (Wilber) Absolutely.

8           Q     Have you been approached by the Applicant or any  
9           of their representatives to discuss your  
10          concerns about those impacts to your business?

11          A     (Wilber) I have been, and I've been in contact  
12          with them many, many times over the years. Sara  
13          Hoodlet and Jim Wagner met with my deceased wife  
14          and I, and they promised to get back to me with  
15          answers within two weeks and did not, and since  
16          then I've had various correspondence with others  
17          in Eversource.

18          Q     So you've had ongoing conversations?

19          A     (Wilber) That's correct.

20          Q     Thank you. Are you aware of the testimony that  
21          was given earlier in this proceeding about a  
22          business mitigation proposal or opportunity?

23          A     (Wilber) I have heard about it. But again,  
24          because my maple business is small, it's not

1 something that I could ever earn a living doing.  
2 It's just basically supplemental income for my  
3 retirement. So I didn't think I would qualify.

4 Q You said you were aware of it. Were you  
5 approached by the Applicant about it or you're  
6 just generally aware?

7 A (Wilber) No.

8 Q So you have not had discussions with the  
9 Applicant about that program?

10 A (Wilber) No.

11 Q Okay. Thank you. Mr. Conkling, your testimony  
12 is presented in terms of your residential  
13 property and your conservation easement,  
14 correct?

15 A (Conkling) Yes.

16 Q You mentioned earlier that your son has some  
17 livestock on the property?

18 A (Conkling) Yes.

19 Q Is that a business or is that -- is it operated  
20 for business purposes?

21 A (Conkling) He's trying. He's struggling.

22 Q Fair enough. Same questions that I just had  
23 with Mr. Wilber. With regard to any agriculture  
24 business that's conducted on your property, have

1           you or your family members been contacted by the  
2           Applicant regarding any concerns you may have  
3           about impacts to those agricultural business?

4           A     (Conkling) None that I'm aware of.  No.

5           Q     And were you or aware of the business mitigation  
6           proposal that's been discussed in this  
7           proceeding?

8           A     (Conkling) I don't understand.  The business?  
9           What?

10          Q     I'm going to take that as a no.  There's been  
11          testimony that the Applicant has proposed a  
12          business impact mitigation program.

13          A     (Conkling) I don't know anything about it.

14          Q     Okay.  Thank you.  That's all I have.

15                   PRESIDING OFFICER HONIGBERG:  Does anyone  
16          else have questions for these two witnesses?  I  
17          see Ms. Draper.  I see Ms. Pacik and I see  
18          somebody, Ms. Menard?  No.  Ms. Crane, not Ms.  
19          Menard.  All right.  Ms. Pacik?

20                   MS. PACIK:  Thank you.

21                                   **CROSS-EXAMINATION**

22           **BY MS. PACIK:**

23          Q     Good afternoon my name is Daniel Pacik.  I am  
24          the attorney for the City of Concord and I'm

1 also the spokesperson for Municipal Group  
2 3-South.

3 I have a few questions for Mr. Wilber. Mr.  
4 Wilber, in your Prefiled Testimony you raise  
5 concerns about an ancient dug well which is  
6 located within the right-of-way, and I wanted to  
7 just clarify where that's located because it  
8 wasn't totally clear from the testimony, and I  
9 have what we're about to put up on the ELMO. It  
10 is Sheet 159 of the Project maps submitted in  
11 August 2017, and this was part of Applicant's  
12 Exhibit 2. And you can ignore my handwritten  
13 circles. But there's an arrow located near the  
14 relocated 115 structure which is identified as  
15 P145-137. Is that black arrow the vicinity of  
16 the dug well that you were referencing?

17 A (Wilber) Yes.

18 Q And Attorney Aslin just asked you about  
19 communications that you've had with Eversource  
20 during the proceedings, and there was testimony  
21 that members of Eversource at least during the  
22 Construction Panel indicated that they were  
23 willing to have ongoing discussions with  
24 landowners to address issues. In terms of your

1           communications with Eversource, have you  
2           communicated with Eversource to discuss your  
3           concerns about the well?

4           A     (Wilber) I have a number of times.

5           Q     And was that the discussion you've had with  
6           Eversource or was it discussions of impacts to  
7           your business in terms of profits?

8           A     (Wilber) No. It was in regard to the well.

9           Q     So in terms of the communications about the  
10          well, can you just explain what was discussed?

11          A     (Wilber) Well, I originally asked Eversource to  
12          show me where the counterpoise wire was, and  
13          that's the ground wire from pole to pole on a  
14          V182 line because I felt it was within the  
15          protective well radius, and I reminded them of  
16          the RSA.

17                 They did send a representative up there,  
18          but he didn't have adequate equipment and he  
19          basically guesstimated where the counterpoise  
20          wire was. And that wire was in the area that I  
21          would have to run my well line if I were going  
22          to use that well for the sugar house.

23          Q     Okay. And when you say the protective radius,  
24          what is your understanding of what that is?

1 A (Wilber) It is 75-foot radius or 150-foot  
2 diameter.

3 Q Okay.

4 A (Wilber) That means that you cannot infringe  
5 upon that radius of the well.

6 Q So you had that one conversation, and then in  
7 terms of other conversations you've had with  
8 Eversource about your concerns about equipment  
9 running near that well or the use of different  
10 chemicals near it, what has been the outcome of  
11 any discussions you've had?

12 A (Wilber) The discussion started with the  
13 counterpoise wire in an email in April, and it  
14 continued on through to September when I did  
15 meet with three representatives of Eversource at  
16 the right-of-way, and we discussed the well and  
17 so on and so forth. I followed that up with an  
18 email to make sure that what I heard was  
19 correct. I did get an email back and then I  
20 again followed that up. I sent a letter and  
21 specifically asked for certain things. I did  
22 get a letter back, and basically they said that  
23 I would have to sign a Joint Use Agreement and  
24 that that Joint Use Agreement would mean that I

1 would take care of the land in this protective  
2 radius, but they would not say that they would  
3 not run equipment over it or that equipment  
4 which often leaks chemicals would not be in the  
5 immediate vicinity of the well. So I had really  
6 no guarantee that that well would not be  
7 contaminated if I wanted to use it for livestock  
8 or gardens or whatever as I had in the past.

9 Q So let's just back up for a second. So  
10 basically, your communications with Eversource  
11 was they said sure, in the future if you want to  
12 use that well, then we can have you enter into a  
13 Joint Use Agreement, but in terms of the  
14 immediate concern you had, which is the  
15 construction near the well, have they agreed to  
16 relocate any structures or access roads to avoid  
17 working in a close proximity to that well?

18 A (Wilber) No.

19 Q So as you sit here today, they haven't made any  
20 commitments to avoid working near that well; is  
21 that accurate?

22 A (Wilber) That is accurate.

23 Q So the concerns that you have, they have not  
24 been resolved yet?

1 A (Wilber) That is correct.

2 Q And when was the last communication that you've  
3 had with Eversource?

4 A (Wilber) January of this year.

5 Q Okay. So about nine months ago?

6 A (Wilber) That is correct.

7 Q Okay. What's your understanding as to whether  
8 they intend to respond to you in the future?

9 A (Wilber) Basically I was told in the letter or  
10 my interpretation of the letter is that they are  
11 not going to do anything.

