

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

November 2, 2017 - 1:35 p.m. **DAY 54**
49 Donovan Street **Afternoon Session ONLY**
Concord, New Hampshire

{Electronically filed with SEC 11-14-17}

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:

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

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq. Counsel for SEC
Iryna Dore, Esq.
(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 1:35 p.m.)

PRESIDING OFFICER HONIGBERG: Mr. Walker.

You may continue.

CROSS-EXAMINATION CONTINUED

BY MR. WALKER:

Q Thank you, Mr. Chair. Good afternoon now, Ms. O'Donnell.

A Good afternoon.

Q Just going to follow up on a couple points from this morning, and then we're going to move on to cultural landscape. Are you all set?

A I am.

Q Back to the issue of the ten-mile versus the one-mile APE. Have you reviewed -- well, let me ask you this first.

Are you aware of the various communications between the Applicant and the DHR during this process of historic resource assessment?

A Probably partially aware. We have some of the materials. I would doubt that we have a complete capture.

Q Have you reviewed those materials which involve the various communications between the Project

1 and the agency?

2 A Not carefully.

3 Q Are you aware that nowhere in those
4 communications has the DHR suggested that the
5 one-mile APE is inappropriate for the SEC
6 process?

7 MR. ASLIN: I'm just going to object
8 because she just testified that she's not aware
9 of these documents so she's not going to be
10 aware of what they do or do not say.

11 MR. WALKER: I think she said she's read
12 some of them.

13 MR. ASLIN: Could you be a little more
14 specific?

15 PRESIDING OFFICER HONIGBERG: Let's get
16 come clarification there.

17 BY MR. WALKER:

18 Q You're not aware of any communication, Ms.
19 O'Donnell, by which the DHR has suggested that a
20 one-mile APE is inappropriate for use by the SEC
21 in this case?

22 A I would suggest that the study areas as defined
23 for the cultural landscape that extend beyond
24 the one mile is evidence of the fact that there

1 may be resources beyond the one-mile corridor.

2 Q That's not answering my questions, though, as
3 far as any communication by the DHR where it has
4 suggested to the Project Applicant that the use
5 of the one-mile APE for the assessment of
6 Historic Resources is inappropriate for the SEC
7 to rely on.

8 A The cultural landscape studies are a part of the
9 106 process, and I think that I was answering
10 your question.

11 Q I'm going to disagree that you're answering it,
12 but that's fine. We're going to move on.

13 You've made it clear that of the 13,000 or
14 so cites, you have not assessed those for
15 eligibility or adverse effects, and I heard you
16 say this morning, you suggested to me, that's
17 the Applicant's job. Right?

18 A The Applicant is responsible for identifying and
19 assessing the Historic Resources that are within
20 the area of potential effect.

21 Q And now where you've identified over 13,000
22 sites, are you suggesting that for purposes of
23 this Project that the Applicant needed to do a
24 site-specific analysis for eligibility and

1 effects of every one of those 13,000?

2 A No. I'm not suggesting that.

3 Q I thought I heard you say that would be the
4 Applicant job's to do that.

5 A It's the Applicant's job to inventory the
6 historic resources that are within the area of
7 potential effect and understand what those
8 effects are.

9 Q And you just disagree with the number that we
10 inventoried?

11 A I disagree with the methodology used because I
12 believe our report states pretty clearly that we
13 think that their methodology overly limited the
14 type and nature of resources from the beginning.

15 Q And you've suggested that there are a number of
16 your landscape level categories that we failed
17 or the Project failed to assess as part of its
18 inventory; is that right?

19 A What we suggested was that there were categories
20 of resources that were not included in the
21 consideration.

22 Q Right. And those are some of the broad
23 categories we discussed this morning so the
24 recreation sites, trails, public waters?

1 A Scenic roads, graveyards.

2 Q Let me ask you.

3 Dawn, if you could pull up Exhibit 113 D,
4 Applicant's Exhibit 113 D, which is a new
5 exhibit. Have you reviewed the inventory forms
6 and the list of sites that have been identified
7 on those inventory forms by the Applicant?

8 A Are we talking about the Preservation Company's
9 forms?

10 Q Yes.

11 A Yes. The 1100 pages or so?

12 Q No, actually these are the more recent inventory
13 forms, and I'm going to show you so you can take
14 a look at it.

15 These, I'll represent to you, were the
16 inventory forms prepared by the Project, and you
17 can see on the right-hand column these were
18 submitted to the DHR with the assessment of
19 eligibility for these different sites.

20 A These are dated July?

21 Q Looks like at the bottom, right. July 2017.

22 A Yes. This postdates both our Direct Testimony
23 and our Supplemental Testimony.

24 Q And you have not reviewed this?

1 A No.

2 Q And I'm going to ask you about a few sites, and
3 I realize you haven't reviewed it, but this is
4 just in followup to your comment, Ms. O'Donnell,
5 that the Applicant hasn't considered some of
6 those categories of sites that we just talked
7 about. And if you look at the very first page
8 on the inventory list. The very first two.
9 Bear Brook State Park, State Park Camp Historic
10 District, and you would consider that to be a
11 recreational site.

12 A Correct.

13 Q Fair enough? And then on the second page, Dawn,
14 if you could go, third line down.

15 Union Cemetery is on the list. The 6th one
16 down. Blair Covered Bridge. Now, the cemetery
17 or graveyard, that's one of your categories,
18 your landscape level categories, correct?

19 A Correct.

20 Q And so that is, again, that's something that the
21 Applicant has considered as part of its
22 inventory of potentially eligible historic
23 sites.

24 A I would just recall that this is dated July, and

1 it postdates both our Direct and our
2 Supplemental Testimony and our Report.

3 Q Fair enough. But seeing it now, would you agree
4 with me that some of these --

5 A There are a few resources of these types that
6 you have pointed out on the list.

7 Q All right. I won't go through --

8 A So the answer is yes. There are a few of these
9 resources on your list.

10 Q I'm not going to quibble with you with your
11 comment about few, but we can go through this
12 list, and I can point out a number of them, but
13 you would agree with me that, although you
14 haven't reviewed this, there are sites on here
15 that fit into your categories, broad landscape
16 level categories, that the Applicant indeed did
17 do, it did assess?

18 A Yes, I wouldn't actually characterize all the
19 sites that we suggested were a part of the
20 universe of historic sites to be considered as
21 broad landscape categories. Some of these sites
22 are quite small. So I think that the
23 characterization that you're offering as "broad
24 landscape" is a bit incorrect in terms of

1 defining these as landscape categories. They
2 can be quite small, they can be in villages, it
3 isn't really just big scale.

4 Q Okay. Fair enough. I understood your criticism
5 to say this morning you were suggesting that we
6 missed a lot of these categories in the
7 Project's original assessment of potentially
8 eligible historic sites. We missed some of
9 these categories. I thought that was your
10 criticism.

11 A That is what I said.

12 Q Dawn, if you could just turn to Bates 4745.

13 And again, I'm not going through this list,
14 but if you look at it, you have Percy Summer
15 Club. Coleman State Park is the third one down.
16 North Hill Cemetery, South Hill Cemetery.
17 Streeter Pond, Burns Pond; again, public waters.
18 So all of those different categories that you
19 identified, fair to say in looking at this the
20 Applicant did assess those?

21 A Provided in July after our report and perhaps in
22 response to our criticism.

23 Q And just circling back now to your original
24 Prefiled Testimony, and it's the line that I

1 pointed out earlier where you noted that because
2 of the widespread counts and acreages of
3 historic sites, the Project would have an
4 unreasonable adverse effect. And for your
5 reference it's page 2, line 16, of your Prefiled
6 Testimony.

7 I want to summarize those widespread counts
8 that we talked about today. You included in
9 that all the sites within a 10-mile area of
10 potential visual impact, not the one-mile APE
11 for historic sites used by the DHR and DOE,
12 correct?

13 A I'm just referring to the actual words you're
14 citing. It's line 16 of page 2.

15 Q Of your Prefiled Testimony. And I'll read it
16 for you.

17 "Due to the widespread counts and acreages
18 of historic sites in cultural landscapes and the
19 long-term presence of the Project, there could
20 be unreasonable adverse effects that permanently
21 and significantly diminish resource character
22 and quality."

23 And I'm just summarizing the widespread
24 counts or the 13,000 or so that we talked about

1 today. Those include all of the sites within a
2 10-mile area of potential visual impact,
3 correct?

4 A I would suggest that the paragraph before that
5 is also speaking about the pond crossings, the
6 river crossings, the national, state, local and
7 scenic road crossings, and the pervasive
8 influence of the Project. So this paragraph
9 that you're citing and excerpting from is only
10 partially related to the chart, the table, that
11 we've been talking about. It's also related to
12 our findings in relationship to the visual
13 presence of the Project.

14 Q Fair enough.

15 A And that's the paragraph directly above the
16 paragraph that you read from, and I would just
17 correct one word. You said there could be. I
18 said there would be unreasonable.

19 Q I misread it. I'm sorry. You're saying there
20 would be.

21 A Yes.

22 Q And I still, though, I want to make sure I
23 understand you, 13,000, the numbers, because
24 that is a significant number, and it's much

1 different than the number that the Applicant has
2 presented. It's about ten times what the
3 Applicant has presented, and you're basing that
4 on a 10-mile area of potential visual impact,
5 not a one-mile APE, right?

6 A I think we've clarified that. Yes.

7 Q I agree, and I'm just trying to move through
8 this. You've also got in there over 10,000
9 current use parcels, correct?

10 A And we've clarified that with the subtotals on
11 the table.

12 Q And we've also included in there your various
13 identified resources that we now know from your
14 maps, looking at your maps, that are not even
15 within the bare-earth viewshed of the Project,
16 correct?

17 A Some are in, some are not in.

18 Q And you did not do any assessment of effects.
19 So it includes all of those, even where there
20 may not be any effect by the Project?

21 A Yes.

22 Q Wouldn't you agree with me, Ms. O'Donnell, that
23 if you did even a modicum of filtering of these,
24 of these resources, that count of 13,000 would

1 be much smaller?

2 A I think any filtering that you do reduces the
3 count.

4 Q Would you agree with me that if you took out the
5 10,146 current use parcels it would be
6 significantly smaller?

7 A Sure. But that's 51 percent of the land mass.

8 Q I want to turn to cultural landscapes. And I
9 realize from your testimony yesterday that
10 you've reviewed the cultural landscape --

11 A You mean last Friday.

12 Q I'm sorry. It's blending together.

13 A Or this morning. Just kind of --

14 Q Friday.

15 A Okay. Fine. Just trying to understand.

16 Q On Friday, you testified that you've not
17 reviewed all of the cultural landscape reports
18 in detail, and I don't plan to go through them
19 in detail, but I did want to ask you a few
20 questions --

21 A The reports or the Effects Tables?

22 Q The Effects Tables. Because Attorney Aslin was
23 asking you about a few Effects Tables. And for
24 instance, there was one, the North Road/Lost

1 Nation cultural landscape. Do you recall being
2 asked about that?

3 A Yes. I do.

4 Q And Dawn, if you could pull that up, please.
5 It's Exhibit 196 B at page 83134. And on the
6 second page of that -- it starts on the first
7 page, but on the second page you have the
8 different criteria of adverse effect. And when
9 Attorney Aslin was asking you about those
10 different criteria of adverse effect, you were
11 critical as to how the Applicant responded --

12 A Yes.

13 Q -- to its evaluation, right? And I think you
14 suggested, for instance, looking at this one,
15 there is a category of adverse effect that's
16 labeled, it's smaller of the two, II, Alteration
17 of a Property. And when you were being asked
18 about that with regard to North Road and Lost
19 Nation you suggested that you would not have
20 answered "none" as was answered here because the
21 Project in this area inserts higher poles into
22 the corridor, and it intensifies the size of the
23 project through that corridor, and, therefore,
24 it's an alteration of the property. Is that

1 right?

2 A I think that is a fairly correct summary of my
3 statement.

4 Q And you're critical of these tables, but these
5 tables are just tables summarizing the effects
6 based on the federal guidance, right? I mean,
7 they're just tables. I guess my point is, did
8 you review the substantial narrative
9 photographs, the description, behind these
10 tables?

11 A Yeah, they ranged from 9 to 30-something pages.

12 Q Right. And then that narrative is summarized in
13 the table.

14 A Right.

15 Q So if indeed you look at page 5 of that same
16 Effects Table for North Road, and it's 83138 --
17 actually, I'm sorry. I think you've got the
18 wrong one up there, Dawn. I can give you a
19 Bates stamp which is 83137. There you go.

20 I'll give you a minute to look at that
21 narrative on page 5. In the second paragraph
22 there's actually quite a bit of discussion about
23 the number of poles, the number of structures
24 being increased, taller, some vegetation

1 clearing. All of that is described pretty
2 thoroughly in that paragraph, correct?

3 A That is what the text is saying, yes.

4 Q And then even turning back to the table which is
5 on page 2, 83135, V, Introduction of Visual,
6 Atmospheric or Audible Elements, there's even
7 more discussion of that summarizing the
8 different structures, the taller structures.

9 So when you testified in answering Attorney
10 Aslin the other day that somehow these tables
11 minimize the effects, I'm curious why you said
12 that when you look at what's in this table, when
13 you look at what's the narrative, it's fully
14 explained, the effects.

15 A The point that you were making was that I
16 responded to the fact that there was "none"
17 under alteration of the property, and the text
18 that you just showed with the height of the
19 poles, the number of the poles, the basic
20 details of the Project would have led me, and
21 that's what I was asked, that's the question I
22 was asked, if you were filling out this table
23 would you have answered it in this way. My
24 answer was no. I would have said there is an

1 alteration to the property. I believe I used
2 the terms, the Applicant appears to be
3 considering the corridor in a vacuum as if it
4 doesn't affect what's directly adjacent to it.

5 Q But let's leave it at this. You would agree
6 with me that much of that, what's on this table
7 or maybe not on the table is described in the
8 narrative that follows in each instance.

9 A What I'm suggesting is the description isn't all
10 carried into the table.

11 Q Fair enough.

12 A In the way that I would have done it which is
13 the question I was asked.

14 Q Do you recall when Attorney Pacik was asking you
15 questions, she's counsel for the City of
16 Concord, and she asked you if you thought there
17 were additional cultural landscapes from
18 Deerfield to Franklin and you said yes, likely.

19 A I recall that.

20 Q I believe you said yes because the original
21 capture by the Applicant did not include all of
22 the landscape level categories that you've
23 described.

24 A The categories we described. They're not all

1 landscape level.

2 Q And also because the APE used by the Applicant
3 was one mile rather than 10 miles. Right?

4 A Yes. Those are both factors.

5 Q Are you suggesting that the Applicant has failed
6 to identify any sites that are either listed or
7 eligible for the National Register when they
8 were doing their cultural landscape studies?

9 A What I would suggest is that their brief was
10 focused on the Project, that the areas that they
11 studied deeply were either within or touching
12 the one-mile APE as defined, and that the
13 studies led to a conclusion about particularly
14 those within the APE while it recommended other
15 areas for additional study. As I mentioned a
16 few minutes ago, the study areas were drawn more
17 largely, and they encompassed broader areas well
18 beyond the one-mile APE.

19 Q But let's assume --

20 A So I think the context for the question you
21 asked is actually evidenced by the findings of
22 the cultural landscape studies, that there are
23 cultural landscapes beyond the one-mile APE that
24 may actually have a visual or other indirect

1 effect from the potential Project.

2 Q Let's assume just the one-mile APE. Is it your
3 opinion that there are additional cultural
4 landscapes within a one-mile APE that the
5 Project has missed?

6 A It's possible. I'm not saying that their work
7 was completely thorough. It's interesting to me
8 that the details of the 1100 pages of the
9 Preservation Company's report have now been
10 expanded through these five cultural landscape
11 studies, four of which were pursued and the one
12 for Deerfield not carried through. So they have
13 in fact identified, I mean, that's the evidence.
14 It's not my opinion.

15 Q Have you identified any cultural --

16 A The evidence tells us that there are more things
17 out there because of the cultural landscape
18 study findings.

19 Q Have you identified any cultural --

20 A No. I haven't. I've identified lots of
21 potential sites that in our methodology -- our
22 methodology basically indicated we've read all
23 these materials, we think there are some
24 categories missing, here are the possible

1 categories that would describe the larger
2 universe of resources that may be impacted if
3 they're, you know, within view or within direct
4 impact, but most of these categories were not
5 fully vetted in the work done by the Applicant.
6 That was our methodology. We were not, we
7 didn't carry it further and assess those, we
8 didn't reduce them and vet them in various ways.

9 Q So let me turn you then to the Exhibit 443 which
10 is the August 25th, 2017, summary from DHR to
11 this Committee, to the SEC. And I believe
12 you've testified earlier that you reviewed this,
13 and this --

14 A Yeah. We have seen that before.

15 Q -- came from Dr. Boisvert, right?

16 A Yes.

17 Q And if you turn to page 2, right in the middle
18 it provides a description of the cultural
19 landscapes and how they were identified for this
20 Project. And he goes on and he explains that
21 the five broad study areas were identified based
22 on federal, state and public input as well as
23 historical research and field views. You see
24 that?

1 A I do.

2 Q And then on page 3, at the very top of it, he
3 goes on to explain that a team of qualified
4 cultural resource professionals evaluated each
5 study area to determine whether any cultural
6 landscapes exist and whether or not they meet
7 eligibility criteria for listing in the National
8 Register of Historic Places. Lastly, he
9 explains that disciplines represented include
10 history, architectural history, cultural
11 geography, ethnography, historical archeology,
12 and others versed in understanding the cultural
13 environment.

14 And seeing that summary from Dr. Boisvert
15 from the State DHR and knowing all of these
16 specialists that were involved and the expertise
17 involved, you still feel that they somehow
18 missed cultural landscapes.

19 A No. I think what I said was it's possible there
20 are still some out there that haven't been
21 identified, and I qualified that statement by
22 saying that it was clear to us in the review
23 process that DHR has not been able to complete
24 its context studies throughout the state that

1 would inform thorough inventories due to lack of
2 funding and human resources over many years. So
3 these --

4 Q But I'm asking you based on what he
5 summarized --

6 A -- so these cultural landscapes studies are kind
7 of a first step for DHR, and, yes, it is
8 possible that there are additional cultural
9 landscapes out there that have been missed
10 because the baseline information is not fully in
11 place for this area.

12 Q And you can't sit here today and point to any
13 that were missed.

14 A No. I think that the --

15 Q That's fine. That's all I'm asking.

16 A I think I also said last week that I think the
17 boundaries that have been used for the cultural
18 landscape studies are based on property
19 ownership probably with the intent to create
20 Historic Districts and that boundaries can be
21 based on geography and can be based on use and
22 that I would probably question some of the way
23 the boundaries were put forward in the four
24 cultural landscape studies that yielded the ten

1 sites within the APE.

2 Q My question was just as you sit here today you
3 cannot identify any cultural landscapes that
4 were missed. That's it. And you cannot.

5 A No specific landscapes. Thank you.

6 Q In your Supplemental Prefiled Testimony that you
7 have filed with this Committee, and so you have
8 it in front of you, it's page 8, and it's line
9 28.

10 A Mine doesn't have lines.

11 Q I'm sorry?

12 A My version doesn't have lines.

13 Q Let me just read what you said.

14 A Sure. Go right ahead.

15 Q It's line 28, and it says for the Northern Pass
16 Project, the Application of this process
17 beginning with avoidance of impact is not
18 readily apparent. And I want to get to that
19 topic now. The topic of avoidance, minimization
20 and mitigation. And you say that the process of
21 avoidance of impact is not readily apparent.
22 And I'm curious about that. Are you saying that
23 the location of approximately 60 miles
24 underground is not an avoidance, a good

1 avoidance measure?

2 A No. The work that has been done for
3 minimization has included the underground
4 portion and essentially switching trellis for
5 monopole.

