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
(Presiding Officer)  Public Utilities Comm.

Christoper Way, Designee  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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(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
and the agency?

A

Not carefully.

Q

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

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

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

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

PRESIDING OFFICER HONIGBERG: Let's get some clarification there.

BY MR. WALKER:

Q

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

A

I would suggest that the study areas as defined for the cultural landscape that extend beyond the one mile is evidence of the fact that there
may be resources beyond the one-mile corridor.

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

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

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

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

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

Q And now where you've identified over 13,000 sites, are you suggesting that for purposes of this Project that the Applicant needed to do a site-specific analysis for eligibility and
effects of every one of those 13,000?

A No. I'm not suggesting that.

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

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

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

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

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

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

Q Right. And those are some of the broad categories we discussed this morning so the recreation sites, trails, public waters?
A Scenic roads, graveyards.
Q Let me ask you.

Dawn, if you could pull up Exhibit 113 D, Applicant's Exhibit 113 D, which is a new exhibit. Have you reviewed the inventory forms and the list of sites that have been identified on those inventory forms by the Applicant?
A Are we talking about the Preservation Company's forms?
Q Yes.
A Yes. The 1100 pages or so?
Q No, actually these are the more recent inventory forms, and I'm going to show you so you can take a look at it.

These, I'll represent to you, were the inventory forms prepared by the Project, and you can see on the right-hand column these were submitted to the DHR with the assessment of eligibility for these different sites.
A These are dated July?
A Yes. This postdates both our Direct Testimony and our Supplemental Testimony.
Q And you have not reviewed this?
A  No.

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

A  Correct.

Q  Fair enough? And then on the second page, Dawn, if you could go, third line down. Union Cemetery is on the list. The 6th one down. Blair Covered Bridge. Now, the cemetery or graveyard, that's one of your categories, your landscape level categories, correct?

A  Correct.

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

A  I would just recall that this is dated July, and
it postdates both our Direct and our
Supplemental Testimony and our Report.

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

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

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

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

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

A Yes, I wouldn't actually characterize all the
sites that we suggested were a part of the
universe of historic sites to be considered as
broad landscape categories. Some of these sites
are quite small. So I think that the
characterization that you're offering as "broad
landscape" is a bit incorrect in terms of
defining these as landscape categories. They can be quite small, they can be in villages, it isn't really just big scale.

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

A That is what I said.

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

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

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

Q And just circling back now to your original Prefiled Testimony, and it's the line that I
pointed out earlier where you noted that because
of the widespread counts and acreages of
historic sites, the Project would have an
unreasonable adverse effect. And for your
reference it's page 2, line 16, of your Prefiled
Testimony.

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

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

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

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

And I'm just summarizing the widespread
counts or the 13,000 or so that we talked about
today. Those include all of the sites within a
10-mile area of potential visual impact, correct?

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

Q Fair enough.

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

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

A Yes.

Q And I still, though, I want to make sure I
understand you, 13,000, the numbers, because
that is a significant number, and it's much
different than the number that the Applicant has presented. It's about ten times what the Applicant has presented, and you're basing that on a 10-mile area of potential visual impact, not a one-mile APE, right?

A I think we've clarified that. Yes.

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

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

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

A Some are in, some are not in.

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

A Yes.

Q Wouldn't you agree with me, Ms. O'Donnell, that if you did even a modicum of filtering of these, of these resources, that count of 13,000 would
be much smaller?

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

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

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

A You mean last Friday.

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

A Or this morning. Just kind of --

Q Friday.

A Okay. Fine. Just trying to understand.

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

A The reports or the Effects Tables?

Q The Effects Tables. Because Attorney Aslin was asking you about a few Effects Tables. And for instance, there was one, the North Road/Lost
Nation cultural landscape. Do you recall being asked about that?

A Yes. I do.

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

A Yes.

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

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

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

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

A Right.

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

I'll give you a minute to look at that narrative on page 5. In the second paragraph there's actually quite a bit of discussion about the number of poles, the number of structures being increased, taller, some vegetation
clearing. All of that is described pretty thoroughly in that paragraph, correct?

A  That is what the text is saying, yes.

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

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

A  The point that you were making was that I responded to the fact that there was "none" under alteration of the property, and the text that you just showed with the height of the poles, the number of the poles, the basic details of the Project would have led me, and that's what I was asked, that's the question I was asked, if you were filling out this table would you have answered it in this way. My answer was no. I would have said there is an
alteration to the property. I believe I used
the terms, the Applicant appears to be
considering the corridor in a vacuum as if it
doesn't affect what's directly adjacent to it.
Q But let's leave it at this. You would agree
with me that much of that, what's on this table
or maybe not on the table is described in the
narrative that follows in each instance.
A What I'm suggesting is the description isn't all
carried into the table.
Q Fair enough.
A In the way that I would have done it which is
the question I was asked.
Q Do you recall when Attorney Pacik was asking you
questions, she's counsel for the City of
Concord, and she asked you if you thought there
were additional cultural landscapes from
Deerfield to Franklin and you said yes, likely.
A I recall that.
Q I believe you said yes because the original
capture by the Applicant did not include all of
the landscape level categories that you've
described.
A The categories we described. They're not all
Q And also because the APE used by the Applicant was one mile rather than 10 miles. Right?

A Yes. Those are both factors.

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

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

Q But let's assume --

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

{SEC 2015-06} [Day 54/Afternoon Session ONLY] {11-02-17}
Let's assume just the one-mile APE. Is it your opinion that there are additional cultural landscapes within a one-mile APE that the Project has missed?

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

Have you identified any cultural --

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

Have you identified any cultural --

No. I haven't. I've identified lots of potential sites that in our methodology -- our methodology basically indicated we've read all these materials, we think there are some categories missing, here are the possible
categories that would describe the larger
universe of resources that may be impacted if
they're, you know, within view or within direct
impact, but most of these categories were not
fully vetted in the work done by the Applicant.
That was our methodology. We were not, we
didn't carry it further and assess those, we
didn't reduce them and vet them in various ways.

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

A Yeah. We have seen that before.

Q -- came from Dr. Boisvert, right?

A Yes.

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

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

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

A    No. I think what I said was it's possible there are still some out there that haven't been identified, and I qualified that statement by saying that it was clear to us in the review process that DHR has not been able to complete its context studies throughout the state that
would inform thorough inventories due to lack of funding and human resources over many years. So these --

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

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

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

A No. I think that the --

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

A I think I also said last week that I think the boundaries that have been used for the cultural landscape studies are based on property ownership probably with the intent to create Historic Districts and that boundaries can be based on geography and can be based on use and that I would probably question some of the way the boundaries were put forward in the four cultural landscape studies that yielded the ten
sites within the APE.

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

A No specific landscapes. Thank you.

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

A Mine doesn't have lines.

Q I'm sorry?

A My version doesn't have lines.

Q Let me just read what you said.

A Sure. Go right ahead.

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

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

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

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

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

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

Q Have you ever been engaged by a utility to help them design a transmission line?
A  No.
Q  You've never worked with transmission line engineers to consider avoidance and minimization steps?
A  Not in the way that this Project does, no.
Q  And, obviously, you have not offered my alternative design for this Project.
A  Yeah.  Not offered any alternative.
Q  And I'm just curious.  You've described for this Committee that knowing that 60 percent of the property in New Hampshire, approximately 60 percent of it is in current use and you consider that all as landscape level historic site, it would be difficult --
A  I actually don't think we ever said that, Jeremy.  You keep conflating the definition of current use with historic site.  What we're saying is here's the broader universe of resources that should perhaps be considered.
Q  Well, you've said that current use is --
A  One of those categories.
Q  Is valued by the people of New Hampshire, and, therefore, included in the definition of historic sites by the SEC.
A  Go ahead. Go ahead.

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

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

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

A  Sure.

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

A  Yes.

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

A  Yes.

Q  And co-locating the line in an existing corridor is not the only thing that this Project has done
to minimize impact, right?

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

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

A Yes.

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

A Some have been shortened.

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

A Yes.

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

A In my opinion, the avoidance is limited to the poles and the existing corridor, but when we're
talking about the height and scale of the Project, this has not been altered in any manner.

Q Let me turn to the programmatic agreement and the ongoing 106 process. You were asked about this by Attorney Aslin, and for the record, it's Applicant's Exhibit 204. And specifically, Attorney Aslin asked you about V which is the resolution of adverse effects which for your reference begins on page 26 of that document. It looks like you have it in front of you, Ms. O'Donnell?

A I do.

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

A Correct.

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

A That's what it says.
Q And then on the next page, Section C of that
document which is page 27, it provides that the
HPTP will also include such things as monitoring
plan, unanticipated discoveries; you see all
that, correct?
A That is correct.
Q And when Attorney Aslin was asking you about
this, he mentioned that Ms. Widell expressed her
confidence that resolution of adverse effects
would be sufficiently addressed in this
agreement, and you disagreed. Do you recall
that?
A I did.
Q And you said that it's not an appropriate way
for the Site Evaluation Committee to deal with
resolution of adverse effects. Do you recall
that?
A Yeah.
Q And I think you described it, you said the
Programmatic Agreement, it's largely a
consultative process, and it sets forth a
framework.
A That's my understanding.
Q And you also said it's very high risk. Those
were your words. You said it's very high risk because it leaves to the Applicant to carry out these measures. It leaves it to the Applicant to do that. Right?