12 Q Okay. I have no further questions.

13 PRESIDING OFFICER HONIGBERG: Ms. Crane?

14 **CROSS-EXAMINATION**

15 **BY MS. CRANE:**

16 Q I am Charlotte Crane. I am the spokesperson for  
17 the Nonabutters Ashland to Deerfield Group. I  
18 wanted to ask Mr. Conkling whether his concerns  
19 about the right-of-way would be addressed by  
20 burying along the right-of-way at his property.  
21 Would your concerns be addressed if --

22 A (Conkling) I'd be happy to see the line buried.

23 Q Would you have any additional concerns if they  
24 did try to bury along your hillside?

1 A (Conkling) No.

2 Q Thank you.

3 PRESIDING OFFICER HONIGBERG: Ms. Draper?

4 **CROSS-EXAMINATION**

5 **BY MS. DRAPER:**

6 Q Hello. I have questions for Mr. Conkling. I'm  
7 Gretchen Draper and I'm an Intervenor for the  
8 Pemi River Local Advisory Committee.

9 Mr. Conkling, is it true that your wife and  
10 family were instrumental in getting Blake Hill  
11 Road where you live designated as a town Scenic  
12 Byway?

13 A (Conkling) Yes.

14 Q And are you familiar with other people's  
15 properties in conservation on Blake Hill Road?  
16 What other properties are in conservation?

17 A (Conkling) I don't know.

18 Q Okay.

19 A (Conkling) I don't know any.

20 Q Is the property across the road from your house,  
21 the forest, is that part of yours?

22 A (Conkling) No, no. The New England Forest  
23 Society's got about 2500 acres across the street  
24 between Blake Hill Road and 93, and I can't tell

1           you what kind of easements they have on it, but  
2           they're a very good neighbor.

3       Q     Right.

4       A     (Conkling) It's woodland. I sold them a big  
5           piece of it, but they take care of it as  
6           woodland.

7       Q     Right. So it is in some kind of conservation.  
8           Just not sure what sort.

9       A     (Conkling) Yes.

10      Q     Now, do you see any towers or structures from  
11           the right-of-way at this present time?

12      A     (Conkling) No.

13      Q     And if the Project were to be permitted as right  
14           now, you would see towers; is that correct?

15      A     (Conkling) Yes.

16      Q     What about your son's property?

17      A     (Conkling) Sam would, he would certainly see  
18           them. He's next door. He's got a little better  
19           view than we do looking down the river and  
20           looking into Bristol and up to Cardigan. He  
21           would see them. And Robert across the road,  
22           yes, because he's up higher.

23      Q     Right.

24      A     (Conkling) He's up higher so he would certainly

1 see it.

2 Q Um-hum. And did anyone from the Northern Pass  
3 Project contact you about your view or viewshed?

4 A (Conkling) No.

5 Q And do you know if there were any visual  
6 analyses done along Blake Hill Road?

7 A (Conkling) No.

8 Q And would you agree that Blake Hill Road as a  
9 whole has site-specific visual impacts if this  
10 Project were to go through?

11 A (Conkling) Yes. Because you get up, what I call  
12 it Kruger's old farm up the road.

13 Q Right.

14 A (Conkling) Certainly you're up high enough in  
15 there, and I'm not sure about Allen Hoyt. I  
16 mean, there's others. I guess, there's others  
17 that would. I mean, we're so used to the  
18 40-foot pole.

19 Q Yes.

20 A (Conkling) Where there's no objection anyway,  
21 but when you go up higher to 100 feet, whatever,  
22 that's, it's hard for me to say right now, but  
23 I'm sure there will be people along that road  
24 that will now see poles that didn't see poles.

1 Q Right. And are you aware that there's going to  
2 be construction along Blake Brook and Brook Road  
3 that will come across the right-of-way and then  
4 go up on to the right-of-way that's on your  
5 property? Fairly extensive?

6 A (Conkling) Well, you mean if they put the line  
7 through.

8 Q Yeah. The big "if." If they put the line  
9 through.

10 A (Conkling) I'm sure there'll be construction  
11 across Blake Brook and Brook Road, yes. I mean,  
12 I can't, I have no idea what it would be or what  
13 the impact would be, but it will be a sure  
14 change.

15 Q All right. Well, thank you very much.

16 PRESIDING OFFICER HONIGBERG: Any other  
17 Intervenors have questions for this Panel? Mr.  
18 Needleman?

19 MR. NEEDLEMAN: Thank you. Just quickly.

20 **CROSS-EXAMINATION**

21 **BY MR. NEEDLEMAN:**

22 Q Mr. Wilber, hi. I'm Barry Needleman. Right  
23 here?

24 A (Wilber) Yes.

1 Q I represent the Applicant in this matter.

2 Am I correct that on July 10th, 2016, you  
3 sent an email to Sandra Gagnon of Eversource  
4 expressing concerns about the well on your  
5 property? Do you recall that?

6 A (Wilber) I'm not sure of the exact date, but I'm  
7 sure I have it in my computer still, and it was  
8 probably July.

9 Q And do you recall saying to Ms. Gagnon, quote,  
10 "As you know we are going to rejuvenate the  
11 ancient dug well on our property to supply water  
12 to the sugar house and orchard trees"?

13 A (Wilber) That's correct.

14 Q And so since the date that you sent that email,  
15 have you rejuvenated the well?

16 A (Wilber) No, we haven't because I have no clear  
17 understanding that Eversource would not  
18 contaminate my well. Why would I spend money?

19 Q And have you talked to the Department of  
20 Environmental Services about any intention you  
21 have to rejuvenate that well?

22 A (Wilber) I have not, but I know what the RSA  
23 says.

24

{WITNESS: MORE}

1 Q And so at the time the Department of  
2 Environmental Services evaluated the Project and  
3 issued its permits for this Project, it would  
4 not have been aware of your intention to  
5 rejuvenate that well?

6 A (Wilber) That is correct.

7 Q Okay. Thank you. Nothing further.

8 PRESIDING OFFICER HONIGBERG: Do members of  
9 the Subcommittee have questions for Mr. Conkling  
10 or Mr. Wilber?

11 There are no questions for you gentlemen.

12 Mr. Reimers, do you have any further  
13 questions on Redirect?

14 MR. REIMERS: I don't. Thank you.

15 PRESIDING OFFICER HONIGBERG: Thank you,  
16 gentlemen. You can step down.

17 A (Wilber) Thank you for your time.

18 (Discussion off the record)

19 PRESIDING OFFICER HONIGBERG: Ms. More?

20 (Whereupon, **Rebecca Weeks Sherrill More** was duly  
21 sworn by the Court Reporter.)

22 **REBECCA WEEKS SHERRILL MORE, DULY SWORN**

23 PRESIDING OFFICER HONIGBERG: Ms. More,  
24 since you don't have a lawyer here, we're going

{WITNESS: MORE}

1 to have Mr. Iacopino ask a few preliminary  
2 questions of you so your Prefiled Testimony can  
3 get in the record. Okay?

4 MS. MORE: Yes. Thank you.

5 **DIRECT EXAMINATION**

6 **BY MR. IACOPINO:**

7 Q Why don't you identify yourself first?

8 A Rebecca Weeks Sherill More.

9 Q And where do you reside?

10 A Providence, Rhode Island; and Lancaster, New  
11 Hampshire.

12 Q And have you filed Prefiled Testimony in this  
13 proceeding?

14 A I did.

15 Q How many Prefiled Testimonies have you filed in  
16 this proceeding?

17 A If you count the amended ones, four.

18 Q Okay. I am looking at a Prefiled Testimony  
19 filed by you on November 15th, 2016. I'm going  
20 to take them one by one, okay? And that was  
21 testimony that was indeed filed by you.