6 Q Would you agree with me that 60 miles
7 underground is a good avoidance measure?

8 A I think that was logical based on the resources
9 that are within that 60-mile corridor.

10 Q And in your Supplemental Prefiled Testimony on
11 page 8 going on to 9, you say, "It is my opinion
12 that if the Applicants had begun the Project
13 with the intent of avoiding historic sites and
14 cultural landscapes valued by the people of New
15 Hampshire, there would have been a different
16 project design currently under review by the
17 Site Evaluation Committee." And you've
18 explained already earlier today that you've
19 never been involved in a linear transmission
20 Project, right?

21 A We've been involved in linear assessment
22 projects but not a transmission project.

23 Q Have you ever been engaged by a utility to help
24 them design a transmission line?

1 A No.

2 Q You've never worked with transmission line
3 engineers to consider avoidance and minimization
4 steps?

5 A Not in the way that this Project does, no.

6 Q And, obviously, you have not offered my
7 alternative design for this Project.

8 A Yeah. Not offered any alternative.

9 Q And I'm just curious. You've described for this
10 Committee that knowing that 60 percent of the
11 property in New Hampshire, approximately 60
12 percent of it is in current use and you consider
13 that all as landscape level historic site, it
14 would be difficult --

15 A I actually don't think we ever said that,
16 Jeremy. You keep conflating the definition of
17 current use with historic site. What we're
18 saying is here's the broader universe of
19 resources that should perhaps be considered.

20 Q Well, you've said that current use is --

21 A One of those categories.

22 Q Is valued by the people of New Hampshire, and,
23 therefore, included in the definition of
24 historic sites by the SEC.

1 A Go ahead. Go ahead.

2 Q So you would agree with me that it would be very
3 difficult to site a transmission line anywhere
4 in New Hampshire, knowing that if 60 percent of
5 New Hampshire is in current use, without having
6 some impact on current use parcels.

7 A Well, there's direct impact and there's indirect
8 so --

9 Q Either way. Either way. There would be some
10 impact, right? I mean, if you consider 60
11 percent of New Hampshire is in current use?

12 A Sure.

13 Q You talk about the undergrounding, but there are
14 other steps that the Project has taken to
15 minimize the impact on historic sites, and I
16 take it you've reviewed some of those in the
17 report by Preservation Company.

18 A Yes.

19 Q Right? Certainly locating it in existing
20 corridor is an effective minimization technique.
21 Would you agree?

22 A Yes.

23 Q And co-locating the line in an existing corridor
24 is not the only thing that this Project has done

1 to minimize impact, right?

2 A In my capture it's that, the undergrounding, and
3 you're going to list some other components,
4 right? Go right ahead.

5 Q There's been a modification. I mean, there's
6 been a modification of the structure locations
7 based on work between the Project, the
8 Preservation Company and the Project engineers.
9 They've worked to modify some of the locations
10 of the structures, correct?

11 A Yes.

12 Q And you're aware that they've also modified some
13 of the design heights of the structures?

14 A Some have been shortened.

15 Q And they've actually modified the pole types,
16 going from galvanized steel lattice to a
17 weathering steel monopole?

18 A Yes.

19 Q So when you say that it's not readily apparent
20 in your Prefiled Testimony, these avoidance and
21 minimization techniques, it is apparent. They
22 have taken a number of steps.

23 A In my opinion, the avoidance is limited to the
24 poles and the existing corridor, but when we're

1 talking about the height and scale of the
2 Project, this has not been altered in any
3 manner.

4 Q Let me turn to the programmatic agreement and
5 the ongoing 106 process. You were asked about
6 this by Attorney Aslin, and for the record, it's
7 Applicant's Exhibit 204. And specifically,
8 Attorney Aslin asked you about V which is the
9 resolution of adverse effects which for your
10 reference begins on page 26 of that document.

11 It looks like you have it in front of you,
12 Ms. O'Donnell?

13 A I do.

14 Q In particular, Mr. Aslin asked you about the
15 HPTP which we all now know is the Historic
16 Properties Treatment Plan.

17 A Correct.

18 Q And on page 26, letter A, it notes that that
19 treatment plan will be documented -- I'm sorry.
20 The treatment plan will document the plan for
21 resolution of any adverse effects if such are
22 determined during the 106 process. Is that
23 right?

24 A That's what it says.

1 Q And then on the next page, Section C of that
2 document which is page 27, it provides that the
3 HPTP will also include such things as monitoring
4 plan, unanticipated discoveries; you see all
5 that, correct?

6 A That is correct.

7 Q And when Attorney Aslin was asking you about
8 this, he mentioned that Ms. Widell expressed her
9 confidence that resolution of adverse effects
10 would be sufficiently addressed in this
11 agreement, and you disagreed. Do you recall
12 that?

13 A I did.

14 Q And you said that it's not an appropriate way
15 for the Site Evaluation Committee to deal with
16 resolution of adverse effects. Do you recall
17 that?

18 A Yeah.

19 Q And I think you described it, you said the
20 Programmatic Agreement, it's largely a
21 consultative process, and it sets forth a
22 framework.

23 A That's my understanding.

24 Q And you also said it's very high risk. Those

1 were your words. You said it's very high risk
2 because it leaves to the Applicant to carry out
3 these measures. It leaves it to the Applicant
4 to do that. Right?

5 A Yes.

6 Q Is it your position that the Programmatic
7 Agreement doesn't provide for oversight over the
8 Applicant?

9 A No, it has items of oversight.

10 Q And I think you even said that the Programmatic
11 Agreement, it's not a good mitigator once you've
12 gone to construction. Do you recall that?

13 A Yes.

14 Q All right. So let me ask you, and I know you
15 have not reviewed any of the prior dockets in
16 this SEC, decisions from the SEC, and you
17 haven't reviewed how the SEC has utilized or
18 relied on the 106 process. But I'm going to
19 bring up what's been marked as Exhibit 218 which
20 is a decision issued in the Groton Wind Project.
21 Are you familiar with the Groton Wind Project
22 here in New Hampshire?

23 A I've only heard of it. I don't know the
24 details.

1 Q All right. Would it surprise you to know that
2 in the Groton Wind Project, the Site Evaluation
3 Committee, and I'm going to turn to page 23 of
4 that, please, Dawn.

5 Up at the top. I'll let you read that, Ms.
6 O'Donnell. It says, "However, review under the
7 Section 106 of the National Historic
8 Preservation Act has a direct bearing on our
9 decision whether construction and operation of
10 the facility will have an unreasonable adverse
11 effect on historic sites in the region."

12 And then I'm going to turn you to another
13 section on page 55 of that decision. In the
14 main full paragraph, the second sentence. It
15 says, "The comprehensive identification and
16 evaluation process that accompanies 106 review
17 provides assurance that any adverse effect on
18 historic sites will not be unreasonable.
19 However, certain conditions are necessary to
20 ensure that construction and ultimate operation
21 of the proposed facility does not cause an
22 unreasonable adverse impact on historic sites.
23 In previous cases it has been determined that
24 continual consultation with the DHR throughout

1 the construction and operation of a facility
2 will assure that impacts on historic sites will
3 not be unreasonably adverse."

4 So having seen that, Ms. O'Donnell, you are
5 aware that this Committee has relied on the 106
6 process when it's issuing its decisions and
7 making decisions as to whether there will be an
8 unreasonable adverse effect on historic sites.

9 A For this particular wind project, there may have
10 been a comprehensive identification and
11 evaluation of historic sites. I think our main
12 argument which we've expressed through the
13 methods we've used in the reporting and
14 testimony that we've presented is that we feel
15 that the inventory is not comprehensive for this
16 Project.

17 Q I understand, but I'm talking particularly about
18 the Programmatic --

19 A So we see that there's a reliance for this
20 project, but each project is unique.

21 Q We talked about the ongoing correspondence
22 between the Applicant and the DHR with regard to
23 historic resource assessment for this Project.
24 Have you reviewed the various monthly reports

1 that are submitted to the DHR or the summaries
2 of the quarterly meetings?

3 A I have seen occasional ones of those. Review of
4 those is not specifically called out in our
5 scope of work for the Counsel on the Public.

6 Q But you're aware of the DHR's ongoing and
7 integral role in this process?

8 A Particularly in the cultural landscape studies I
9 would say we're aware of.

10 Q Does that give you some comfort with the DHR's
11 ongoing involvement in this process?

12 A I would suggest that the capture that the DHR
13 has been able to do over the years of its
14 historic sites and the listings both at the
15 state and national level are not comprehensive.

16 Q Let me ask you about --

17 A Because of the --

18 (Court reporter interruption)

19 Q I want to turn you to the DHR's summary, the
20 August 2017 summary that we've been talking
21 about, and you have that, I think, in front of
22 you. It's Exhibit 443.

23 A I don't know that I have that August --

24 Q It's up on the screen just so you see that.

1 A Okay. Yes.

2 Q I'm going to actually, and this is
3 Dr. Boisvert's summary, and it's presented to
4 the SEC, and I'm going to turn to the very last
5 page because it addresses this particular issue
6 which is the 106 mitigation measures and SEC
7 Certificate conditions.

8 And in that last section, the very first
9 sentence says, "The DHR anticipates that
10 conditions regarding historic properties will be
11 needed if a certificate is granted for this
12 project based on our experience with other Site
13 Evaluation Committee reviews."

14 And then in the second paragraph he notes
15 that if an adverse effect finding is determined
16 through the 106 review, the DHR will consult
17 with the participating agencies, the Applicant,
18 and other consulting parties to determine
19 appropriate measures to avoid, minimize, or
20 mitigate the adverse effects. Among the DHR's
21 goals for this consultation are to determine
22 measures that are meaningful, responsive to
23 local concerns and preservation objectives and
24 insure the knowledge ongoing stewardship of

1 resources during operations.

2 And then the lastly, that paragraph, I just
3 want to read it. "If the SEC approves this
4 Project's Application for certificate, the DHR
5 would appreciate the opportunity to continue
6 working with the SEC to specify certificate
7 conditions that will appropriately avoid,
8 minimize and mitigate adverse effects and to
9 closely monitor their compliance."

10 So assuming these conditions, I assume that
11 the Site Evaluation Committee, would you agree,
12 can take some comfort in that the 106 process,
13 the Programmatic Agreement, and the DHR's
14 continued involvement, there will be some
15 assurance that there will be an adequate
16 resolution of adverse effects, if any are indeed
17 found. Would you agree?

18 A I will not be drawn into agreeing with that
19 statement. Thank you.

20 Q You disagree.

21 A I do.

22 Q So based on what Dr. Boisvert, who we've talked
23 about is our Deputy SHPO, has outlined here, you
24 don't take comfort in the DHR's ongoing --

1 A I do not because the number of adverse effects
2 that the Applicant has put forward is so small
3 along this corridor that it's minute in terms of
4 what kinds of mitigations or avoidances may be
5 needed.

6 Q And when you talk about the adverse effects that
7 the Applicants put forth, you're aware from this
8 that the DHR will be assessing those Effects
9 Tables.

10 A They haven't finished -- there's no review as
11 yet of the cultural landscapes studies. I'm
12 aware of that.

13 Q But you don't take comfort in ultimately their
14 review and assessment of the Applicant's Effects
15 Tables.

16 A I think their history indicates that they're not
17 going to indicate that there's a lot more
18 adverse effects. It's possible, certainly. But
19 I think that the minimization process that the
20 Applicant has gone through leaves us with very
21 few judgments of adverse effect which we narrow
22 all the avoidance and mitigation processes to.

23 Q As you sit here in your assessment of this, you
24 cannot point to one particular adverse effect

1 that we missed.

2 A No. There are quite a few. I think the Weeks
3 Estate, I think the Rocks Estate, I think the
4 Pemigewasset Valley, I think the Suncook
5 Valley.

6 Q Well, wait a minute.

7 A There are many of these that are going to have
8 more effects than have been defined by the
9 Applicant to date --

10 Q I thought you testified --

11 A == as adverse.

12 Q I thought you testified earlier that you have
13 not gone through the process of identifying and
14 assessing adverse effects?

15 A You asked my opinion.

16 Q No, I understand. But you have not gone through
17 that process of assessing adverse effects.
18 That's what you've explained.

19 A But I've given an opinion of unreasonable
20 adverse effects in my testimony based on the
21 size, scale and corridor.

22 Q And I won't keep arguing with you, Ms.
23 O'Donnell, but on individual sites, you have
24 not -- you have just named a bunch of individual

1 sites. You have not gone through the process of
2 assessing adverse effects under the guidance
3 from the C.F.R. You have not done that.

4 A No, we haven't. We've reviewed the Applicant's
5 work.

6 Q Okay.

7 A And we find it lacking.

8 Q If I can have a minute, Mr. Chair.

9 Ms. O'Donnell, no further questions. Thank
10 you.

11 A Thank you, Mr. Walker.

12 PRESIDING OFFICER HONIGBERG: All right.
13 Do members of the Subcommittee have questions?
14 Mr. Oldenburg. You have questions?

15 **QUESTIONS BY MR. OLDENBURG:**

16 Q I do, but my head is still spinning from all
17 that.

18 A Take a breath.

19 Q So I will apologize because a lot of my
20 questions were answered, and as I go through, I
21 will try to cull them out so I don't ask them
22 again.

23 A That's okay. Look at your list. Not a problem.

24 Q So earlier this morning Ms. Saffo asked you

1 about stone walls and showed a lot of pictures.
2 Historically, aren't stone, weren't stone walls
3 typically created at property lines?

4 A They were often done actually more sort of
5 convenience of the landowner. They didn't
6 always hit a property line. They may have been
7 the edge of a field that was being cleared. You
8 know. It isn't always a property line.

9 Q Okay.

10 A Especially because the antique survey and the
11 contemporary survey don't always match.

12 Q Right. That was going to be one of my
13 questions. I mean, knowing a little bit about,
14 so you saw, so point of reference. I work for
15 the DOT. One of the documents that was up was a
16 DOT stone wall policy.

17 A Right. 2017.

18 Q When we redo roads, we hit stone walls, and so
19 if they're historic, we rebuild them. And I
20 know a lot of times when we do a survey of a
21 property, if we don't have historic reference, a
22 lot, exactly where that line is, a lot of the
23 historic surveys will use that stone wall as a
24 property line if it looks reasonable.

1 A Correct.

2 Q So my question was, if it appears to be the
3 right-of-way line along the road, and the
4 Applicant isn't planning on going outside the
5 right-of-way, is it safe to say that it wouldn't
6 be impacted?

7 A Well, the rights-of-way I think for most roads
8 may have varied over time, and I know that in
9 the North Country, in particular, the road width
10 and the road right-of-way don't coincide.

11 Q Correct.

12 A And that the right-of-ways vary from I think 42
13 and a half to 66 and a half, something feet. So
14 it's a little complicated. The issue, I think,
15 is, I mean, as you would know, it's the
16 excavation and the disturbance that's related to
17 that.

18 Q I won't go into the survey because that's a
19 whole other bone of contention if you had been
20 here earlier.

21 A Somebody else can talk surveys.

22 Q So in your Prefiled Testimony on page 2, you
23 listed a lot of what you classified as visual
24 influence that would occur after construction

1 known as the list. Two ponds, eight designated
2 river crossings and that, does that include
3 existing, the existing line crossings or are
4 those new?

5 A This is just what we were able to map showing
6 the current line, and there are some variations
7 from the current right-of-way in this particular
8 case in some areas. We didn't give reference to
9 the existing line. We just were looking at the
10 new corridor.

11 Q So if there were, if the existing corridor had
12 two lines crossing a road, and the Northern Pass
13 is a third line crossing the same location, you
14 included that as one or --

15 A Just the one crossing.

16 Q Just the one crossing. So these do already
17 account for existing crossings.

18 A Probably. Probably. It appeared to us that
19 there were more river and stream and pond and
20 certainly scenic road crossings than we were
21 aware of when we were in the field.

22 Q One of the other things that you talked about,
23 you made mention about that the Project was in
24 conflict with orderly development of the region

1 based upon a review of host town planning and
2 zoning documents. When you reviewed the
3 planning and zoning documents, what did you look
4 for to come to that conclusion?

5 A What we did was we looked particularly on line.
6 Many towns have their key documents on line.
7 Some towns have master plans, some towns have
8 planning and zoning ordinances, some have other
9 rule or policy-type statements and what we were
10 looking for was the words history, historic,
11 preservation, stewardship. We often use the
12 term character so we looked for the word
13 character. Many of the towns, if I recall
14 correctly, indicated things like defining
15 themselves. We're a small settlement, closely
16 connected to our surrounding landscape which we
17 value and steward. So we were looking for those
18 kinds of statements and very specific statements
19 about historic resources and their value to the
20 community. I believe it's in the introduction
21 to Chapter 4 in our report.

22 Q Okay.

23 A Which would be page 38, the first bullet point,
24 we cite relevant town planning or zoning

1 excerpts from 28 of these 35 towns addressing
2 values and intent to preserve and protect
3 historic, scenic and natural resources and
4 cultural landscapes of their community.

5 Q Okay.

6 A So we're looking for those kind of content-laden
7 statements that indicated local value. Some
8 towns didn't have their documents on line, and
9 they weren't readily accessible.

10 Q So it wasn't that you were looking for something
11 in these plans that said we don't like energy
12 facilities or we don't want --

13 A No. Not at all.

14 Q Sort of the opposite. You're using --

15 A Value-laden statements that are directing their
16 approach to preservation, stewardship,
17 development of their own community.

18 Q Thank you. Because I've started looking at some
19 of the reports anticipating some of the next
20 testimony that's coming up, and I'm trying to
21 look for that type of information, and I'm
22 seeing exactly what you said, and I'm not
23 relating the two together so that's helpful.
24 Thank you.

1 When you developed -- so a lot of the
2 mapping, a lot of the information meetings, you
3 mentioned you did in concert with T.J. Boyle.

4 A Correct.

5 Q So did you use like their mapping, the mapping
6 that they had for like the bare-earth mapping
7 and that and their list of resources as well?

8 A No. We indicate that we used their bare-earth
9 layer, but our resource list that we downloaded
10 and received from varying sources, principally
11 the New Hampshire GRANIT GIS database. These
12 are done in ESRI ARC GIS.

13 Q So the Section 106 process, and there's a long
14 discussion just now about that. One of the
15 statements that's in your Prefiled Testimony and
16 it's under the future compliance, and you say
17 that the Section 106 process is not set up to
18 make a permitting decision based on effects to
19 historic sites and is instead designed to
20 provide compensatory mitigation for such
21 effects.

22 I thought the whole 106 process was
23 specifically set up to avoid, minimize and
24 mitigate against historic sites.

1 A Can you tell me the page you're on?

2 Q It's on page 5 of 7, starts at line 19 which is
3 about three quarters of the way down the page.
4 They're not numbered.

5 A Let me find it. Believe it or not, the one in
6 my binder is up to page 4 and is missing page 5.
7 But let me check. So your question was the
8 purpose of 106?

9 Q Yes.

10 A Yeah, I mean, I think the purpose of 106 is to
11 find the right project and avoid and mitigate,
12 but when you're down to construction, the
13 mitigation is often not physical. In my
14 experience with 106, it relates to public
15 education, it relates to interpretation, it
16 relates to nonphysical means of mitigating.

17 Q So is that, when you say compensatory
18 mitigation, is that --

19 A Correct.

20 Q That's what you mean.

21 A Yeah. That it's offsetting an impact by
22 offering educational resources, by offering
23 documentation. The Section 106 has a companion
24 Section 110. I believe it's 110 B that, and

1 then there's a further Memorandum of
2 Understanding on 110 B that's about documenting.

3 So documentation often is often a
4 mitigating tool and for some projects we've done
5 Section 110 documentation at the level of the
6 Historic American Building Survey, the Historic
7 American Landscape Survey or the Historic
8 American Engineering Record. So, again, it's a
9 nonphysical mitigating step.