A Yes.

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

A No, it has items of oversight.

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

A Yes.

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

A I've only heard of it. I don't know the details.
All right. Would it surprise you to know that in the Groton Wind Project, the Site Evaluation Committee, and I'm going to turn to page 23 of that, please, Dawn.

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

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

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

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

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

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

Q We talked about the ongoing correspondence between the Applicant and the DHR with regard to historic resource assessment for this Project.

Have you reviewed the various monthly reports
that are submitted to the DHR or the summaries of the quarterly meetings?

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

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

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

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

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

Q Let me ask you about --

A Because of the --

(Court reporter interruption)

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

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

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

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

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

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

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

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

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

Q You disagree.

A I do.

Q So based on what Dr. Boisvert, who we've talked about is our Deputy SHPO, has outlined here, you don't take comfort in the DHR's ongoing --
A I do not because the number of adverse effects that the Applicant has put forward is so small along this corridor that it's minute in terms of what kinds of mitigations or avoidances may be needed.

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

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

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

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

Q As you sit here in your assessment of this, you cannot point to one particular adverse effect
that we missed.

A No. There are quite a few. I think the Weeks Estate, I think the Rocks Estate, I think the Pemigewassett Valley, I think the Suncook Valley.

Q Well, wait a minute.

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

Q I thought you testified --

A == as adverse.

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

A You asked my opinion.

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

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

Q And I won't keep arguing with you, Ms. O'Donnell, but on individual sites, you have not -- you have just named a bunch of individual
sites. You have not gone through the process of assessing adverse effects under the guidance from the C.F.R. You have not done that.

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

Q Okay.

A And we find it lacking.

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

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

A Thank you, Mr. Walker.

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

QUESTIONS BY MR. OLDENBURG:

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

A Take a breath.

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

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

Q So earlier this morning Ms. Saffo asked you
about stone walls and showed a lot of pictures. Historically, aren't stone, weren't stone walls typically created at property lines?

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

Q Okay.

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

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


Q When we redo roads, we hit stone walls, and so if they're historic, we rebuild them. And I know a lot of times when we do a survey of a property, if we don't have historic reference, a lot, exactly where that line is, a lot of the historic surveys will use that stone wall as a property line if it looks reasonable.
Q So my question was, if it appears to be the right-of-way line along the road, and the Applicant isn't planning on going outside the right-of-way, is it safe to say that it wouldn't be impacted?

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

Q Correct.

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

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

A Somebody else can talk surveys.

Q So in your Prefiled Testimony on page 2, you listed a lot of what you classified as visual influence that would occur after construction
known as the list. Two ponds, eight designated river crossings and that, does that include existing, the existing line crossings or are those new?

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

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

A Just the one crossing.

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

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

Q One of the other things that you talked about, you made mention about that the Project was in conflict with orderly development of the region
based upon a review of host town planning and zoning documents. When you reviewed the planning and zoning documents, what did you look for to come to that conclusion?

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

Q Okay.

A Which would be page 38, the first bullet point, we cite relevant town planning or zoning
excerpt from 28 of these 35 towns addressing values and intent to preserve and protect historic, scenic and natural resources and cultural landscapes of their community.

Q Okay.

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

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

A No. Not at all.

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

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

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

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

A Correct.

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

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

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

I thought the whole 106 process was
specifically set up to avoid, minimize and
mitigate against historic sites.
A Can you tell me the page you're on?
Q It's on page 5 of 7, starts at line 19 which is about three quarters of the way down the page. They're not numbered.
A Let me find it. Believe it or not, the one in my binder is up to page 4 and is missing page 5. But let me check. So your question was the purpose of 106?
Q Yes.
A Yeah, I mean, I think the purpose of 106 is to find the right project and avoid and mitigate, but when you're down to construction, the mitigation is often not physical. In my experience with 106, it relates to public education, it relates to interpretation, it relates to nonphysical means of mitigating.
Q So is that, when you say compensatory mitigation, is that --
A Correct.
Q That's what you mean.
A Yeah. That it's offsetting an impact by offering educational resources, by offering documentation. The Section 106 has a companion Section 110. I believe it's 110 B that, and
then there's a further Memorandum of Understanding on 110 B that's about documenting. So documentation often is often a mitigating tool and for some projects we've done Section 110 documentation at the level of the Historic American Building Survey, the Historic American Landscape Survey or the Historic American Engineering Record. So, again, it's a nonphysical mitigating step.

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

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

Q So in the area where there's an existing corridor, with existing lines in it, we've heard testimony before that these lines have been there for 50 or 75 years. And say you have a historic house, say I own a historic house that's 200 years old, and the previous owner had
granted or sold that easement for the existing transmission line. Wasn't the historic impact done to that property at the original sale of that easement when the original line was constructed?

A The first impact. Yes.

Q So this is a second impact?

A It is.

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

A Yes.

Q Even though it's the same use.

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

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

A Oh, yeah.

Q -- the property away, correct?

A In preservation, they say integrity is
diminished with that, but it's also reversible.  
Q But then say 15 years later I put all new vinyl windows in. Have I really impacted the historic nature of the house or was that done the first time?
A You're speculating. You're speculating.
Q I'm trying to relate the two.
A I think that in the Preservation Company's work they did a very good job on architecture. What they didn't do such a good job on was everything else. So I think that the architecture was very well handled, and they did look at integrity of historic architecture quite thoroughly along the corridor. Interestingly, went from nearly 1200 to 194 to a dozen impacts so it's the same reductionist that I was just speaking to. It's constantly reducing the universe of resources that are adversely impacted to indicate that overall the line has no unreasonably adverse impact because there are only these dozen things that we're worrying about. I think that's a real walnut shell game that is a real flaw in the process here.
Q Okay. The cultural landscapes, so this is
interesting because this was, I never dealt with that before so I was interested in the previous discussions we've had. And I get the sense that in your report you used a definition of cultural landscapes, and then you mention the National Park Service has a definition, and then if you go into, I don't know if it's the P A L or PAL or however you --

A PAL is fine.

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

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

Q So did you agree with the PAL?

A I think the PAL reports are quite well done. I'm a little mystified by the way they drew the boundaries.

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

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

Q Okay.

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

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

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

That's, I think, an incorrect expression of what a landscape experience is. It's our daily
lives. It's moving through space.

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

A In and out.

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

A Correct.

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

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

Q Okay.

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

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

There was a whole discussion in the underground section about what the APE is is 20 feet off the edge of pavement, and we had a whole discussion about how that APE was
developed when Ms. Widell was --

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

Either one of those speaks to that.

Q  So it was basically determined that the

Department of Energy actually sets the APE and

set the APE at 20 feet, and I think in your

Direct Testimony when Counsel for the Public was

up, you had mentioned that the Applicant didn't

go far enough, if I remember right, and should

have gone further than the 20 feet. Is it the

Applicant's responsibility to say no, I think

you're wrong, Department of Energy. I need to

go further?

A  Well, I think that what we were saying was the

inventory missed things that were quite close to

the 20-foot boundary, and that historic house at

22 or a stone wall at 25 was potentially going

to be impacted. We also I think had a

discussion on Friday about vibration and other

guidance on vibration around historic structures

that gave 150 feet or 500 feet as the monitoring

limit whereas this Project is saying there's a

20-foot impact. So we think that there's a

monitoring issue as well as perhaps a just
beyond the 20 feet, what's the inventory issue.

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

A Correct.

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

A Um-hum.

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

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

Q Being silent on it, doesn't that sort of imply that you're using that standard practice?
A  It does. It does imply that. That the SEC would use the standard practices.

Q  All right.

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

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

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

So the visual setting of a graveyard is important to its ability to be a memorial place. So we're suggesting that just as the front of a
historic farmhouse, the fields of a farmhouse, could have a visual impact, a historic graveyard could have a visual impact because of its memorialization qualities.

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

A We stayed on public roads.

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

A Could we take a short break?

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

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

PRESIDING OFFICER HONIGBERG: Ms. Weathersby?

QUESTIONS BY MS. WEATHERSBY:

Q Good afternoon, Ms. O'Donnell. Just a couple of quick questions. I'm following up on something
you were talking about with Mr. Oldenburg concerning the vibration issue. On Friday we looked at the DOT guidance document. If the SEC required the Applicant to adhere to DOT's guidelines concerning vibration monitoring including the inventory, the whole thing including the inventory recycling and all that, do you believe that would be adequate to address the effects of vibration on historic structures and walls?

