## STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

December 11, 2017-9:01 a.m. DAY 65
49 Donovan Street Morning Session ONLY Concord, New Hampshire
\{Electronically filed with SEC on 12-26-17\}

IN RE: SEC DOCKET NO. 2015-06 Joint Application of Northern Pass Transmission, LLC, and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility.
(Hearing on the merits)
PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:
Chrmn. Martin P. Honigberg Public Utilities Comm. (Presiding as Presiding Officer)

Cmsr. Kathryn M. Bailey Public Utilities Comm.
Dir. Craig Wright, Designee Dept. of Environ. Serv.
Christopher Way, Designee Dept. of Business \&
Economic Affairs
William Oldenburg, Designee Dept. of Transportation
Patricia Weathersby Public Member
Rachel Dandeneau Alternate Public Member

ALSO PRESENT FOR THE SEC:
Michael J. Iacopino, Esq., Counsel for SEC
(Brennan, Lenehan, Iacopino \& Hickey)
Pamela G. Monroe, SEC Administrator
(No Appearances Taken)
COURT REPORTER: Steven E. Patnaude, LCR No. 052

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[WITNESSES: Thibault|Pastoriza|Collier]

## PROCEEDING

CHAIRMAN HONIGBERG: Good morning, everyone. It's Day 65. And we have a new panel in place.

Is there anything we need to do before the witnesses are sworn in?
[No verbal response.]
CHAIRMAN HONIGBERG: All right. Mr.
Patnaude.
(Whereupon Robert Thibault and Kris Pastoriza, and James Collier were duly sworn/affirmed by the Court Reporter.)

CHAIRMAN HONIGBERG: Ms. Fillmore.
MR. COLLIER: I'm sorry. I am
hearing-impaired, and $I$ need a little bit more volume than that.

CHAIRMAN HONIGBERG: Let's go off the record.
[Brief off-the-record discussion ensued.]
(Whereupon James Collier was re-sworn by the Court Reporter.)

CHAIRMAN HONIGBERG: Ms. Fillmore.
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MS. FILLMORE: Thank you, Mr. Chairman.

## ROBERT THIBAULT, SWORN

KRIS PASTORIZA, SWORN JAMES COLLIER, SWORN DIRECT EXAMINATION

BY MS. FILLMORE:
Q I'm going to start with Mr. Thibault. Can you please introduce yourself to the Committee and spell your last name for the record?

A (Thibault) My name is Robert Thibault. It's T-h-i-b-a-u-l-t.

Q And what position do you hold in the Town of Easton?

A (Thibault) Currently, I'm one of the three selectmen. But this is my third term. I was a selectman for six years prior, then Town Clerk for almost ten years, and now back to selectman.

CHAIRMAN HONIGBERG: Mr. Thibault,
would you please --
WITNESS THIBAULT: Sorry about that.
CHAIRMAN HONIGBERG: -- move the
microphone closer to you please.
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WITNESS THIBAULT: Did you get all
that?
MR. PATNAUDE: I did.
WITNESS THIBAULT: Okay.
BY MS. FILLMORE:
All right. And you're here testifying today on behalf of the Easton Board of Selectmen?

A (Thibault) That's correct.
Q A different selectman, Debbie Stever, submitted prefiled testimony in this matter on behalf of the Board of Selectmen dated November 15, 2016, is that correct?

A (Thibault) Yes.
MS. FILLMORE: And for the record, that's marked as "Exhibit Jt. Muni 102".

BY MS. FILLMORE:
Q And then the Town substituted Ned Cutler, another selectman, for Ms. Stever, by a letter dated January 17th, 2017, which is Joint Muni 110, because Ms. Stever wasn't available to appear at technical sessions and was not running for selectman again.

A (Thibault) Right.
Q Is that your understanding?
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[WITNESSES: Thibault|Pastoriza|Collier]

Q Thank you. I'll move on to Ms. Pastoriza. Can you please introduce yourself and spell your last name for the record?

A (Pastoriza) Kris Pastoriza, $K-r-i-s, ~ l a s t ~ n a m e ~$ P, as in "Peter", -a-s-t, as in "Thomas", $-o-r-i-z-a$.

Q And what position do you hold with the Town of Easton?

A (Pastoriza) I am the Chair on the Easton Conservation Commission.

How long have you held that position?
(Pastoriza) I think I've been Chair for two years.

Q And how long have you been on the Board before that?

A (Pastoriza) Eight or nine years.
And you're testifying here on behalf of the Conservation Commission?

A (Pastoriza) Yes.
Q You submitted prefiled testimony in this matter on behalf of the Conservation Commission dated November 15th, 2016, is that correct?

A (Pastoriza) Yes.
MS. FILLMORE: And that is identified
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as "Joint Muni 111".
BY MS. FILLMORE:

Q And you submitted supplemental prefiled testimony on behalf of the Conservation Commission dated April 17th, 2017, is that correct?

A (Pastoriza) Yes.
MS. FILLMORE: And that is marked as
"Joint Muni 112". And I'll also note for the record that the attachments to those two sets of testimony are marked together as "Joint Muni 113. That was due to file size.

BY MS. FILLMORE:
Q Do you have any corrections or additions to either of those testimonies here today?

A (Pastoriza) I don't. I simply want to
apologize for not numbering the pages on my prefiled, and suggest that people number them by hand, just to avoid confusion.

Q Thank you. And do you adopt and swear to both sets of testimony here today?

A (Pastoriza) I do.
Q Thank you. Mr. Collier, can you please
introduce yourself to the Committee and spell
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your last name for the record?
A (Collier) My name is James Collier, C-o-l-l-i-e-r.

Q And you're here testifying on behalf of the Planning Board, is that correct?

A (Collier) That is correct.
Q How long have you been on the Planning Board?
A (Collier) About 18 years.
Q And your term ended in March of this year, is that correct?

A (Collier) That is correct. I finally did not run again. But the Board asked me if $I$ would serve as an alternate, and has voted to have me continue to represent the Board before this Commission.

Thank you. You submitted prefiled testimony on behalf of the Planning Board dated November 15th, 2016, is that correct?

A (Collier) That's correct. MS. FILLMORE: And that's marked as
"Joint Muni 101".
BY MS. FILLMORE:
Q Do you have any corrections or additions to that testimony?
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Q Can you tell us what it is briefly?
A (Thibault) Well, the Board was aware that the DOT, in their permit to Northern Pass, was requesting a more accurate survey. Knowing that we had areas in our town that we thought were of undefined width, we wanted the -- we were asking the DOT if they would invoke the RSA 228:35 to use their power to set those rights-of-way.

Q And was this in response to the DOT's actions regarding the survey?

A (Thibault) Yes, it was. After we saw the DOT's conditional permit requesting an accurate survey, we just feel that the survey was yet being done accurately, because there's still areas shown on the maps that were shown rights-of-way that we believe were not determined correctly. So, that's why we asked the DOT "will you set the rights-of-way then?" Okay. And now I'm going to show you something marked "Joint Muni 326". Do you see that on the screen in front of you?

A (Thibault) Yes, I do.
And what is this?
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A (Thibault) This is our response from the DOT, acknowledging receipt of our letter, and informing us that they have indeed asked Northern Pass to do an accurate survey. And bottom line was that they would certainly ensure that the areas we were concerned about would be thoroughly reviewed and addressed. Okay.
(Thibault) I might add that they also noted that, if you can scroll down a tad? Yes, right there. They agreed that a final alignment and location of the Northern Pass line still needs to be identified and approvals have not been granted. So, we took that as an agreement with us, they were still evolving.

Thank you. I'd like to ask Ms. Pastoriza a few questions about this issue as well. It's my understanding that you've had concerns about this issue, that's correct?

A (Pastoriza) Yes.
Q I'm bringing up what's marked as "Joint Muni 325". Can you describe what this document is?

A (Pastoriza) This document is an attempt to summarize the history of the survey, and
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Northern Pass's knowledge of the right-of-way width, and what they knew, when they knew it, and how that information was incorporated into their survey or not incorporated into their survey.

Q And this does begin with information that is older than April 17 th, but it lays the foundation for developments after April $17 t h$, is that correct?