10 Q Okay. So you don't include some of the
11 mitigation efforts that they've made with change
12 in the heights and the --

13 A I think those are real mitigation efforts. I
14 think that overall, though, they haven't really
15 changed the pervasiveness of the corridor. That
16 it's going to be above the tree lines. That in
17 a valley and mountain landscape it's going to be
18 seen everywhere frequently.

19 Q So in the area where there's an existing
20 corridor, with existing lines in it, we've heard
21 testimony before that these lines have been
22 there for 50 or 75 years. And say you have a
23 historic house, say I own a historic house
24 that's 200 years old, and the previous owner had

1 granted or sold that easement for the existing
2 transmission line. Wasn't the historic impact
3 done to that property at the original sale of
4 that easement when the original line was
5 constructed?

6 A The first impact. Yes.

7 Q So this is a second impact?

8 A It is.

9 Q Okay. And your reasoning is because it's bigger
10 and more.

11 A Yes.

12 Q Even though it's the same use.

13 A Well, a house or a barn might be 30 or 40 feet
14 tall and the current lines might be 75 or 80.
15 When you go to 110 to 130, even the old oak tree
16 isn't going to top that. So it's a scale
17 relationship.

18 Q Because I'm trying to get an understanding. So
19 if I own that same 200-year-old historic house,
20 and I put vinyl siding on it, it takes some of
21 that "historic-ness," I guess you'd say of --

22 A Oh, yeah.

23 Q -- the property away, correct?

24 A In preservation, they say integrity is

1 diminished with that, but it's also reversible.

2 Q But then say 15 years later I put all new vinyl
3 windows in. Have I really impacted the historic
4 nature of the house or was that done the first
5 time?

6 A You're speculating. You're speculating.

7 Q I'm trying to relate the two.

8 A I think that in the Preservation Company's work
9 they did a very good job on architecture. What
10 they didn't do such a good job on was everything
11 else. So I think that the architecture was very
12 well handled, and they did look at integrity of
13 historic architecture quite thoroughly along the
14 corridor. Interestingly, went from nearly 1200
15 to 194 to a dozen impacts so it's the same
16 reductionist that I was just speaking to. It's
17 constantly reducing the universe of resources
18 that are adversely impacted to indicate that
19 overall the line has no unreasonably adverse
20 impact because there are only these dozen things
21 that we're worrying about. I think that's a
22 real walnut shell game that is a real flaw in
23 the process here.

24 Q Okay. The cultural landscapes, so this is

1 interesting because this was, I never dealt with
2 that before so I was interested in the previous
3 discussions we've had. And I get the sense that
4 in your report you used a definition of cultural
5 landscapes, and then you mention the National
6 Park Service has a definition, and then if you
7 go into, I don't know if it's the P A L or PAL
8 or however you --

9 A PAL is fine.

10 Q PAL is fine. In their methodology, they say
11 they referenced a New Hampshire DHR guidance
12 which then listed a series of different
13 publications to use in determining the cultural
14 landscape. So is it easy to determine what a
15 cultural landscape is?

16 A It's not that hard. At the root I think that
17 the PAL work used NPS 28 which is the Cultural
18 Resource Management guidance from the National
19 Park Service, and that's pretty close wording to
20 the National Register guidance, but I think the
21 conceptual capture of cultural landscape is
22 maybe best stated in the World Heritage guidance
23 in 1992 so it's been around a while. '92. That
24 basically says the combined works of humanity

1 and nature. Pretty simple.

2 Q So did you agree with the PAL?

3 A I think the PAL reports are quite well done.

4 I'm a little mystified by the way they drew the
5 boundaries.

6 Q So that was going to be one of my questions.

7 You had mentioned about drawing the boundaries
8 based upon property lines. So given the
9 boundaries, there's going to be certain parts of
10 that landscape that might have a view, but it's
11 not going to affect the cultural landscape. The
12 Project wouldn't affect or impact a cultural
13 landscape. Is that true? I mean, if you had a
14 200-acre parcel and the farm in the one corner
15 is the contributing component, then what happens
16 on the rest of the land?

17 A Let me suggest that the whole farm is important.
18 It's not just the farmhouse.

19 Q Okay.

20 A In a cultural landscape, one of the limitations
21 of the Applicant's work is to indicate that they
22 used judgment of impact from historically
23 important views. A term which they failed to
24 clearly define, but it appeared that they were

1 using the views from the principal facades of
2 buildings.

3 What I would suggest to you is that if you
4 live on a historic farm or you traverse to work
5 back and forth along a corridor that views that
6 historic farm, it's the whole property that
7 you're experiencing. You're not standing at the
8 front door and looking out. You're driving down
9 the street, you're walking in your field, you're
10 walking along the road and seeing what's beside
11 you.

12 So one of the limitations of the
13 Applicant's work is this overfocus on
14 structures, and the assessment of Effects Tables
15 are a reductionist approach to the actual PAL
16 studies. So the PAL studies define an area of
17 the Ammonoosuc River Valley or an area of the
18 Suncook or an area in the Great North Woods, and
19 then the Effects Tables reduce it and say well,
20 it's not going to be important here because you
21 can only see this from this one or two
22 locations.

23 That's, I think, an incorrect expression of
24 what a landscape experience is. It's our daily

1 lives. It's moving through space.

2 Q Because I saw the same jagged outline I think
3 you had a discussion with Ms. Percy about, the
4 jagged outline so you could be in one and not be
5 in the --

6 A In and out.

7 Q -- in the boundary, but the boundary then moves
8 200 feet further and, you know --

9 A Correct.

10 Q It seems odd just the way the boundary was
11 shown.

12 A Yes. Normally, a cultural landscape boundary is
13 drawn based on geography and use, not on
14 property lines.

15 Q Okay.

16 A So unless, of course, you're constrained to the
17 property which in some projects or in some
18 studies you are.

19 Q I knew I had a question here, and I couldn't
20 find it.

21 There was a whole discussion in the
22 underground section about what the APE is is 20
23 feet off the edge of pavement, and we had a
24 whole discussion about how that APE was

1 developed when Ms. Widell was --

2 A Her Day 40 testimony and Day 41, I think.

3 Either one of those speaks to that.

4 Q So it was basically determined that the
5 Department of Energy actually sets the APE and
6 set the APE at 20 feet, and I think in your
7 Direct Testimony when Counsel for the Public was
8 up, you had mentioned that the Applicant didn't
9 go far enough, if I remember right, and should
10 have gone further than the 20 feet. Is it the
11 Applicant's responsibility to say no, I think
12 you're wrong, Department of Energy. I need to
13 go further?

14 A Well, I think that what we were saying was the
15 inventory missed things that were quite close to
16 the 20-foot boundary, and that historic house at
17 22 or a stone wall at 25 was potentially going
18 to be impacted. We also I think had a
19 discussion on Friday about vibration and other
20 guidance on vibration around historic structures
21 that gave 150 feet or 500 feet as the monitoring
22 limit whereas this Project is saying there's a
23 20-foot impact. So we think that there's a
24 monitoring issue as well as perhaps a just

1 beyond the 20 feet, what's the inventory issue.

2 Q All right. Okay. So there was a couple of
3 references that you made. One was to judging
4 the integrity of historic sites, and I think
5 there was another one. And we had discussions
6 about the whole, the 50-year rule versus
7 guidance and how the SEC rules are sort of
8 silent on that, and I mean, some of this is, you
9 know, like integrity. You list there's federal
10 guidance on what integrity is.

11 A Correct.

12 Q And like the 50-year whatever you want to call
13 it, rule or guidance is sort of a rule of thumb
14 or standard practice.

15 A Um-hum.

16 Q So just my thought is is not knowing how the
17 rules were made for this or who made them but
18 doesn't it seem redundant or dangerous for us to
19 make a, redefine what a definition is if it
20 already exists somewhere else?

21 A No. I would say reference to best practices is
22 perfectly fine.

23 Q Being silent on it, doesn't that sort of imply
24 that you're using that standard practice?

1 A It does. It does imply that. That the SEC
2 would use the standard practices.

3 Q All right.

4 One of the documents, and this is sort of
5 an oddity that I don't understand is historic
6 graveyards in a ten-mile APE. How is a
7 graveyard impacted by the view of a transmission
8 line?

9 A Well, I think when we talked about that, let me
10 find it. I think it's in Chapter 2 of our
11 report.

12 What we said is because this is on page 22,
13 the top of the page, Heritage Landscapes report,
14 what we said was historic graveyards with their
15 purpose as final resting places for relatives
16 and community members makes them respected
17 memorial landscapes shaped as cultural
18 landscapes. Graveyard locations are selected as
19 places of honor and memory and as such are
20 valued by the present and hopefully future
21 generations.

22 So the visual setting of a graveyard is
23 important to its ability to be a memorial place.
24 So we're suggesting that just as the front of a

1 historic farmhouse, the fields of a farmhouse,
2 could have a visual impact, a historic graveyard
3 could have a visual impact because of its
4 memorialization qualities.

5 Q I think I know the answer through previous
6 testimony, but when Dr. Chalmers was up, he
7 reviewed, he was reviewing the properties for
8 view impacts from the new transmission line, and
9 he was unable to go on many of the properties
10 because he didn't have permission to go on. Did
11 you go on to view or to review any of the
12 properties for what the view would be?

13 A We stayed on public roads.

14 Q Okay. I think that's all the questions I have.
15 Thank you very much.

16 A Could we take a short break?

17 PRESIDING OFFICER HONIGBERG: We certainly
18 can. Take 10 minutes.

19 (Recess taken 2:46 - 3:05 p.m.)

20 PRESIDING OFFICER HONIGBERG: Ms.
21 Weathersby?

22 **QUESTIONS BY MS. WEATHERSBY:**

23 Q Good afternoon, Ms. O'Donnell. Just a couple of
24 quick questions. I'm following up on something

1 you were talking about with Mr. Oldenburg
2 concerning the vibration issue. On Friday we
3 looked at the DOT guidance document. If the SEC
4 required the Applicant to adhere to DOT's
5 guidelines concerning vibration monitoring
6 including the inventory, the whole thing
7 including the inventory recycling and all that,
8 do you believe that would be adequate to address
9 the effects of vibration on historic structures
10 and walls?

11 A I guess the question would be have you got a
12 solution when vibration actually causes damage.
13 I mean, monitoring is one thing. It's like what
14 do you do when you actually have a failure in a
15 foundation because of the vibration, what's the
16 SEC going to do.

17 Q Okay. Backing up a little bit about your
18 universe of the 13,000 odd sites. I just want
19 to be sure that I'm clear. The purpose of that
20 pool of historic sites, that was not a
21 definitive list of sites you expected the
22 Applicant to inventory but rather was used as a
23 sort of a starting point for sites that should
24 be considered for effects. Did I understand

1 that correctly?

2 A That is correct.

3 Q Okay.

4 A We defined it as a larger universe that had not
5 really been considered, and by mapping it, we
6 showed that it's everywhere.

7 Q Right.

8 A It's pervasive.

9 Q Couple questions on the 106 process. I know
10 that's still ongoing and going to be ongoing for
11 a while, but I'm wondering how, it seems to me
12 there's going to be a difference of opinion
13 between the Applicant DHR and the consulting
14 parties regarding the identification of affected
15 historic resources, and I'm wondering how that
16 gets resolved in the 106 process if there's a
17 disagreement. If you know.

18 A In my experience, it's often been on a
19 particular resource that was excluded, and then
20 the decision is made to include or there's a
21 good reason why not. I think the point that
22 we've made and we continue to make is that the
23 number of adverse impacts defined by the
24 Applicant is so small as to be laughable.

1 Q Right, but so say in the 106 process the
2 Applicant has the 6 resources that it believes
3 were affected. DHR says no, we really think the
4 number is 106. Does DHR then overrule or do
5 they need to come to some sort of agreement?
6 How does that get resolved?

7 A I think my understanding of 106 is it's a
8 consultative process, and they would have to
9 work through that answer. It wouldn't, I don't
10 think that it would normally be that one party
11 would say no, no; your 6 is really 206. That
12 those 206 would all be considered. I think
13 that's the big unknown about the 106 process.

14 Q Okay. Would the answer be the same if there was
15 disagreement in the 106 process between federal
16 and state representatives regarding the adverse
17 effects?

18 A I think it's a consultative process. I don't
19 know who gets the final voice in that
20 consultative process.

21 Q Thank you. I have nothing further.

22 PRESIDING OFFICER HONIGBERG: I don't
23 believe anyone else has any questions from the
24 Subcommittee, Ms. O'Donnell.

1 Mr. Aslin, do you have redirect for your
2 witness?

3 MR. ASLIN: I do. Thank you Mr. Chairman.

4 **REDIRECT EXAMINATION**

5 **BY MR. ASLIN:**

6 Q Ms. O'Donnell.

7 A Mr. Aslin.

8 Q Ms. Weathersby was just asking you a little bit
9 about Table 2 in your report, and I want to pull
10 that up for a second and follow up on what your
11 answer was.

12 So this is Exhibit E to your report which
13 was attached to your Supplemental Testimony; is
14 that right?

15 A Correct.

16 Q And Ms. Weathersby was just asking you about the
17 purpose of this table, and I believe you said
18 that this was to show the universe of types of
19 resources that should be considered by the
20 Applicant or by anyone in this process.

21 A Correct.

22 Q Earlier I believe you testified in response to
23 Mr. Walker's questions that this is the first
24 step in the process that you would propose; is

1 that correct?

2 A I would suggest that more comprehensive capture
3 of resources be a first step, yes.

4 Q So if you were conducting a review or an
5 assessment of impacts to historic resources for
6 this Project, and you were starting with this
7 universe, where would you go next in a process
8 sense?

9 A The guidance in historic preservation says you
10 do documentary research and field investigation
11 together or in parallel. So you would follow up
12 with understanding where these all sat within
13 the corridor and what their relationship to the
14 proposed project was.

15 Q And at the end of that process, would you agree
16 that this 13,000 or so would shrink to a smaller
17 number?

18 A Sure.

19 Q And indeed, are you claiming that all these
20 potential resources are being impacted by the
21 Project?

22 A No. I'm not claiming that.

23 Q And that's not, so this table and the 13,000 is
24 not the basis for your ultimate conclusion about

1 an unreasonable adverse impact in this Project?

2 A No.

3 Q Let's take a quick look at the conclusion
4 section to your report where you reference this
5 number.

6 A Chapter 5 somewhere?

7 Q Yes, it's page 114 of your report. Should be
8 coming up on the screen in just a minute.

9 Do you have it up there now?

10 A It's here.

11 Q Okay. So the second half of this page, there's
12 a heading about historic site consideration, and
13 in the last paragraph you reference, at this
14 point, this is before Table 2 had been updated;
15 is that correct?

16 A Yes. So the number's incorrect.

17 Q So the number here is 12,904 and I think it grew
18 to something 13,000 and something.

19 A Yeah. The math in the table was flawed.

20 Q Okay. So here you're saying that the size,
21 scale and nature of the proposed facility at 192
22 miles through or near 35 towns will adversely
23 affect many of the 12,904 enumerated historic
24 sites and cultural landscapes.

1 Now, are you saying here that all of the
2 12,000 sites that you've identified meet the
3 definition of a historic site necessarily?

4 A No.

5 Q And as I just read it, you're not saying that
6 they're all going to be impacted. I think you
7 just testified to that.

8 A No. Some larger, you know, some subset of that
9 large number.

10 Q We don't need to read through the rest of this
11 conclusion. The Committee can do that
12 themselves. But is it correct that the basis
13 for referencing this number in your conclusion
14 is not to say that there will be thousands of
15 historic resources impacted but to say that
16 there a prevalence of resources within the area
17 of this Project?

18 A Yes. A prevalence of resources within the area.

19 Q And your ultimate conclusion about unreasonable
20 adverse impacts is I believe you testified
21 earlier based on the scale of the Project and
22 the pervasiveness of the Project throughout the
23 landscape; is that correct?

24 A Yes. The pervasiveness meaning the scale and

1 episodic views of it everywhere. The perpetual
2 presence meaning the lifespan of the Project.
3 And by my estimation limited mitigation simply
4 by putting it in an existing corridor and making
5 some adjustments to poles and undergrounding it
6 through the National Forest is to me fairly
7 limited because adverse impacts happen more
8 frequently than those few mitigations. Adverse
9 impacts can happen more frequently than those
10 few mitigations account for.

11 Q Okay. Thank you. And earlier you had some
12 questions from Mr. Walker about your choice of a
13 10-mile APE or area of potential effect, and I
14 want to look at the definition, well, yes, the
15 definition of the area of potential effect that
16 is listed in the SEC rules and that's at Site
17 301.06(b).

18 A You're going to pull that one up?

19 Q Yes. It should be coming up.

20 A Okay.

21 Q Okay. Should have it soon. Do you see it on
22 the screen?

23 A It's here.

24 Q So in section subsection (b) of this part of the

1 SEC rules, it says, identification of all
2 historic sites and areas of potential
3 architecture sensitivity located within the area
4 of potential effects as defined in 36 C.F.R.
5 Section 800.16(d), and Mr. Walker was asking you
6 questions about this portion of the rules and
7 the suggestion that the rules require the SEC to
8 rely upon the APE determined by the Department
9 of Energy through the 106 process. Do you see
10 that language in this rule?

11 A No. I don't. I don't think there's language
12 that actually indicates that the SEC has to rely
13 on the area of potential effect as defined by
14 the 106 process.

15 Q It points to a specific section of the C.F.R.;
16 is that right?

17 A Correct.

18 Q So let's pull that up. It's CFP 146. Did I
19 give you the wrong number? I'm sorry. So I'm
20 both dyslexic and both have the wrong number so
21 it's CFP 417. So the site rules refer to the
22 definition of the APE in 36 C.F.R. Section
23 800.16(d). Do you see that language here?

24 A I do.

1 Q And reading that language, do you believe that
2 your choice of a 10-mile APE is consistent with
3 this definition in the federal rules?

4 A We read this language as a part of our
5 determination to use the 10-mile APE, and we do
6 believe that it gives the SEC some latitude in
7 how they think about the area of potential
8 effect based on in New Hampshire SEC rules and
9 New Hampshire law.

10 Q And specific to this Project, you chose 10 miles
11 for the APE for your review. What part of this
12 definition, I guess, are you relying on to look
13 beyond the one-mile APE?

14 A In the New Hampshire Site Evaluation Committee
15 Rules Section 301.05 effects on aesthetics.

16 Q Before you go there, I wanted to look first at
17 the C.F.R. definition itself.

18 A Okay. So the C.F.R. definition is saying area
19 of potential effects means the geographic area
20 or areas within which the undertaking may
21 directly or indirectly cause alterations in the
22 character or use of historic properties if any
23 such properties exist. The area of potential
24 effect is influenced by the scale and nature of

1 an undertaking and may be different for
2 different kinds of effects caused by the
3 undertaking.

4 So in our opinion, the scale and nature of
5 the undertaking of the proposed Northern Pass
6 Transmission corridor means that there is a
7 potential for broader effect based on the kind
8 of landscapes, townscapes, valleys,
9 mountainsides that this passes through that make
10 a wider APE logical.

11 Q Did you also rely in part on the bare ground
12 visibility analysis from T.J. Boyle?

13 A Yes. Absolutely. We looked at the nonscreened
14 bare-earth approach and found that there was
15 substantial visibility. I think it's 30,
16 Meghan, correct me if I'm wrong, 33 percent, 31
17 percent, across the entire 10 miles. It's in
18 the low 30s. So if you, I mean, you have to
19 imagine, okay, you're taking out all the
20 underground so you're talking about the north
21 and the south maybe 40, 50 percent of visible
22 across ten miles.

23 Q Thank you. So am I correct that as you
24 interpret the federal definition of the area of

1 potential effect, it is based in part on the
2 specific nature of the Project and the location
3 of the Project?

4 A Correct.

5 Q You were also asked questions by Mr. Walker
6 about some statements by Ms. Muzzey in the
7 deliberations phase, I believe, of the
8 rulemaking, and I wanted to take another look at
9 that for a moment. It's Applicant's Exhibit
10 372.