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

Q  Okay. Backing up a little bit about your universe of the 13,000 odd sites. I just want to be sure that I'm clear. The purpose of that pool of historic sites, that was not a definitive list of sites you expected the Applicant to inventory but rather was used as a sort of a starting point for sites that should be considered for effects. Did I understand
A: That is correct.
Q: Okay.
A: We defined it as a larger universe that had not really been considered, and by mapping it, we showed that it's everywhere.
Q: Right.
A: It's pervasive.
Q: Couple questions on the 106 process. I know that's still ongoing and going to be ongoing for a while, but I'm wondering how, it seems to me there's going to be a difference of opinion between the Applicant DHR and the consulting parties regarding the identification of affected historic resources, and I'm wondering how that gets resolved in the 106 process if there's a disagreement. If you know.
A: In my experience, it's often been on a particular resource that was excluded, and then the decision is made to include or there's a good reason why not. I think the point that we've made and we continue to make is that the number of adverse impacts defined by the Applicant is so small as to be laughable.
Q: Right, but so say in the 106 process the Applicant has the 6 resources that it believes were affected. DHR says no, we really think the number is 106. Does DHR then overrule or do they need to come to some sort of agreement? How does that get resolved?

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

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

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

Q: Thank you. I have nothing further.

PRESIDING OFFICER HONIGBERG: I don't believe anyone else has any questions from the Subcommittee, Ms. O'Donnell.
Mr. Aslin, do you have redirect for your witness?

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

REDIRECT EXAMINATION

BY MR. ASLIN:

Q  Ms. O'Donnell.
A  Mr. Aslin.

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

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

A  Correct.

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

A  Correct.

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

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

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

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

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

A  Sure.

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

A  No. I'm not claiming that.

Q  And that's not, so this table and the 13,000 is not the basis for your ultimate conclusion about
an unreasonable adverse impact in this Project?

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

A Chapter 5 somewhere?

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

Do you have it up there now?

A It's here.

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

A Yes. So the number's incorrect.

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

A Yeah. The math in the table was flawed.

Q Okay. So here you're saying that the size, scale and nature of the proposed facility at 192 miles through or near 35 towns will adversely affect many of the 12,904 enumerated historic sites and cultural landscapes.
Now, are you saying here that all of the 12,000 sites that you've identified meet the definition of a historic site necessarily?

A  No.

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

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

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

A  Yes. A prevalence of resources within the area.

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

A  Yes. The pervasiveness meaning the scale and
episodic views of it everywhere. The perpetual presence meaning the lifespan of the Project. And by my estimation limited mitigation simply by putting it in an existing corridor and making some adjustments to poles and undergrounding it through the National Forest is to me fairly limited because adverse impacts happen more frequently than those few mitigations. Adverse impacts can happen more frequently than those few mitigations account for.

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

A You're going to pull that one up?

Q Yes. It should be coming up.

A Okay.

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

A It's here.

Q So in section subsection (b) of this part of the
SEC rules, it says, identification of all historic sites and areas of potential architecture sensitivity located within the area of potential effects as defined in 36 C.F.R. Section 800.16(d), and Mr. Walker was asking you questions about this portion of the rules and the suggestion that the rules require the SEC to rely upon the APE determined by the Department of Energy through the 106 process. Do you see that language in this rule?

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

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

A Correct.

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

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

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

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

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

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

A Okay. So the C.F.R. definition is saying area of potential effects means the geographic area or areas within which the undertaking may directly or indirectly cause alterations in the character or use of historic properties if any such properties exist. The area of potential effect is influenced by the scale and nature of
an undertaking and may be different for
different kinds of effects caused by the
undertaking.

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

Q Did you also rely in part on the bare ground
visibility analysis from T.J. Boyle?
A Yes. Absolutely. We looked at the nonscreened
bare-earth approach and found that there was
substantial visibility. I think it's 30,
Meghan, correct me if I'm wrong, 33 percent, 31
percent, across the entire 10 miles. It's in
the low 30s. So if you, I mean, you have to
imagine, okay, you're taking out all the
underground so you're talking about the north
and the south maybe 40, 50 percent of visible
across ten miles.

Q Thank you. So am I correct that as you
interpret the federal definition of the area of
potential effect, it is based in part on the
specific nature of the Project and the location
of the Project?

A  Correct.

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

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

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

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

A  This is Director Muzzey's words, and for
historical as currently written it's left that
it depends on the nature of the project as to
what that, dash, dash, how that is defined.

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

A Correct. I would agree. Scale and scope.

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

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

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

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

Q Thank you. You were also asked by Mr. Walker
about a policy memorandum issued by the DHR that
should be appearing on the screen shortly.
A Right.
Q And do you see the title of this document?
A Agency Review of Applications before the New Hampshire Site Evaluation Committee.
Q And can you read the first sentence?
A Policy, in order to determine whether an application for the certificate before the New Hampshire Site Evaluation Committee is complete, the Division of Historic Resources, DHR, conducts a preliminary review of the materials to determine whether they contain sufficient material for the DHR's purposes under Section 106 of the National Historic Preservation Act citation.
Q You don't have to read the citation.
So based on that sentence, do you understand this document to be DHR's policy on how DHR reviews the completeness of applications filed to the SEC?
A That's what this introductory sentence says. It's how they judge completeness of an application.
Q Do you have an understanding of DHR's role as
the State Historic Preservation Office in assessing historic resources in general?

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

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

A Correct.

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

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

Q Okay. If we could go to 59850. This is the third page of this document. The top paragraph is the one that Attorney Walker discussed with you a bit. And specifically he was, I believe,
suggesting that this language should be interpreted to say that DHR finds that under Site 102.23 which is the definition of historic sites on the SEC process that that should be limited to resources that are eligible or listed in the National Register which is the category that's reviewed under the 106 process. Do you recall that exchange?

A I do recall that exchange.

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

A They would. But not exclusively.

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

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

Q Okay. Thank you. You were also showed an inventory form and this is Applicant's Exhibit 113 D, and it's APP 84737. Do you recall seeing this document this afternoon?
Q I believe you testified today that you hadn't seen this document before; is that correct?
A No.
Q Are you aware that this document was actually provided to the parties just this morning?
A No. I wasn't aware.
Q Mr. Walker asked you or pointed out a few resources that are listed here including graveyard or recreation area and I think a public water body and suggested that that indicated that the Applicant had reviewed the various categories of resources that you pointed out in your report as being lacking in their review. Do you recall that?
A I do recall.
Q You see that there are 11 pages to this document?
A Yes. Correct, 11 pages.
Q And the last page only has two resources listed?
A Yes.
Q Can you go back to the first page?
A And would you accept that the first page
has roughly 20 resources listed?

A   Something like that.

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

A   All full pages would have about 20. Yes.

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

A   Plus or minus.

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

A   Right. There was about 3000.

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

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

Q   You see the title of this document is Architecture Resources Considered as Part of the Northern Pass Transmission (NPT) Project. Do
you have an understanding of what this document is actually capturing?

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

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

A Right.

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

A Yes.

Q And I believe, well, this language includes a statement that the plan, referring to the HPTP, will essentially, I'm paraphrasing, but that the HPTP will document the resolution of adverse effects to historic properties; is that a fair
In paragraph A, yes.

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

That is correct.

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

Direct impacts are often not reduced in a 106 process.

Are indirect impacts reduced?

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

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

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

Yes.

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

Correct.

The last sentence going to the next page I'll just read, it says because the Section 106 process has not yet reached that stage, mitigation has not yet been discussed in the context of the federal process. We have nevertheless appreciated the opportunity to discuss general ideas about mitigation with you at our last two quarterly meetings, particularly regarding adverse effects on aboveground resources. And as Cherilyn Widell said when she was questioned at the SEC hearings and as you are aware the standard approaches to mitigation include the development of educational materials and providing funding for preservation efforts.
Is that the kind of mitigation under the Section 106 process that you were testifying about that doesn't necessarily reduce or eliminate adverse impacts to the resource?

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

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

A I've seen it used before.

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

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

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

BRADLEY THOMPSON, DULY SWORN

DIRECT EXAMINATION

BY MR. BAKER:

Q Good afternoon. Thank you, Mr. Chair. I have two clients that are in Mr. Thompson's group. I do not represent the group as counsel, but I have agreed to act as spokesperson this
afternoon to introduce Mr. Thompson with respect to the preliminaries, and I also have probably 30 minutes of questions for Mr. Thompson as well.

PRESIDING OFFICER HONIGBERG: You may proceed.

MR. BAKER: Thank you.

BY MR. BAKER:

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

A I did.

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

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

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

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have submitted?

A    Yes.

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

A    I believe so. Yes.

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

A    Yes.

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

A    Do you have the date on that one?

Q    March 26th, 2017.

A    Correct.

Q    And finally, CS 16 is your Supplemental Testimony on what you call summary issues, also dated March 26, '17?
A Yes.

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

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

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

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

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

MR. WALKER: No objection.

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

And the last one is the March 26th Supplemental, I believe it is, Prefiled
Testimony, the end of the number one point I said that I would have a simulated document to show to the SEC relative to what Transition Station No. 4 is going to look like after it's built, and I never got to do that. So that is not available.

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

Q Is that 66 or 66,000?
A 66,000. And number of truck loads also changes.
Q Are there any other changes?
A No, sir.
Q Do you swear that the statements contained in these Prefiled Testimonies that we have discussed are true to the best of your knowledge, information and belief?
A I do.