A (Pastoriza) Yes. The first section here is information $I$ got through a 91-A, and it was all the information that Concord DOT had sent to Northern Pass via Mark Hodgdon.

Q We're not going the to go through this line-by-line, as the Committee can read it later. And what is this section please, just a brief description?

A (Pastoriza) In their application to Dot for burial, Northern Pass admits that there is a 710 rod unknown layout in Easton. In 2016, they say that they have hired Meridian, BL, and Arago to survey the road. And, in 2017 , Mark Hodgdon is telling Northern Pass that their surveyor from Cornerstones had actually plotted
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out this 710 rod section in Easton.
The survey that was submitted in April
does not show this section. It shows four rods throughout, as well as the permit packages show the same width.

And here Meridian is stating that they were asked, although $P A R$ was asked to do a full survey, they were asked to do only a preliminary survey.

So, the survey was rejected by DOT on August 4th. August 30 th is the first record of email contact between Concord DOT and Arago. And on October 4th, Ms. Boisvert, from Arago, is admitting in Plymouth "the more they find, the less they know."

And as of now, we have no survey presented by the Applicant.

Q Thank you. Back to Mr. Thibault for a moment. What I'm bringing up now is marked as "Joint Muni 328". And is this document familiar to you?

A (Thibault) Yes, it is.
Sorry about that. Can you please explain what this document is?
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A (Thibault) Well, as things developed from our first letter to the DOT, we had concerns on whether -- on how seriously DOT and Northern Pass were taking this requirement for an accurate survey. So, we were basically seeking confirmation from DOT, and trying to educate or inform what the town's expectations were of $a$ proper survey. For example, we learned that there wouldn't be markers put out showing property lines from the survey. We also learned in between that the HDD, which we thought or were told were going under bridges, we found that, no, it will not go under bridges, per DOT. It has to go beside the bridge, which puts those underground lines probably 15 feet from the edge of a bridge, or close to a person's property line. And knowing what the accuracy may or may not be in the HDD, now we have a concern that property owners could have a transmission line actually in their property not to be discovered until sometime when they went to inform DigSafe "hey, I want to put a fence here on my property line" or something. And find out later on, years
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from now, you can't do that because the
Northern Pass as-built plans show that you have a high-voltage line on your property.

So, you know, we just didn't want the Town and property owners to wind up in lawsuits over this. So, we're trying to get as much input as we can into what we expect, which is basically an accurate, real survey.

Q And this letter was signed not only by you, but by a selectman from Sugar Hill and Franconia as well?

A (Thibault) That's right, all three towns. And maybe Bethlehem also sent this letter.

Has the Board of Selectmen in Easton heard anything from DOT since this letter was sent? (Thibault) Not yet. We're ready to send a follow-up, asking, you know, why not?

MR. IACOPINO: What is the date of the letter?

WITNESS THIBAULT: October 24 th, '17.
MR. IACOPINO: Thank you.
BY MS. FILLMORE:
Q And you noticed that surveyors were in the area again recently, didn't you?
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A (Thibault) Yes. Several weeks ago we saw surveyors, and that's why we know that they're not marking the property lines. We have noticed that they put some tape, usually about 15 feet from the side of a bridge abutment, which implies to us that that's where they're going to try to put two HDD lines in that 15-foot area, without trying to go under the bridge and without trying to encroach on somebody's private property. It seems an awful tight fit.

Thank you. I'm going to switch gears for a moment now slightly. I'm going to show you part of an excerpt from a transcript from earlier in these hearings, and then ask you some questions about that. Okay?

What's on the screen now is the transcript from Day 43, in the afternoon, Page 7. And in this section, Mr. Oldenburg was questioning the Construction panel, the Applicants'

Construction panel, and Mr. Bowes in
particular, about the Applicants' contention
that DOT should oversee all of the portions where the Project would cross or impact a town
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Can you read the highlighted portion please, Mr. Thibault?

A It says "And you had mentioned having the DOT delegate the town road issues and Exception Requests and things like that to the DOT." CHAIRMAN HONIGBERG: Mr. Thibault, slow down just a little. WITNESS THIBAULT: Okay.

CONTINUED BY THE WITNESS:
A (Thibault) "Is that what the intent is?" The answer from Bowes: So, the intent would be to have the SEC assert its jurisdictional" -- "its jurisdiction to allow use of local roads and then probably delegate, most likely I think I said, to the DOT because they have the expertise to view that 3 or 4 miles of local roads."

BY MS. FILLMORE:
Q Okay. That's good. Thank you. Then, I'm skipping to Page 9. And this is at Line 12. Can you read the highlighted portion please? And again, this is Mr. Oldenburg asking the question.
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A (Thibault) "So, I guess my question is, if DOT takes on that responsibility of making decisions on a local road, doesn't the DOT take that responsibility on for making those decisions? And why wouldn't you just pass or ask that delegation to be passed on to the town instead of the DOT?"

Q And can you read the response please, which goes onto the next page?

A (Thibault) "For one thing there would be resource issues I'm sure with the town. So probably involve hiring a third party to do that for the town. You could have inconsistent means and methods as well as construction techniques be approved for the Project.

If the New Hampshire DOT does that, it will be consistent all the way through the entire life cycle, and if a town decided I don't want to play, then they could delay the Project unduly."

Q Thank you. Mr. Thibault, does the Town of Easton have a road agent?

A (Thibault) Yes, we do.
Does the Town take care of any town roads?
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A (Thibault) Very well.
Q Has there been damage to town roads in the past?

A (Thibault) Yes.
And does the Town have experience dealing with that?

A (Thibault) Yes, we do. We had -- we had roads wash out during Tropical Storm Irene. A couple of bridges washed out. Our town road agent had those roads opened in a matter of maybe four or five hours. We had the July, I think, first rain storms this year, where we lost -- had a road blocked due to run-off, and that road was put back in shape, I think, before some residents even realized there was a problem. And just over the Halloween weekend we had a severe wind storm, lots and lots of trees down across roads. And there were crews out overnight, all night, clearing the roads. So, we have no problem at all taking care of our roads.

Do you have confidence that your road agent would be able to handle whatever might occur as a result of this Project?
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A (Thibault) Absolutely, based on what I've just given for examples.

Q And if something arose that the road agent needed help with or he hadn't faced it before, would he know what to do?

A (Thibault) It's hard to imagine that would happen. But, yes, I'm sure he would.

Q What's your reaction to Mr. Bowes's statement that "a town can simply refuse to play and delay the Project"?

A (Thibault) Well, I don't know, it says to me, he doesn't think much of towns and what they can do. It's kind of insulting. I don't know why he would want to do that.

Q And if the Town were to be able to participate in this Project, and for whatever crossing or work that might involve town roads, how would the Town handle that? How would the Town apply its policies?
(Thibault) Well, we would -- we would have to treat Northern Pass like any other project. I mean, we couldn't discriminate whether or not we like a project. We still have to follow our own rules and guidelines and state laws, and
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otherwise we wind up in court anyway.
Q Thank you. I'm going to ask you a couple of things about the Tamarack Tennis Camp.

Mrs. Stever's original testimony -- Ms. Stever, which you have adopted, notes that the Tamarack Tennis Camp, which is Easton's only business, is located on both sides of Route 116, and that construction would disrupt their summer sessions. Have you spoken with the owners or the managers of the Tamarack Tennis Camp recently?

A (Thibault) Yes, I have. About two weeks ago now I spoke to Jenny Rae Miller, she's the daughter of the owners. She and her husband now manage the tennis camp.

And what was the subject of that conversation? (Thibault) $I$ was asking her if she had heard from Northern Pass about the concerns that we had voiced, the safety concerns, about little children as young as six years-old, up to teenagers, going back and forth across the streets during the summer camps, because they have four tennis courts on one side and three on the other side. And also a lot of the kids
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are running back and forth across to those.
And I wondered if Northern Pass had reached out to her about those concerns that were brought up, and the answer was "no". I did note that she, Jen Miller, had sent written comments. And I also learned that her husband, Chuck Miller -- or, Chuck Weed was right down here with a public comment. And $I$ was kind of surprised that they hadn't heard anything from Northern Pass.