11 A This is the highlighted page that Mr. Walker
12 brought up?

13 Q Yes. You'll see it on the screen in just a
14 moment.

15 So you were asked some questions about Ms.
16 Muzzey's comments here about the difference
17 between the definition of the area of potential
18 effects for historic resources and the area of
19 potential visual effects in the aesthetics
20 portions of the rules, and I want to direct your
21 attention to the last sentence that's
22 highlighted here. Can you just read that,
23 please?

24 A This is Director Muzzey's words, and for

1 historical as currently written it's left that
2 it depends on the nature of the project as to
3 what that, dash, dash, how that is defined.

4 Q So would you agree that that's consistent with
5 the C.F.R. definition for an area of potential
6 effect that it takes into account the scope, the
7 scale and scale of the Project and its location
8 within the landscape?

9 A Correct. I would agree. Scale and scope.

10 Q And I just wanted to point out for the record
11 that this is part of the transcript from the
12 rulemaking proceeding, and it's from back in
13 August of 2015. Do you know when the rules, the
14 new rules were adopted by the Committee?

15 A I have an excerpt from them that's undated.
16 Sorry. I'm not recalling the date.

17 Q That's quite all right. Are you able to tell
18 from this document what version of the rules was
19 being reviewed by the Committee at that time?

20 A I would assume it was the 2015 version in draft.
21 It says meeting of the members to discuss the
22 proposed rules and public comments thereto.

23 Q Thank you. You were also asked by Mr. Walker
24 about a policy memorandum issued by the DHR that

1 should be appearing on the screen shortly.

2 A Right.

3 Q And do you see the title of this document?

4 A Agency Review of Applications before the New
5 Hampshire Site Evaluation Committee.

6 Q And can you read the first sentence?

7 A Policy, in order to determine whether an
8 application for the certificate before the New
9 Hampshire Site Evaluation Committee is complete,
10 the Division of Historic Resources, DHR,
11 conducts a preliminary review of the materials
12 to determine whether they contain sufficient
13 material for the DHR's purposes under Section
14 106 of the National Historic Preservation Act
15 citation.

16 Q You don't have to read the citation.

17 So based on that sentence, do you
18 understand this document to be DHR's policy on
19 how DHR reviews the completeness of applications
20 filed to the SEC?

21 A That's what this introductory sentence says.
22 It's how they judge completeness of an
23 application.

24 Q Do you have an understanding of DHR's role as

1 the State Historic Preservation Office in
2 assessing historic resources in general?

3 A Yes. State Historic Preservation Officers are
4 the front line in preservation. You have to
5 identify and perform studies and understand what
6 the historic resources are so that you're
7 prepared to work through a Section 106.

8 Q Right. Do you agree that this statement here
9 about what this policy memorandum is covering is
10 when DHR says that it's DHR's purpose is under
11 Section 106 National Historic Preservation Act,
12 DHR is talking about how it would perform its
13 duties in the Section 106 process?

14 A Correct.

15 Q Do you see anything in this policy memorandum
16 that suggests that DHR is dictating or
17 recommending to the SEC that they review
18 historic resources in a certain way?

19 A No. It's simply indicating their
20 responsibilities and their purposes.

21 Q Okay. If we could go to 59850. This is the
22 third page of this document. The top paragraph
23 is the one that Attorney Walker discussed with
24 you a bit. And specifically he was, I believe,

1 suggesting that this language should be
2 interpreted to say that DHR finds that under
3 Site 102.23 which is the definition of historic
4 sites on the SEC process that that should be
5 limited to resources that are eligible or listed
6 in the National Register which is the category
7 that's reviewed under the 106 process. Do you
8 recall that exchange?

9 A I do recall that exchange.

10 Q Would you agree that all 106 resources, Section
11 106 resources, also would meet the definition of
12 the historic site under Site 102.23?

13 A They would. But not exclusively.

14 Q And so by not exclusively, can you explain what
15 you mean?

16 A Well, 106 is attending to National Register list
17 or eligible properties. It's my reading of New
18 Hampshire Site 102 that, in fact, it encompasses
19 a broader range of resources than simply listed
20 or eligible National Register.

21 Q Okay. Thank you. You were also showed an
22 inventory form and this is Applicant's Exhibit
23 113 D, and it's APP 84737. Do you recall seeing
24 this document this afternoon?

1 A I do. This is the form that Attorney Walker
2 presented part of.

3 Q I believe you testified today that you hadn't
4 seen this document before; is that correct?

5 A No.

6 Q Are you aware that this document was actually
7 provided to the parties just this morning?

8 A No. I wasn't aware.

9 Q Mr. Walker asked you or pointed out a few
10 resources that are listed here including
11 graveyard or recreation area and I think a
12 public water body and suggested that that
13 indicated that the Applicant had reviewed the
14 various categories of resources that you pointed
15 out in your report as being lacking in their
16 review. Do you recall that?

17 A I do recall.

18 Q You see that there are 11 pages to this
19 document?

20 A Yes. Correct, 11 pages.

21 Q And the last page only has two resources listed?

22 A Yes.

23 Q Can you go back to the first page?

24 And would you accept that the first page

1 has roughly 20 resources listed?

2 A Something like that.

3 Q And if we were to flip through each page, would
4 you expect that they all have roughly 20?

5 A All full pages would have about 20. Yes.

6 Q So would that indicate that there are
7 approximately 200 resources in this inventory?

8 A Plus or minus.

9 Q When you completed your review, I believe you
10 identified a much larger number than 200 in the
11 various categories that Attorney Walker was
12 asking about; graveyards, public waters,
13 conservation areas?

14 A Right. There was about 3000.

15 Q So would you agree that while they may have
16 considered a few such resources or categories,
17 if there are only 200 in this document they
18 couldn't have reviewed the full landscape that
19 you proposed should have been reviewed?

20 A I would say yes. They have not reviewed the
21 full capture.

22 Q You see the title of this document is
23 Architecture Resources Considered as Part of the
24 Northern Pass Transmission (NPT) Project. Do

1 you have an understanding of what this document
2 is actually capturing?

3 A Not really. I mean, what I do recall is in the
4 Preservation Company's report they identified
5 something in the realm of 1200 potentially
6 eligible sites along the corridor based
7 principally on architecture, and then they
8 reduced it to 196, but I don't recall ever
9 seeing the list of 196. This could be that
10 list. And then they reduced that further to
11 under 12 that had adverse impacts.

12 Q And in fact, I'll represent that in Ms. Widell's
13 Supplemental Testimony that 12 shrank down to 6.

14 A Right.

15 Q You were asked some questions by Mr. Walker also
16 about the Programmatic Agreement. And at page
17 26, specifically about Section 5 A which we'll
18 put up in a second.

19 A Yes.

20 Q And I believe, well, this language includes a
21 statement that the plan, referring to the HPTP,
22 will essentially, I'm paraphrasing, but that the
23 HPTP will document the resolution of adverse
24 effects to historic properties; is that a fair

1 summary of what this says?

2 A In paragraph A, yes.

3 Q And I believe you testified in response to
4 Mr. Walker that the SEC should not rely on that
5 process to take care of adverse effects of
6 Historic Resources from the Project. Is that
7 correct?

8 A That is correct.

9 Q And am I correct that you also testified that
10 you feel like that's not an appropriate place to
11 rely because that 106 process does not
12 necessarily reduce the impacts to adversely
13 impacted historic resources?

14 A Direct impacts are often not reduced in a 106
15 process.

16 Q Are indirect impacts reduced?

17 A They're mitigated in other ways that are
18 indirect often.

19 Q Let's take a quick look at a document that was
20 provided this morning. It's Applicant's 113 D,
21 and it's APP 85069. As you can see just under
22 the subject line, after it says good morning, it
23 says this is our October 2017 NPT monthly
24 report. Do you understand this document to be a

1 report from the Applicant to DHR?

2 A That's what it looks like.

3 Q Okay. The last paragraph on this second page
4 here that flows into the third page is
5 addressing resolution of adverse effects. Do
6 you see that?

7 A Yes.

8 Q And states that it is the final step in the 106
9 process.

10 A Correct.

11 Q The last sentence going to the next page I'll
12 just read, it says because the Section 106
13 process has not yet reached that stage,
14 mitigation has not yet been discussed in the
15 context of the federal process. We have
16 nevertheless appreciated the opportunity to
17 discuss general ideas about mitigation with you
18 at our last two quarterly meetings, particularly
19 regarding adverse effects on aboveground
20 resources. And as Cherilyn Widell said when she
21 was questioned at the SEC hearings and as you
22 are aware the standard approaches to mitigation
23 include the development of educational materials
24 and providing funding for preservation efforts.

1 Is that the kind of mitigation under the
2 Section 106 process that you were testifying
3 about that doesn't necessarily reduce or
4 eliminate adverse impacts to the resource?

5 A Yes. The direct and indirect impacts to a
6 resource are not altered. They're compensated
7 through these means. Educational and funding
8 for historic preservation.

9 Q And in your opinion is that a fairly common type
10 of mitigation?

11 A I've seen it used before.

12 Q Thank you, Mr. Chairman. That's all I have.

13 PRESIDING OFFICER HONIGBERG: Thank you,
14 Ms. O'Donnell. I think we're going to hear from
15 Mr. Thompson next.

16 (Whereupon, **Bradley Thompson** was duly sworn by the
17 Court Reporter.)

18 **BRADLEY THOMPSON, DULY SWORN**

19 **DIRECT EXAMINATION**

20 **BY MR. BAKER:**

21 Q Good afternoon. Thank you, Mr. Chair. I have
22 two clients that are in Mr. Thompson's group. I
23 do not represent the group as counsel, but I
24 have agreed to act as spokesperson this

1 afternoon to introduce Mr. Thompson with respect
2 to the preliminaries, and I also have probably
3 30 minutes of questions for Mr. Thompson as
4 well.

5 PRESIDING OFFICER HONIGBERG: You may
6 proceed.

7 MR. BAKER: Thank you.

8 BY MR. BAKER:

9 Q Mr. Thompson, you filed Prefiled Testimony
10 before the Site Evaluation Committee in this
11 case?

12 A I did.

13 Q I am going to summarize for a second here. I
14 believe that your Prefiled Testimony is
15 contained in four exhibits marked CS 1; one
16 marked CS 1, one marked CS 14, one marked CS 15,
17 and the final one marked CS 16. Is that
18 correct?

19 A I don't have the CS numbers, but I have the
20 Prefiled Testimonies.

21 Q Okay. Now, in CS 1, the filing letter that you
22 sent to the Committee with your Prefiled
23 Testimony actually indicates that in that filing
24 there are three different statements that you

1 have submitted?

2 A Yes.

3 Q And the first being a, what you call group
4 testimony from the Abutters and Non-Abutters of
5 Pittsburg, Clarksville and Stewartstown; the
6 second being your individual personal testimony;
7 and the third being your individual testimony
8 with respect to Bear Rock Springs. Is that
9 correct?

10 A I believe so. Yes.

11 Q And then I'm going to just briefly mention the
12 title of CS 14, your Prefiled Testimony, which
13 was filed in December, approximately a month
14 later, is your testimony on the underground
15 issues.

16 A Yes.

17 Q CS 15 is your Supplemental Testimony on the
18 Transition Station 4?

19 A Do you have the date on that one?

20 Q March 26th, 2017.

21 A Correct.

22 Q And finally, CS 16 is your Supplemental
23 Testimony on what you call summary issues, also
24 dated March 26, '17?

1 A Yes.

2 Q Do you have any changes to make to that
3 testimony, and, specifically, I'll reference
4 your residence address?

5 A I do have three or four things that should be
6 pointed out, if I may.

7 One of them is my definite legal address is
8 599 Noyes Road in Stewartstown, New Hampshire.
9 Couple of documents listed it as our old Gilford
10 residence, and that's no longer in existence.

11 Page 1 of the December 30th Prefiled
12 Testimony, line 32 mentions that I graduated
13 from UNH in January of '68. In fact, it was
14 1969.

15 Page 6 of the December 30th Prefiled
16 Testimony, the last paragraph, lines 30 to 34, I
17 don't know how you do it, but I've tried to
18 understand the question I was trying to ask
19 here. I'm not sure I understand it so I'd like
20 to have that stricken.

21 MR. WALKER: No objection.

22 A If you understand it, you're better than I am.

23 And the last one is the March 26th
24 Supplemental, I believe it is, Prefiled

1 Testimony, the end of the number one point I
2 said that I would have a simulated document to
3 show to the SEC relative to what Transition
4 Station No. 4 is going to look like after it's
5 built, and I never got to do that. So that is
6 not available.

7 And the bottom, number 6 item on page 2 of
8 the March 26th, the cubic yardage should now
9 change from 30,000 cubic yards to 66 cubic yards
10 and the truck loads change also.

11 Q Is that 66 or 66,000?

12 A 66,000. And number of truck loads also changes.

13 Q Are there any other changes?

14 A No, sir.

15 Q Do you swear that the statements contained in
16 these Prefiled Testimonies that we have
17 discussed are true to the best of your
18 knowledge, information and belief?

19 A I do.

20 MR. BAKER: I would ask that they be
21 accepted.

22 PRESIDING OFFICER HONIGBERG: You may
23 proceed.

24 BY MR. BAKER:

1 Q Mr. Thompson, as an attorney representing one of
2 the members of your group who lives on one of
3 the town roads under which Northern Pass wishes
4 to build this Project, I have some questions and
5 I'm not sure that my understanding is fully
6 informed. But I'd like to start by a quick
7 review. What's on the screen in front of you is
8 a letter that was sent out on December 2nd,
9 2016, to landowners, apparently by Northern
10 Pass. Do you recognize this letter?

11 A Yes.

12 Q Can you tell the Committee how you came to see
13 this letter?

14 A I believe it came in the mail to my mailbox in
15 Stewartstown.

16 Q So it was directed to your address?

17 A Yes.

18 Q And in particular in this letter it states, does
19 it not, that during construction Northern Pass
20 anticipates temporary road closures of Bear Rock
21 Road?

22 A Yes.

23 Q That letter for the record was marked as CS 131.
24 What's now before you is Applicant's

1 Exhibit 73, and it is a small portion of an
2 enormous file that was labeled Exhibit 73. This
3 was, I believe, the Northern Pass submittal to
4 the DOT done on December 16th, 2016. And in
5 this package, a document marked Applicant's
6 41711 appeared, and it appears to be a letter to
7 the town of Clarksville anticipating the need
8 for road closures on Old County Road in
9 Clarksville. Do you see that?

10 A Yes.

11 Q And have you seen this letter before?

12 A Yes.

13 Q This is by way of preliminary to getting to a
14 question that relates to something that occurred
15 very recently in this case.

16 Again, I'm going to show you another letter
17 from that Northern Pass Application package for
18 the roads to the DOT. It's dated December 2nd,
19 2016, and it is part of the package at APP
20 41834. That's the number that's been put on it
21 by the Applicants. This is a letter to
22 Stewartstown anticipating road closures for its
23 advanced designed underground segment and the
24 road closures being on my client's road, Old

1 County Road, North Hill Road and Bear Rock Road
2 in Stewartstown. Have you seen this before?

3 A Yes. I think I saw this one but not the one for
4 Clarksville. I believe.

5 Q So you have seen one of these?

6 A Stewartstown.

7 Q And the Clarksville letter will then have to
8 stand on its own merits. It's an Applicant's
9 exhibit.

10 Are you aware of any letters being sent to
11 Stewartstown or to yourself as a landowner
12 advising that there's been any changes in what
13 you were told in these letters?

14 A No.

15 Q Now, what I've got on the screen is a transcript
16 of Day 6 of these hearings in the afternoon, and
17 it's page 103. And I believe these questions
18 are being asked by Attorney Pappas on behalf of
19 Counsel for the Public. Ms. Farrington was
20 asked to speak to the issues of the 7 and a half
21 miles of underground road in Clarksville and
22 Stewartstown, and I guess that tiny portion in
23 Pittsburg. Were you there at that hearing; do
24 you recall?

1 A I think I was, yes.

2 Q Does this accurately refresh your recollection
3 as to Ms. Farrington indicating that there would
4 be road closures on this 7 and a half mile
5 stretch?

6 A I don't distinctly remember this conversation.

7 Q Okay. Now, do you recall hearing witnesses for
8 Northern Pass speaking about the need for road
9 closures during these hearings that you have
10 attended?

11 A Yes.

12 Q Okay. And is this a good example, for instance,
13 of what you remember hearing?

14 A It would be, yes.

15 Q I'm going to page down to page 113 in this
16 transcript. Sorry this is taking so long.

17 Do you recall Ms. Farrington's testimony
18 with respect to rolling work zones and the
19 splice pits that were be going to be placed in
20 the roads?

21 A I remember conversation. I don't remember if it
22 was Ms. Farrington or one of the other
23 participants.

24 Q Let me move on then to the next transcript

1 reference. This is testimony by Mr. Scott, and
2 I know you were here because these are your
3 questions. And this is a transcript of Hearing
4 Day 8 in the afternoon. I'm on page 20, lines 8
5 through 22. Could you review that and I'll go
6 up to the top again and page down slowly so you
7 can read that.

8 Do you recall Mr. Scott, the Applicant's
9 expert, stating that there would be up to two
10 weeks or two and a half weeks, depending on how
11 you do the addition, foreclosures for each
12 splice pit that had to be installed?

13 A Yes.

14 Q How many splice pits, to your knowledge, are
15 planned for the roads in Stewartstown?

16 A I think there's 22 in all in the 7 and a half
17 miles. Two of them are in Clarksville so that
18 would leave 20 in Stewartstown. Best of my
19 recollection.

20 Q And then bringing this up more currently, I have
21 the transcript from Day 42 in the morning. This
22 is Mr. Johnson responding to questions by
23 Mr. Pappas, and I am on page 97 of this
24 transcript. Do you see where Mr. Johnson says

1 that the roads, the 7 and a half mile section
2 Old County Road North Hill and Bear Rock are
3 going to be subject to road closures? This is
4 now in September 29th, 2017. You see that?

5 A I do.

6 Q Now, were you here, I don't know if it was last
7 week or the week before, October 23rd, 24th, we
8 don't have the transcripts for that hearing, but
9 I was here and I believe you were also. Do you
10 recall hearing Mr. Needleman make a statement
11 that there would be no road closures in this
12 area?

13 A I can't honestly say I definitely remember it.
14 I remember conversations, but I don't remember
15 for sure it was Attorney Needleman.

16 Q What I have in front of you now is CS 130 which
17 is a news report from the In Depth New
18 Hampshire, and I'm going to page 3 of that
19 article. This is an article written on October
20 24th. It's been submitted as CS 130. And on
21 page 3 of this article, there's a quote which is
22 in front of you. Can you read that?

23 A The Applicant contends it will not close any of
24 those roads, Needleman said.

1 Q Okay. Well, again, I'm not sure what roads he
2 was referring to, but assume for a moment, if
3 you will, for the next question I'm going to ask
4 you that he was referring to the roads in
5 Stewartstown. Does that surprise you?

6 A It does based on a lot of other testimony that
7 I've heard down through the months.

8 Q Do you know of any evidence in this case, and I
9 know you've been following it, I can't say you
10 followed it as closely as some, but I know
11 you've been following it. I've seen you here
12 many of the days. Do you know of any evidence
13 that's been presented other than Mr. Needleman's
14 statement that these road closures that you were
15 notified about back in December won't occur?

16 A No evidence.

17 Q Assuming there are road closures in Stewartstown
18 and Clarksville, you represent this group, do
19 you know how many people would be directly
20 impacted by those road closures?

21 A Yes.

22 Q Could you tell the Committee how many you
23 believe would be impacted?

24 MR. NEEDLEMAN: Objection. At this point

1 we're just rehashing existing testimony.