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

PRESIDING OFFICER HONIGBERG: You may proceed.

BY MR. BAKER:
Q  Mr. Thompson, as an attorney representing one of
the members of your group who lives on one of
the town roads under which Northern Pass wishes
to build this Project, I have some questions and
I'm not sure that my understanding is fully
informed. But I'd like to start by a quick
review. What's on the screen in front of you is
a letter that was sent out on December 2nd,
2016, to landowners, apparently by Northern
Pass. Do you recognize this letter?
A  Yes.
Q  Can you tell the Committee how you came to see
this letter?
A  I believe it came in the mail to my mailbox in
Stewartstown.
Q  So it was directed to your address?
A  Yes.
Q  And in particular in this letter it states, does
it not, that during construction Northern Pass
anticipates temporary road closures of Bear Rock
Road?
A  Yes.
Q  That letter for the record was marked as CS 131.

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

A Yes.

Q And have you seen this letter before?

A Yes.

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

Again, I'm going to show you another letter from that Northern Pass Application package for the roads to the DOT. It's dated December 2nd, 2016, and it is part of the package at APP 41834. That's the number that's been put on it by the Applicants. This is a letter to Stewartstown anticipating road closures for its advanced designed underground segment and the road closures being on my client's road, Old
County Road, North Hill Road and Bear Rock Road in Stewartstown. Have you seen this before?

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

Q So you have seen one of these?

A Stewartstown.

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

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

A No.

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

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

A: I don't distinctly remember this conversation.

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

A: Yes.

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

A: It would be, yes.

Q: I'm going to page down to page 113 in this transcript. Sorry this is taking so long. Do you recall Ms. Farrington's testimony with respect to rolling work zones and the splice pits that were be going to be placed in the roads?

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

Q: Let me move on then to the next transcript...
reference. This is testimony by Mr. Scott, and I know you were here because these are your questions. And this is a transcript of Hearing Day 8 in the afternoon. I'm on page 20, lines 8 through 22. Could you review that and I'll go up to the top again and page down slowly so you can read that.

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

A Yes.

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

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

Q And then bringing this up more currently, I have the transcript from Day 42 in the morning. This is Mr. Johnson responding to questions by Mr. Pappas, and I am on page 97 of this transcript. Do you see where Mr. Johnson says
that the roads, the 7 and a half mile section Old County Road North Hill and Bear Rock are going to be subject to road closures? This is now in September 29th, 2017. You see that?

A: I do.

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

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

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

A: The Applicant contends it will not close any of those roads, Needleman said.
Q  Okay. Well, again, I'm not sure what roads he was referring to, but assume for a moment, if you will, for the next question I'm going to ask you that he was referring to the roads in Stewartstown. Does that surprise you?
A  It does based on a lot of other testimony that I've heard down through the months.
Q  Do you know of any evidence in this case, and I know you've been following it, I can't say you followed it as closely as some, but I know you've been following it. I've seen you here many of the days. Do you know of any evidence that's been presented other than Mr. Needleman's statement that these road closures that you were notified about back in December won't occur?
A  No evidence.
Q  Assuming there are road closures in Stewartstown and Clarksville, you represent this group, do you know how many people would be directly impacted by those road closures?
A  Yes.
Q  Could you tell the Committee how many you believe would be impacted?

MR. NEEDLEMAN: Objection. At this point
we're just rehashing existing testimony.

PRESIDING OFFICER HONIGBERG: Mr. Baker?

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

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

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

PRESIDING OFFICER HONIGBERG: Right.

A Yes. I do know the number of people that live on those roads.
Q Could you tell us how many?
A I spent a morning surveying. There are three major dirt roads, Old County Road, North Hill Road and Bear Rock Road. Total number of year-round homes that are either on those roads or spurs off of those three roads is 60 year-round homes and 54 seasonal homes to the best of my count.
Q Thank you.

MR. BAKER: I have no further questions.

(Discussion off the record)

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

MR. PAPPAS: Thank you, Mr. Chairman.

CROSS-EXAMINATION

BY MR. PAPPAS:
Q Good afternoon, Mr. Thompson.
A Good afternoon.
Q As you know, I'm Tom Pappas representing Counsel for the Public.
I want to ask you first some questions about your Prefiled Testimony regarding the impact on your glacial wells on your property.
What's on the screen now in front of you is
Sheet 11 from Applicant's number 201 which is the August 2017 Project maps. Do you see that?

A I do.

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

A Yes.

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

A Yes. I do.

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

A To the left?

Q Correct.

A Yes.

Q Is that your house?

A Yes.

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

A Yes.

Q And that's Transition Station #4?

A Correct.
And then could you, would I be correct in saying that your wells are located along Bear Rock Road, down near Bear Rock Road?

They're off of Noyes Road.

Off of Noyes Road?

Yes.

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

250 feet maybe.

All right. And so --

Give or take.

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

Correct.

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

Approximately 1100 feet by GPS.

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

Correct. The two white dots.

I see those.
A Representative, I think they probably represent the well houses and the three wells are within 50 to 75 feet of them.

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

A Correct.

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

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

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

A Yes.

Q Do you know the name of that hill?

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

Q All right. And I understand from your testimony there's also something called Holden Hill; is that correct?
A Yes. That is off the top of the page to the east and north. Holden Hill. Fairly substantial mountain.

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

A Yes.

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

A Yes.

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

A That's correct.

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

A Correct.

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

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

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

A I think the circle is probably a little small. It needs to encircle down near that road you see
going up, Heath Road going up to the right. But in general, it's very, it's very close.

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

A Yes.

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

A Correct. Just off his picture to the left.

Q Okay.

A At the bottom.

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

A I do.

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

A Correct. Yes.

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

A Yes.

Q And you see the two little buildings to the
right of West Branch Mohawk River?

A Yes. I do.

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

A They are.

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

A I am.

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

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

Q And the Committee can read what the elevation rise is, and it's roughly from about 680 or 90
going up to about 820 if you follow that up.

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

A Yes.

Q Does most of that include ledge?

A Yes.

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

A Correct.

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

A Correct.

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

A I do.

Q If NPT has to blast the ledge in the Transition Station #4, would you agree with me that it's going to be somewhere in the neighborhood of 60 to 75,000 cubic yards of materials that needs to come out?
Station #4 area, approximately how many pounds of explosives would be necessary?

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

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

A Correct.

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

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

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

A A number of things could happen and very well may happen. As I mentioned, the most critical one is the loss of the veins of water where it just dries up. There are contaminants that
occur during the blasting process. That could lead to contamination of the water in the wells or in the veins of wells. We have, because of this, what has to be considered a major blasting project, the very distinct possibility of spillage of fuels, contaminants, as I mentioned getting into the water. Ammonium nitrate is a byproduct. That's going to be washed downhill. Ammonium nitrate is a byproduct that ends up as a residue on all the blasted ledge. First good rain shower, that's going to wash the residue off the existing rocks if they haven't been hauled off, and that will end up downhill which is in the direction of the wells as well as the West Branch of the Mohawk River. Shaking loose of silt, sand, and other byproducts that exist. There's a number of things that can happen, and it's all magnified by the size of this blasting project.

Q For blasting projects, typically Best Management Practices are employed, are they not?
A Yes.
Q And those involve such things like preblast surveys and monitoring during blasting and some
post-blast assessments; is that right?

A  Yes.

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

A  No.

Q  Why not?

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

    PRESIDING OFFICER HONIGBERG:  Mr. Pappas?

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

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

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

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

PRESIDING OFFICER HONIGBERG: I heard that question.

MR. PAPPAS: And then I asked him why he didn't believe, because he said it won't protect him, and I asked him why wouldn't it protect
him. That was the question pending.

PRESIDING OFFICER HONIGBERG: Overruled.

You can proceed.

MR. PAPPAS: Thank you, Mr. Chairman.

BY MR. PAPPAS:

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

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

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

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

Q Okay. So in your Direct Testimony you also talked a little bit about the water business
from these wells. So I just want to inquire a little further about your Direct Testimony on that issue. Now, I understand these wells currently are not an operating business; is that right?

A That's correct.

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

A Correct.

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

A Yes.

Q Did you attempt to repermit?

A We started the process.

Q How far did you go?

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

Q Why not?

A Because of the potential for losing the water source through the construction of Northern Pass. Plus we didn't have a clearcut business plan at that point. We were still working on
it. Trying to come up with a proper approach. Just because you own the water doesn't necessarily make you the guy that's going to make the money. You have to, in our case we're trying to develop a niche use for the water of which we have been working on.

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

A No.

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

A Compensate?

Q Yes.