Q Thank you. I'm going to turn to Ms. Pastoriza for a few minutes.

You've set forth a variety of concerns about the Project in your prefiled testimony on behalf of the Conservation Commission. And one topic is the use of horizontal directional drilling, is that correct?

A (Pastoriza) Yes.
Q And one of those concerns, which you've raised both in your prefiled testimony and in the course of questioning other witnesses during this proceeding, is the slurry that would be generated during the HDD process, is that correct?
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A (Pastoriza) Yes.
Q Can you very briefly, one sentence, describe the subject of your concern?

A (Pastoriza) Subject of my concern is that neither DES nor DOT nor White Mountain National Forest have any rules regarding slurry or the additives, or the expertise and experience of the contractors. And I think this was shown when they inspected the geotechnical boring sites where slurry was dumped, and found those acceptable, $I$ think, because they had no standards about geotechnical boring or
horizontal directional drilling.
Thank you. What I've brought up on the screen is Joint Muni 322. Can you -- at the top here, this is an email exchange between you and Tim Drew of DES, is that correct?

A (Pastoriza) Yes.
Q Dated July 13, 2017?
A (Pastoriza) Yes.
Q And $I$ will skip down here to your email. Would it be fair to summarize this as that you have asked him what standards DES has regarding directional drilling and slurry?
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A (Pastoriza) Yes.
Q And I'm going to scroll back up to his response. Could you please read his response.

A (Pastoriza) "Good afternoon, Ms. Pastoriza. I checked with our Legal Unit for any administrative rules contained within our jurisdiction for drilling muds and any additives, and we have none that directly apply to this practice. I did find the following fact sheet that discusses these methods, and relies on the contractor using Best Management Practices while directional drilling."

Does that address your concern?
(Pastoriza) It doesn't address my concern, because they have no rules regarding how the drilling is done or the chemicals used.

Thank you. I'm going to show you an excerpt from the transcript of Day 51, in the afternoon, at Page 36 . And this is

Mr. Needleman cross-examining Counsel for the Public's witnesses Taylor and Zysk. We're on Page 36.

Can you please read the highlighted
portion?
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A (Pastoriza) "Question: Are you familiar with the use of bentonite slurry? Answer (by Taylor): Generally at a high level. Question: What about you, Mr. Zysk? Answer: Zysk says Yes. Question: ...It's a naturally-occurring clay; is that right?" And Mr. Zysk answers "Yes."

Q Do you have information about that exchange that you would like this Committee to consider? (Pastoriza) I would like them to consider that it's a naturally-occurring substance in Wyoming in formation. If you mine it and transport it, mix it with hundreds of gallons of water and additives, and pump it underground under pressure into New Hampshire subsoils, I think it's no longer natural.

I would also point out that the "natural" is not necessarily harmless. We have rabbies, we have arsenic, we have mercury. We have fire. Those are all natural, and they're not harmless.

Q Is it your understanding that bentonite is used by itself for slurry or are things added to it?

A (Pastoriza) Occasionally, by itself, on some of
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the shorter drillings, to 15 feet that were done for the geotechnical borings. But, generally, additives are required, especially to prevent things like frac-out, if that's starting, they will use additives to try to stop that.

Can you name a few of them? Not all of them, the list is very long, as $I$ understand it.

A (Pastoriza) There's something called REL-PAC, which is harmful to aquatic organisms. There's ACCU-VIZ, which is carcinogenic in the State of California. There is DRILL-TERGE, which causes burns, eye damage, and can cause blindness.

And the majority of the chemicals do not have definitive data on the effects on watersheds, water quality, aquatic organisms.

Thank you. You have a sample with you, do you not? Which we have marked for identification only as "Joint Muni 323". Can you please hold that up and explain what it is?

A (Pastoriza) This is slurry from the geotechnical boring, where most of the slurry was left on the side of the road. This is slurry that was found acceptable by White
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Mountain Natural Forest, DOT, and DES.
I would offer it to the Committee. I would tell you not to breathe it or touch it. And it's an example of whether we trust the agencies or not, because they have no regs about this product.

Q Did you collect that sample yourself?
A (Pastoriza) I did.
Q Can you give us an approximate date?
A (Pastoriza) I collected it last summer, during the borings.

And have you had that sample ever since in your possession?

A (Pastoriza) Yes.
MS. FILLMORE: So, if the Committee, if anyone on the Committee would like to take a closer look, they certainly may.

Let the record reflect that none of them would like to. And we'll take a picture of that and submit that as an exhibit.

CHAIRMAN HONIGBERG: Ms. Fillmore, what exactly did you have in mind?

MS. FILLMORE: Passing it down, taking a look.
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CHAIRMAN HONIGBERG: Is that what you
would like to have happen? Would like to pass it down?

MS. FILLMORE: Only if the Committee would --

CHAIRMAN HONIGBERG: Ms. Fillmore, we're at your disposal. If you think that would be a useful thing for us to do, by all means, why don't you have the bag --

MS. FILLMORE: I believe my witness believes it would be a useful thing to do.

CHAIRMAN HONIGBERG: Ms. Monroe, can you help us out please?

ADMIN. MONROE: Sure.
MS. FILLMORE: Thank you very much. (The plastic bag containing the slurry sample was passed along to each of the Committee members.)

CHAIRMAN HONIGBERG: Whenever you're ready, Ms. Fillmore.

MS. FILLMORE: Thank you.
BY MS. FILLMORE:
Q I'm going to turn back to Joint Muni 322. Ms.
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[WITNESSES: Thibault|Pastoriza|Collier]

Pastoriza, it's my understanding that you've also had concerns on the DOT side about the lack of detail they have received from the Applicant regarding frac-out or subsidence from the drilling, is that correct?

A (Pastoriza) Yes.
Q And what's on the screen now is an email exchange between you and Richard Arcand from the Department of Transportation, is that correct?

A (Pastoriza) Yes.
Can you please read your email to him and his response to you?

A (Pastoriza) My question was "Has DOT required the Applicant (NPT) to submit any frac-out risk studies or subsidence studies? Both of these issues are described as "design issues that must be addressed" in the Horizontal Directional Drilling Best Practices Guidelines referenced in DOT's Utility Accommodation Manual."

And his response dated October 9th, 2017 ?
(Pastoriza) His response was "No. We have not requested any frac-out risk or subsidence
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studies at this time."
Q And what is your reaction to that email?
A (Pastoriza) In the UAM, Utility Accommodation Manual, it states "Horizontal directional drilling using approved drilling fluids, such as bentonite, may be used in accordance with intelligent horizontal drilling guidelines." Which is this book. [Showing book] These guidelines state that design issues that must be addressed include settlement and heave calculations and hydro-fracture evaluation. So, DOT is not requiring that the Project be done in accordance with their own reference guidelines. This also applies to the Applicants' work spaces, which are far narrower than the minimum areas shown in the DOT reference guidelines. And $I$ have not seen these guidelines referenced once in DOT's communications with Northern Pass.

Q Thank you. One last area. When Counsel for the Public's witnesses Bascom, Taylor, and Zysk were last here testifying, they were questioned about why the latest DOT Exception Requests did not show the route being moved to the other
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side of Routes 116 and 112 to avoid hydrocarbons that had been encountered during geotechnical borings. And because I do not have the transcript for that, I will ask you to assume for the sake of my question that that is what they were asked. Is that okay?

A (Pastoriza) Yes.
Q What I'm bringing up on the screen now is Joint Muni 324. Can you please describe this document?

A (Pastoriza) This is a map $I$ made from the GIS site, which shows -- it's on the DOT site, it shows where all the bore holes are. You can then go from those numbers to the boring logs to find out what was found in the geotechnical borings.

So, I've added some of what was found, especially the hydrocarbons that they came upon while doing the geotechnical boring on this map, which is the corner of Route 116 and 112, in Easton. And I added the water levels, which would affect hydrocarbon movement. And I put Hs in for where there are houses.

Q And since those witnesses last testified, do
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you know if the Applicant has presented any plans to move the activities to the other side of the road, away from these hydrocarbons?