2 PRESIDING OFFICER HONIGBERG: Mr. Baker?

3 MR. BAKER: Well, I think that there's a
4 major question as to what's going to happen in
5 these roads, and it seems to me that the number
6 of residents on these roads who could be
7 impacted, this would be a relevant issue for the
8 Committee, and it does relate to testimony that
9 occurred just a few weeks ago, and that is my
10 only question is how many.

11 PRESIDING OFFICER HONIGBERG: Well, I
12 appreciate the last thing you just said, but it
13 is not new. I recall questions of the
14 Applicant's Construction Panel focusing on how
15 many people live on the roads that Mr. Thompson
16 believes are closed, but if this is your only
17 question, why don't you go ahead.

18 MR. BAKER: The only question is do you
19 know how many would be impacted, and I think
20 that's where the objection came in, and I am
21 going to ask how many.

22 PRESIDING OFFICER HONIGBERG: Right.

23 A Yes. I do know the number of people that live
24 on those roads.

1 Q Could you tell us how many?

2 A I spent a morning surveying. There are three
3 major dirt roads, Old County Road, North Hill
4 Road and Bear Rock Road. Total number of
5 year-round homes that are either on those roads
6 or spurs off of those three roads is 60
7 year-round homes and 54 seasonal homes to the
8 best of my count.

9 Q Thank you.

10 MR. BAKER: I have no further questions.

11 (Discussion off the record)

12 PRESIDING OFFICER HONIGBERG: Mr. Pappas?
13 You may proceed.

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

15 **CROSS-EXAMINATION**

16 **BY MR. PAPPAS:**

17 Q Good afternoon, Mr. Thompson.

18 A Good afternoon.

19 Q As you know, I'm Tom Pappas representing Counsel
20 for the Public.

21 I want to ask you first some questions
22 about your Prefiled Testimony regarding the
23 impact on your glacial wells on your property.
24 What's on the screen now in front of you is

1 Sheet 11 from Applicant's number 201 which is
2 the August 2017 Project maps. Do you see that?

3 A I do.

4 Q I just want to orient the Committee to the
5 location of your wells. Now, this shows Bear
6 Rock Road, you see that?

7 A Yes.

8 Q And then off to the right do you see Noyes Road?
9 Do you see that coming down?

10 A Yes. I do.

11 Q Okay. And then off of Noyes Road, do you see
12 the yellow dot in the middle of the field?

13 A To the left?

14 Q Correct.

15 A Yes.

16 Q Is that your house?

17 A Yes.

18 Q Okay. And then just to get a little more
19 orientation, if you look to the right-hand side,
20 can you see where it says Transition Station and
21 then it has an arrow to a red square?

22 A Yes.

23 Q And that's Transition Station #4?

24 A Correct.

1 Q And then could you, would I be correct in saying
2 that your wells are located along Bear Rock
3 Road, down near Bear Rock Road?

4 A They're off of Noyes Road.

5 Q Off of Noyes Road?

6 A Yes.

7 Q Thank you. Okay. Approximately how far off of
8 Noyes Road are they?

9 A 250 feet maybe.

10 Q All right. And so --

11 A Give or take.

12 Q Okay. And about how far are your -- I
13 understand you have three wells; is that
14 correct?

15 A Correct.

16 Q And about how far are your three wells from
17 Transition Station #4?

18 A Approximately 1100 feet by GPS.

19 Q Okay. So would I be correct in saying that your
20 three wells run along Noyes Road, and they're
21 about 1100 feet or so from Transition Station
22 #4?

23 A Correct. The two white dots.

24 Q I see those.

1 A Represent, I think they probably represent the
2 well houses and the three wells are within 50 to
3 75 feet of them.

4 Q Okay. And those are the three dots that are
5 immediately to the left of the words that say
6 West Branch Mohawk River?

7 A Correct.

8 Q Excellent. Okay. Now, could you tell us the
9 source of the water for your three wells?

10 A The three wells are fed by veins of glacial
11 spring water that apparently come off the
12 hillsides, creating the hydrostatic pressure
13 that causes the wells to be overflowing. Each
14 of the three wells have an overflow pipe, and
15 there's water continuously pouring out of them.

16 Q Okay. And when you say hills, would I be
17 correct in saying if you look at Transition
18 Station #4, is that located on a hill?

19 A Yes.

20 Q Do you know the name of that hill?

21 A I don't believe that it has a name.

22 Q All right. And I understand from your testimony
23 there's also something called Holden Hill; is
24 that correct?

1 A Yes. That is off the top of the page to the
2 east and north. Holden Hill. Fairly
3 substantial mountain.

4 Q Okay. All right. On the screen now in front of
5 you, do you see this picture?

6 A Yes.

7 Q This is CS Exhibit 132, and it indicates you can
8 see it says on the bottom Bear Rock Road. Do
9 you see that?

10 A Yes.

11 Q Would that be Bear Rock Road that runs from left
12 to right across the picture?

13 A That's correct.

14 Q And is that Noyes Road that runs down to the
15 bottom of the picture?

16 A Correct.

17 Q And did you draw this circle that says
18 Transition Station #4?

19 A No. The gentleman that did the video that we
20 saw did it.

21 Q Okay. And is that your understanding of roughly
22 where Transition Station #4 would be located?

23 A I think the circle is probably a little small.
24 It needs to encircle down near that road you see

1 going up, Heath Road going up to the right. But
2 in general, it's very, it's very close.

3 Q All right. And would that be Holden Hill behind
4 where it says Transition Station #4?

5 A Yes.

6 Q Okay. And your wells are located behind this
7 building we see on the left-hand side?

8 A Correct. Just off his picture to the left.

9 Q Okay.

10 A At the bottom.

11 Q So on the scene now is a page from Applicant's
12 Exhibit 200 which is Sheet 22 of the Alteration
13 of Terrain Permit Application plans. Do you see
14 that?

15 A I do.

16 Q This depicts the same area. Do you recognize
17 that that we saw earlier? You can see Bear Rock
18 Road?

19 A Correct. Yes.

20 Q You can see Noyes Road. You can see that
21 building we saw in the prior picture. Do you
22 see that?

23 A Yes.

24 Q And you see the two little buildings to the

1 right of West Branch Mohawk River?

2 A Yes. I do.

3 Q And you believe those are the two well houses
4 you indicated?

5 A They are.

6 Q All right. Now, if you look closely at the
7 topography, are you familiar with the topography
8 in this area in particular, the topography for
9 Transition Station #4?

10 A I am.

11 Q Could you just tell us briefly, how steep is the
12 slope up from Noyes Road to Bear Rock Road to
13 Transition Station #4?

14 A It is very steep. The yellow and orange line
15 that you see coming along Bear Rock is the
16 direct burial, and it swings off Bear Rock Road
17 and goes up very steep up into the transition
18 station location. And the whole side hill
19 continues to be very steep up near the top, and
20 the grid lines you can see just to the left of
21 the location of Transition Station #4 back that
22 statement up.

23 Q And the Committee can read what the elevation
24 rise is, and it's roughly from about 680 or 90

{WITNESS: THOMPSON}

1 going up to about 820 if you follow that up.

2 So let me ask you some questions now about
3 your testimony about construction impact on your
4 wells. Now, there's been a lot of testimony
5 about the amount of cut and fill to come out of
6 Transition Station #4, and I don't need to
7 repeat that. We've had that. But would you
8 agree with me that out of Transition Station #4
9 there's going to be somewhere in the
10 neighborhood of 60 to 75,000 cubic yards of
11 materials that needs to come out?

12 A Yes.

13 Q Does most of that include ledge?

14 A Yes.

15 Q And I understand you were in the construction
16 industry for many years; is that right?

17 A Correct.

18 Q And you're experienced in burying conduit and
19 cables and pipe jacking and so forth?

20 A Correct.

21 Q Do you have some understanding about blasting to
22 break up ledge?

23 A I do.

24 Q If NPT has to blast the ledge in the Transition

1 Station #4 area, approximately how many pounds
2 of explosives would be necessary?

3 A I would speculate, in fact more than speculate,
4 I would say that it's in the vicinity of 120,
5 125,000 pounds of dynamite to blast 66,000 cubic
6 yards of ledge.

7 Q Okay. Now, you indicated earlier that your
8 wells are more than a thousand feet away,
9 correct?

10 A Correct.

11 Q And so at that distance, aren't they somewhat
12 protected from this blasting activity?

13 A Not in my opinion. The veins of water feeding
14 those wells come off from some hill somewhere,
15 and it could very well be Holden Hill that's
16 most logical.

17 Q Well, why do you think that your wells over a
18 thousand feet away would be impacted by this
19 blasting activity? Why do you think that the
20 blasting is going to have impact on your wells?

21 A A number of things could happen and very well
22 may happen. As I mentioned, the most critical
23 one is the loss of the veins of water where it
24 just dries up. There are contaminants that

1 occur during the blasting process. That could
2 lead to contamination of the water in the wells
3 or in the veins of wells. We have, because of
4 this, what has to be considered a major blasting
5 project, the very distinct possibility of
6 spillage of fuels, contaminants, as I mentioned
7 getting into the water. Ammonium nitrate is a
8 byproduct. That's going to be washed downhill.
9 Ammonium nitrate is a byproduct that ends up as
10 a residue on all the blasted ledge. First good
11 rain shower, that's going to wash the residue
12 off the existing rocks if they haven't been
13 hauled off, and that will end up downhill which
14 is in the direction of the wells as well as the
15 West Branch of the Mohawk River. Shaking loose
16 of silt, sand, and other byproducts that exist.
17 There's a number of things that can happen, and
18 it's all magnified by the size of this
19 blasting project.

20 Q For blasting projects, typically Best Management
21 Practices are employed, are they not?

22 A Yes.

23 Q And those involve such things like preblast
24 surveys and monitoring during blasting and some

1 post-blast assessments; is that right?

2 A Yes.

3 Q Now, in your opinion, if NPT uses the applicable
4 Best Management Practices, will that protect
5 your wells?

6 A No.

7 Q Why not?

8 MR. NEEDLEMAN: Mr. Chair. Objection. Is
9 there any reason why this wasn't included or
10 couldn't have been included in the Original
11 Testimony?

12 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

13 MR. PAPPAS: First of all, I don't think
14 the fact that a witness who is not my witness
15 didn't include something in his Direct Testimony
16 is a sustainable objection. I think during
17 cross-examination I'm entitled to inquire about
18 the subject matter of his Direct Testimony, and
19 the subject matter was his wells and his
20 concerns for danger to his wells, and that's
21 what I am asking about. And I just asked about
22 Best Management Practice and asked why that
23 wouldn't protect him, and he said no, it won't,
24 and I think he's entitled to explain that

1 question.

2 So this is simply examining what he
3 testified to in direct. Whether he covered
4 every possible topic in direct I don't think is
5 the issue. The issue is is this a topic of
6 direct, yes. Am I entitled to inquire further
7 about the topic on cross-examination, I believe
8 so I am.

9 PRESIDING OFFICER HONIGBERG: I understand
10 that you believe that, but it's not unlimited,
11 and we're not going to be expanding the scope of
12 his testimony. He submitted this Prefiled
13 Testimony. That's what he felt was important.
14 That's what you should be asking him about. I
15 confess I have forgotten the question that you
16 asked that drew the objection. Can you repeat
17 it, please?

18 MR. PAPPAS: Sure. I asked him first
19 whether or not Best Management Practices --

20 PRESIDING OFFICER HONIGBERG: I heard that
21 question.

22 MR. PAPPAS: And then I asked him why he
23 didn't believe, because he said it won't protect
24 him, and I asked him why wouldn't it protect

1 him. That was the question pending.

2 PRESIDING OFFICER HONIGBERG: Overruled.
3 You can proceed.

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

5 BY MR. PAPPAS:

6 Q So, Mr. Thompson, why don't you think Best
7 Management Practices for the blasting operation
8 will protect your wells?

9 A I believe because of the magnitude of this
10 Project just warrants that Best Management
11 Practices can certainly be exercised but with
12 the amount of exposure, the potential for a
13 total destroying of the veins of water coming
14 off the hills is there. Best Management
15 Practices will not make a difference. If
16 they're damaged, they're damaged.

17 Q Do you believe that if they're damaged they're
18 irreparably damaged? In other words, they can
19 can't be repaired?

20 A That's the whole point. Unlike an artesian well
21 where a new well can be drilled down the road a
22 few years, these veins are gone.

23 Q Okay. So in your Direct Testimony you also
24 talked a little bit about the water business

1 from these wells. So I just want to inquire a
2 little further about your Direct Testimony on
3 that issue. Now, I understand these wells
4 currently are not an operating business; is that
5 right?

6 A That's correct.

7 Q And I understand that you bought the property in
8 2007; is that correct?

9 A Correct.

10 Q When you bought the property, had the DES permit
11 for the water company expired?

12 A Yes.

13 Q Did you attempt to repermit?

14 A We started the process.

15 Q How far did you go?

16 A Contacts with DES in Concord, got the
17 Application started, reviewed some of the
18 process involved and then we did not proceed
19 from there.

20 Q Why not?

21 A Because of the potential for losing the water
22 source through the construction of Northern
23 Pass. Plus we didn't have a clearcut business
24 plan at that point. We were still working on

1 it. Trying to come up with a proper approach.
2 Just because you own the water doesn't
3 necessarily make you the guy that's going to
4 make the money. You have to, in our case we're
5 trying to develop a niche use for the water of
6 which we have been working on.

7 Q Okay. So there's been testimony in this
8 proceeding about NPT's program to compensate
9 property owners and businesses for damage caused
10 by construction. Has anybody from the Northern
11 Pass Project contacted you about this program?

12 A No.

13 Q If your wells or the water in your wells is
14 damaged by construction of Northern Pass, could
15 the NPT program compensate you for the loss?

16 A Compensate?

17 Q Yes.

18 A I guess they could try. I'm not sure where
19 you'd start. Like a mitigation process,
20 perhaps?

21 Q Well, you testified earlier that you thought if
22 the wells were damaged, it would be irreparable.
23 In other words, you couldn't drill new artesian
24 wells?

1 A That's correct.

2 Q So are you saying that if the wells are damaged
3 you wouldn't be able to operate the business?

4 A That's correct. The only approach that I can
5 think of would be to establish a lost revenue
6 long-term or -- I don't know.

7 Q Okay. Let me ask you just a few questions about
8 mitigation of Transition Station #4 because you
9 touched upon that in one of your Prefiled
10 Testimonies.

11 A Um-hum.

12 Q Something coming up on the screen in front of
13 you?

14 A Yes.

15 Q Good. What's on the screen now is CS 116 which
16 is also a Counsel for the Public exhibit as
17 well, and this shows land ownership by Renewable
18 Properties and other interests that they have in
19 the Stewartstown and Clarksville towns. Do you
20 see that?

21 A I do.

22 Q Now, if you look at this map and you look at the
23 town of Stewartstown in the middle, if you look
24 you can see where it says Bear Rock Road in

1 yellow right in the middle of the map. Do you
2 see that?

3 A I do.

4 Q And if you follow that along, can you see
5 roughly where Transition Station #4 would be
6 located?

7 A I do.

8 MR. WAY: Mr. Pappas, could you use your
9 mouse and identify? Or Sandie, could you use
10 your mouse? Thanks.

11 Q So you can see here the intersection of Bear
12 Rock Road, and I believe that's probably Heath
13 Road going up, correct? Do I have that right?

14 A Yes.

15 Q Okay. And if you follow that along, you can see
16 in this general area the dark green indicates
17 property that is owned by Renewable Properties;
18 is that right?

19 I'll represent to you if you look at, you
20 can't see it now because it's blown up but the
21 legend on this exhibit indicates that anything
22 in dark green --

23 A Yeah. I do.

24 Q -- Renewable Properties owns that.

1 A Correct.

2 Q And if it's in that green hash, the legend
3 indicates that Renewable Properties has a
4 partial interest in that property.

5 A Correct.

6 Q Okay. So, and there's also been testimony that
7 in this area that Renewable Properties owns
8 approximately 5,000 acres. Do you recall that?

9 A I do.

10 Q Okay. Mr. Thompson, what's in front of you now
11 is a page from Applicant's Exhibit 200 which is
12 Sheet 23 of the Alteration of Terrain Permit
13 Application plans. Do you see that?

14 A I do.

15 Q What's on the screen now in front of you is
16 Sheet 23 from Applicant's Exhibit 200, the
17 Alteration of Terrain permit plans. Do you see
18 on the far left-hand side Transition Station #4?

19 A I do.

20 Q And you can see Heath Road right along the
21 middle of the page.

22 A Left to right. Yes.

23 Q Okay. Now, in your Prefiled Testimony, you
24 testified that Transition Station #4 would be

1 better located a quarter of a mile away. Do you
2 recall that?

3 A I do.

4 Q Could you tell us where you were indicating?

5 A I suggested that the underground burial continue
6 up Heath Road which is right next to an under,
7 where the existing Transition Station is. The
8 road going up the page to the top is Holden Hill
9 Road. It's a deadend road about a mile and a
10 half out. Heath Road continues left to right
11 and all the way over to Diamond Pond Road.

12 My suggestion was the first tower, I guess
13 it's the first one, in the woods, in the middle
14 of the page, it could be the first one to the
15 right of Holden Hill Road. I can't read the
16 number. It was in my Prefiled Testimony. But
17 that whole area is well suited, pretty level,
18 high enough ground that it doesn't appear to
19 have a lot of wetlands area. And well hidden.
20 Well hidden from traffic on either Holden Hill
21 or Heath Road. All of that property to the
22 left, to the high side which would be to the
23 east and north of Heath Road including the
24 fields on the right are all Renewable

1 Properties' property.

2 Q So it was your suggestion that Transition
3 Station #4 be relocated to where you just
4 described.

5 A Yes.

6 Q Let me ask you a few questions on my last topic,
7 and that is on impact from work on Bear Rock
8 Road which you live off of. Earlier you were
9 asked about closures of Bear Rock Road, and I
10 want to ask you about the detour that appears in
11 the Applicant's construction drawings.

12 What's on the screen in front of you now is
13 the detour map that comes from Counsel for the
14 Public's Exhibit 177 which is the Applicant's
15 construction drawings in this area, and,
16 specifically, the Traffic Control Plans for the
17 Bear Rock Road area. Do you see on the top
18 where it says Bear Rock Road?

19 A I do.

20 Q And if you look on this map, can you see where
21 it says rolling work zone?

22 A Yes.

23 Q And if you go to the left of that you can see
24 North Hill Road; do you see that?

1 A I do.

2 Q So there's been testimony about HDD drilling
3 starting where Bear Rock Road intersects North
4 Hill Road and following along Bear Rock Road
5 more HDD drillings, and there's been testimony
6 about splice boxes also along Bear Rock Road.
7 And so what this map depicts under the
8 Applicant's Traffic Control Plan is the detour
9 if Bear Rock Road is closed and you have to go
10 around, in this instance it's just specifically
11 showing the rolling work zone. Do you see that?

12 A I do.

13 Q So according to the Applicant's Traffic Control
14 Plan, if you can't go down Bear Rock Road, you
15 have to go along the road at the top where you
16 see the road in yellow.

17 A Yes.

18 Q And then that is Route 145 and goes down into
19 Colebrook; is that correct?

20 A Correct.

21 Q And Colebrook is this little square on the
22 left-hand side on the bottom?

23 A Correct.

24 Q And then once you get into Colebrook, you then

1 come out of Colebrook on Route 26. Do you see
2 that?

3 A Yes.

4 Q And you follow Route 26 along East Colebrook
5 Road and then up to Bear Rock Road and then
6 eventually past Heath Road and back up to Bear
7 Rock Road. Do you see that?

8 A I do.

9 Q So that is the detour route that the Applicant's
10 proposing for road closures on Bear Rock Road.

11 So my question is, first of all, you're
12 familiar with these roads I just indicated?

13 A I am.

14 Q So could you tell us how long it would take to
15 drive starting, let's say, at the intersection
16 of North Hill Road and Bear Rock Road if Bear
17 Rock Road were closed and you had to use this
18 detour route to go all the way around to, let's
19 say, get to your property?