22 A Yes. On behalf of the Weeks Lancaster Trust and  
23 all the submissions have been reviewed by the  
24 Trustees.

1 Q Do you adopt that testimony as your testimony in  
2 this proceeding here today?

3 A I do.

4 Q If you were asked the questions contained that  
5 in testimony, would you give the same answers  
6 today?

7 A With one specific exception which is the number  
8 of towers or structures that I had identified  
9 based upon my amateur study of the route maps  
10 provided by the Applicant. I came up with a  
11 number which I think was 219 between Cape Horn  
12 and the Bethlehem line. And then after the  
13 Technical Session when I was asked questions by  
14 Mr. Bisbee, I had actually, I had recounted them  
15 before I came to the Technical Session, and the  
16 number was about 183. This is based on the  
17 route maps which are what they are.

18 Q Other than that one change, would you adopt the  
19 testimony?

20 A Yes.

21 Q And you also filed Supplemental Testimony, I  
22 believe, on behalf of the trust on April 17th?

23 A April 21st.

24 Q April 21st, 2017. Was that testimony approved

1 by the Trustees as well?

2 A Yes.

3 Q And do you adopt that testimony for the purposes  
4 of these proceedings here today, and would you  
5 answer each of those questions in the same  
6 manner if you were asked them today?

7 A Yes.

8 Q Okay. And did you also file another set of  
9 Prefiled Testimony on November 15th, 2016, or do  
10 I just have couples here?

11 A I believe you have doubles.

12 Q I do. Thank you. Since the beginning, I know  
13 that you've been participating in these  
14 proceedings. Has anything occurred in these  
15 proceedings that's new to you that you wish to  
16 make any additional testimony about?

17 A I'm not sure I've completely understand the  
18 question. May I ask?

19 Q I'm sorry.

20 A No. No. It's not probably your question. It's  
21 my understanding.

22 So are you asking me, you asked about in  
23 the proceedings. There have been some changes  
24 with regard to the work that I and many others

1 have done as consulting parties in the Section  
2 106 which is relevant to my Supplemental  
3 Prefiled Testimony of April, 2017, as well as  
4 the amendment of August 28th? Something like  
5 that. 2017. And the Direct Testimony I brought  
6 in this morning dated today.

7 Q Oh, that's right. I forgot about that. Okay.

8 We're going to have to take those one by  
9 one. First of all, the testimony that's,  
10 written testimony that you filed this morning,  
11 do you swear that that is true?

12 A I do.

13 Q And if you were asked those questions today in  
14 person, would you give the same answers?

15 A Yes.

16 Q And does that answer, does that provide the  
17 answer to my question about whether you have  
18 anything additional to add?

19 A I think what I was thrown by, forgive me, was  
20 within the proceedings, and I think that this  
21 speaks to this complication of being both a  
22 consulting party and in fact my Prefiled  
23 Testimony is what I had submitted as part of the  
24 Cultural Landscape Study Report so I submitted

1           it to the Public Archeology Lab so I'm a little  
2           confused myself.

3       Q     Let me remove the phrase "in this proceeding."

4       A     Okay.

5       Q     Is the additional written Prefiled Testimony  
6           that you filed with the Committee today, is that  
7           the additional testimony that you wish to give?

8       A     With one exception.

9       Q     And please tell us what that is.

10      A     So the one exception would be that -- so this is  
11           based on the Direct Testimony that I brought in  
12           which refers specifically to the cultural  
13           landscape report process, and the only thing  
14           that I think I would want to add that is not  
15           actually in that is the fact that having had an  
16           opportunity only today to look at the additional  
17           effects which are in Binder 3 and only exist  
18           here in this building, I believe that I and  
19           probably other consulting parties will file  
20           objections to some of the characterizations in  
21           those reports and that that is a multi-month  
22           process that may go on well into 2018. That  
23           would be under the terms of the Programmatic  
24           Agreement, and I'm not an expert on that. I can

{WITNESS: MORE}

1 just see that having read them and looked at the  
2 reports that are relevant to my particular  
3 areas, there are corrections and some  
4 objections.

5 Q Okay. Then other than that additional  
6 testimony, did you have anything else to add  
7 here today before your cross-examination?

8 A No.

9 Q Okay.

10 MR. IACOPINO: The witness is ready for  
11 cross-examination.

12 PRESIDING OFFICER HONIGBERG: Mr. Aslin, do  
13 you have questions?

14 MR. BISBEE: If I may, Mr. Chairman?

15 PRESIDING OFFICER HONIGBERG: Mr. Bisbee?

16 MR. BISBEE: Would you please note our  
17 objection for the submission of a late-filed set  
18 of testimony today?

19 PRESIDING OFFICER HONIGBERG: Where exactly  
20 is that testimony? Because I don't have it.

21 ADMINISTRATOR MONROE: I do. I got handed  
22 a hard copy this morning.

23 PRESIDING OFFICER HONIGBERG: Off the  
24 record.

{WITNESS: MORE}

1 (Discussion off the record)

2 PRESIDING OFFICER HONIGBERG: Mr. Bisbee,  
3 do you want to state the grounds for the  
4 objection? Just get them on the record?

5 MR. BISSON: Mostly on the record, it's  
6 procedural. There was no leave requested for  
7 filing late. It's filed late. We just got it  
8 today. That's the principal basis for the  
9 objection.

10 PRESIDING OFFICER HONIGBERG: As I think  
11 it's apparent, I haven't looked at it. I don't  
12 know what's in here. So I don't think it's  
13 possible to rule on the objection as we're  
14 sitting here. If it's the type of information  
15 or the type of testimony that is in response to  
16 something that was new, something that came in  
17 afterwards, I think we'd probably allow it, but,  
18 again, to me it's all hypothetical right now so  
19 we understand the objection.

20 MR. BISBEE: One suggestion. It's not  
21 dated. We might want to give it an exhibit  
22 number just so we know what we're referring to.

23 PRESIDING OFFICER HONIGBERG: Those are  
24 excellent suggestions.

{WITNESS: MORE}

1 MS. MORE: It is dated. Fourth line. I  
2 always date everything.

3 PRESIDING OFFICER HONIGBERG: I see it.  
4 You've put it in the first question.

5 MS. MORE: I did.

6 PRESIDING OFFICER HONIGBERG: Okay. What  
7 exhibit number would it be? Does anybody know?

8 MR. IACOPINO: I think that would be Stark,  
9 Lancaster, Whitefield, Dalton and Bethlehem.

10 MS. MORE: 5?

11 MR. IACOPINO: I think it's 5 or 6. One  
12 second.

13 PRESIDING OFFICER HONIGBERG: Off the  
14 record.

15 (Discussion off the record)

16 PRESIDING OFFICER HONIGBERG: We'll figure  
17 out what it is. It's either 5 or 6, and we'll  
18 mark it, Mr. Bisbee, so it's identified so we'll  
19 know what we're talking about if it comes up  
20 later.

21 MR. IACOPINO: I believe it would be 5.

22 PRESIDING OFFICER HONIGBERG: All we had to  
23 do was decide to proceed, and Mr. Iacopino  
24 figured out what it was. All right. Now Mr.

1 Aslin?

2 MR. ASLIN: Thank you, Mr. Chairman.

3 **CROSS-EXAMINATION**

4 **BY MR. ASLIN:**

5 Q Dr. More, my name is Chris Aslin, and I'm here  
6 as Counsel for the Public in this proceeding,  
7 and I just have a couple questions primarily,  
8 well, maybe all about your newly filed  
9 testimony. Am I correct in my summary that your  
10 new testimony relates to the cultural landscape  
11 reports that were submitted by the Applicant in  
12 I want to say August or September?

13 A I believe they were submitted the end of July or  
14 in July of this year. Yes. They do.

15 Q Okay. And those are, that is new information  
16 that came in after your prior testimony was  
17 filed?

18 A That's correct.

19 Q Okay. And I believe you are a consulting party  
20 in the Section 106 process, is that right?

21 A Yes.

22 Q And based on your participation in the Section  
23 106 process as a consulting party, what is your  
24 understanding of the status of the review of the

1 Cultural Landscape Effects Tables that have been  
2 submitted by the Applicant?

3 A Just to clarify. My understanding is there are  
4 the reports and then there are the Effects  
5 Tables. Are you distinguishing between those  
6 two?