A (Pastoriza) I've not seen any Exception Requests regarding that.

MS. FILLMORE: Thank you very much.
I have no further questions for these witnesses at this time.

CHAIRMAN HONIGBERG: Mr. Pappas.
MR. PAPPAS: Yes.
[Brief interruption.]
MR. PAPPAS: Good morning, folks.
I'm Tom Pappas. And I represent Counsel for the Public.

## CROSS-EXAMINATION

BY MR. PAPPAS:
Q Mr. Thibault, let me start by asking you some questions. And other members of the panel, feel free to add to anything Mr. Thibault says in response, and that goes for everybody when I'm asking questions.

Mr. Thibault, in your prefiled testimony, you indicated that some impact on real estate values from Northern Pass Transmission Lines
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Project, so I'm going to ask you some questions about that. You indicated that a third of Easton's residents live along Routes 116 and 112. Do you recall that?

A (Thibault) Yes.
Q And that's, we all know, is where the proposed line would be placed in front of these properties, correct?

A (Thibault) Correct.
Q And you indicated that the Easton Select Board believes that the value of these properties will decrease because of the transmission lines, correct?

A (Thibault) Yes.
Q And that the Easton Select Board also believes that many of these property owners will apply for tax abatements. Do you recall that?

A (Thibault) Yes, I do.
Q When did Easton assess properties in town?
A (Thibault) We're on a continual assessment program, so that every five years everybody has been assessed. And that's by state RSA. Okay. Well, when does the next five-year assessment come up or do you do it annually?
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[WITNESSES: Thibault|Pastoriza|Collier]

A (Thibault) I'm thinking, about two years from now.

Q Okay. And that will be sometime shortly before the Project goes on line, if it's a two to two and a half year construction project?

A (Thibault) Correct.
Q Okay. And who does the property assessments in Eastman -- Easton?

A (Thibault) We hire a firm, Gary Fournier, from -- can't recall the company's name, but we have a private assessor that we hire.

Q Okay. Has the Town discussed with the assessor the potential impact on property values from the Northern Pass Project?

A (Thibault) No.
Q Okay. Now, if a third of the property in Easton is assessed at a lower value because of the transmission line, will that increase the Town's tax rate to meet its revenue needs?

A (Thibault) Yes, it will.
Q Do you believe that, in that instance, would the other two-thirds property owners, whose property is not on Route 116 or Route 118 [112?], have to pay higher taxes in order to --
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because of increased tax rates?
A (Thibault) Yes.
Q So, would I be correct in saying that the other property owners, who don't live on 116 or 112, you believe that they will incur a cost if Northern Pass is installed?

A (Thibault) That's right.
Q Let me ask you some questions, and this goes to anybody on the panel, about traffic impacts and impacts on first responders. Now, does Easton have a police department?

A (Thibault) No. We depend on the State Police.
Q Okay. Is Easton served by any other municipal police departments? Do you have any mutual aid?

A (Thibault) Yes. If there is an emergency, the police departments from Sugar Hill and Franconia would respond.

Q Okay. And I assume they travel down Route 116 to get to Easton?

A (Thibault) Most often. Sometimes Sugar Hill Road, if they're coming from Sugar Hill. Okay. So, if 116 is closed for whatever reason, that would affect the Franconia Police
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[WITNESSES: Thibault|Pastoriza|Collier]

Department from responding to a call in Easton?
A (Thibault) Very much. There are only two ways in and out of Easton; one is 116 and the other is Sugar Hill Road.

Q Okay. Where is Sugar Hill Road in relation to Route 116?

A (Thibault) It intersects with 116
approximately, maybe 2 miles from the town
border with Franconia.
Q With Franconia. Okay. So, if there is a problem south of that, you're really relying on Route 116?

A (Thibault) Yes.
Q Now, I understand Easton has a fire truck and some other apparatus, correct?

A (Thibault) Correct.
Q And Easton has an all-volunteer fire department?

A (Thibault) Yes.
Q And the Easton Fire Department is located next to the Town Hall?

A (Thibault) Yes.
Q And that's on Route 116?
A (Thibault) Yes.
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[WITNESSES: Thibault|Pastoriza|Collier]

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they primarily rely on Route 116 to get to the fire station?

A (Thibault) Yes.
Q okay. So, if, for whatever reason, 116 is closed, whether it's because of $H D D-20$ or one of the other HDDs, on 116 , or even the open trench, that would delay the volunteer firefighters getting to the fire station?

A (Thibault) Yes.
Q And it would also impact the fire trucks getting out of the fire station to answer the call, correct?

A (Thibault) Yes.
Q Now, I'll represent to you that there are ten HDD sites in Easton that are shown on Counsel for the Public's Exhibit 130 , in Maps 37, 38, and 39. So, sticking with Map 38 that shows the fire department, does Easton also receive mutual aid from other towns for fires?

A (Thibault) Yes.
Q From whom does Easton receive mutual aid?
A (Thibault) Usually, Sugar Hill, Franconia, could be Woodsville, it depends on how bad a fire we're responding to, but they wouldn't be
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able to get to the fire station neither.

Q Okay.
A (Thibault) Or past the fire station.
Q Okay. So, Easton -- strike that. Franconia and Sugar Hill would be coming, on this map, from the left, correct?

A (Thibault) Yes.
Q Okay. And from which direction would Woodsville Fire Department come from?

A (Thibault) From the right.
Q Okay.
A (Thibault) From 112 .
Q All right. So, if -- would I be correct that anywhere along 116 and 112, if there is any temporary road closure, or even a lane closure and traffic delay, that would impact Franconia, Sugar Hill or Woodsville getting to a call in Easton, is that right?

A (Thibault) That's right.
Q And you mentioned a moment ago, it depends on how severe the fire is. Would I be correct in saying, the bigger the fire, the more likely one of these other towns are going to come help?
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[WITNESSES: Thibault|Pastoriza|Collier]

A (Thibault) Absolutely, yes. Even if it's a small fire, they would come and stand by our fire station.

Q In order to -- in case another call comes in?
A (Thibault) Yes.
Q Got it. Now, how does Easton receive EMT service?

A (Thibault) We contract with an ambulance service, Calex Ambulance. It's based in Littleton.

So, if there's a call for EMT, the ambulance comes from Littleton?

A (Thibault) That's right.
Q And do they also use 116 from Littleton to get to Easton?

A (Thibault) Yes.
Okay. So, the same would apply to them, in terms of any traffic delays or road closures getting to Easton in order to answer an EMT call?

A (Thibault) That's correct. And if the road closure, I'm noticing on the map, were, say, around HDD-21, they would have to detour for miles, more than 20 miles, to get to, say,
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HDD-22, if that were closed.
Q What would be the detour route?
A (Thibault) They would have to come in from -if you were in Littleton, you would have to go down Route 302 to pick up Route 112, to go through Woodsville, and come back up the other side of Route 116, the south side. So, that would be at least a 20 -mile detour. If a person were living at HDD-22, and there was a road blockage, that person would have to travel about 28 miles to get to the other side of $H D D$ -- or, to get to the Town Hall, for instance.

So, there's very few crossroads in Easton. It's mainly one street road through Easton, and Sugar Hill Road intersects it. And in the very south end is Route 112, which not too many people use for anything, because it's pretty unpopulated down there.

Q So, would -- of the ten HDD sites in Easton, if any of those sites had a road closure, for whatever reason, give me a sense of the detours that would be required. You just indicated about 20 miles for HDD-22. Would there be lengthy detours for any of the other HDD sites?
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A (Thibault) Well, it depend where they are, the road closure would be. The example I gave was right there at HDD-21. If it were at HDD-20, for instance, Paine Road is a pot-handle road. It goes -- comes off of 116 , and goes back onto 116 after a few miles. So, that would be a drive-around. You could do that. It's a very -- there's a section of it that's a Class VI road, very -- one-lane dirt road, hilly. So, it would slow you down.