20 A I guess the best way to answer that is the
21 dotted box on the upper right corner with the
22 word "Heath Road" in the middle of it.

23 Q Yes.

24 A The fields on the left-hand margin of that box

1 are our property. It's about half a mile out to
2 Bear Rock Road by way of our driveway and Noyes
3 Road. We consider when we go to town that it's
4 equal distance of 11 miles by taking Bear Rock
5 down to 145 or going through the unmaintained
6 part, which means you can't get through in the
7 winter, of Bear Rock over into East Colebrook.
8 Bear Rock Road to East Colebrook Road to 26.

9 If you made the full loop, it's 22 miles.
10 You can't travel any of those roads at faster
11 than maybe 35 miles an hour. So do the math.
12 It's half an hour, maybe a little more.

13 Q Okay.

14 A For a full loop around. Either way, it's 20
15 minutes we consider going to town.

16 Q All right. And there's been testimony that
17 there's going to be anywhere between 5,000 and
18 7500 truck loads necessary to haul material out
19 of Transition Station #4; do you recall that?

20 A I do.

21 Q And if you're driving behind one of these dump
22 trucks on these detour route will that increase
23 the time to travel the detour route?

24 A Absolutely.

1 Q So if someone lives along Bear Rock Road or
2 North Hill Road, and they have to take this
3 detour route because of construction, do I
4 understand you to say that it's going to take
5 anywhere between 20 minutes to 30 minutes or so
6 to do this loop?

7 A It would take all of 30 minutes if you had to go
8 all the way around and maybe put 18, 19, 20
9 miles of the 22 miles on, yes.

10 Q And if you get behind construction traffic, you
11 think it will take?

12 A Even longer.

13 Q Thank you, Mr. Thompson. I have no other
14 questions.

15 PRESIDING OFFICER HONIGBERG: Ms. Pacik?

16 MS. PACIK: We're going to use the ELMO. I
17 don't see Dawn. Is it on? Excellent.

18 **CROSS-EXAMINATION**

19 **BY MS. PACIK:**

20 Q Good afternoon, Mr. Thompson. Danielle Pacik
21 from the City of Concord.

22 A Good afternoon.

23 Q Also the spokesperson for Municipal Group
24 3-South. I just have a few questions for you,

1 and I'd like to discuss the tax payments
2 predicted to be paid by Northern Pass in
3 Stewartstown which is where you own a home; is
4 that correct?

5 A Correct.

6 Q And I want to just briefly talk about how it
7 impacts your opinion of the proposed Project.
8 On October 20th, one of the Selectmen for
9 Stewartstown, Allen Coates, testified and was
10 shown by Attorney Needleman Applicant's Exhibit
11 358 which I just want to put up for one moment.
12 And what Applicant's Exhibit 358 is is a list of
13 the highest taxpayers in Stewartstown based on
14 the current assessed values. And as you'll see,
15 you are number 14. Is that correct?

16 A Correct.

17 Q And according to this document which I believe
18 is based on the 2016 tax year, or 2017, your
19 house is assessed at \$319,519; is that correct?

20 A Yes.

21 Q And according to this list of top four taxpayers
22 in Stewartstown are all public utilities, right?

23 A Correct.

24 Q Renewable Properties, Inc., is the fourth one on

1 the list and that, you understand, is a
2 subsidiary of Eversource?

3 A It is.

4 Q Okay. So in the Supplemental Testimony of Dr.
5 Shapiro which was from April 17th, and it was
6 Applicant's Exhibit 103, I just want to put that
7 up for a moment. We can ignore Concord for a
8 minute. And if we go to the bottom of it for
9 Stewartstown, and just for the record, I believe
10 this is page, it's Attachment C of Applicant's
11 103.

12 According to this document, if all of the
13 property taxes paid by Northern Pass are applied
14 to lower the tax rate, the potential savings in
15 the first year if this Project is approved and
16 constructed are potentially \$830 per \$100,000 of
17 assessed value; is that right?

18 A Looks right, yes.

19 Q And are you familiar with what the tax rate is
20 currently in Stewartstown?

21 A Yes. I believe it's a little over \$22 a
22 thousand.

23 Q Yes, I actually looked. It's \$23.88, and we can
24 just put up the DRA sheet for 2016 so you can

1 confirm, although I'm not going to mark this as
2 an exhibit. But do you see that's \$23.88?

3 A Yes. I see it.

4 Q Excellent. Okay. So I did the math and
5 according to my calculations, you pay about
6 \$7,600 on a home that's valued or assessed at
7 \$319,000?

8 A Sounds about right.

9 Q Okay. And so according to Applicant's Exhibit
10 103 which we had just shown before which I'll
11 put back up. According to that document, your
12 potential savings in Year 1 of the proposed
13 Project is about \$2600. Is that correct?

14 A Sounds right.

15 Q Okay. So and we had seen the highest taxpayers
16 in Stewartstown were actually public utilities,
17 right?

18 A Correct.

19 Q So you understand that they would also receive a
20 benefit of a lower tax rate?

21 A Yes.

22 Q Okay. Now, one question that I first have is
23 Attorney Needleman when he was asking Selectman
24 Coates about the potential tax savings for

1 individuals like you in Stewartstown, he had
2 stated that the potential savings was about 50
3 percent of the taxes, and we can just show the
4 transcript for a moment.

5 So what I'm showing on the screen is the
6 transcript from October 20th, 2017, and Attorney
7 Needleman had shown Mr. Coates a chart in
8 Applicant's Exhibit 1, Appendix 44, prepared by
9 Dr. Shapiro, and in it it stated that Eversource
10 would be paying about 45 percent of the tax base
11 in Stewartstown, and the question was on line
12 18. So that effectively means that for
13 taxpayers in Stewartstown, they could all get
14 their tax bill cut almost in half if all of the
15 money were put on to that, is that right? And
16 Mr. Coates said, if those figures are correct, I
17 guess, yes, sir.

18 But looking at what we just saw, your
19 current tax rate is, you currently pay about
20 \$7600, and your potential savings is about 2600
21 in the first year; is that right?

22 A Sound right.

23 MR. NEEDLEMAN: Mr. Chair, I'm going to
24 object at this point. All tax information could

1 have been included and should have been included
2 in Mr. Thompson's Prefiled Testimony. Even
3 though the chart that Ms. Pacik showed a few
4 minutes ago was new, this tax information was
5 all included in the original Application.

6 PRESIDING OFFICER HONIGBERG: Was tax
7 information part of Mr. Thompson's Prefiled
8 Testimony?

9 MR. NEEDLEMAN: I don't believe there's
10 anything in there about it.

11 PRESIDING OFFICER HONIGBERG: Ms. Pacik,
12 this sounds like it's beyond what he even
13 submitted as Prefiled Testimony.

14 MS. PACIK: Well, he is an individual.
15 He's a taxpayer in Stewartstown, and I think
16 it's fair to ask him about his opinion on the
17 case based on this new information that was
18 provided, and it is new information; otherwise,
19 it shouldn't have been provided in Dr. Shapiro's
20 Supplemental Testimony in terms of the specific
21 savings, and that was not previously provided.

22 MR. NEEDLEMAN: Mr. Chair, it's an
23 elaboration of existing information, and this is
24 a perfect example of aligned parties eliciting

1 new testimony from each other.

2 PRESIDING OFFICER HONIGBERG: It is.

3 Sustained.

4 MS. PACIK: Well, if I could, I do think
5 that this information is important for a full
6 and true disclosure, and I would like to at
7 least make an offer of proof for the record as
8 to what would be elicited. Thank you.

9 My offer of proof is that number one, Mr.
10 Needleman's representation in cross-examination
11 that taxpayers' tax bill would be cut in half in
12 the first year we've just demonstrated is
13 incorrect because \$2600 savings of 76 is not
14 half.

15 PRESIDING OFFICER HONIGBERG: Stick to an
16 offer of proof and not an argument based on the
17 evidence you would elicit from Mr. Thompson.
18 The objection was to a question asked of
19 Mr. Thompson. The offer of proof should be what
20 Mr. Thompson would testify to if he were allowed
21 to testify.

22 MS. PACIK: Okay. So the offer of proof is
23 if he was allowed to testify he would confirm
24 that his savings in Year 1 would not be about 50

1 percent. And also if Mr. Thompson was allowed
2 to testify, I would ask him whether or not the
3 lower tax rate has any impact on his opposition
4 of this matter and why and his response would be
5 no --

6 PRESIDING OFFICER HONIGBERG: I think we
7 all know what the answer to that question would
8 be.

9 MS. PACIK: Okay. But I think it's
10 important to ask why also. Not just what the
11 answer is.

12 PRESIDING OFFICER HONIGBERG: And that
13 would invite him to reiterate all of the
14 testimony that he's offered, correct?

15 MS. PACIK: No.

16 PRESIDING OFFICER HONIGBERG: Yes, it
17 would.

18 MS. PACIK: I think one of the purported
19 benefits is the tax savings, and it would be
20 specific to why these tax savings aren't
21 sufficient to change his opinion on this
22 particular matter.

23 PRESIDING OFFICER HONIGBERG: And that
24 would be because of all the reasons he opposes

1 the Project. The tax savings, such as they are,
2 whatever they are, aren't sufficient to overcome
3 his objections. I think that's a given. I
4 think we could all stipulate to that. And no
5 one would disagree that that's what Mr. Thompson
6 would testify, and, frankly, that's what all the
7 Intervenors who are opposed would say. So I
8 don't think that's -- that's a given. We all
9 get that. Is there anything else that you would
10 ask him about taxes?

11 MS. PACIK: No, but other than the fact
12 that I would note that he is listed as the top
13 25 highest taxpayers in the community.

14 PRESIDING OFFICER HONIGBERG: And I'm sure
15 that gives him special status at town meeting
16 every year, right, Mr. Thompson?

17 MR. THOMPSON: It really helps, yes.

18 MS. PACIK: That's all I have. Thank you.

19 PRESIDING OFFICER HONIGBERG: Ms. Menard?

20 **CROSS-EXAMINATION**

21 **BY MS. MENARD:**

22 Q Good afternoon, Mr. Thompson.

23 A Good afternoon.

24 Q Members of the Committee.

1 I have one topic for you this afternoon,
2 and that's I'd like to discuss with you the
3 Project effects on another startup business of
4 yours and your wife, Bears' Den. And looking
5 back at the transcripts, Attorney Manzelli was
6 cross-examining Mr. Chalmers and asked him if
7 there was some development that has not occurred
8 because of the prospect of the Northern Pass
9 Project, and if you turn to the next page, 56,
10 he said that it was possible. But he didn't
11 have any specific knowledge.

12 And then he was basically asked the same
13 question again but with in particular
14 development as it pertains to commercial and
15 residential development. And as you can see,
16 again, Mr. Chalmers had no evidence one way or
17 the other.

18 So given that, I would like to ask you a
19 few questions about a startup business that you
20 and your wife had that's called Bears' Den, and
21 I am aware that --

22 A Bears' Den.

23 Q Bears' Den. Thank you. And I noticed the
24 website was originally posted in 2010; is that

1 correct?

2 A Correct.

3 Q And we have just three photos to help the
4 Committee just get a sense of this business.
5 The first is labeled CS 139. This is just a
6 screenshot from the website.

7 And then the next two photos, again, for an
8 appreciation of showing the substantial
9 investment that you have in this property, CS
10 142 and CS 143. So in a few words, can you just
11 give us a description of what kind of business
12 this is?

13 MR. NEEDLEMAN: Objection. I think this
14 testimony is already in the record, and it
15 sounds like it's just asking for elaboration.

16 PRESIDING OFFICER HONIGBERG: Ms. Menard?

17 MS. MENARD: This is to set up my main
18 question, and Mr. Chalmers was very engaged in
19 some conversation about an owners' perspective
20 and the market perspective that he did stopped
21 at Lancaster and Littleton, and this property is
22 one hour north. So we have no basis for
23 understanding property value effects and
24 business value effects, and we have a business

1 owner here, and I think it is a fair topic to
2 ask some, what I'm getting into, some very
3 specific questions about business impacts now
4 that we have a little understanding of the
5 business that we're talking about.

6 PRESIDING OFFICER HONIGBERG: I'm informed
7 that it was Daryl Thompson's testimony that was
8 on this topic, although I don't have that in
9 front of me.

10 MS. MENARD: I believe that we are a
11 situation where technicality may have stepped
12 in. It is my understanding that, yes,
13 Mrs. Thompson did file testimony regarding this
14 topic but was unable to attend Technical Session
15 due to a family matter, and given the nature of
16 the business being a family business, this is
17 their home, it's an in-home business, I feel
18 that Mr. Thompson is sitting in a position to
19 answer the questions regarding this business.

20 MR. PAPPAS: Mr. Chairman, I believe that
21 this witness adopted this testimony as part of
22 the introduction.

23 PRESIDING OFFICER HONIGBERG: That's
24 helpful. Mr. Needleman?

{WITNESS: THOMPSON}

1 MR. NEEDLMAN: Notwithstanding any of that,
2 everything that Ms. Menard just described
3 relates to the report that Mr. Chalmers
4 originally filed. It wasn't new information
5 elicited from Mr. Chalmers. And so to the
6 extent that they had anything to say about this,
7 it should have been in their testimony in
8 response to the report.

9 PRESIDING OFFICER HONIGBERG: Ms. Menard, I
10 don't think we've gotten yet to what it is you
11 really want to ask him. You sort of described
12 it, but you haven't asked any of those questions
13 yet. I think you've done setup with things that
14 I understand are in the record and may have been
15 adopted by Mr. Thompson. So that's all ground
16 work. You can assume that ground work is laid.

17 MS. MENARD: Okay.

18 PRESIDING OFFICER HONIGBERG: What
19 questions would you ask him? I think Mr.
20 Needleman may object to them, but I don't really
21 know what questions you want to ask just yet.
22 You described what you think you want to get,
23 but I don't understand the questions yet. So
24 why don't you do that and we'll see what the

1 objections are. Okay?

2 MS. MENARD: So I can proceed with my
3 questions?

4 PRESIDING OFFICER HONIGBERG: Yes.

5 MS. MENARD: Thank you.

6 BY MS. MENARD:

7 Q How did the announcements of Northern Pass
8 affect your business plan for Bears' Den?

9 MR. NEEDLEMAN: Objection. Same basis.

10 MS. MENARD: The business plan in terms of
11 how it is going to affect a potential business
12 owner was not brought into this hearing until it
13 was announced in Attachment M to, I believe,
14 Mr. Quinlan's Supplemental Testimony. So the
15 fact of the matter is none of us business owners
16 had any idea of a mitigation or an offer to
17 compensate for business loss, and I would like
18 to establish by having a brief, very brief few
19 questions, to understand what they have into
20 their business and whether or not the business
21 plan would apply.

22 PRESIDING OFFICER HONIGBERG: Okay.

23 Overruled. You can proceed, understanding that
24 that's where you're going.

1 MS. MENARD: Thank you.

2 BY MS. MENARD:

3 Q How did the announcement of Northern Pass affect
4 your business plan for Bears' Den?

5 PRESIDING OFFICER HONIGBERG: Mr. Pappas,
6 before the answer?

7 MR. PAPPAS: I just, I may have misspoke
8 when I said this witness adopted this Prefiled
9 Testimony of Daryl Thompson, and I'm trying to
10 confirm that, but I may have misspoke, and he
11 may not have. You may want to ask him or the
12 questioner may want to ask him whether he adopts
13 that testimony because I don't want the record
14 to be incorrect. I thought he did, but in
15 checking with the person who presented him, he
16 may not have adopted that testimony so I don't
17 want to proceed on an incorrect basis.

18 PRESIDING OFFICER HONIGBERG: He certainly
19 didn't do it here, if that's what you're saying.
20 I guess, did he answer questions about it during
21 the Technical Session?

22 MR. PAPPAS: I didn't attend that Technical
23 Session.

24 PRESIDING OFFICER HONIGBERG: Mr. Thompson,

1 do you recall were you asked questions about
2 your wife's testimony at Technical Sessions?

3 MR. THOMPSON: I do not recall being asked
4 any questions.

5 PRESIDING OFFICER HONIGBERG: I'm
6 concerned, Ms. Menard, that we have the wrong
7 witness up here for you to ask these questions.
8 He may have opinions, but I don't know that we
9 have established that he has knowledge. So I
10 guess I don't want to --

11 MS. MENARD: I understand. We're all set.

12 PRESIDING OFFICER HONIGBERG: Okay.

13 MS. MENARD: I would like to attempt a few
14 other questions, though, that hopefully will get
15 us through.

16 PRESIDING OFFICER HONIGBERG: Okay. Go
17 ahead.

18 BY MS. MENARD:

19 Q Were you approached by Northern Pass
20 Transmission to sell your land?

21 A Yes.

22 Q What time period; do you recall?

23 A Late 2012.

24 Q And the discussions led Northern Pass

1 Transmission to present you an offer, correct?

2 A Correct.

3 MR. NEEDLEMAN: Objection. I think now
4 that we've established it was in 2012 anything
5 related to this could have been in the
6 testimony.

7 PRESIDING OFFICER HONIGBERG: Ms. Menard?

8 MS. MENARD: This is so complicated. In
9 terms of just --

10 PRESIDING OFFICER HONIGBERG: You're not
11 the only one that feels that way.

12 MS. MENARD: Thank you. I thought that
13 date would be helpful in terms of just setting
14 the stage and not be the end of this.

15 PRESIDING OFFICER HONIGBERG: Well, I think
16 the objection is that if this was something that
17 was significant to Mr. Thompson, he would have
18 included it in his Prefiled Testimony which was
19 filed long after 2012.

20 MS. MENARD: Correct, but he can't
21 anticipate my concerns, you know, in terms of
22 its impact on property owners and business
23 owners.

24 PRESIDING OFFICER HONIGBERG: Right. I

1 think there is information, there is testimony
2 in his Prefiled Testimony that he was
3 approached. I don't know that there were
4 details given so that's in there.

5 MS. MENARD: Yes. I understand.

6 PRESIDING OFFICER HONIGBERG: So what is it
7 you want to ask him now beyond what's in the
8 Prefiled Testimony?

9 MS. MENARD: I wanted to put up the
10 Purchase & Sales Agreement and determine whether
11 or not what were the factors for him declining
12 an offer to purchase. And I'm sorry I can't
13 think ahead. I know what you're asking me to
14 do, and I just can't get there in terms of the
15 process. So let me get to the end and see if I
16 can salvage this.

17 PRESIDING OFFICER HONIGBERG: His testimony
18 says that he wouldn't have sold it at any price.
19 So that's in the record. That was his
20 testimony. He's adopted it already. So what
21 else do you want to know? Are you trying to
22 get, are you trying to get testimony that now
23 it's worth less? That someone would offer him
24 less than they did?

1 MS. MENARD: No. I would like to
2 determine, and this is pointed out in the
3 Purchase & Sales agreement if I may, can you
4 please put up page 2 of the Purchase & Sales
5 Agreement, and this is a real estate concept
6 that is referring to the property as being
7 unique.

8 Q And it's unique to the buyer, would you agree,
9 Mr. Thompson?

10 PRESIDING OFFICER HONIGBERG: So are you
11 saying that this was presented to Mr. Thompson?

12 MS. MENARD: Correct.

13 PRESIDING OFFICER HONIGBERG: As part of
14 the officer?

15 MS. MENARD: Correct. This is page 2 of a
16 Purchase & Sales Agreement.

17 PRESIDING OFFICER HONIGBERG: Is it part of
18 his testimony? I don't have it in front of me.
19 Where did this come from?