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

Q Well, you testified earlier that you thought if the wells were damaged, it would be irreparable. In other words, you couldn't drill new artesian wells?
A: That's correct.
Q: So are you saying that if the wells are damaged you wouldn't be able to operate the business?
A: That's correct. The only approach that I can think of would be to establish a lost revenue long-term or -- I don't know.
Q: Okay. Let me ask you just a few questions about mitigation of Transition Station #4 because you touched upon that in one of your Prefiled Testimonies.
A: Um-hum.
Q: Something coming up on the screen in front of you?
A: Yes.
Q: Good. What's on the screen now is CS 116 which is also a Counsel for the Public exhibit as well, and this shows land ownership by Renewable Properties and other interests that they have in the Stewartstown and Clarksville towns. Do you see that?
A: I do.
Q: Now, if you look at this map and you look at the town of Stewartstown in the middle, if you look you can see where it says Bear Rock Road in
yellow right in the middle of the map. Do you see that?
A I do.
Q And if you follow that along, can you see roughly where Transition Station #4 would be located?
A I do.

MR. WAY: Mr. Pappas, could you use your mouse and identify? Or Sandie, could you use your mouse? Thanks.
Q So you can see here the intersection of Bear Rock Road, and I believe that's probably Heath Road going up, correct? Do I have that right?
A Yes.
Q Okay. And if you follow that along, you can see in this general area the dark green indicates property that is owned by Renewable Properties; is that right?
I'll represent to you if you look at, you can't see it now because it's blown up but the legend on this exhibit indicates that anything in dark green --
A Yeah. I do.
Q -- Renewable Properties owns that.
A  Correct.

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

A  Correct.

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

A  I do.

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

A  I do.

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

A  I do.

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

A  Left to right. Yes.

Q  Okay. Now, in your Prefiled Testimony, you
    testified that Transition Station #4 would be
better located a quarter of a mile away. Do you recall that?

A I do.

Q Could you tell us where you were indicating?

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

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

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

A Yes.

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

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

A I do.

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

A Yes.

Q And if you go to the left of that you can see
North Hill Road; do you see that?
Q So there's been testimony about HDD drilling starting where Bear Rock Road intersects North Hill Road and following along Bear Rock Road more HDD drillings, and there's been testimony about splice boxes also along Bear Rock Road. And so what this map depicts under the Applicant's Traffic Control Plan is the detour if Bear Rock Road is closed and you have to go around, in this instance it's just specifically showing the rolling work zone. Do you see that?
A I do.
Q So according to the Applicant's Traffic Control Plan, if you can't go down Bear Rock Road, you have to go along the road at the top where you see the road in yellow.
A Yes.
Q And then that is Route 145 and goes down into Colebrook; is that correct?
A Correct.
Q And Colebrook is this little square on the left-hand side on the bottom?
A Correct.
Q And then once you get into Colebrook, you then
come out of Colebrook on Route 26. Do you see
that?

A Yes.

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

A I do.

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

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

A I am.

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

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

Q Yes.

A The fields on the left-hand margin of that box
are our property. It's about half a mile out to Bear Rock Road by way of our driveway and Noyes Road. We consider when we go to town that it's equal distance of 11 miles by taking Bear Rock down to 145 or going through the unmaintained part, which means you can't get through in the winter, of Bear Rock over into East Colebrook. Bear Rock Road to East Colebrook Road to 26.

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

Q Okay.
A For a full loop around. Either way, it's 20 minutes we consider going to town.
Q All right. And there's been testimony that there's going to be anywhere between 5,000 and 7500 truck loads necessary to haul material out of Transition Station #4; do you recall that?
A I do.
Q And if you're driving behind one of these dump trucks on these detour route will that increase the time to travel the detour route?
A Absolutely.
Q So if someone lives along Bear Rock Road or North Hill Road, and they have to take this detour route because of construction, do I understand you to say that it's going to take anywhere between 20 minutes to 30 minutes or so to do this loop?

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

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

A Even longer.

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

PRESIDING OFFICER HONIGBERG: Ms. Pacik?

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

CROSS-EXAMINATION

BY MS. PACIK:

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

A Good afternoon.

Q Also the spokesperson for Municipal Group 3-South. I just have a few questions for you,
and I'd like to discuss the tax payments predicted to be paid by Northern Pass in Stewartstown which is where you own a home; is that correct?

A Correct.

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

A Correct.

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

A Yes.

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

A Correct.

Q Renewable Properties, Inc., is the fourth one on
the list and that, you understand, is a subsidiary of Eversource?

A  It is.

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

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

A  Looks right, yes.

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

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

Q  Yes, I actually looked. It's $23.88, and we can just put up the DRA sheet for 2016 so you can
confirm, although I'm not going to mark this as an exhibit. But do you see that's $23.88?

A  Yes. I see it.

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

A  Sounds about right.

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

A  Sounds right.

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

A  Correct.

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

A  Yes.

Q  Okay. Now, one question that I first have is Attorney Needleman when he was asking Selectman Coates about the potential tax savings for
individuals like you in Stewartstown, he had stated that the potential savings was about 50 percent of the taxes, and we can just show the transcript for a moment.

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

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

MR. NEEDLEMAN: Mr. Chair, I'm going to object at this point. All tax information could
have been included and should have been included in Mr. Thompson's Prefiled Testimony. Even though the chart that Ms. Pacik showed a few minutes ago was new, this tax information was all included in the original Application.

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

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

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

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

MR. NEEDLEMAN: Mr. Chair, it's an elaboration of existing information, and this is a perfect example of aligned parties eliciting
new testimony from each other.

PRESIDING OFFICER HONIGBERG: It is. Sustained.

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

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

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

MS. PACIK: Okay. So the offer of proof is if he was allowed to testify he would confirm that his savings in Year 1 would not be about 50
percent. And also if Mr. Thompson was allowed to testify, I would ask him whether or not the lower tax rate has any impact on his opposition of this matter and why and his response would be no --

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

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

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

MS. PACIK: No.

PRESIDING OFFICER HONIGBERG: Yes, it would.

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

PRESIDING OFFICER HONIGBERG: And that would be because of all the reasons he opposes
the Project. The tax savings, such as they are, whatever they are, aren't sufficient to overcome his objections. I think that's a given. I think we could all stipulate to that. And no one would disagree that that's what Mr. Thompson would testify, and, frankly, that's what all the Intervenors who are opposed would say. So I don't think that's -- that's a given. We all get that. Is there anything else that you would ask him about taxes?

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

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

MR. THOMPSON: It really helps, yes.

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

PRESIDING OFFICER HONIGBERG: Ms. Menard?

CROSS-EXAMINATION

BY MS. MENARD:

Q Good afternoon, Mr. Thompson.

A Good afternoon.

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

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

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

A Bears' Den.

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

A Correct.

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

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

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

PRESIDING OFFICER HONIGBERG: Ms. Menard?

MS. MENARD: This is to set up my main question, and Mr. Chalmers was very engaged in some conversation about an owners' perspective and the market perspective that he did stopped at Lancaster and Littleton, and this property is one hour north. So we have no basis for understanding property value effects and business value effects, and we have a business
owner here, and I think it is a fair topic to
ask some, what I'm getting into, some very
specific questions about business impacts now
that we have a little understanding of the
business that we're talking about.

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

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

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

PRESIDING OFFICER HONIGBERG: That's
helpful. Mr. Needleman?
MR. NEEDLEMAN: Notwithstanding any of that, everything that Ms. Menard just described relates to the report that Mr. Chalmers originally filed. It wasn't new information elicited from Mr. Chalmers. And so to the extent that they had anything to say about this, it should have been in their testimony in response to the report.

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

MS. MENARD: Okay.

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

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

PRESIDING OFFICER HONIGBERG: Yes.

MS. MENARD: Thank you.

BY MS. MENARD:

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

MR. NEEDLEMAN: Objection. Same basis.

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

PRESIDING OFFICER HONIGBERG: Okay.

Overruled. You can proceed, understanding that that's where you're going.
BY MS. MENARD:

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

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

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

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

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

PRESIDING OFFICER HONIGBERG:  Mr. Thompson,
do you recall were you asked questions about
your wife's testimony at Technical Sessions?

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

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

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

PRESIDING OFFICER HONIGBERG: Okay.

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

PRESIDING OFFICER HONIGBERG: Okay. Go
ahead.

BY MS. MENARD:

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

A Yes.

Q What time period; do you recall?

A Late 2012.

Q And the discussions led Northern Pass
Transmission to present you an offer, correct?

A Correct.

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

PRESIDING OFFICER HONIGBERG: Ms. Menard?

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

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

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

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

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

PRESIDING OFFICER HONIGBERG: Right. I
think there is information, there is testimony in his Prefiled Testimony that he was approached. I don't know that there were details given so that's in there.

MS. MENARD: Yes. I understand.

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

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

PRESIDING OFFICER HONIGBERG: His testimony says that he wouldn't have sold it at any price. So that's in the record. That was his testimony. He's adopted it already. So what else do you want to know? Are you trying to get, are you trying to get testimony that now it's worth less? That someone would offer him less than they did?
MS. MENARD: No. I would like to determine, and this is pointed out in the Purchase & Sales agreement if I may, can you please put up page 2 of the Purchase & Sales Agreement, and this is a real estate concept that is referring to the property as being unique.

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

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

MS. MENARD: Correct.

PRESIDING OFFICER HONIGBERG: As part of the officer?

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

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

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

PRESIDING OFFICER HONIGBERG: Sure.