Is that road maintained throughout the year? (Thibault) No. It's not maintained during the winter. So, if you were in the wintertime, that road is not plowed. So, if you were lucky, it was no snow, you would be able to get through. If we have snow, that road is actually closed, or "impassable", I should say it's never closed, but it's not maintained. Other areas, if you had a road closure on the north side of Sugar Hill Road, or on the north side of Paine Road, right there at

HDD-19, --
Yes.
(Thibault) You'd have a long detour to get to,
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say, HDD-20 area. You'd have to go up through Franconia, down to Sugar Hill, and come down Sugar Hill Road, which is called "Easton Road" in Sugar Hill. And that's quite a roundabout route.

Q What's on the screen now is Map 37, from Counsel for the Public's Exhibit 130. And this shows the HDDs that start in Easton, which is HDD-16, and then going to HDD-19. You don't need to give us a sense of detours for each HDD. But you gave us a sense on the prior map, which showed further south. Give us just a sense in this area of town.

A (Thibault) The only way to get onto 116 here, without using 116, is through Lafayette Road. So, if you had to detour anywhere here, again, you'd have to go up through Franconia, and down Lafayette Road, which is a narrow, twisting road, and come back on 116. If you were on the other side, say, on the other side of Paine Road, it would be the same kind of detour I mentioned earlier.

And where does Lafayette Road connect into 116 ?
A (Thibault) On the left side of the screen
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there, past HDD-14.
Q Okay. Okay. Thank you. Mr. Collier, let me turn to you and ask you a few questions about your prefiled testimony.

A (Collier) Certainly.
Q Now, I understand that the Easton Planning Board believes that the Northern Pass Project would unduly interfere with the orderly development of the region. Is that right? (Collier) That is correct. And the Easton Planning Board believes the Project is inconsistent with the Town's Master Plan, the Zoning Ordinance, and subdivision regulations, is that correct?

A (Collier) That's correct.
Could you tell me, what type of development does the Town of Easton encourage or favor through its planning documents? (Collier) Easton believes in controlled growth and in retaining the agricultural and residential atmosphere that one experiences going through Easton. Route 116 goes from Franconia, to a stop sign in the south end of Easton, and that's an 11 -mile stretch of road
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that is characterized by limited residential development, and, in Easton, only a couple or four developments have been developed on the west side of Route 116.

Unfortunately, the zoning only occurred in Easton in 19 -- the mid '70s. And there was some development previous to this. And it was typical of a North Country community. Pick any road that you -- state road that you drive on in the North Country, and you find a lot of the development is single-lot development, with a camper, a travel trailer, or a best -- a more modern prebuilt structure. So, there are not large centers of town. As you can see, within Easton, the fire station is sort of in the middle, but you can't really tell it when you're driving down the road, because things don't get clumped together. We have a minimum of three-acre lots required for a dwelling.

Q Okay.
A (Collier) With that in mind, the ideal situation is to never develop a residential development that has only a single road going into it. It's unsafe, because you have the
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same problem we have with Route 116: You block it, and it's blocked.

So, the current mind of the Board is that, as we see additional developments presented to the Board, that we try to develop the neighboring -- try to develop with the neighboring parcels in mind, so that we can develop, go in this side and come out the other side, or vice versa, I'm sorry, and make it a safer environment for all of the people living on those roads.

The Town has been surveyed during my tenure twice for the renewal of the Master Plan. And the surveys returned almost identical results in both cases, which is a desire for this kind of development.

People come to Easton, first of all, when I first moved to Easton, it was at its lowest population level in a century, and we're now growing again. Easton had a grand population of a little over 300, back in 1900. And in -30 years ago we were down to the small 200 s. Today, we're about 250 people living in Easton. There are a few more houses than people, in
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that we do have some seasonal homes.
But it's a very slow-growing community.
Most of the large tracts in town are now being used for agriculture or they have been purchased for conservation purposes. Because one of the things that the population of the town asks to be preserved is its quiet agricultural and dark night skies environment that we see.

Does that help?
Q Thank you. In your prefiled testimony, you cited two things about the Northern Pass Project that you indicated would interfere with the orderly development. So, I want to ask you about those two things you cite.

A (Collier) All right.
The first thing you cited were the short-term impacts. Now, am I correct that the Town's concern, on a short-term basis, is that no one will develop any residential property or property in Easton while the Project is being built because of the traffic disruptions and uncertainty surrounding the construction activities. Is that their concern?
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A (Collier) That's part of the concern. When you explain traffic problems, you don't consider the picture of a -- let's call it, we live in a town that has a country road. And we're not ashamed of it, we're proud of it. It's a road that is noted by all neighboring chambers of commerce as an ideal tourist route for scenic beauty. You're looking at, on the east side, Kinsman Mountain, which is the back side of Franconia Notch, if you will. I live on that road. And I'm four miles from where the Old Man of the Mountain fell off the mountain. And I'm not the old man that fell off.

It's four miles straight through the mountain into the other valley. Forest is mixed hardwoods and softwoods, and the color is absolutely fabulous. And the traffic, during tourist season, well, during foliage season, you just don't go out on the road. But the rest of the year people are advised by where they're staying in the North Country to travel on Route 116 for its scenic beauty. When you take a road like Route 116, which DOT tells us is not a "built" road, that means,
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from our understanding, and what we see when we see some digging across the road, is that the road was never designed according to what we ask people in subdivisions to design their roads, which is a DOT scheme of clearing out all the vegetative matter, getting down to mineral earth, then putting in gravel, a sufficient amount that it raises the level of the road above the road -- above the field that it's going through, and the road is constructed on top of that so it can drain.

Easton Valley Road, Route 116, is the oldest way to get from North Haverhill to Franconia. And needless to say, it started as a walking path, and then it started as a horse path, and then as a wagon path. And then they threw gravel in the muddy spots, and then pretty soon they started taking care of the road.

In reading old town reports, you'll find that people were hired to work on the road for 25 cents an hour, and they worked off their taxes of $\$ 45$ that way. So, we know what the base of that road is, it's what was needed at
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the time it was built, which was
pre-automobile.
Now, as we all know, Mr. McAdam found a way to pave dirt roads, and got the farmer out of the mud. And since that time, Route 116 has been getting higher and it's been getting wider. Each time they pave it, the paving machine paves a couple more inches on the side. But any place you see that heavy traffic has gone off the edge of it, that pavement crumbles. That is not a road that you're going to move 14 -wheel dump trucks on to remove the soil that needs to be taken out of the places where the HDD terminals are going to be. It's a tremendous amount of traffic.

And, if you've ever lived on a dirt road in the summertime, you'll find, as they spill a little bit of dirt, it eventually deteriorates into being dust. You'll see one of those big truck wheels just roll over it, and the dust [indicating] puffs out. And that's not a tourist road, and it's not a residential road. Okay. So, let me ask you about the long-term impacts that you addressed in your testimony.
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Would I be correct in saying that the Town's concerns, long-term, are the following:

Concern about polluting the water, about impacting the flow of water, and about making development in Easton more costly because of the transmission line. Do I have that right? (Collier) Yes. That's correct.

Do you believe that there are any other long-term concerns to developing property in Easton from the Northern Pass Transmission line that $I$ didn't just mention?

A (Collier) Well, that takes you to dreamtime, and it's sort of hard to justify. But, as soon as you make a road very travelable, like we assume that Route 116 would be returned at least to the level of quality it has today, probably, as we found, the tendency in rebuilding roads is to make them wider, smoother.

And one of the things $I$ didn't mention earlier is there are many places in driving through Easton, the branches of the trees actually touch over the road. There aren't many places like that in the world today. The
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trees along the side of the road in many cases are survivors of the last logging, which was around 1900. As a matter of fact, I lost a tree in my yard the other night in the wind storm. He was an old friend. He was 108 years-old and 93 feet tall. We're going to lose all of those with any interruption on either side of the road through the town, which will take away the desirability of those who want to pass through it slowly.