20 MS. MENARD: May I take a two-minute break?

21 PRESIDING OFFICER HONIGBERG: Sure.

22 MS. MENARD: Thank you.

23 (Discussion off the record)

24 MS. MENARD: I think I'm ready,

1 Mr. Chairman. Hopefully, this isn't too painful
2 for everybody.

3 PRESIDING OFFICER HONIGBERG: Give it a
4 whirl.

5 MS. MENARD: Thank you.

6 BY MS. MENARD:

7 Q Mr. Thompson, are you aware of the Applicant's
8 business loss plan that surfaced during the
9 discussions about Plymouth?

10 A I'm aware of it, yes.

11 Q Would you consider Northern Pass Transmission a
12 temporary impact on your business or permanent?

13 A Permanent.

14 Q Is it fair to say that your Bears' Den business
15 will not happen if Northern Pass Transmission is
16 approved?

17 MR. NEEDLEMAN: Okay. I think Bears' Den
18 is an issue here as we established earlier.
19 Wrong witness.

20 MS. MENARD: Okay. I have no further
21 questions.

22 PRESIDING OFFICER HONIGBERG: All right. I
23 have no other Intervenors who indicated that
24 they wanted to ask Mr. Thompson questions. Did

1 I miss anybody? All right. Members of
2 Subcommittee?

3 MR. NEEDLEMAN: Mr. Chair. We had a
4 couple.

5 (Discussion off the record)

6 **CROSS-EXAMINATION**

7 **BY MR. WALKER:**

8 Q Good afternoon, Mr. Thompson.

9 A Good afternoon.

10 Q My name is Jeremy Walker. I am counsel for the
11 Applicant. Just have a few questions for you.

12 First I want to follow up on the issue of
13 the road closures that we've been talking about
14 on Bear Rock Road, and you testified, I believe
15 you testified that you've seen no evidence about
16 Bear Rock Road remaining open. Is that right?
17 Just today when you were testifying earlier.

18 A That's correct.

19 Q Have you had a chance to review the DOT
20 Exception Requests that the Applicant made
21 available to the parties over the summer?

22 A Yes.

23 Q You know what I'm referring to?

24 A The ones in Stewartstown I reviewed.

1 Q Are you aware that in response to the
2 Applicant's original plan to be in the road on
3 Bear Rock and temporarily close portions of the
4 road, the DOT came back and informed the
5 Applicant that it had to be out of the road.
6 Are you aware of that?

7 A I'm not sure I understood that that included the
8 town roads of Clarksville and Stewartstown.

9 Q Okay. But are you aware -- we'll get to the
10 particular Exception Request.

11 A Okay.

12 Q But in response to that, if you accept my
13 representation about what the DOT came back and
14 told the Applicant, are you aware in response to
15 that that the Applicant filed particular
16 Exception Requests with the DOT?

17 A I'm aware of the filing. Yes.

18 Q And just, I'll make a representation that there
19 were individual Exception Requests numbered 180
20 through 185, and what I'll do is I'll pull up a
21 couple of them have you look at them, and I
22 think you said you've seen them.

23 But Dawn, if you could pull up Exception
24 Request 184 which is CFP Exhibit 551.

1 On the screen before you, Mr. Thompson, is
2 this particular Exception Request number 184,
3 and just at the heading, if you see up at
4 heading it says Town of Stewartstown, Highway
5 Bear Rock Road, Tier 4?

6 A I see it.

7 Q Have you seen this before? Do you recall seeing
8 this?

9 A I have seen these, yes.

10 Q Let me turn you to page 3 of that Exception
11 Request. Dawn's highlighting a portion.
12 Particularly, the last paragraph that's been
13 highlighted. And it describes it and it says
14 the work space shown will allow at least one
15 lane of traffic flow through the site at all
16 times. This is in keeping with the submitted
17 Traffic Control Plan. Do you see that?

18 A I see it.

19 Q That's showing that the plan is to allow one
20 lane of traffic open at all times. Is that how
21 you understand that?

22 A That's what it says.

23 Q Let me show you another one. Exhibit 549 which
24 is a similar Exception Request 180. And, again,

1 at the top it's a reference to Stewartstown,
2 Bear Rock Road, Tier 4.

3 And Dawn, if you can highlight the area on
4 that same page up under traffic information.

5 Do you see where it says traffic control
6 type ALT 1-way?

7 A Yes.

8 Q And I'll represent to you that is a designation
9 of one-way traffic through there. So, again,
10 the road will not be closed. And I'm going to
11 note that we've referenced these other Exception
12 Requests that relate to Bear Rock Road, and I'll
13 represent to you that they have the same
14 provision providing for alternating one-way
15 traffic. Would you accept that representation?

16 A I will accept that.

17 Q And these are in the record.

18 A It also should be noted that these are all part
19 of the State Highway Bear Rock Road that they're
20 in. Not town road.

21 Q These particular ones here.

22 A Correct.

23 Q Okay. I'm not going to go through all of them,
24 but I want you to understand that these ones

1 here dealing with Bear Rock Road and
2 Stewartstown have that same provision.

3 A I understand that.

4 Q Let me turn to your Prefiled Testimony, and
5 you've expressed your concerns related to the
6 construction of the Project, and I want to turn
7 particularly to your first Prefiled Testimony
8 which is CS 14. Do you have it in front of you,
9 Mr. Thompson?

10 A I do, I believe.

11 Q That's the December 30th, 2016. And I'm going
12 to ask you on page 5, and it relates to
13 Transition Station #4.

14 A The December 30th?

15 Q Right, and it's actually on the screen,
16 Mr. Thompson. Dawn was able to pull it up.

17 A What page?

18 Q Page 5 which is what is shown on the screen.

19 A Got it.

20 Q And I understand that you take issue with the
21 proposed location of the Transition Station,
22 fair to say?

23 A Very fair to say.

24 Q On line 11, you note that hiding and

1 camouflaging these Transition Stations as much
2 as possible is critical as they are visually
3 offensive.

4 I assume you're referring to, when you talk
5 about hiding and camouflaging, screening here.
6 Screening of the Transition Station. In your
7 position, that's critical.

8 A I think more I was referring to is to setback
9 into the timber where you wouldn't have to do
10 any screening. The natural screening was there
11 which is the situation if I'm correct in the
12 exact location of the tower that we stipulated
13 earlier. So you don't have to create screening,
14 vegetation, although it would come about fairly
15 quickly up in that area versus the steep side
16 hill.

17 Q Okay. But I take it, if this Committee, if the
18 SEC were to issue a certificate and it
19 conditioned its approval on appropriate
20 screening of that Transition Station #4, that
21 would help alleviate your concerns?

22 A There's no way you can screen what's going to be
23 there.

24 Q That's your position.

1 A It's 70 feet from the edge of the right-of-way
2 to the fence. Metal fence. 70 feet it scales
3 on the plans. Very steep slope. All ledge.

4 Q Would you be willing to sit down with the
5 Applicant and work with them to develop a
6 screening protocol?

7 A No.

8 Q Okay. Let me turn to in that same page 5, line
9 16, and now you're talking about the
10 surveillance lighting at each Transition
11 Station. You note that there was a question
12 asked at the Technical Session about whether
13 there would be surveillance lighting, and your
14 answer was that there was, the answer was that
15 there would not be any surveillance lighting.

16 A That's my understanding, after asking the
17 question and getting an answer.

18 Q Okay. So if there is no lighting, then your
19 concern --

20 A Goes away.

21 Q Goes away.

22 A Thank you.

23 Q And I will represent to you that there is no
24 lighting proposed at those Transition Stations.

1 A I found that out later. Yes. My point there
2 was that part of the natural landscape where we
3 live is the fact, not only the visual enjoyment
4 but very quiet and the lack of any streetlights
5 or hardly any home lights.

6 Q I understand, and we won't have surveillance
7 lighting.

8 A I was concerned, and I was put at ease on that
9 particular item.

10 Q Okay. Thank you. So at line 24 on that same
11 page, you were, you're talking about the
12 Eversource maintenance manual, and you state
13 that proper signage and plenty of it should be
14 clearly displayed on all four sides of the
15 8-foot woven wire fence of each Transition
16 Station. And I assume when you say signage,
17 you're referring to the safety-type signs, the
18 hazard signs?

19 A Correct.

20 Q Are you aware that the Applicants are required
21 to include such signage at all Transition
22 Stations?

23 A I didn't see that in the readings that I, at the
24 time I wrote this. I was not aware of it, no.

1 Q Assuming that they are required to?

2 A It certainly makes sense. It should happen.

3 Q And it alleviates that concern of yours,
4 correct?

5 A Correct.

6 Q On the next, line 28, you state that because the
7 mention of Transition Stations is missing from
8 the manual, you're referring to that same
9 Eversource maintenance manual, and you say that
10 it would lead you to deduce that Eversource and
11 the old Public Service Company of New Hampshire
12 had never until now had any dealings with
13 transition stations, and you're concerned about
14 the possible lack of knowledge and experience
15 here.

16 I want to just ask you, are you aware that
17 transition stations are included and treated as
18 substations in the manual?

19 A I was not.

20 Q Assuming that they are, that they are treated as
21 substations in the manual, does that address
22 that concern of yours?

23 A Repeat that, please?

24 Q Assuming that transition stations are actually

1 addressed in the manual as substations, does
2 that address your concern that they don't appear
3 anywhere in the manual?

4 A I think it should be reworded. Why mislead
5 something like that? It makes no sense.

6 Q But assuming it is, would you agree that it
7 addresses, the manual addresses transition
8 stations?

9 A If you say so.

10 Q Okay. Last area. On page 9 of that same CS 14,
11 with regard to staging areas, and in your
12 answer, you note that the DES should review as a
13 minimum each predetermined site. Do you see
14 that?

15 A I do.

16 Q And we're talking about the staging areas. Are
17 you aware that the DES permit in this case, and
18 I can pull it up, it's an exhibit in the record,
19 requires the Applicants to notify DES of any
20 additional laydown areas that are needed for
21 construction purposes? And these laydown areas
22 must be reviewed and approved by the DES. Are
23 you aware of that?

24 A I am aware of it, but I wanted to stipulate the

{WITNESS: THOMPSON}

1 importance of it because of the magnitude of
2 this Project and the activities that are going
3 to occur, and they're multiple.

4 Q Sure. But that's, you'd agree that's a
5 condition of the DES permit?

6 A Yes, it is a condition.

7 Q It's a very specific condition.

8 A Thank you.

9 Q Thank you, Mr. Thompson.

10 PRESIDING OFFICER HONIGBERG: Now, members
11 of the Subcommittee. Questions for
12 Mr. Thompson.

13 Commissioner Bailey.

14 **QUESTIONS BY COMMISSIONER BAILEY:**

15 Q Good evening, Mr. Thompson.

16 A Good evening.

17 Q I just want to follow up on one of Mr. Walker's
18 questions. You said that you would not be
19 willing to work with the Applicant to develop
20 screening. Why wouldn't you be willing to?

21 A I don't think it would, number one, I don't
22 think it would be effective in hiding the
23 magnitude of the steel structure that's going to
24 be right behind it.

1 Q Why?

2 A Because it will be higher than any vegetation of
3 trees you could put in there. Anything manmade
4 like fencing is as offensive as the Transition
5 Station. Not only the actual physical
6 Transition Station which is encased in the
7 fences, I think it's something like 70 by 150
8 feet is the domed blasted ledge, I call it an
9 amphitheatre, that you're going to see that goes
10 way up onto the hillside. Plus you've got the
11 road that you'd look up, the drainage ditches on
12 both sides, the possibility of screening that to
13 be at all effective just won't work.

14 People are used to nature out there, the
15 natural forest. Heath Road and Bear Rock Road
16 are part of the Coos Trail which is 165 miles
17 long traveling from Crawford Notch to the
18 Canadian border. Hikers hike along that road.
19 They'll see it. I can't imagine any possible
20 way that the screening could occur effectively
21 on that type site.

22 Q Okay. Sandie, could you bring up Counsel for
23 the Public Exhibit, no, it was CS 132 that I
24 think Mr. Pappas used. This was a picture, the

1 picture of the area where the white circle on it
2 that showed where Transition Station #4 is going
3 to be.

4 A Yes.

5 Q And is the piece of property that you are
6 suggesting they move Transition Station #4 to
7 visible on that picture?

8 A You can see the top of the trees. You follow up
9 to the, upwards to the right is Heath Road. You
10 see the white roofed --

11 Q Yes.

12 A -- little building? Just beyond that about 100
13 feet to the right and up a little bit is the
14 Holden Hill that I mentioned. And it goes all
15 the way across the front edge of Holden Hill.
16 In fact, I think way up in the upper left-hand
17 corner you can see part of a structure and an
18 overgrown tree farm.

19 Q On the left?

20 A That's the end of Holden Hill.

21 Q In the left?

22 A Heath Road -- pardon?

23 Q We were looking at the right side of the
24 picture, and then you said on the left.

1 A Yeah, Holden Hill goes all the way across the
2 front of the picture, about where the words
3 Transition Station #4 is.

4 Q Okay.

5 A And way out to the left is the end of Holden
6 Hill which is sort of irrelevant.

7 Q Okay.

8 A From where that shack is, Heath Road goes out to
9 the right and past the fields that you see about
10 three quarters of a mile out farther.

11 Q Um-hum.

12 A The area that I would suggest for Transition
13 Station #4 is in the timber, would be directly
14 above where that silver roof is and back four or
15 500 yards. So what you'd essentially be doing
16 is adding about a half a mile, give or take, of
17 burial, probably adding one more splice pit. I
18 don't see any problem with needing any more
19 HDDs. It's all pretty high ground. And it
20 would tuck back in there where it would go away.
21 The towers go straight toward that pasture and
22 then bear to the right, go out across off the
23 screen and then the ridge that you see way out
24 is Deer Mountain. And by the way, Diamond Pond

1 and Little Diamond Pond and Coleman State Park
2 are right over Holden Hill, and quite a bit of
3 the land that you see beyond that pasture, you
4 don't see a lot of it, is part of Coleman State
5 Park in this picture.

6 Q Okay. And as you understand it, Renewable
7 Properties owns all that land?

8 A They own a lot of it. They don't own
9 everything. They own the pasture. They own all
10 the land to the left of Heath Road. They own
11 the high side of Holden Hill, the whole length.
12 All the way across.

13 Q So they own the land that you're thinking about?

14 A Absolutely.

15 Q Okay. Would moving the Transition Station there
16 avoid some of the road closures? Or would they
17 still have to close the road?

18 A Well, it would eliminate 66,000 yards of ledge
19 being trucked somewhere, and we don't know
20 where. I mean, there's been some mention it may
21 go back on the same property up in back or be
22 hauled off some place.

23 Q And you're sure they don't have to eliminate
24 ledge up there? How do you know that?

1 A There wouldn't be much because it's flat. I
2 mean, you might have some ledge or boulders, you
3 know, in going in burial, but the burial then
4 would be 4 or 5 or 6 feet and not having to make
5 a 39-foot cut down below. Otherwise, I would
6 say the road closures, you've still got to get
7 to the site, and coming in, it's right at the
8 end of, in fact, you'd go on a couple, 300, 400
9 feet of unmaintained Heath Road. That's an
10 unmaintained Grade 6, not taken care of in the
11 winter, not maintained at all. You can get
12 through with a pickup most of the year. Not in
13 the winter.

14 Q Are there homes up there?

15 A The only one is the camps that Attorney Baker
16 represents. The four people, we've seen the
17 name Moore, Thompson and two others. They own
18 200 acres up on top and their driveway goes in
19 at the end of that pasture you see, cuts in
20 underneath where the overhead power lines would
21 go, and then follows the edge of that pasture
22 about half a mile up to their real nice camp up
23 there.

24 Q So you think they would be able to see the

1 Transition Station if it got moved to that site?

2 A Well, it's in the woods. They probably would
3 see some of the 90 foot tower. By going up
4 there, you'd eliminate, I think, three, maybe
5 four towers that we wouldn't see from the
6 valley, from Bear Rock Valley, but from their
7 side they might see some of, and they still
8 would see the towers going out through
9 paralleling Bear Rock to Diamond Pond Road.

10 Q I guess my concern is, we don't know if we're
11 shifting your pain on to somebody else by saying
12 okay, Applicant.

13 A I think they already have the pain.

14 Q Okay. And you don't think that that Transition
15 Station could affect anybody's water in that
16 area? I mean, you don't really know, do you?

17 A The only one I can think of is Dr. Kaufman who
18 you met. He was in the video. He lives over to
19 the right about a quarter of a mile, and he's
20 talked about his well, and his well is about
21 half a mile, I don't know how the heck they ever
22 found it, but about half a mile up Holden Hill,
23 comes down, the pipe comes down all the way the
24 length of Holden Hill, across Heath Road and all

1 the way to his house. Huge gravity feed.
2 Actually feeds his house and two others camps
3 out on Bear Rock. So he would be affected.
4 They'd have to figure out a way to cross over or
5 through or around or under or whatever.

6 Q All right. I wanted to ask you a couple
7 questions about the unnamed cemetery in
8 Clarksville that you mentioned in your
9 testimony.

10 A Um-hum.

11 Q Is that the cemetery that is believed to be
12 under North Hill Road?

13 A Under Old County Road. It's in Clarksville.

14 Q Okay. Under Old County Road. And that's a
15 town-maintained road?

16 A That is a town year-round maintained road. That
17 part of Old County Road. Yes.

18 Q And that's the road where the town wouldn't
19 allow test borings or I don't know if that's the
20 right term, but they wouldn't allow them to test
21 whether there were actually remains under it? I
22 think Dr. Bunker -- were you here for
23 Dr. Bunker's testimony?

24 A Yes.

1 Q Do you remember her talking about that?

2 A I think so. I was here. The history there is
3 once it was exposed that there's a good chance
4 of a cemetery, there's no question there was a
5 cemetery there. There are witnesses, live
6 witnesses that I've talked to that tell me it
7 was there, and they remember when they were
8 kids. And we hired a company to come up and do
9 a search where they could locate something under
10 the ground, and they located a bunch of
11 somethings that the guy said could be bodies.
12 And that's in the road and on the sides of the
13 road.

14 Q Don't you think it's important then to know for
15 sure and allow the testing to happen?

16 A Absolutely. The Town Selectboard was notified,
17 asked by I think it was Counsel for the Public
18 to consider allowing them to go up and do an
19 archeological study of that area. Then they
20 received a letter which came that asked for
21 permission to do archeological study on all of
22 the road in Clarksville. And that's what they
23 said they would not allow. The Selectboard, and
24 this I'm told firsthand, the Selectboards of

1 both Clarksville and Stewartstown refused to
2 have communications with these people because
3 they feel that they don't have the right to
4 permit and they don't want to start a rhetoric
5 that they can't get out of. They simply are
6 taking a hard stand that they don't want to see
7 Northern Pass at all.

8 Q Okay.

9 A They were willing, going to be willing to just
10 allow archeological study at the cemetery
11 because they, I think, the Selectboard of
12 Clarksville feel that it's something that should
13 be discovered.

14 Q Okay.

15 A It just wasn't handled properly.

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

17 PRESIDING OFFICER HONIGBERG: Ms.
18 Weathersby?

19 **QUESTIONS BY MS. WEATHERSBY:**

20 Q Thank you. Good afternoon, Mr. Thompson.

21 A Good afternoon.

22 Q Concerning this possible relocation of
23 Transition Station #4, have you had any
24 discussions with Eversource about relocating the

1 Transition Station to the parcel that you were
2 just describing?

3 A The only discussions I had were here in this
4 room with Sam Johnson, and all it was was maybe
5 he could get up there or he said I'll be up at
6 some point, and we can take a harder look at it,
7 but I would say there's been no discussions.

8 Q So as far as you know, they haven't examined
9 that parcel seriously?

10 A Not at all.

11 Q As far as you know.

12 A No. Definitely not. I mean, the other ones
13 have all had core drilling done and, you know,
14 checked for ledge and so forth. All four of
15 them up there. And this one has not had any of
16 that, at least as of this morning.

17 **QUESTIONS BY MR. WAY:**

18 Q Mr. Thompson, has there been any discussions
19 with your neighbors about this? Has any other
20 parties weighed in on your ideas?