7 Q I was specifically asking about the Effects  
8 Tables, but I would agree with your  
9 understanding.

10 A Okay. The process at the moment as I understand  
11 it, and I want to be honest and say that it's  
12 such a complicated process that many of us have  
13 to communicate within the group just to figure  
14 out what we're supposed to be doing, the reports  
15 have been issued, the additional effect, and  
16 those are now available in redacted form, thanks  
17 to the Applicant and that's very helpful, online  
18 on the consulting party's private website.  
19 However, the Effects Table, the additional  
20 Effects Tables are only available in this  
21 building.

22 Q So it's your understanding the Effects Tables  
23 have not yet been released for review in  
24 redacted form by the consulting parties?

{WITNESS: MORE}

1 A Correct. To the consulting parties.

2 Q Right. Is it your understanding that while the  
3 Applicant has submitted its recommendations  
4 within the Effects Tables about the potential  
5 impact of the Project on the cultural landscapes  
6 that have been identified, that the 106 process  
7 has not concluded with regard to determination  
8 whether there is an adverse effect to those  
9 cultural landscapes?

10 A That's my understanding.

11 Q And is that process part of what you are  
12 participating in as a consulting party?

13 A Yes.

14 Q And at this moment have you had the opportunity  
15 as a consulting party to comment within the 106  
16 process on either the cultural landscape studies  
17 or the Cultural Landscapes Effects Tables?

18 A There are different deadlines for each section  
19 of cultural landscape reports. So the first  
20 ones are due on the 30th, I believe, of October,  
21 and those would be the Pemigewasset Valley and  
22 Suncook Valleys. The Great North Woods is due  
23 on, I believe, November the 6th. So it's a  
24 rolling process. So in my case, they would be

1           comments on the Great North Woods reports and  
2           Effects Tables, and they're not due until the  
3           6th of November. And, for the record, most of  
4           us have only just been able to look at them in  
5           the last week.

6           Q     And I believe your new Direct Testimony filed  
7           today discusses your position with regard to the  
8           Great North Woodsville cultural landscape study  
9           so if that's correct I won't ask you any further  
10          questions about it.

11          A     Yes.

12          Q     Thank you. That's all I have.

13                   MR. IACOPINO: Just for the record, Mr.  
14           Chairman, we're to mark that testimony as number  
15           4 for this group. I counted their exhibit list  
16           when I was counting the exhibits.

17                   PRESIDING OFFICER HONIGBERG: All righty  
18           then. Who has questions for Ms. More? I see no  
19           hands going up. No one standing up. Yes. Ms.  
20           Schibanoff?

21                                   **CROSS-EXAMINATION**

22           **BY MS. SCHIBANOFF:**

23           Q     Good evening, Dr. More. I'm Susan Schibanoff  
24           from the Non-Abutting Property Owners Bethlehem

1 to Plymouth.

2 What is a "cultural landscape"?

3 A I tried to answer that in my Direct Testimony  
4 which you would not have in front of you, and I  
5 will, I think I'll be brief and just quote from  
6 what I have, the Committee has in front of you  
7 which is simply it's a physical area of human  
8 activity that reflects cultural values and  
9 traditions over time. As a historian, I added  
10 the words over time. It's a slight paraphrase,  
11 but the precise definition is actually footnoted  
12 in my Direct Testimony. So the Committee can  
13 refer to what the National Park Service has  
14 defined.

15 Q In using the phrase "cultural landscape," is a  
16 distinction between being made between a  
17 human-affected landscape and a natural  
18 landscape?

19 A Yes.

20 Q And could you give us an example, please?

21 A Well, simple example from the northern part of  
22 the state would be the difference between say  
23 the Martin Meadow Pond-Mount Prospect cultural  
24 landscape which they have identified, the

1 Applicant's team has identified, and Cape Horn  
2 State Park. Cape Horn was not included because  
3 it's not supposed to have been subjected to  
4 human activity, although I dare say  
5 archeological evidence might prove something  
6 different, but that's what we know.

7 Q Am I correct in understanding that the whole  
8 concept of cultural landscapes was introduced  
9 late into this process or has it been there all  
10 along?

11 A I believe that we understood, consulting  
12 parties, that it would be included, but why it  
13 was delayed for so long, I have no idea. We  
14 were not invited until a year ago, not even a  
15 year ago, November of 2016, to listen to a  
16 description of what was even involved in the  
17 process. Not until February of 2017 were we  
18 asked to make any contributions based on our own  
19 direct knowledge or areas of expertise. And the  
20 first we saw of any results was in the end of  
21 August of this year. I hope that answers your  
22 question.

23 Q Thank you. Yes. It does. I'm still grappling  
24 in my mind with what a cultural landscape is so

1 let me give you an example, please. Would a  
2 single, let's say, building be a cultural  
3 landscape?

4 A No.

5 Q No. So that single building would have to be in  
6 a larger context.

7 A That's correct.

8 Q If that's the case, and we're thinking about  
9 landscape level now --

10 A Yes.

11 Q -- with human development on it, does a cultural  
12 land, is a cultural landscape then more  
13 vulnerable to impact from a transmission line in  
14 terms of adverse effects?

15 A Well, I think it would depend upon the  
16 transmission line or the power line. So, for  
17 example, at the present time, I'll just give the  
18 example because I know the Commission has  
19 visited Weeks State Park and many of you climbed  
20 the tower and had an opportunity to see what you  
21 can see from the park. That's just an example.  
22 So from the park there, you can see one, two,  
23 three, four of the identified five potential  
24 cultural landscapes. Two of them have been

1 identified and written about, and three of them  
2 are potential cultural landscapes. You can see,  
3 all of them can see Mount Prospect where Weeks  
4 State Park is located. You can see from those  
5 areas. And from the park you can also see each  
6 of those landscapes. The current power line is  
7 only 45 feet high, roughly, and so you can see  
8 it even in its current state, particularly  
9 coming down from the north, very easily between  
10 Cape Horn and the North Road in Lancaster on the  
11 other side, the north side of Otter Brook and  
12 Israel's River. And then you see it in  
13 different locations from the park.

14 But if you were to go to Jefferson, for  
15 example, where the potential Waumbek Cottage  
16 landscape is you have a completely different  
17 view. In fact, I included that view in my  
18 amended exhibit from August. The lovely 19th  
19 century view of Mount Prospect from Jefferson.  
20 In fact, from an artist who was, this was  
21 Francis Scott Key's grandson.

22 So different places have different views.  
23 Some of the most iconic views from the 19th  
24 century were done actually from Guildhall,

{WITNESS: MORE}

1 Vermont, and they look right straight up  
2 Israel's River Valley and you can see the entire  
3 Presidential or most of the Presidential Range,  
4 even through that passageway.

5 This is one of the difficult things, I'll  
6 try and be brief, about a cultural landscape  
7 from a historical perspective is that unlike  
8 everything else that's been submitted which was  
9 governed by the one-mile APE as the determinant  
10 of what would or wouldn't be affected, in the  
11 case of a cultural landscape you're able to do  
12 what we historians try to do which is to  
13 assemble the broadest possible amount of data  
14 and try to understand how relationships are  
15 formed because history is really about  
16 relationships. It's not about discrete static  
17 objects or artifacts or activities. It's about  
18 the relationships that govern what happens  
19 within those landscapes, whether it's farming,  
20 whether it's neolithic peoples.