The people who pass through slowly are mainly bicyclists. Because that 11 miles of road, from Franconia, to we call it "Bungey Corner", the intersection of Route 112 and 116, is fairly flat, although it goes over a height of land that separates the Wild Ammonoosuc Watershed from the Ham Branch. But that is -one of the nice things, we have a 40-mile an hour speed limit. We have enough driveways intersecting with it, that that's reasonable. But any time we get it paved, it's a heyday for speeding tickets, but then it gets rough pretty soon again. We anticipate that that quality -a better quality road going through will draw
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some people who want to settle in the town, and it will also be a deterrent to those who recognize that it is no longer of the quality that exists today, which is rural and residential.

Q So, is it your belief that that deterrent would interfere with further developing residential property?

A (Collier) We do.
Q Okay. Thank you. Ms. Pastoriza, let me turn to you and ask you a few questions. First, --

A (Pastoriza) Can $I$ address orderly development first?

Q Sure, if you want to add something.
A (Pastoriza) I want to add that no one has looked at orderly development in terms of the Applicant occupying 30 to 50 percent of the public underground right-of-way. Whether that's fair that they should take the lion share of something, that might need to be used by other people, because they happen to have got there first.

So, is your point that, because they're going to occupy this space, that will impact
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developing property adjacent to it?
A (Pastoriza) It will do that. But it will also impact future uses that we have perhaps no way to imagine at this point with the road.

MR. NEEDLEMAN: Mr. Chair, I'm going to object. This is new testimony.

CHAIRMAN HONIGBERG: This isn't even in response to any question. Mr. Pappas, would you please move on.

MR. PAPPAS: Thank you.
BY MR. PAPPAS:
Q On the screen now is Counsel for the Public Exhibit 624. Do you see that?

A (Pastoriza) Yes.
Q And do I understand correctly, Ms. Pastoriza, that you created this document?

A (Pastoriza) At the best --
Q In the sense that you added the coloring to the map?

A (Pastoriza) Yes. At the best of my knowledge at that point, having done some road research.

Q Okay. Could you briefly tell us what documents you used to determine the various dates and widths of the road? What were your source
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A (Pastoriza) At the Archives on Fruit Street, in Concord, they have records of most of the road layouts from town records. So, from those layouts, I found the 1804 layout, which is the first section. And the 1833 layout, which was mentioned by Mr. Hodgdon in his application. And in those records was also the 1856 layout, just south of Easton center.

Okay. And you didn't mention the 1811 layout -- date. Where does that come from?

A (Pastoriza) At 1811, a road was laid out from somewhere on Kendall Brook, which is south of where you see the word "Maxwell", and it went to Stephen Kinsman's sawmill, which is about where you see the word "Easton". Most likely, it went along present 116. But, because the layout has no landmarks, in terms of dwellings, I could not say that for certain. Okay. And would $I$ be correct in saying that the widths you show on this map come directly from the source documents you just described?

A (Pastoriza) Yes, the road layouts.
Okay. Now, on October 27, 2017, NPT filed a
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draft survey with the New Hampshire Department of Transportation that included Route 112, in

Easton. Are you aware of that? (Pastoriza) Yes.

And have you reviewed that draft survey?
(Pastoriza) Inasmuch as I could, given that it has almost no landmarks.

Q Okay. Have you done any research on the right-of-way section on Route 112 that's covered by that draft survey?

A (Pastoriza) You saying the draft survey didn't cover all of 112?

No. My question is, have you done any research on the right-of-way that the draft survey covers, that section of 112?

A (Pastoriza) My understanding is that it is three rods for a short section from the intersection of 116 and 112 , heading towards North Woodstock. There's a few other short sections where it is also three rods. It's fairly clearly documented where the Forest Service had land and gave to DOT for their construction projects, a fairly wide right-of-way.
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| Q | And when you say "three rods", what's the |
| :---: | :---: |
|  | source of your information for that? |
| A | (Pastoriza) That was, I believe, an 1853 |
|  | layout. |
| Q | Okay. And did you obtain that from the same |
|  | place as the other -- |
| A | (Pastoriza) Yes. That was Fruit Street |
|  | Archives. |
| Q | Okay. What's on the screen now is Joint Muni |
|  | Exhibit -- or, Joint Muni Bates stamp 005437. |
|  | Do you see that? |
| A | (Pastoriza) Yes. |
| Q | And did you create this exhibit? |
| A | (Pastoriza) I did. |
| Q | Okay. And just tell us the source documents |
|  | you used to create this exhibit? |
| A | (Pastoriza) The New Hampshire Granite site. |
| Q | Okay. And did you put the blue line with the |
|  | blue dots on it? |
| A | (Pastoriza) Yes. |
| Q | And what did you use to -- what was your source |
|  | of information for the blue line and the blue |
|  | dots? |
| A | (Pastoriza) The blue dots were where the HDDs |
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are proposed, as well as $I$ could tell, looking at a map and transposing them.

Q Okay. So, the blue line is Route 116, and you used the Applicants' indication of where HDDs would be to place them on this map?

A (Pastoriza) Yes.
Q Okay. What was on the screen before was Joint Muni Exhibit 113. What's on the screen now is another page of Joint Muni Exhibit 113. This one is Bates stamped 005435 . Do you see that?

A (Pastoriza) Yes.
Okay. Now, it looks like -- first of all, let me ask a question. Did you create this document?

A (Pastoriza) Yes.
Q Okay. And it looks like you used some maps from the Town of Easton. Do you see that?

A (Pastoriza) Yes. Tax maps.
Q Okay. And those tax maps are maintained by the Town?

A (Pastoriza) Yes.
Q All right. And then the red line, is that Route 116?

A (Pastoriza) Yes.
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Q Then you'll see there are pink dots indicating existing wells. Do you see that?

A (Pastoriza) Yes.
Q Where did you get the information about the pink -- let me ask the first question. Did you put the pink dots on the map?

A (Pastoriza) Yes.
Q Where did get the information about the pink dots?

A (Pastoriza) I made the assumption that a house has a well.

Q So, would $I$ be correct in saying that each of these pink dots represents a house?

A (Pastoriza) Yes.
Q And is that based on tax maps and tax
information with the Town of Easton?
A (Pastoriza) Yes.
Q Okay. And then you have blue dots. Do you see those?

A (Pastoriza) Yes.
Q And tell us why you put blue dots on the map? What do the blue dots indicate?

A (Pastoriza) They're a conservative indication
that a lot will have a house on it in the
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future, and that house will have a well.
Q So, the blue dots are existing lots in Easton where there's no house on it?

A (Pastoriza) Yes. And not accounting for whatever subdivision might occur there.

Okay. And again is -- you took that
information from the Town records that there's no house on that existing lot?

A (Pastoriza) Yes.
Q Okay. Thanks. What's on the screen now is Counsel for the Public's Exhibit 625, which is a picture from your prefiled testimony. Do you see that?

A (Pastoriza) Yes.
Q And did you take this picture?
A (Pastoriza) Yes.
Okay. And am $I$ correct that this is a location of a proposed HDD drill site on Route 116?

A (Pastoriza) Yes. It's the south exit of the one that begins across from the fire station. Q Okay. What's on the screen now is Counsel for the Public Exhibit 130, Map 38. And do you see "HDD-20" where the fire station is located?

A (Pastoriza) Yes.
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Q And the picture that you took, is it HDD-21?
A (Pastoriza) It's HDD-20, the green triangle.
Q Okay. So, the picture you took is part of the HDD that goes in front of the fire station?

A (Pastoriza) Yes.
Q Okay. Do you know if what you're depicting is
the entry area or the exit area for this HDD?
A (Pastoriza) I believe it's the exit.
Q Okay. So, would $I$ be correct in saying that the entry area is somewhere to the left of your picture?

A (Pastoriza) I would say it's about two telephone poles down on the right-hand side.

Q Oh. So, going away from us?
A (Pastoriza) Yes.
Q Ah. Okay. I take it you're familiar with this area of the road, correct?

A (Pastoriza) Yes.
Q And you had another picture in your prefiled testimony. Was that of the same HDD site?

A (Pastoriza) I think so, yes.
Q What's on the screen now is Counsel for the Public Exhibit 627, which is another picture from your prefiled testimony. Is this the
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area -- the other area for that HDD site?
A (Pastoriza) This is the exit point, looking from the opposite direction, up the hill, rather than down the hill.