MS. MENARD: Thank you.

(Discussion off the record)

MS. MENARD: I think I'm ready,
Mr. Chairman. Hopefully, this isn't too painful for everybody.

PRESIDING OFFICER HONIGBERG: Give it a whirl.

MS. MENARD: Thank you.

BY MS. MENARD:

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

A I'm aware of it, yes.

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

A Permanent.

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

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

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

PRESIDING OFFICER HONIGBERG: All right. I have no other Intervenors who indicated that they wanted to ask Mr. Thompson questions. Did
I miss anybody? All right. Members of Subcommittee?

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

(Discussion off the record)

CROSS-EXAMINATION

BY MR. WALKER:

Q Good afternoon, Mr. Thompson.
A Good afternoon.

Q My name is Jeremy Walker. I am counsel for the Applicant. Just have a few questions for you. First I want to follow up on the issue of the road closures that we've been talking about on Bear Rock Road, and you testified, I believe you testified that you've seen no evidence about Bear Rock Road remaining open. Is that right? Just today when you were testifying earlier.
A That's correct.

Q Have you had a chance to review the DOT Exception Requests that the Applicant made available to the parties over the summer?
A Yes.

Q You know what I'm referring to?
A The ones in Stewartstown I reviewed.
Q  Are you aware that in response to the Applicant's original plan to be in the road on Bear Rock and temporarily close portions of the road, the DOT came back and informed the Applicant that it had to be out of the road. Are you aware of that?

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

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

A  Okay.

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

A  I'm aware of the filing. Yes.

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

But Dawn, if you could pull up Exception Request 184 which is CFP Exhibit 551.
On the screen before you, Mr. Thompson, is this particular Exception Request number 184, and just at the heading, if you see up at heading it says Town of Stewartstown, Highway Bear Rock Road, Tier 4?

A I see it.

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

A I have seen these, yes.

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

A I see it.

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

A That's what it says.

Q Let me show you another one. Exhibit 549 which is a similar Exception Request 180. And, again,
at the top it's a reference to Stewartstown, Bear Rock Road, Tier 4.
And Dawn, if you can highlight the area on that same page up under traffic information.
Do you see where it says traffic control type ALT 1-way?
A Yes.
Q And I'll represent to you that is a designation of one-way traffic through there. So, again, the road will not be closed. And I'm going to note that we've referenced these other Exception Requests that relate to Bear Rock Road, and I'll represent to you that they have the same provision providing for alternating one-way traffic. Would you accept that representation?
A I will accept that.
Q And these are in the record.
A It also should be noted that these are all part of the State Highway Bear Rock Road that they're in. Not town road.
Q These particular ones here.
A Correct.
Q Okay. I'm not going to go through all of them, but I want you to understand that these ones
here dealing with Bear Rock Road and Stewartstown have that same provision.

A I understand that.

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

A I do, I believe.

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

A The December 30th?

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

A What page?

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

A Got it.

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

A Very fair to say.

Q On line 11, you note that hiding and
camouflaging these Transition Stations as much as possible is critical as they are visually offensive.

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

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

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

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

Q That's your position.
A  It's 70 feet from the edge of the right-of-way to the fence. Metal fence. 70 feet it scales on the plans. Very steep slope. All ledge.

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

A  No.

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

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

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

A  Goes away.

Q  Goes away.

A  Thank you.

Q  And I will represent to you that there is no lighting proposed at those Transition Stations.
I found that out later. Yes. My point there was that part of the natural landscape where we live is the fact, not only the visual enjoyment but very quiet and the lack of any streetlights or hardly any home lights.

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

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

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

A Correct.

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

A I didn't see that in the readings that I, at the time I wrote this. I was not aware of it, no.
Q Assuming that they are required to?
A It certainly makes sense. It should happen.
Q And it alleviates that concern of yours, correct?
A Correct.
Q On the next, line 28, you state that because the mention of Transition Stations is missing from the manual, you're referring to that same Eversource maintenance manual, and you say that it would lead you to deduce that Eversource and the old Public Service Company of New Hampshire had never until now had any dealings with transition stations, and you're concerned about the possible lack of knowledge and experience here.

I want to just ask you, are you aware that transition stations are included and treated as substations in the manual?
A I was not.
Q Assuming that they are, that they are treated as substations in the manual, does that address that concern of yours?
A Repeat that, please?
Q Assuming that transition stations are actually
addressed in the manual as substations, does that address your concern that they don't appear anywhere in the manual?

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

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

A  If you say so.

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

A  I do.

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

A  I am aware of it, but I wanted to stipulate the
importance of it because of the magnitude of this Project and the activities that are going to occur, and they're multiple.

Q Sure. But that's, you'd agree that's a condition of the DES permit?
A Yes, it is a condition.
Q It's a very specific condition.
A Thank you.
Q Thank you, Mr. Thompson.

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

QUESTIONS BY COMMISSIONER BAILEY:

Q Good evening, Mr. Thompson.
A Good evening.
Q I just want to follow up on one of Mr. Walker's questions. You said that you would not be willing to work with the Applicant to develop screening. Why wouldn't you be willing to?
A I don't think it would, number one, I don't think it would be effective in hiding the magnitude of the steel structure that's going to be right behind it.
Q Why?
A Because it will be higher than any vegetation of trees you could put in there. Anything manmade like fencing is as offensive as the Transition Station. Not only the actual physical Transition Station which is encased in the fences, I think it's something like 70 by 150 feet is the domed blasted ledge, I call it an amphitheatre, that you're going to see that goes way up onto the hillside. Plus you've got the road that you'd look up, the drainage ditches on both sides, the possibility of screening that to be at all effective just won't work.

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

Q Okay. Sandie, could you bring up Counsel for the Public Exhibit, no, it was CS 132 that I think Mr. Pappas used. This was a picture, the
picture of the area where the white circle on it
that showed where Transition Station #4 is going
to be.

A Yes.

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

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

Q Yes.

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

Q On the left?

A That's the end of Holden Hill.

Q In the left?

A Heath Road -- pardon?

Q We were looking at the right side of the
picture, and then you said on the left.
Yeah, Holden Hill goes all the way across the front of the picture, about where the words Transition Station #4 is.

Okay.

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

Okay.

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

Um-hum.

The area that I would suggest for Transition Station #4 is in the timber, would be directly above where that silver roof is and back four or 500 yards. So what you'd essentially be doing is adding about a half a mile, give or take, of burial, probably adding one more splice pit. I don't see any problem with needing any more HDDs. It's all pretty high ground. And it would tuck back in there where it would go away. The towers go straight toward that pasture and then bear to the right, go out across off the screen and then the ridge that you see way out is Deer Mountain. And by the way, Diamond Pond
and Little Diamond Pond and Coleman State Park are right over Holden Hill, and quite a bit of the land that you see beyond that pasture, you don't see a lot of it, is part of Coleman State Park in this picture.

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

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

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

A Absolutely.

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

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

Q And you're sure they don't have to eliminate ledge up there? How do you know that?
There wouldn't be much because it's flat. I mean, you might have some ledge or boulders, you know, in going in burial, but the burial then would be 4 or 5 or 6 feet and not having to make a 39-foot cut down below. Otherwise, I would say the road closures, you've still got to get to the site, and coming in, it's right at the end of, in fact, you'd go on a couple, 300, 400 feet of unmaintained Heath Road. That's an unmaintained Grade 6, not taken care of in the winter, not maintained at all. You can get through with a pickup most of the year. Not in the winter.

Q Are there homes up there?

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

Q So you think they would be able to see the
Transition Station if it got moved to that site?

A  Well, it's in the woods. They probably would

see some of the 90 foot tower. By going up

there, you'd eliminate, I think, three, maybe

four towers that we wouldn't see from the

valley, from Bear Rock Valley, but from their

side they might see some of, and they still

would see the towers going out through

paralleling Bear Rock to Diamond Pond Road.

Q  I guess my concern is, we don't know if we're

shifting your pain on to somebody else by saying

okay, Applicant.

A  I think they already have the pain.

Q  Okay. And you don't think that that Transition

Station could affect anybody's water in that

area? I mean, you don't really know, do you?

A  The only one I can think of is Dr. Kaufman who

you met. He was in the video. He lives over to

the right about a quarter of a mile, and he's

talked about his well, and his well is about

half a mile, I don't know how the heck they ever

found it, but about half a mile up Holden Hill,

comes down, the pipe comes down all the way the

length of Holden Hill, across Heath Road and all
the way to his house. Huge gravity feed. Actually feeds his house and two others camps out on Bear Rock. So he would be affected. They'd have to figure out a way to cross over or through or around or under or whatever.

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

A Um-hum.

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

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

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

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

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

A Yes.
Q  Do you remember her talking about that?
A  I think so. I was here. The history there is
once it was exposed that there's a good chance
of a cemetery, there's no question there was a
cemetery there. There are witnesses, live
witnesses that I've talked to that tell me it
was there, and they remember when they were
kids. And we hired a company to come up and do
a search where they could locate something under
the ground, and they located a bunch of
somethings that the guy said could be bodies.
And that's in the road and on the sides of the
road.