21 So does that help answer your question?

22 Q Yes. Thank you. But let me ask you directly.  
23 I think I know your answer already.

24 Do you think it is very important or at

1 least important to look at cultural landscapes  
2 rather than, these typically broader panoramas,  
3 than a one-mile APE when you're determining  
4 infrastructure impacts?

5 A Yes. I would agree with that.

6 Q I expected you would say that.

7 My final question is I know you were part  
8 of the consulting party groups that suggested  
9 cultural landscapes, and there was, of course, a  
10 filtering process that went on as they went  
11 through the convoluted process of making their  
12 way to the final forms. Are there any cultural  
13 landscapes that you feel were neglected, not  
14 included, in the list that we currently have in  
15 terms of this transmission project? Did we get  
16 them all?

17 A Well, my argument would be no because if you  
18 look at my Supplemental Prefiled Testimony of  
19 April, I, in fact, did a rather amateur-ish map,  
20 and from my perspective, to understand the  
21 cultural landscape in, say, my part of northern  
22 New Hampshire, you would need to draw a circle  
23 that began with Mt. Washington and looped up  
24 through the Upper Ammonoosuc and down to

1           Bethlehem because, in fact, that's what you can  
2           see. From the top of Mount Washington you can  
3           see my little tiny farmhouse, 1830 farmhouse. I  
4           can see it, obviously. We can see 30 or 40  
5           miles with no problem whatsoever. So to me,  
6           atomizing this process into discrete sections,  
7           five discrete sections, I understand why it was  
8           done, and I certainly have great respect for the  
9           Public Archeology Labs. They're one of the most  
10          outstanding groups in the country. But if I had  
11          a student who submitted those five and said this  
12          will do, I would have said I'm very sorry, but  
13          you've left out an enormous number of  
14          interrelationships that are crucial to  
15          understanding what happened in this area. Let's  
16          see even if we only started with the Colonial  
17          period. Forget about aboriginal peoples.

18        Q       And this really is my final question, and I'll  
19        make it by 6.

20                    Are you concerned that the identification  
21                    and processing of cultural landscapes, that  
22                    process, is going to outrun the SEC process?

23        A       Well, I couldn't say for sure, but certainly  
24        based upon the review process which is we submit

1           our suggestions, our comments, then they have to  
2           be reviewed, then there's another 30-day period,  
3           then there's another review process, then  
4           there's another 30-day process, I couldn't  
5           really predict, but it certainly looks as if  
6           it's going to take quite a bit of time.

7           Q     I'm sorry. I didn't make that question clear.

8           A     Forgive me.

9           Q     No. That was me. Let's assume that it is going  
10          to outrun the SEC process. Does that concern  
11          you?

12          A     It concerns me only in the sense that it might  
13          result in the Committee not having all the  
14          information that you might need.

15          Q     Thank you. That's all I have.

16                   PRESIDING OFFICER HONIGBERG: Yes. Ms.  
17          Crane?

18                                   **CROSS-EXAMINATION**

19          **BY MS. CRANE:**

20          Q     Charlotte Crane. I am the spokesperson for the  
21          Ashland to Deerfield Nonabutters.

22                   Do I gather that the consulting parties in  
23          the Section 106 process have communicated with  
24          each other to a certain extent as the process

1 has proceeded?

2 A Well, I'm not quite sure what you mean by that.  
3 I think that, you know, if somebody runs into  
4 somebody in the market or whatever, obviously  
5 you're going to have a communication, but in  
6 terms of privileged communications, I don't  
7 believe that that's taken place.

8 Q Well, and I guess what I'm ultimately trying to  
9 get at is is there any way for the rest of us to  
10 know who are those consulting parties?

11 A I have no idea. I wish I could -- I'm sorry. I  
12 can't answer that question.

13 Q Okay. Do you know whether any of the consulting  
14 parties are familiar with the stretch of the  
15 Pemigewasset River between Plymouth and  
16 Sanbornton?

17 A On a personal level, I can't tell you exactly  
18 what they do or don't know, but I expect that  
19 there are some people in the group who are  
20 expert in that area.

21 Q There have been no comments filed in the process  
22 with respect to those.

23 A But those comments aren't due until the 30th of  
24 October, and they won't probably be made public

{WITNESS: MORE}

1 for quite some time.

2 Q Even for any of the other individual properties?  
3 So not addressing just cultural landscapes, the  
4 other properties?

5 A I'm afraid I'm not familiar with what people  
6 have or haven't submitted on that.

7 Q Okay. Thank you.

8 A Sorry.

9 PRESIDING OFFICER HONIGBERG: Any other  
10 Intervenors? Mr. Bisbee?

11 MR. BISBEE: Thank you, Mr. Chairman.

12 **CROSS-EXAMINATION**

13 **BY MR. BISBEE:**

14 Q Good afternoon, Dr. More. Dana Bisbee for the  
15 rest of the group, and if it's permissible,  
16 Mr. Chairman, I'll stay here and save a little  
17 time in transit here.

18 I'd like to start with a couple questions  
19 on what you filed today.

20 A Um-hum.

21 Q You said orally a few minutes ago that having  
22 looked at the Effects Tables today that you  
23 might be filing objections. That's filing  
24 comments, providing input in the 106 process?

{WITNESS: MORE}

1 A Correct.

2 Q Is that what you're referring to?

3 A Yes, it is.

4 Q You also said that the cultural landscape  
5 reports have only been available for review in  
6 the last week or so. That's from the 106  
7 website that you're referring to?

8 A Online.

9 Q They have been available here for a longer  
10 period.

11 A That's right, and I think, may I add, that the  
12 reason that's significant is that not all of the  
13 consulting parties live within easy range, that  
14 would include me, of the documents. So trying  
15 to have access to what we contributed to was  
16 sort of a challenge.

17 Q Understood. Understood. And in fact, you are a  
18 neighbor of PAL down in Rhode Island, are you?

19 A I am indeed.

20 Q How long you have lived there?

21 A 47 years.

22 Q On the first page of Exhibit 4 which is what you  
23 filed today, Dr. More?

24 A Yes.

{WITNESS: MORE}

1 Q You list five cultural landscapes that the  
2 Public Archeology Lab identified in the Great  
3 North Woods Cultural Landscape Report.

4 A Correct.

5 Q And you indicated a few minutes ago, correctly,  
6 I believe, that all of those five, two have been  
7 recommended by PAL as cultural landscapes that  
8 should be reviewed in this Project, correct?

9 A That's correct.

10 Q And those are the first two, the Mount  
11 Prospect-Martin Meadow Pond cultural landscape,  
12 and the North Road-Lost Nation Road cultural  
13 landscape?

14 A Correct.

15 Q The other three were not recommended by PAL for  
16 further survey, correct?

17 A At this time. That was my understanding on how  
18 I read what they wrote.

19 Q And at this time means for this Project,  
20 correct?

21 A I wasn't clear on that, I have to tell you. I  
22 read it, and I thought what does this mean.

23 Q So you're not clear that the reason why PAL  
24 didn't recommend those three is because they are

1 far outside the APE?

2 A Forgive me. Yes. You are correct that the  
3 reason why they were not recommended was because  
4 they were deemed outside the one-mile APE which  
5 is, of course, one of my objections.

6 PRESIDING OFFICER HONIGBERG: Would both of  
7 you try to wait until the other one is finished  
8 before you keep --

9 A I'm sure it's my fault.

10 PRESIDING OFFICER HONIGBERG: No. It's not  
11 just you. Mr. Bisbee owns some of this, too.

12 Q Absolutely. Let me ask you a little bit about  
13 your background, Dr. More, and very quickly.

14 You, I would guess, would describe yourself  
15 professionally as a historian and a teacher.

16 A Correct.

17 Q Not a consultant?

18 A Absolutely not.

19 Q Not a Section 106 expert?

20 A Certainly not.

21 Q You've gained some knowledge in this case in  
22 this 106 proceeding, but you're not a Section  
23 106 expert.

24 A Absolutely not.

{WITNESS: MORE}

1 Q You've not qualified in a state as a consultant  
2 in 106 matters?

3 A No.

4 Q You've not filed documents in New Hampshire or  
5 anywhere else dealing with inventories,  
6 eligibility, et cetera?