Q Okay. Now, there's been testimony that, for each HDD site, the entry area needs a 30 by 300 feet flat, cleared area. Do you recall that?

A (Pastoriza) Yes.
Q And the exit area also needs a flat area for the exit of a pit, correct?

A (Pastoriza) Yes.
Q Okay. Now, looking at this picture, as well as the prior picture we showed, would I be correct in saying that in neither picture is there a 30 by 300 foot flat area?

A (Pastoriza) No. If you assume that the road there is about -- the pavement is about 25 feet wide, and it's also quite steep, the road, steeper than it appears in the photograph. Q So, would I be correct -- or, do you believe that, in order to do the HDD drilling at this site that you've taken photographs of, they will have to use at least one travel lane?
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[WITNESSES: Thibault|Pastoriza|Collier]

A (Pastoriza) Yes.
Q And that, if they go off the road, it's likely they're either going to have to fill in an area to gain enough space?
(Pastoriza) If that were permitted, -Okay.
(Pastoriza) -- they would have to fill the river in.

Q And if it were not permitted, do you believe they'd have to use more of the travel -- more of the road than one lane?

MR. NEEDLEMAN: Objection, Mr. Chair. Ms. Pastoriza I don't believe has any expertise in these issues to be able to offer these opinions.

CHAIRMAN HONIGBERG: Mr. Pappas.
MR. PAPPAS: I'm just asking her in
terms of dimensions. I mean, she testified
that she took these pictures. She's familiar with the area of the road. I think she has the expertise to determine a 30 by 300 -foot area.

CHAIRMAN HONIGBERG: Is that all the question was, about that?

MR. PAPPAS: Yes. Just dimensions,
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exactly.
CHAIRMAN HONIGBERG: Overruled. You can answer.

## BY THE WITNESS:

A (Pastoriza) A 30-foot work area would consume the existing pavement.

A (Collier) If $I$ may? If $I$ may?
BY MR. PAPPAS:

Q Sure.
A (Collier) This particular site is very close to the site that was discussed by Dr. McLaren last week, and that is a perennial stream flowing through that gulch that you see there. That's not something that can be buried or made to go away.

Q Okay. Now, what's on the screen now is Counsel for the Public Exhibit 625, which we saw a moment ago, which is the same area for this HDD site, just a different angle. Correct?

A (Pastoriza) Yes.

Q And based on your familiarity with this area, do you believe that there is a clear 30-foot wide work area in this area that would not require use of the pavement area?
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[WITNESSES: Thibault|Pastoriza|Collier]

| A | (Pastoriza) There is neither space, and, in |
| :---: | :---: |
|  | addition, this is an area of undetermined |
|  | right-of-way. |
| Q | What do you mean by "this area of undetermined |
|  | roadway" [sic]? |
| A | (Pastoriza) The right-of-way here is |
|  | undetermined. So, you have the physical |
|  | constraints of a steep slope, and a gulch with |
|  | a river, and then you have the legal |
|  | constraints of the width, actual width of the |
|  | right-of-way. |
|  | MR. PAPPAS: Okay. Thank you. Thank |
|  | you, Mr. Chairman. I have no other questions. |
|  | CHAIRMAN HONIGBERG: All right. Why |
|  | don't we take a ten-minute break. But off the |
|  | record. |
|  | [Brief off-the-record discussion |
|  | ensued.] |
|  | (Recess taken at 10:26 a.m. |
|  | and the hearing resumed at |
|  | 10:42 a.m.) |
|  | CHAIRMAN HONIGBERG: Ms. Saffo. |
|  | MS. SAFFO: Thank you. |

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Q So, do you mind, and you can pick who you think is best to do this, to briefly give an overview of the Town of Easton's efforts to learn about the extent of this Project? Is there a way to summarize that?

A (Pastoriza) Starting in 2010?
Q Yes.
A (Pastoriza) That's seven -- that's seven years --

Q Yup.
A (Pastoriza) -- of learning. There was a town meeting where Northern Pass presented their project. There were four people present. One person said "I will fight this project every step of the way." And that's what's happened. We had the original AOT permit packages, which showed simply a line down the center of the road. The next information was the Application to DOT, which gave some more detail about supposed road widths and plans to go under the pavement.

We had a CC meeting with Northern Pass, which also discussed, $I$ believe, under the pavement burial. We had a Select Board meeting
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with Northern Pass covering the same issues, with the same answers. In December 2016, we got the permit packages, which was the first really detailed plan for the Project, which took a lot of reading to see what was happening with those.

And then there was the survey. There was the release by DOT onto their site of the meeting minutes between Northern Pass and DOT, which provided a lot of back information we hadn't had before about how the Project had came to DOT, and DOT's response. And there was a survey that was rejected, and the Exception Requests, which were alterations to the plan.

There had been many letters from the Town to various regulatory agencies expressing concerns.

Q So, now, you reference two things. You reference the Conservation Commission meeting and the Select Board meeting. Is it fair to say the Select Board meeting was the November 9th, 2015 meeting? A (Pastoriza) Yes.

Q And then the Conservation Commission meeting
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was the February 11th, 2016 meeting?
A (Pastoriza) Best of my recollection, yes.
Q And then up until that point, when they came to the Select Board meeting and the Conservation meeting in late 2015-2016, do you know if Easton had been asking Northern Pass to come before them?

A (Pastoriza) The Conservation Commission asked them quite early on to meet, and $I$ believe Mr. Long promised that there would be a meeting, and it would be in advance of the SEC process. And it took a year and a half for that meeting to happen.

Q So, Easton had been wanting to meet with Northern Pass to learn as much as they could about the Project?

A (Pastoriza) Yes.
Q Now, turning to the Eastman [Easton?] Select Board meeting and the Conservation Commission meeting, at that point in time you indicated that you had the earlier I'll use the phrase "plans", which was a line down the center of the road. At those two meetings, so now they're meeting with the select Board and the
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Conservation Commission, do you recall the representations as to where the holes would be dug?

A (Pastoriza) There was a very clear implication that it would be under the road.

Q And was that something that the citizens who were attending those meetings were interested in knowing?

A (Pastoriza) They were very interested in knowing that it would be under the road, yes. And when did -- do you recall when it became evident that it would be adjacent to the road, so, in private landowners' property, as opposed to under the road?

MR. NEEDLEMAN: Objection. The
Project is not proposed to be in private landowners' properties.

CHAIRMAN HONIGBERG: Ms. Saffo.
MS. SAFFO: Actually, $I$ think it's
fair to characterize it as such. I can
rephrase it. But, if the DOT has a
right-of-way, and it's going to be in the DOT
right-of-way, it's still also implicating
private landowners' property, because --
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[WITNESSES: Thibault|Pastoriza|Collier]

CHAIRMAN HONIGBERG: You can ask your next question. You just said you were going to ask another question.

MS. SAFFO: Okay. I'll just rephrase it.

BY MS. SAFFO:
Q So, when did they learn it wasn't going to be under the blacktop, but adjacent in what has been referenced as a "DOT easement"?

A (Pastoriza) There have been many meeting minutes between DOT and Northern Pass with back-and-forth conversations about where the line might go. There was the Application, was a blanket request to be under the road, which was followed by Exception Requests due to demands by DOT that the Project be sited at the far edge of the right-of-way whenever possible.

So, there's been an ongoing conversation, which we had been privy to in delayed documents, depending on when they're released to the DOT site. Where DOT is conversing with Northern Pass about where the line can go under the road and where the line needs to be at the edge of the right-of-way.
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Q And then -- and these minute meetings, when was this shared with Easton formally?

A (Pastoriza) The majority of meeting minutes came out when I made a $91-A$ request to DOT. At that point they began posting things on the site. Sometimes of their own accord, sometimes things that $I$ requested through a 91-A were then posted to the site.

Q And, so, this was not information brought to you at either the Select Board meeting of November 9th, 2015, or the Conservation Commission meeting at February 11th, 2016, correct?

A (Pastoriza) No.
Q And at any point in time was the Town of Easton updated, you know, saying "okay, we told you this on November 9th, 2015 and/or February 11th, 2016, but, Town of Easton, we're coming to you with updated information"? Did that ever occur?