Q  Don't you think it's important then to know for
sure and allow the testing to happen?
A  Absolutely. The Town Selectboard was notified,
asked by I think it was Counsel for the Public
to consider allowing them to go up and do an
archaeological study of that area. Then they
received a letter which came that asked for
permission to do archaeological study on all of
the road in Clarksville. And that's what they
said they would not allow. The Selectboard, and
this I'm told firsthand, the Selectboards of
both Clarksville and Stewartstown refused to have communications with these people because they feel that they don't have the right to permit and they don't want to start a rhetoric that they can't get out of. They simply are taking a hard stand that they don't want to see Northern Pass at all.

Q Okay.

A They were willing, going to be willing to just allow archeological study at the cemetery because they, I think, the Selectboard of Clarksville feel that it's something that should be discovered.

Q Okay.

A It just wasn't handled properly.

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

QUESTIONS BY MS. WEATHERSBY:

Q Thank you. Good afternoon, Mr. Thompson.

A Good afternoon.

Q Concerning this possible relocation of Transition Station #4, have you had any discussions with Eversource about relocating the
Transition Station to the parcel that you were just describing?

A The only discussions I had were here in this room with Sam Johnson, and all it was was maybe he could get up there or he said I'll be up at some point, and we can take a harder look at it, but I would say there's been no discussions.

Q So as far as you know, they haven't examined that parcel seriously?

A Not at all.

Q As far as you know.

A No. Definitely not. I mean, the other ones have all had core drilling done and, you know, checked for ledge and so forth. All four of them up there. And this one has not had any of that, at least as of this morning.

QUESTIONS BY MR. WAY:

Q Mr. Thompson, has there been any discussions with your neighbors about this? Has any other parties weighed in on your ideas?

A We all talk about it a lot.

Q What's the reaction to your thoughts?

A They're unanimous that we don't want to see it at all.
Q So the idea, though, of an alternative, have neighbors weighed in on that? I know it's hard to ask you to whisper around the campfire, but what is the response you're getting? And I think back to what Ms. Bailey was asking.

A When we talk about it, and there's no need to whisper, it's unanimous among the families that live what we call Bear Rock Valley, once you come up over the hill, you know, it's just not necessary.

Q So I mean I'm talking about the alternative property for the Transition Station.

A Yes.

Q You've spoken with other neighbors about that? What has their reaction been to that alternative?

A I would say they're probably, if I were to ask them point-blank they would, not given any alternative choices, that was it, then it certainly makes sense, and they would agree with it. But the problem here is bigger. The problem is if you start agreeing to something like that, then you're accepting that it's going to happen, and that's what we don't want to do.
That's what the Selectboards don't want to do. They're not willing to accept that.

Q Fair enough. So is it also fair to say that this concept has pretty much been broached in this room, within --

A I think I initiated it in my Prefiled Testimony some years ago and mostly because it represented what has to be described as stupidity in construction to place that Transition Station the location it's at. I mean, you couldn't pick a worst place. If you were in Connecticut and you didn't have many choices, then you probably would have to live with whatever you got. They own 5,000 acres. There's land everywhere. I mean, it just makes no sense. Why go through all that blasting. Why dump the crap into the waters. Why possibly damage my wells. Why put all those trucks on the road when you don't have to.

Q Thank you very much.

QUESTIONS BY MS. WEATHERSBY:

Q Just to change the subject a little bit, your springs, I know you're concerned about the effects of the blasting on the springs. When
the Construction Panel was here, I believe there
was testimony that said they may be able to get
that rock out without blasting. If they're able
to do that, would that alleviate your concern
regarding your contamination of the spring?

A You mean the 66,000 yards?

Q I think that was their testimony.

A I think you misunderstood.

Q I think you chuckled at it, if I remember, but
if they're able to do it.

A I don't believe that's what they meant. That's
not possible. 39 feet of ledge has to be cut.
The only other process besides blasting would be
ramming it with a ram hoe, the thing, you know,
the big jackhammer beating on it all the time.
I mean, it's conceivable.

Q So if this were approved and there was a
condition in place that they could not blast at
that site, would that alleviate your concern
about well contamination, your spring
contamination?

A If it got moved half a mile or more back,
there's certainly still a possibility that the
veins of water happen to trickle down through
that area. It's certainly a lot less likely.
Would it -- what was your question? Because the answer is no.

Q Whatever it is. All right.

Last question. I was just curious. In your testimony you referred back to a request you made in September 2016 where you had asked for examples of typical dirt road construction and you got a name of a project in Canada, and you asked for detail including the Road Agent and you were going to get in touch with that Road Agent to determine how manholes and plowing and thawing of the road?

A Right.

Q Did that ever, that contact ever get made?

A The contact has not been made. And as recently as when Mr. Bascom was here last week or two weeks ago, I asked him a question about that at the end. I asked him have you in reference to the, during the Technical Sessions I also asked him, can you tell me where there's a dirt road that has a buried 230 kV or whatever it is cables putting out 158 degrees. That's what I was looking for. And that was what whichever
one of the construction board, I forget who it was, it might have been Mr. Bowes. No, it was Mr. Scott, I believe, that said I was on a Project in Calgary, Canada. Let me get you some information. And then a couple days later, I think his answer was the Project hadn't been done yet. So it didn't work out.

My whole point is that I'm simply looking for a comfort zone that the heat coming off those cables which is less than four feet down in the 8-inch conduit and the heat coming out of the top of a manhole ten foot wide and 34 foot long, is enough heat, and I'm thinking from logic is going to rise, and Rusty Bascom said that exact thing in Technical Session to me that heat will travel and dissipate is the word as far as 3 to 5 feet in all directions away from the source which is the conduit. How in my mind and I want to talk to a Road Agent or more, as to how that in fact is going to affect those town dirt roads. And are we going to end up with one area of the road that doesn't have any frost or frozen material and other places that are frozen all winter.
Okay. Thank you. I have nothing further.

PRESIDING OFFICER HONIGBERG: Mr. Oldenburg?

MR. OLDENBURG: Thank you.

QUESTIONS BY MR. OLDENBURG:

Q Mr. Thompson.
A Mr. Oldenburg.

Q In one of your, I think it was your December testimony you talked about at one of the Technical Sessions it was suggested a preconstruction model be built, a splice pit be installed, 500 feet of the cable and all that?
A Yes.

Q Who suggested that? Was that a suggestion from the --
A That's mine. You like it?

Q Was it ever done?
A No.

Q Okay.
A And I think it's critical in answer to Ms. Weathersby's questions that we deserve to know what's going to happen in that road before this thing is built. Or have some history of it. I mean --
Q And I take it that all the testimony by the
Construction Panels hasn't satisfied your need
for that knowledge?
A It circled the wagons is what we did there.
They don't, apparently don't have an answer.
Mr. Bowes admitted in New Hampshire that he,
that they have no buried 230 kV putting out the
158 degrees Fahrenheit underground and I guess
any underground. But what we're looking for is
in this climate of northern New Hampshire which
would be northern New York or northern Michigan,
Wisconsin or different areas, let's talk to a
Road Agent where they've got 230 buried in a
dirt road, and if it doesn't happen, maybe
there's a reason that it doesn't happen. Maybe
it doesn't work. Maybe we end up with roads
that are untravelable, that can't be plowed.
We've got to find out. Because this thing will
go on forever, at least 40 years, and it's not
right that we should have to live with something
like that. And I've been pressing that
question, Mr. Oldenburg, for quite a while to
the construction crew.
Q All right. And I think we've been talking about
this, but in your November testimony you talked
about the underground burial issues and the
Transition Stations need to be redesigned as
they're unnecessarily visibly offensive. By
redesigned, you mean moved?

A  Moved. I think that's what I referred to.

Q  Not changing the structure.

A  No. Moved. Number 3 is, I've looked at where
number 3 is over by Wiswell Road, and it's, that
spot is not good either because of the traffic
that travels up and down Route 145 going to
Pittsburg. It's a very scenic area, and this
thing is going to stick out terrible.

Q  About your wells, if you repermitted that, I'm
assuming it's a bottling plant or something.

A  Yes.

Q  You would have to meet some sort of regulatory
requirements, sort of like a common, community
water supply or something?

A  Yes.

Q  So you'd have testing that would have to be
done. Have you done testing on the water
capacity or how much the wells put out and
tested the water so that if the Project goes
forward you would know if there was an effect?

A There's, I think it's CS number 7 of our evidence list has a report from a company in southern New Hampshire on testing the water, and it was very pristine, and it's available if you want to put it on. In fact, Mr. Pappas, Attorney Pappas, do you have a copy of that somewhere?

MR. PAPPAS: We can put it up if you want.

Q I think I remember seeing that.

A There's definitely a huge number of hoops that have got to be jumped through. When DES, the permit process ran out the year before we bought the land which -- and we did not buy the land for the water. I want to make that clear. It's there and represents a possibility. It would be a great challenge and a good job to do, but we have discovered that the person that owns the water isn't the person that makes the money unless you have a niche something or other which --

Q But you would know after the fact. So you have them tested so you would know if the water quality changed or the output of the wells?
A  This test is from 2007. There's one very
similar to it done last year, and it has the
same results. I read these things. I guess
what I really like is when it, the arrow points
and it's below it or zero which is on the first
page you saw.