7 A No.

8 Q And you've not done a cultural landscape report  
9 either?

10 A No.

11 Q Your testimony earlier about cultural landscapes  
12 would have been based largely on your reading  
13 the PAL reports?

14 A May I correct my answer when I said no. So I  
15 have not done a cultural landscape study within  
16 a process like this. However, in fact, I  
17 devoted about 30 years to doing a cultural  
18 landscape study in England, reconstructed a  
19 14th- to 16th-century landscape and road systems  
20 in order to investigate the issue that I was  
21 studying at the time. So I've spent a great  
22 deal of time in the UK doing field work. So no,  
23 I am not an expert in this context and in this  
24 kind of situation, but I am certainly familiar

1 with the requirements of the process, and I also  
2 know who to consult if I have questions.

3 Q Understood. Do you know when the first cultural  
4 landscape report was requested by DHR in this  
5 state?

6 A In this matter, no.

7 Q No, in the state. Ever.

8 A No.

9 Q Okay. All right. You have spent a lot of time  
10 in the Section 106 review process. You are a  
11 consulting party. Do you remember when you  
12 became a consulting party?

13 A The first meeting was in June of 2014 so I  
14 believe that we applied somewhat prior to that  
15 date.

16 Q And I know firsthand that the answer to this  
17 question will be yes; that you've participated  
18 in meetings, phone calls. I know that much.  
19 And I assume and I gather that you have  
20 submitted information, documents, comments, in  
21 the Section 106 process as well. Is that  
22 correct?

23 A That is correct. And I did so because I am very  
24 concerned that the state of New Hampshire have

{WITNESS: MORE}

1 at its disposal in the future a much more robust  
2 inventory of historic and cultural resources.

3 Q So let me ask. You submitted information to the  
4 consulting firm called Search; is that true?

5 A I don't believe I did submit anything to them.  
6 I did meet with them, along with another  
7 Lancaster historian.

8 Q Search is the group that worked with DOE in  
9 developing Project area forms for this Project?

10 A That's correct. And we met with them very  
11 briefly up at Mount Prospect over a cup of tea.

12 Q As this was to provide input for the Project  
13 area forms?

14 A Yes, in the sense that we wanted them to have a  
15 view from Mount Prospect. They had not been up  
16 there themselves.

17 Q And that's the only time you met with Search?

18 A Other than under the auspices of the DOE, yes.

19 Q Meaning the formal calls and meetings where  
20 Search participated?

21 A Correct.

22 Q You also submitted information more recently  
23 relating to cultural landscapes, however, and  
24 that would have gone to PAL directly?

1 A PAL had forms that we had to submit our  
2 information in. And so yes, I did. That was  
3 done in February of 2017.

4 Q You have met with PAL as well?

5 A In January of 2017, because I was unable to go  
6 to the meeting that was held here in Concord,  
7 New Hampshire, because of a snowstorm, I was  
8 asked and it was done with the knowledge of all  
9 parties, asked to come up to the PAL office in  
10 Pawtucket, Rhode Island.

11 Q And you've met only once with PAL?

12 A Correct.

13 Q And the documents that you submitted to PAL and  
14 PAL at this point was doing work on behalf of  
15 the Applicant directly in the 106 process,  
16 correct?

17 A Correct.

18 Q The information you provided to PAL, is it  
19 comparable to what you have submitted here in  
20 your Supplemental Testimony?

21 A It is similar, that's correct. However, PAL did  
22 call on two occasions and asked for more  
23 information. Clarifications, more information,  
24 regarding their cultural landscape report, and I

1 answered those questions.

2 Q In this process in this proceeding you have a  
3 very special interest in the Weeks Estate and  
4 the Weeks State Park, and is it fair to say that  
5 that is the focus of your testimony along with  
6 the broader landscape in which it sits?

7 A I'd probably reverse that and say that yes, I  
8 represented Weeks State Park because it doesn't  
9 have a representative, and our family has a very  
10 strong attachment to it, but as a historian, I'm  
11 actually far more concerned with the entire area  
12 and how to understand the landscape as a  
13 cultural phenomenon.

14 Q Okay. You talked about the APE a few minutes  
15 ago, the area of potential effects. You would  
16 agree with me that the Department of Energy and  
17 DHR have established that for this Project the  
18 APE is approximately one mile, correct?

19 A That's correct.

20 Q But you disagree with both of them in setting  
21 the APE at that distance?

22 A Yes, I do.

23 Q You actually think that a ten-mile APE is too  
24 small as well?

{WITNESS: MORE}

1 A Yes.

2 Q Do you think it should be 20 miles? It wasn't  
3 clear to me in your testimony.

4 A I think it depends upon the area, but I think in  
5 an area where you can see between 20 and 40  
6 miles, a 10-mile or even 20-mile area of visual  
7 impact or whatever you want to call it should be  
8 determined by what is going on in the area, not  
9 by a formulaic, what do I want to say,  
10 phenomenon like a one-mile APE.

11 Q So in this Project then, you would believe that  
12 a 20-mile APE which would be 20 miles on either  
13 side of the right-of-way would be appropriate at  
14 least up in the area around Mount Prospect?

15 A Yes.

16 Q Okay. Would you also agree with me that Weeks  
17 State Park, the Weeks Estate, the area around  
18 the Weeks Estate and Weeks State Park has been  
19 treated, has been discussed, has been addressed  
20 in several if not many documents that have been  
21 provided by the Applicant and by Search for this  
22 Project?

23 A Yes. That's correct.

24 Q I'd like to look at a couple of them. The first

1 one is the Applicant's first assessment form.

2 Dawn, this is Applicant's Exhibit 1. It's  
3 at APP 166664. This is what the Applicant  
4 originally prepared as part of the Application.

5 A Right.

6 Q And you've reviewed it and even mentioned it in  
7 your Supplemental Testimony, if I recall  
8 correctly.

9 I'd like to turn to page 13 of this  
10 document which is APP 16676. This is a map,  
11 Dr. More. Do you see that in front of you?

12 A I do.

13 Q This is a map of the area, and it shows the area  
14 that the Applicant's consultants were  
15 recommending as an eligible Historic District.  
16 It also shows in blue right in the center of  
17 Weeks State Park there's a small blue area which  
18 is the Weeks Estate proper, correct?

19 A I believe the correct term is the John Wingate  
20 Weeks Historic Site.

21 Q And that is the site that is already listed on  
22 the National Register?

23 A That's correct.

24 Q And that's just under three acres in size?

1 A I believe that's correct.

2 Q And what the Applicants recommended in 2015 was  
3 that the entire Weeks State Park be considered  
4 eligible, and that's what was recommended by the  
5 Applicant's consultant, correct?

6 A Yes. That's correct.

7 Q And that's the area shown in red on this map?

8 A Correct.

9 Q Okay.

10 A I could make a comment, but I'll let you ask  
11 your questions.

12 Q So the Applicants recommended that the entire  
13 park area which is about 420 acres be deemed  
14 eligible as opposed to simply the site at the  
15 very top of Mount Prospect?