21 A We all talk about it a lot.

22 Q What's the reaction to your thoughts?

23 A They're unanimous that we don't want to see it
24 at all.

1 Q So the idea, though, of an alternative, have
2 neighbors weighed in on that? I know it's hard
3 to ask you to whisper around the campfire, but
4 what is the response you're getting? And I
5 think back to what Ms. Bailey was asking.

6 A When we talk about it, and there's no need to
7 whisper, it's unanimous among the families that
8 live what we call Bear Rock Valley, once you
9 come up over the hill, you know, it's just not
10 necessary.

11 Q So I mean I'm talking about the alternative
12 property for the Transition Station.

13 A Yes.

14 Q You've spoken with other neighbors about that?
15 What has their reaction been to that
16 alternative?

17 A I would say they're probably, if I were to ask
18 them point-blank they would, not given any
19 alternative choices, that was it, then it
20 certainly makes sense, and they would agree with
21 it. But the problem here is bigger. The
22 problem is if you start agreeing to something
23 like that, then you're accepting that it's going
24 to happen, and that's what we don't want to do.

1 That's what the Selectboards don't want to do.
2 They're not willing to accept that.

3 Q Fair enough. So is it also fair to say that
4 this concept has pretty much been broached in
5 this room, within --

6 A I think I initiated it in my Prefiled Testimony
7 some years ago and mostly because it represented
8 what has to be described as stupidity in
9 construction to place that Transition Station
10 the location it's at. I mean, you couldn't pick
11 a worst place. If you were in Connecticut and
12 you didn't have many choices, then you probably
13 would have to live with whatever you got. They
14 own 5,000 acres. There's land everywhere. I
15 mean, it just makes no sense. Why go through
16 all that blasting. Why dump the crap into the
17 waters. Why possibly damage my wells. Why put
18 all those trucks on the road when you don't have
19 to.

20 Q Thank you very much.

21 **QUESTIONS BY MS. WEATHERSBY:**

22 Q Just to change the subject a little bit, your
23 springs, I know you're concerned about the
24 effects of the blasting on the springs. When

1 the Construction Panel was here, I believe there
2 was testimony that said they may be able to get
3 that rock out without blasting. If they're able
4 to do that, would that alleviate your concern
5 regarding your contamination of the spring?

6 A You mean the 66,000 yards?

7 Q I think that was their testimony.

8 A I think you misunderstood.

9 Q I think you chuckled at it, if I remember, but
10 if they're able to do it.

11 A I don't believe that's what they meant. That's
12 not possible. 39 feet of ledge has to be cut.
13 The only other process besides blasting would be
14 ramming it with a ram hoe, the thing, you know,
15 the big jackhammer beating on it all the time.
16 I mean, it's conceivable.

17 Q So if this were approved and there was a
18 condition in place that they could not blast at
19 that site, would that alleviate your concern
20 about well contamination, your spring
21 contamination?

22 A If it got moved half a mile or more back,
23 there's certainly still a possibility that the
24 veins of water happen to trickle down through

1 that area. It's certainly a lot less likely.
2 Would it -- what was your question? Because the
3 answer is no.

4 Q Whatever it is. All right.

5 Last question. I was just curious. In
6 your testimony you referred back to a request
7 you made in September 2016 where you had asked
8 for examples of typical dirt road construction
9 and you got a name of a project in Canada, and
10 you asked for detail including the Road Agent
11 and you were going to get in touch with that
12 Road Agent to determine how manholes and plowing
13 and thawing of the road?

14 A Right.

15 Q Did that ever, that contact ever get made?

16 A The contact has not been made. And as recently
17 as when Mr. Bascom was here last week or two
18 weeks ago, I asked him a question about that at
19 the end. I asked him have you in reference to
20 the, during the Technical Sessions I also asked
21 him, can you tell me where there's a dirt road
22 that has a buried 230 kV or whatever it is
23 cables putting out 158 degrees. That's what I
24 was looking for. And that was what whichever

1 one of the construction board, I forget who it
2 was, it might have been Mr. Bowes. No, it was
3 Mr. Scott, I believe, that said I was on a
4 Project in Calgary, Canada. Let me get you some
5 information. And then a couple days later, I
6 think his answer was the Project hadn't been
7 done yet. So it didn't work out.

8 My whole point is that I'm simply looking
9 for a comfort zone that the heat coming off
10 those cables which is less than four feet down
11 in the 8-inch conduit and the heat coming out of
12 the top of a manhole ten foot wide and 34 foot
13 long, is enough heat, and I'm thinking from
14 logic is going to rise, and Rusty Bascom said
15 that exact thing in Technical Session to me that
16 heat will travel and dissipate is the word as
17 far as 3 to 5 feet in all directions away from
18 the source which is the conduit. How in my mind
19 and I want to talk to a Road Agent or more, as
20 to how that in fact is going to affect those
21 town dirt roads. And are we going to end up
22 with one area of the road that doesn't have any
23 frost or frozen material and other places that
24 are frozen all winter.

1 Q Okay. Thank you. I have nothing further.

2 PRESIDING OFFICER HONIGBERG: Mr.

3 Oldenburg?

4 MR. OLDENBURG: Thank you.

5 **QUESTIONS BY MR. OLDENBURG:**

6 Q Mr. Thompson.

7 A Mr. Oldenburg.

8 Q In one of your, I think it was your December
9 testimony you talked about at one of the
10 Technical Sessions it was suggested a
11 preconstruction model be built, a splice pit be
12 installed, 500 feet of the cable and all that?

13 A Yes.

14 Q Who suggested that? Was that a suggestion from
15 the --

16 A That's mine. You like it?

17 Q Was it ever done?

18 A No.

19 Q Okay.

20 A And I think it's critical in answer to Ms.
21 Weathersby's questions that we deserve to know
22 what's going to happen in that road before this
23 thing is built. Or have some history of it. I
24 mean --

1 Q And I take it that all the testimony by the
2 Construction Panels hasn't satisfied your need
3 for that knowledge?

4 A It circled the wagons is what we did there.
5 They don't, apparently don't have an answer.
6 Mr. Bowes admitted in New Hampshire that he,
7 that they have no buried 230 kV putting out the
8 158 degrees Fahrenheit underground and I guess
9 any underground. But what we're looking for is
10 in this climate of northern New Hampshire which
11 would be northern New York or northern Michigan,
12 Wisconsin or different areas, let's talk to a
13 Road Agent where they've got 230 buried in a
14 dirt road, and if it doesn't happen, maybe
15 there's a reason that it doesn't happen. Maybe
16 it doesn't work. Maybe we end up with roads
17 that are untravelable, that can't be plowed.
18 We've got to find out. Because this thing will
19 go on forever, at least 40 years, and it's not
20 right that we should have to live with something
21 like that. And I've been pressing that
22 question, Mr. Oldenburg, for quite a while to
23 the construction crew.

24 Q All right. And I think we've been talking about

1 this, but in your November testimony you talked
2 about the underground burial issues and the
3 Transition Stations need to be redesigned as
4 they're unnecessarily visibly offensive. By
5 redesigned, you mean moved?

6 A Moved. I think that's what I referred to.

7 Q Not changing the structure.

8 A No. Moved. Number 3 is, I've looked at where
9 number 3 is over by Wiswell Road, and it's, that
10 spot is not good either because of the traffic
11 that travels up and down Route 145 going to
12 Pittsburg. It's a very scenic area, and this
13 thing is going to stick out terrible.

14 Q About your wells, if you re-permitted that, I'm
15 assuming it's a bottling plant or something.

16 A Yes.

17 Q You would have to meet some sort of regulatory
18 requirements, sort of like a common, community
19 water supply or something?

20 A Yes.

21 Q So you'd have testing that would have to be
22 done. Have you done testing on the water
23 capacity or how much the wells put out and
24 tested the water so that if the Project goes

1 forward you would know if there was an effect?

2 A There's, I think it's CS number 7 of our
3 evidence list has a report from a company in
4 southern New Hampshire on testing the water, and
5 it was very pristine, and it's available if you
6 want to put it on. In fact, Mr. Pappas,
7 Attorney Pappas, do you have a copy of that
8 somewhere?

9 MR. PAPPAS: We can put it up if you want.

10 Q I think I remember seeing that.

11 A There's definitely a huge number of hoops that
12 have got to be jumped through. When DES, the
13 permit process ran out the year before we bought
14 the land which -- and we did not buy the land
15 for the water. I want to make that clear. It's
16 there and represents a possibility. It would be
17 a great challenge and a good job to do, but we
18 have discovered that the person that owns the
19 water isn't the person that makes the money
20 unless you have a niche something or other
21 which --

22 Q But you would know after the fact. So you have
23 them tested so you would know if the water
24 quality changed or the output of the wells?

1 A This test is from 2007. There's one very
2 similar to it done last year, and it has the
3 same results. I read these things. I guess
4 what I really like is when it, the arrow points
5 and it's below it or zero which is on the first
6 page you saw.

7 Q And you've heard testimony about a loss of
8 business. If you have a loss of business and I
9 think we talked about that. But how do you do
10 that? You don't have a business today so is it,
11 how do you calculate a potential future loss of
12 revenue if the wells are damaged? Do you have
13 any idea?

14 A Well, I would shoot directly from the hip.
15 I'd say to you, if you asked me how much money
16 I'm going to lose in this wonderful possible
17 business, I could say something to you like I'm
18 going to build a bottling plant, and I'm going
19 to bottle the water, it's going to be a niche
20 something or other involving something highly
21 secret and patent on it or something that people
22 are going to beg for. I'm going to bottle
23 50,000 bottles a day, six days a week, for the
24 next 25 years. And I'm projecting I'm going to

1 make a half a penny a bottle which means I'm
2 going to lose \$3.9 million.

3 Q Okay.

4 A I mean, that's shooting from the hip, but do you
5 do? I don't have a history of it, but I have an
6 asset there that's valuable.

7 Q But I'm just thinking, you know, by the sounds
8 of it, the way that reimbursement or whatever we
9 want to call that program is you have to have a
10 historical revenue stream versus after
11 construction, and if you don't have that
12 historical stream, I don't know how that would
13 work. So I don't know if you thought about that
14 or talked to anybody about that?

15 A Well, all I can say is that my daughter who's a
16 hydrologist and lives in Barrington and works on
17 the Seacoast and I started the process. We
18 contacted DES. A couple letters went back and
19 forth. A gal came up from Concord and reviewed
20 the site. I think that was probably 2009 maybe.

21 So bottom line is that it's an asset that
22 could be very valuable if we put the evident
23 into it and you add to it the asset with my
24 entrepreneurship and the challenges involved,

1 and then the desire to maybe get our family
2 involved, and desire to put some people to work
3 in the Colebrook area, North Country, you know,
4 it all adds up to an interesting challenge that
5 I might be ready for.

6 Q Okay.

7 A Maybe.

8 Q So my last question is about the traffic
9 disruption, and I know we've gone back and forth
10 with is this section of the road going to be
11 closed or not, but there was a detour route that
12 was listed, and just knowing a little bit how
13 those are put together, those are sort of put
14 together so that everybody could use them. But
15 if on Noyes Road, if you look at a map, there's
16 South Hill Road?

17 A Yes.

18 Q Can you get to 145 using South Hill Road?

19 A Yes. Four-wheel drive.

20 Q Okay. So it's not everyone uses that road, it's
21 a seasonal road?

22 A It's used randomly. This type of year it's most
23 popular partridge hunting from a truck. People
24 do go through there on occasion. It's an ATV

1 trail so it gets chewed up pretty good, and that
2 Noyes Road to South Hill and down South Hill
3 across 145 was one of the two and only ways to
4 get in and out of Colebrook. On the weekend in
5 the summer there's probably 3 to 500 ATVs travel
6 it, go up past our driveway.

7 Q So that's not what you could consider an
8 alternative route?

9 A No. It's definitely not. It's the worst of the
10 choices. Heath Road is unmaintained. Without
11 rain you could probably get through there with a
12 two-wheel drive car with some height. I don't
13 think you'd go through with a compact. And then
14 there's about half a mile of Bear Rock Road
15 about a half a mile out from the junction with
16 Heath Road where it goes to totally
17 unmaintained.

18 Q So how would you compare this to, on 145 over
19 Bishop Brook that bridge has been closed all
20 summer long.

21 A Yes.

22 Q My understanding is it's going to open tomorrow.

23 A We hope.

24 Q We hope.

1 A I think one lane.

2 Q So how does that compare to what you envision,
3 you know, that bridge has been closed for six
4 months, the road has been closed for six months,
5 and in comparison to what Northern Pass plans to
6 do on the other roads?

7 A The first comment on that would be that it was
8 clearly defined. The bridge will be closed. So
9 everybody knew, and there's plenty of signs up,
10 but you knew that you had to go around one way
11 or another. They did some, a year and a half
12 ago the town Road Agent in Stewartstown did some
13 improvement on part of the road on North Hill
14 Road. In particular, the area where John
15 Harrigan and I stopped and stood and talked in
16 the video.

17 But everybody knows depending on where
18 you're going. If it's local traffic or you're
19 going to Pittsburg, you've got some
20 alternatives. 145 to Bishop Brook road over to
21 Route 3. Or go up Bear Rock Road over North
22 Hill Road to Old County Road and back to 145.
23 But you knew they were all there.

24 The problem with the construction process

1 with Northern Pass is that it's from day to day
2 that you're not going to know where it's closed
3 or how many places it's closed. Are they going
4 to do just one of the nine manholes at a time?
5 And almost clearly that is involving road
6 closures. So if it's one, the communications,
7 the variable of moving back and forth is I think
8 a big a problem as the roads being closed is.
9 You don't know what side of the closure you're
10 on.

11 Q Fair enough. That's all the questions I have.
12 Thank you.

13 PRESIDING OFFICER HONIGBERG: I do not have
14 any questions. Does any other member of the
15 Committee have further questions?

16 COMMISSIONER BAILEY: I have one more.

17 PRESIDING OFFICER HONIGBERG: Commissioner
18 Bailey does.

19 **QUESTIONS BY COMMISSIONER BAILEY:**

20 Q If the Project were approved, which I know you
21 strongly disagree with, and we required the
22 Applicant to make those roads that you just
23 discussed with Mr. Oldenburg that are like
24 four-wheel roads usable during construction,

1 would that help or is that just a dumb idea?

2 A Almost definitely would have to happen with the
3 Bear Rock Road part because that's where that
4 big loop is. And that, by the way, about 300
5 feet of unmaintained road out there is in
6 Stewartstown and probably half a mile of it is
7 in Colebrook. So that adds an extra little bit
8 of ointment in.

9 I've had conversations with the Fire
10 Departments of Canaan and Colebrook, and there's
11 a thing called 45th Parallel Ambulatory Service.
12 They do the ambulance runs. In the case of all
13 of the southern tier where we're talking about
14 of Bear Rock Road, the Colebrook Fire Department
15 is on call for that area.

16 Wiswell Road, 145, Old County Road, it's
17 Canaan, Vermont, Fire Department so they're not
18 directly involved the way that the Colebrook
19 Fire Department is in having to get through.

20 Let's say if there was a road closure down
21 by McAllaster Road, and somebody needed an
22 ambulance or a fire department or let's say
23 probably the biggest exposure will be a
24 construction worker is injured because there's

1 going to be a lot of them. First of all,
2 they've got to know where to come through, and
3 they'd come through in that part of unmaintained
4 road. You could probably under normal
5 circumstances get an ambulance or fire truck
6 through.

7 Last Monday morning you weren't going to
8 get, forget about the trees down. Just the
9 wetness and the mud. You weren't going to get a
10 fire truck through there, and it's clearly one
11 lane. So if you run into a little old man that
12 can't back up, there's a couple of them live out
13 there, and you run, you run head to head with a
14 fire truck, somebody's backing up, and that old
15 buck ain't going to do it. So the fire truck
16 will be backing up and that's --

17 Q But if the road were passable because, you know,
18 structurally they added to it to make it so that
19 you could drive on it, would that help? Would
20 that get the rescue vehicles there faster than
21 the whole --

22 A It would. It would. And the testimony, I
23 forget who it was a month or two. I brought the
24 subject up of emergency vehicles. And part of

1 the answer was that they would, I think it might
2 have been Mr. Bowes said we'll go to the town of
3 Colebrook and propose to upgrade the road. Part
4 of the mystique of living out there is not
5 having a lot of traffic, and by upgrading that
6 route it clearly opens up a huge shortcut for
7 anybody going from Pittsburg to Errol through
8 Dixville Notch by the Balsams. I mean, you're
9 gutting 12, 14, 15 miles off your trip. People
10 don't do it because of the, right now it's
11 passable, but it's not -- it's not a very good
12 road.

13 PRESIDING OFFICER HONIGBERG: I guess I'll
14 turn to you, Mr. Baker. Any redirect for
15 Mr. Thompson, referring as specifically as
16 possible to questions he was asked?

17 MR. BAKER: In light of the hour, I only
18 have one question.

19 **REDIRECT EXAMINATION**

20 **BY MR. BAKER:**

21 Q Mr. Thompson, is there anything else that you
22 would like to tell the Committee, especially
23 about the matters you've been asked about today
24 that you feel they need further information

1 about at this point?

2 A The only thing that I kind of made a note to
3 myself was to mention the Coos Trail and I did
4 quickly. But this summer more than, in fact the
5 last two or three years, and this summer more
6 than ever, I'm seeing more foot traffic
7 traveling along Bear Rock Road and Heath Road.
8 It's 165 miles, and the beauty of the Coos Trail
9 is it's real wilderness, it's a definite
10 challenging hike. It goes up over mountains and
11 down mountains. It goes across the ridgeline
12 from Crawford Notch to, I believe, all the way
13 to Franconia Notch, and then heads north and
14 goes up over Magalloway Mountain, Percy Ridge,
15 whatever it was, and a number the other. So
16 it's becoming a very popular route and to travel
17 all the way the length of Heath Road and then on
18 to Bear Rock, from Bear Rock down to McAllaster
19 Road, and then it goes up over the mountain, you
20 wouldn't see anything because it's buried. But
21 anyway passing by would see Transition Station
22 #4, and you'd enjoy the towers all the way from
23 Transition Station #4 parallel with Heath Road
24 across Big Diamond, and it comes off, no, it

1 comes from Coleman State Park, the trails. So I
2 have a concern that the growth of Coos Trail is
3 going to be affected.

4 Equally as the ATV and snowmobiles trails.
5 I tried to take a snowmobile map of the
6 Dixville, Millsfield and Dummer areas, and I
7 finally gave up out of confusion, but if you
8 project where the towers go through those three
9 towns, the towers are going to cross over
10 snowmobile trails if it's not 20 to 25 places, I
11 would be very surprised. Because that is a huge
12 snowmobile mecca out in those three burgs.

13 Q Thank you, Mr. Thomson.

14 A That's all I had.

15 PRESIDING OFFICER HONIGBERG: Thank you,
16 Mr. Thompson. That ends the day. We'll be back
17 tomorrow at 9 o'clock. Thank you all.

18 (Hearing recessed at 5:50 p.m.)

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C E R T I F I C A T E

1
2 I, Cynthia Foster, Registered Professional
3 Reporter and Licensed Court Reporter, duly authorized
4 to practice Shorthand Court Reporting in the State of
5 New Hampshire, hereby certify that the foregoing
6 pages are a true and accurate transcription of my
7 stenographic notes of the hearing for use in the
8 matter indicated on the title sheet, as to which a
9 transcript was duly ordered;

10 I further certify that I am neither
11 attorney nor counsel for, nor related to or employed
12 by any of the parties to the action in which this
13 transcript was produced, and further that I am not a
14 relative or employee of any attorney or counsel
15 employed in this case, nor am I financially
16 interested in this action.

17 Dated at West Lebanon, New Hampshire, this 11th
18 day of November, 2017.

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20 _____
Cynthia Foster, LCR
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