Q  And you've heard testimony about a loss of
business. If you have a loss of business and I
think we talked about that. But how do you do
that? You don't have a business today so is it,
how do you calculate a potential future loss of
revenue if the wells are damaged? Do you have
any idea?

A  Well, I would shoot directly from the hip.
I'd say to you, if you asked me how much money
I'm going to lose in this wonderful possible
business, I could say something to you like I'm
going to build a bottling plant, and I'm going
to bottle the water, it's going to be a niche
something or other involving something highly
secret and patent on it or something that people
are going to beg for. I'm going to bottle
50,000 bottles a day, six days a week, for the
next 25 years. And I'm projecting I'm going to
make a half a penny a bottle which means I'm going to lose $3.9 million.

Q Okay.

A I mean, that's shooting from the hip, but do you do? I don't have a history of it, but I have an asset there that's valuable.

Q But I'm just thinking, you know, by the sounds of it, the way that reimbursement or whatever we want to call that program is you have to have a historical revenue stream versus after construction, and if you don't have that historical stream, I don't know how that would work. So I don't know if you thought about that or talked to anybody about that?

A Well, all I can say is that my daughter who's a hydrologist and lives in Barrington and works on the Seacoast and I started the process. We contacted DES. A couple letters went back and forth. A gal came up from Concord and reviewed the site. I think that was probably 2009 maybe. So bottom line is that it's an asset that could be very valuable if we put the evident into it and you add to it the asset with my entrepreneurship and the challenges involved,
and then the desire to maybe get our family involved, and desire to put some people to work in the Colebrook area, North Country, you know, it all adds up to an interesting challenge that I might be ready for.

Q Okay.
A Maybe.

Q So my last question is about the traffic disruption, and I know we've gone back and forth with is this section of the road going to be closed or not, but there was a detour route that was listed, and just knowing a little bit how those are put together, those are sort of put together so that everybody could use them. But if on Noyes Road, if you look at a map, there's South Hill Road?
A Yes.
Q Can you get to 145 using South Hill Road?
A Yes. Four-wheel drive.
Q Okay. So it's not everyone uses that road, it's a seasonal road?
A It's used randomly. This type of year it's most popular partridge hunting from a truck. People do go through there on occasion. It's an ATV
trail so it gets chewed up pretty good, and that Noyes Road to South Hill and down South Hill across 145 was one of the two and only ways to get in and out of Colebrook. On the weekend in the summer there's probably 3 to 500 ATVs travel it, go up past our driveway.

Q So that's not what you could consider an alternative route?

A No. It's definitely not. It's the worst of the choices. Heath Road is unmaintained. Without rain you could probably get through there with a two-wheel drive car with some height. I don't think you'd go through with a compact. And then there's about half a mile of Bear Rock Road about a half a mile out from the junction with Heath Road where it goes to totally unmaintained.

Q So how would you compare this to, on 145 over Bishop Brook that bridge has been closed all summer long.

A Yes.

Q My understanding is it's going to open tomorrow.

A We hope.

Q We hope.
A: I think one lane.

Q: So how does that compare to what you envision, you know, that bridge has been closed for six months, the road has been closed for six months, and in comparison to what Northern Pass plans to do on the other roads?

A: The first comment on that would be that it was clearly defined. The bridge will be closed. So everybody knew, and there's plenty of signs up, but you knew that you had to go around one way or another. They did some, a year and a half ago the town Road Agent in Stewartstown did some improvement on part of the road on North Hill Road. In particular, the area where John Harrigan and I stopped and stood and talked in the video.

But everybody knows depending on where you're going. If it's local traffic or you're going to Pittsburg, you've got some alternatives. 145 to Bishop Brook road over to Route 3. Or go up Bear Rock Road over North Hill Road to Old County Road and back to 145. But you knew they were all there.

The problem with the construction process
with Northern Pass is that it's from day to day that you're not going to know where it's closed or how many places it's closed. Are they going to do just one of the nine manholes at a time? And almost clearly that is involving road closures. So if it's one, the communications, the variable of moving back and forth is I think a big a problem as the roads being closed is. You don't know what side of the closure you're on.

Q Fair enough. That's all the questions I have. Thank you.

PRESIDING OFFICER HONIGBERG: I do not have any questions. Does any other member of the Committee have further questions?

COMMISSIONER BAILEY: I have one more.

PRESIDING OFFICER HONIGBERG: Commissioner Bailey does.

QUESTIONS BY COMMISSIONER BAILEY:

Q If the Project were approved, which I know you strongly disagree with, and we required the Applicant to make those roads that you just discussed with Mr. Oldenburg that are like four-wheel roads usable during construction,
would that help or is that just a dumb idea?

A Almost definitely would have to happen with the Bear Rock Road part because that's where that big loop is. And that, by the way, about 300 feet of unmaintained road out there is in Stewartstown and probably half a mile of it is in Colebrook. So that adds an extra little bit of ointment in.

I've had conversations with the Fire Departments of Canaan and Colebrook, and there's a thing called 45th Parallel Ambulatory Service. They do the ambulance runs. In the case of all of the southern tier where we're talking about of Bear Rock Road, the Colebrook Fire Department is on call for that area.

Wiswell Road, 145, Old County Road, it's Canaan, Vermont, Fire Department so they're not directly involved the way that the Colebrook Fire Department is in having to get through.

Let's say if there was a road closure down by McAllaster Road, and somebody needed an ambulance or a fire department or let's say probably the biggest exposure will be a construction worker is injured because there's
going to be a lot of them. First of all, they've got to know where to come through, and they'd come through in that part of unmaintained road. You could probably under normal circumstances get an ambulance or fire truck through.

Last Monday morning you weren't going to get, forget about the trees down. Just the wetness and the mud. You weren't going to get a fire truck through there, and it's clearly one lane. So if you run into a little old man that can't back up, there's a couple of them live out there, and you run, you run head to head with a fire truck, somebody's backing up, and that old buck ain't going to do it. So the fire truck will be backing up and that's --

Q But if the road were passable because, you know, structurally they added to it to make it so that you could drive on it, would that help? Would that get the rescue vehicles there faster than the whole --

A It would. It would. And the testimony, I forget who it was a month or two. I brought the subject up of emergency vehicles. And part of
the answer was that they would, I think it might have been Mr. Bowes said we'll go to the town of Colebrook and propose to upgrade the road. Part of the mystique of living out there is not having a lot of traffic, and by upgrading that route it clearly opens up a huge shortcut for anybody going from Pittsburg to Errol through Dixville Notch by the Balsams. I mean, you're gutting 12, 14, 15 miles off your trip. People don't do it because of the, right now it's passable, but it's not -- it's not a very good road.

PRESIDING OFFICER HONIGBERG: I guess I'll turn to you, Mr. Baker. Any redirect for Mr. Thompson, referring as specifically as possible to questions he was asked?

MR. BAKER: In light of the hour, I only have one question.

REDIRECT EXAMINATION

BY MR. BAKER:

Q Mr. Thompson, is there anything else that you would like to tell the Committee, especially about the matters you've been asked about today that you feel they need further information
A The only thing that I kind of made a note to myself was to mention the Coos Trail and I did quickly. But this summer more than, in fact the last two or three years, and this summer more than ever, I'm seeing more foot traffic traveling along Bear Rock Road and Heath Road. It's 165 miles, and the beauty of the Coos Trail is it's real wilderness, it's a definite challenging hike. It goes up over mountains and down mountains. It goes across the ridgeline from Crawford Notch to, I believe, all the way to Franconia Notch, and then heads north and goes up over Magalloway Mountain, Percy Ridge, whatever it was, and a number the other. So it's becoming a very popular route and to travel all the way the length of Heath Road and then on to Bear Rock, from Bear Rock down to McAllaster Road, and then it goes up over the mountain, you wouldn't see anything because it's buried. But anyway passing by would see Transition Station #4, and you'd enjoy the towers all the way from Transition Station #4 parallel with Heath Road across Big Diamond, and it comes off, no, it
comes from Coleman State Park, the trails. So I have a concern that the growth of Coos Trail is going to be affected.

Equally as the ATV and snowmobiles trails. I tried to take a snowmobile map of the Dixville, Millsfield and Dummer areas, and I finally gave up out of confusion, but if you project where the towers go through those three towns, the towers are going to cross over snowmobile trails if it's not 20 to 25 places, I would be very surprised. Because that is a huge snowmobile mecca out in those three burgs.

Q Thank you, Mr. Thomson.

A That's all I had.

PRESIDING OFFICER HONIGBERG: Thank you, Mr. Thompson. That ends the day. We'll be back tomorrow at 9 o'clock. Thank you all.

(Hearing recessed at 5:50 p.m.)
CERTIFICATE

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

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

Dated at West Lebanon, New Hampshire, this 11th day of November, 2017.

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Cynthia Foster, LCR