16 A That is correct.

17 Q Okay. So how far is the summit of Mount  
18 Prospect from the right-of-way for this Project?

19 A The summit itself, I'm not going to be able to  
20 get the correct number.

21 Q It's outside of a mile, correct?

22 A It's outside of a mile.

23 Q That one mile line is shown in the light pink?

24 A 1.5. Well, it's disappeared.

{WITNESS: MORE}

1 Q Sorry, Dawn. Would you put that back up again?

2 A Oh, yes. There.

3 Q The right-of-way is the dark purple, and the one  
4 mile line to the left of that, to the west of  
5 that, is the one-mile APE limit, correct?

6 A Correct.

7 Q So the area that was recommended as eligible for  
8 listing on the National Register by the  
9 Applicants is mostly, not entirely, outside of  
10 the APE, correct?

11 A Yes.

12 Q Okay. Cherilyn Widell whom you know included  
13 the Weeks State Park as an adverse effect in her  
14 testimony, correct?

15 A Correct.

16 Q I'm sure you agree with that assessment, but you  
17 also believe that more structures will be  
18 visible than what the Applicants have said.

19 A That's correct.

20 Q All right. You also believe that the location  
21 where it would be more appropriate to gauge  
22 visual effect is the summit and not the east  
23 overlook as the Applicants and the Counsel for  
24 the Public's Visual Impact Assessment experts

1           have said is the better place to gauge visual  
2           impact.

3           A     That's correct.

4           Q     Is it the summit on the ground or is it the  
5           summit in the observation tower that you would  
6           say is the most suitable?

7           A     It varies.

8           Q     Okay.

9           A     Sorry to say that. The observation tower in  
10          some situations, the house in others. The  
11          second floor of the lodge and out in front and  
12          out in the hawk watch.

13          Q     If you would, and, Dawn, if you could put up  
14          Applicant's Exhibit 348. This is a new exhibit  
15          which is taken from your Petition to Intervene.  
16          It's a couple of photographs.

17                 Go to the prior page, Dawn. No. Okay. Go  
18          to the next page then. Next page, please.  
19          Okay.

20                 These are two photographs taken from your  
21          Petition to Intervene. Okay. I didn't have the  
22          number before. This is APP 84366. These were  
23          two photographs taken from the observatory at  
24          the top of Mount Prospect?

1 A Yes.

2 Q Okay. And these are the ones you included, I  
3 assume, to give some sense of what the view is  
4 towards the Project from the top of the  
5 observatory tower?

6 A Yes, these were simply to give a sense of what I  
7 was talking about.

8 Q Right. Okay. And one the one that includes the  
9 structure in the top photograph is facing east  
10 northeast?

11 A Northeast.

12 Q And the one below is facing north.

13 A No. The one below is facing southwest. I mean  
14 southeast. Sorry. That's Mount Washington.

15 Q And the Project runs to the east of Mount  
16 Prospect?

17 A Correct.

18 Q So when you speak of the 360-degree view, you're  
19 only facing it in one direction and not the  
20 other, correct?

21 A No, you're facing it to the north. So the upper  
22 view that shows north, you can see the line  
23 coming down from Cape Horn. You can see where  
24 it is, that would be the one above, Ms. Gagnon.

1           That one. And there are better pictures which I  
2           believe I've supplied.

3           Q     Right.

4           A     But there's Cape Horn just over the chimney on  
5           the left-hand side.

6           Q     Okay. But all I wanted to establish with you  
7           was that you chose these as a representative  
8           view from the summit.

9           A     I did.

10          Q     And that's what you're thinking of when you are  
11          saying that you can see now 183 structures from  
12          the summit.

13          A     "That's what I was thinking of." What do you  
14          mean by that?

15          Q     These photographs represent the area where you  
16          would see it most. Not all perhaps, but most of  
17          those 183 structures.

18          A     They represent the area in a very preliminary  
19          way. I'm not a professional photographer, and  
20          they are what they are.

21          Q     Okay. I'd like to go back to your Prefiled  
22          Testimony.

23                     It's Exhibit 1, Dawn. If you'd turn to  
24                     page 3 of that document.

1 A Are we in the fourth paragraph?

2 Q The very bottom of that page. If you could just  
3 highlight number 2 there, it goes on to the next  
4 page.

5 But at the very bottom is where you say  
6 that the more appropriate location to gauge  
7 impact is from the summit.

8 A Um-hum.

9 Q And that's where you say that there are 219  
10 towers that that be in view, and now it's 183.

11 A But if you notice, what I said was that the  
12 routes map indicate that 219 towers which I then  
13 had to revise after going over those route maps  
14 a million times. So what I was trying to say  
15 was that this is how many towers there would be  
16 visible from different locations under different  
17 conditions. Leaf on, leaf off, if you were in  
18 the hawk watch, et cetera.

19 Q Did you count the number of towers from one  
20 point to another and assume that at some point  
21 all of those would be visible?

22 A I counted what was on the route maps.

23 Q And then made an assumption that all would be  
24 visible?

1 A No. I made an assumption that all would be  
2 there based on what the route maps were  
3 suggesting. I should, you know, I think that  
4 from my perspective as somebody who studies  
5 thousand years, I am deeply aware and I must say  
6 all of us must be at the moment with wildfires  
7 up on Dilly Cliff and in California and every  
8 place else that vegetation isn't static. And so  
9 what I wanted to point out was that my putting  
10 up a new transmission line with X number of  
11 towers, whether it's 219, 183, and I also wanted  
12 to be sure to point out that there were two  
13 parallel lines in this area, not one line.

14 Q Okay. Understood. Understood.

15 A It was really more a question of calling  
16 attention to the fact that 8 seemed to me a  
17 gross understatement.

18 Q Okay. And Dawn, if you'd just go to the next  
19 page continuing that sentence.

20 You indicate that they would be clearly  
21 visible to the park's visitors and the park  
22 you're referring to was Weeks State Park at that  
23 point?

24 A Correct.

1 Q You also say at the end of that paragraph, this  
2 is on page 4 now of your Prefiled Testimony,  
3 Exhibit 4, from Mt. Washington itself. The  
4 towers and the lines would be visible to the  
5 visitors to Mt. Washington.

6 A Certain sections of it could easily be. Yes.

7 Q All right. We were talking about the Mount  
8 Prospect-Martin Meadow Pond cultural landscape  
9 that PAL has recommended. As you understand it,  
10 DHR has not reviewed that yet. DOE hasn't  
11 determined whether that is an eligible cultural  
12 landscape. But PAL has recommended that it is,  
13 correct?

14 A Yes.

15 Q Cherilyn Widell has also stated that there would  
16 be an adverse effect to that landscape for the  
17 same reason that she found that there's an  
18 adverse effect at Weeks State Park because of  
19 the potential for views of the Project from  
20 certain locations, principally the east  
21 overlook. That's your understanding?

22 A That's what it says in the Effects Table.

23 Q You recommended that there should be a much  
24 larger cultural landscape that PAL should have

1 considered. Do you still believe that today?

2 A Yes, I do.

3 Q And that's the landscape that you were  
4 describing earlier. You were referring to a map  
5 that included Mt. Washington. So I want to turn  
6 to that. This is in your Supplemental Testimony  
7 Exhibit 2.

8 A It's a horrible map. I apologize. I don't  
9 think I'd win a cartography prize.

10 Q I should have asked whether you were an expert  
11 cartographer.

12 A Well, it's pretty evident from this that I'm  
13 not.

14 Q So this is the front page of your Supplemental  
15 Testimony.

16 Dawn, if you'd go to page 10 of this  
17 document, please.

18 This is the map that you have labeled here  
19 Lancaster, colon, Israel's River Valley study  
20 area.

21 A Yes.

22 Q So one question. You're calling it a study area  
23 here but throughout your testimony you're  
24 referring to it as the Lancaster, New Hampshire,

1 and Connecticut River valley watershed cultural  
2 landscape?

3 A That's correct.

4 Q So your recommendation remains that this entire  
5 area be deemed eligible as a cultural landscape.

6 A That would be ideal.

7 Q Mt. Washington, I think you have testified, is  
8 20 miles from the Project, correct?

9 A I think that's approximate.

10 Q You included a photograph in your Supplemental  
11 Testimony for Mt. Washington as well. It's on  
12 page 12, Dawn, of this document.

13 A Not a very good one.

14 Q If you blow up the photograph. Again, that  
15 photograph taken by Dr. Rebecca More, correct?

16 A Correct.

17 Q So this is a photograph taken from the summit of  
18 Mt. Washington in 2012.

19 A Yes.

20 Q In the direction of Mount Prospect and other  
21 locations, obviously.

22 A Correct.

23 Q So this is what you're referring to when you  
24 said earlier, when we saw earlier in your

1 Original Testimony that visitors to Mt.  
2 Washington will also be able to see the Northern  
3 Pass line.

4 A Depending on the time of day, quality of light.  
5 Yes. It will exist within that viewshed.  
6 Precisely how much of it will be seen depends  
7 upon factors that none of us know the answer to.

8 Q Just one last question. In the testimony you  
9 submitted today, Exhibit 4, and, Dawn, if you  
10 could go to page 2 of Exhibit 4. The paragraph  
11 above number 4.

12 I just want to ask you about that. The  
13 very last sentence of this paragraph. Do you  
14 have it in front of you? It's on the screen,  
15 too, Dr. More.

16 A Yes. I was just looking to see in my notes. I  
17 actually marked which exhibit it was.

18 Q Do you have it?

19 A Yes. Are you looking at, yes, right, and I made  
20 a note to myself. This was done, since I didn't  
21 know until Monday that I was going to be  
22 appearing today, this was done, as you can  
23 imagine, in some degree of haste so --

24 Q Understood.

{WITNESS: MORE}

1 A -- I can tell you what they relate to. But in  
2 any event.

3 Q Okay. We'll disregard the word "ugly" in that  
4 sentence, but you do say that because Northern  
5 Pass introduces visual elements that diminish  
6 the integrity of the property's significant  
7 historic feature, I want to know, first of all,  
8 which property you're referring to there.

9 A I was referring to the historic site.

10 Q Right. Okay. So because Northern Pass will  
11 affect the integrity of the historic site at the  
12 top of Mount Prospect. Then it continues to say  
13 the Northern Pass proposal constitutes a clear  
14 adverse effect on the site, and that adverse  
15 effect on the site is to the historic site,  
16 again, at the top of Mount Prospect, and its  
17 allied cultural landscapes.

18 A Correct, which would be the other five.

19 Q So you're saying that --

20 A Or the other, right, the five.

21 Q Because there's a view of the Project from the  
22 top of Mount Prospect that it's a clear adverse  
23 effect to five cultural landscapes as well.

24 A Yes. Not -- well, let me rephrase that. That's

1 a badly written sentence.

2 Q So not quite yes, you mean.

3 A Not quite yes.

4 Q Okay. That's all I have. And you'll be given  
5 an opportunity to say more if you want to.

6 A Thank you. Badly written sentence.

7 Q That completes my questioning, Mr. Chairman.

8 PRESIDING OFFICER HONIGBERG: Members of  
9 the Subcommittee who has questions for Ms. More?  
10 Mr. Oldenburg.

11 **QUESTIONS BY MR. OLDENBURG:**

12 Q Thank you. Good evening.

13 A I'm so very sorry to keep you all here so late.

14 Q No, I just have a few questions and I will  
15 forgive me for being blunt and sort of probably  
16 cranky questions. I don't mean any disrespect  
17 by them at all. But when I was up on the fire  
18 tower, you could see a lot of things. I could  
19 see roads, I could see communities, I could see  
20 buildings. I'm sure with a pair of binoculars I  
21 might be able to pick out a McDonald's or a  
22 Dollar General or something like that.

23 So what's the difference, in your opinion  
24 of the cultural landscape, what's the difference

{WITNESS: MORE}

1           between all these other manmade items that are  
2           in the viewshed and the Northern Pass line?

3           A    That's a very good question.  I think that the  
4           simple way to answer that question would be to  
5           say that an informed viewer is going to look at  
6           a landscape.  Now, this means somebody who is  
7           interested and wants to understand what they're  
8           seeing, and they're going to be able to say  
9           there's enough of this landscape which tells me  
10          a story about the past, about what's happened  
11          here over time.  Bearing in mind that over time  
12          there are incursions into the landscape with  
13          which represent technological advances, cell  
14          phone towers, and so on and so forth.  I think  
15          that it's one of those things that is a judgment  
16          call.  Some people find that one cell tower is,  
17          the Mountain View Grand, for example, found that  
18          one cell tower was objectionable but maybe not  
19          something else.  So I think that I don't know if  
20          I've answered your question properly, but I do  
21          think it's the old beauty, to a certain extent,  
22          is in the eye of the beholder.

23          Q    And this is where I apologize and I mean no  
24          disrespect, but if today someone was going to

1 buy the top of a mountain and put an estate on  
2 it and a tower that can be seen for miles, would  
3 people object to that as an impact to the scenic  
4 view?

5 A That's a very good question. And I think in the  
6 case of, for example, Mount Prospect, there had  
7 been a hotel up there prior to that house being  
8 built. The second thing was that the builder  
9 had grown up as a farm boy in Lancaster himself,  
10 and he never saw himself as anything other than  
11 a farm boy and part of that community, and so  
12 when he built the property and when he built the  
13 road which became that's now a Scenic Byway, he  
14 made sure it was open to everybody. It was  
15 always a public, there was always public access,  
16 and he, because he believed that the people in  
17 the township were his neighbors, and in many  
18 cases they were his family.

19 One of the problems with the, even the  
20 recommendation by, the early recommendation to  
21 expand National Register status to the park is  
22 that the park doesn't represent the cultural  
23 landscape that is Mount Prospect. There were  
24 about 1500 acres, five different farms which

1           were incorporated and they were all, most of  
2           them were inhabited by relatives. And they were  
3           John Wingate Weeks' grandparents and his aunts  
4           and uncles and cousins and everybody stayed  
5           there.

6       Q     So a lot of the view has to do with not only the  
7           aesthetics but what it is and --

8       A     And he farmed. There are picture of him coming  
9           up, even when he was in Washington he came up  
10          and participated in the farming process. Ran  
11          the haying machines and everything. So for him  
12          this was home.

13      Q     Thank you very much. That's all I have.

14               PRESIDING OFFICER HONIGBERG: Anyone else  
15               on the Subcommittee have questions? Mr.  
16               Iacopino?

17               MR. IACOPINO: No.

18               PRESIDING OFFICER HONIGBERG: I don't think  
19               there's any more questions for you. But with  
20               others who aren't represented by counsel, in  
21               light of the questions you've been asked here  
22               today, do you have anything you want to add in  
23               the way of redirect, understanding that you'll  
24               have a chance at the end of the entire

{WITNESS: MORE}

1 proceeding to file something in writing.

2 A No. I primarily hope that, as I always have,  
3 that this testimony is helpful to the Committee.

4 Q All right. Thank you then. We will be done for  
5 the day now. We'll be back on Friday with  
6 another group of witnesses at 9 o'clock, the  
7 usual time.

8 (Hearing ended at 6:38 p.m.)

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**C E R T I F I C A T E**

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this transcript was produced, 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.

Dated at West Lebanon, New Hampshire, this 26th day of October, 2017.

\_\_\_\_\_  
Cynthia Foster, LCR