A (Pastoriza) No.
MR. NEEDLEMAN: Mr. Chair, I'm going to object at this point. This all information that predates April 17 th, and should have and
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could have been included, if they wanted to.
CHAIRMAN HONIGBERG: Ms. Saffo.

MS. SAFFO: Again, I think this is
appropriate cross-examination of a witness.
It's also following additional information that continues to come to light. So, to say that we should have included this in prefiled testimony, well (a) these aren't my witnesses;
but (b) again this is information that continues to come to light as the process continues.

CHAIRMAN HONIGBERG: If you want to reference something that's come to light since the testimony, then by all means do so.

MS. SAFFO: Yes. For example, the survey minutes of the DOT/Northern Pass meetings have been -- I believe it was September $19 t h$ of this year.

CHAIRMAN HONIGBERG: So, you want to ask him a question about something from September 19th, go ahead.

MS. SAFFO: Okay.
BY MS. SAFFO:
Q So, turning to the survey process. Now,
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there's -- I want to distinguish between this term "survey", to make sure we're clear about what we're talking about. There's a legal term "survey", which is a survey that could arguably be following the statute and the regulations, the land use statutes and regulations. And then there's documents, which have been called a "survey", that don't necessarily meet those regulations. So, you're going to see me saying a "survey type" document, because $I$ think it's important to distinguish between those. Okay? Is that okay if I say "survey type"?

A (Pastoriza) Yes.
Q Okay. So, one of the issues that Eastman appears to be raising in its prefiled testimony and in your testimony today is a concern about a survey in the right-of-way. What is your concern?

MR. NEEDLEMAN: Objection. Calls for repetition of testimony.

CHAIRMAN HONIGBERG: Where is the testimony, Mr. Needleman, that it's repeating?

MR. NEEDLEMAN: The question related
to asking her to repeat information that she
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was referencing of the testimony.

MS. SAFFO: I'm asking for more
detail. And I think that's appropriate.
CHAIRMAN HONIGBERG: I'm not sure it is appropriate, Ms. Saffo. This is testimony that's been given. If there's something unclear about it and you need clarification, but let's keep it narrow and not an open-ended invitation to recast, rehash, and provide more detail on testimony that's already been given. MS. SAFFO: Okay.

BY MS. SAFFO:
Q You were referencing some minutes between -meetings between Northern Pass and the New Hampshire Department of Transportation. Do you recall the one in september of this year, when they discussed the survey requirements?

A (Pastoriza) There is a latest document on the DOT site discussing the survey, is a agreement between DOT and NPT for a set of standards, which, if followed, would enable the survey to be accepted by DOT.

Q And has the Town of Easton seen this new survey referenced in that September 19th document?
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A (Pastoriza) A snippet of 2.5 miles of draft survey has been submitted for the Bridgewater to part of Plymouth route. And that's only a draft survey. A draft survey has been submitted for parts of White Mountain National Forest. But Easton has not seen even a draft survey for our town.

Q Okay. So, as of today's date, you're still waiting for that survey type document referenced in the meeting, in the minutes of September 2017?

A (Pastoriza) Yes.
Q And why are you interested in seeing that document referenced in the September minutes?

A (Pastoriza) Without a survey, there's no way to know the construction area, the construction times, and whether abutters have issues they want to bring up about the survey. They may have information of their own and they may dispute the survey. We can't know environmental effects. We can't know noise effects. There are many issues that rest upon the survey, that we can't know fully until we have a survey.
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Q So, sitting here today, can the Town of Easton officials mark for citizens in Eastman [Easton?] where the holes are going to be dug,


A (Pastoriza) No.
Now, just as one issue $I$ wanted to bring up, as far as staging areas. There's been discussion about staging areas. Do you yet know where the staging areas are going to be in the Town of Eastman -- Easton for the dirt that's going to be transported?

A (Pastoriza) We have no notification that there have been staging areas required by the Applicant.

Q And you were talking earlier about the construction. Now, if there isn't a staging area close by, does that increase the distance where the dump trucks and concrete trucks have to travel?

A (Pastoriza) Yes.
Q You've already testified about the impact on roads. So, I won't ask us to reiterate that. But have you gotten a calculation of how many truckloads of dirt will be going back and forth
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on those roads?
A (Pastoriza) Counsel for the Public's witnesses did make a calculation. I do not remember what the numbers were.

Okay. And then about how many loads of concrete will be being traveling -- how many loads of concrete will be traveling on your roads?

A (Pastoriza) Again, the Counsel for the Public addressed that, but $I$ don't remember the numbers.

MS. SAFFO: Thank you. No further questions.

WITNESS THIBAULT: Can $I$ add one
other thing that we may have overlooked?
CHAIRMAN HONIGBERG: Wait, wait,
wait, Mr. Thibault. What are you referring to?
WITNESS THIBAULT: The question that
was asked about what kinds of meetings we've had with Northern Pass and regulatory agencies.

CHAIRMAN HONIGBERG: Back -- that's
the first question Ms. Saffo asked?
WITNESS THIBAULT: The very first
one, yes.
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CHAIRMAN HONIGBERG: It really would have been better if you had done it then. WITNESS THIBAULT: I'm sorry. I just --

CHAIRMAN HONIGBERG: Why don't you say what you want to say now.

WITNESS THIBAULT: I just wanted to point out that we did go down into Concord and meet with DOT as well. That was one thing that we left out.

MS. SAFFO: May I ask one follow-up on that?

CHAIRMAN HONIGBERG: Go ahead.
BY MS. SAFFO:
Q Did you attend the Loon public -- did a representative from Easton attend the Loon public hearings as well?

A (Thibault) I didn't personally, but we have people in town who have -- who did attend those meetings.

MS. SAFFO: Thank you very much. CHAIRMAN HONIGBERG: Ms. Menard. MS. MENARD: Good afternoon -- sorry, good morning. I'm thinking ahead here. I have
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just a couple questions for you, Ms. Pastoriza. I'm Jeanne Menard, from the Deerfield Abutters. BY MS. MENARD:

Q And I have followed a series of communications between the Easton Conservation Commission and Kurt Nelson, who is the Licensing and Permitting Department from Eversource. He oversees that area. And there's a May 9th letter on the screen. And I've labeled it "Deerfield Abutter 61b" [Correction: \#61]. And it did not seem that there was very much progress made on your Commission's effort to establish wildlife crossings.

So, in a letter a year before that, in 2016, Eversource had indicated that they were going to be doing some tabletop work to identify possible areas that might be suitable for the wild land crossings.

Do you know if Eversource identified any areas in the seven miles of right-of-way easement suitable for wildlife corridors in your community?

MR. NEEDLEMAN: Mr. Chair, I'm going
to object on relevance. Does this relate to
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the proposed Project?
MS. MENARD: Yes.
CHAIRMAN HONIGBERG: How does it
relate to the proposed Project?
MS. MENARD: In terms of wildife corridor buffers, there's been a very -- it's an effort that actually was initiated back in 2010 as an area of concern for opening up these new rights-of-way and expanding on rights-of-way. And, so, one of the conditions that a lot of the conservation commissions have weighed in on is this concept of not clearing the full extent of the right-of-way, but to -in areas that you can maintain vegetative buffers for wildife to still cross through, this has been an ongoing topic.

CHAIRMAN HONIGBERG: The line is going to be buried in Easton, is it not?

BY MS. MENARD:
Q Ms. Pastoriza, so, can you clarify --
MS. MENARD: You're absolutely correct.

CHAIRMAN HONIGBERG: Don't sound so surprised.
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[WITNESSES: Thibault|Pastoriza|Collier]
[Laughter.]
MS. MENARD: I apologize. Yes. I'm surprised, because I didn't put two and two together. And, as of May of 2017, they were still communicating about this topic.

And you're absolutely right. And I apologize for taking everybody's time.

BY MS. MENARD:
Q Unless is there anything that you care to add that is relevant on this topic?

CHAIRMAN HONIGBERG: Well, no, no. We don't ask questions like that. That's not going to work.

MS. MENARD: My apologies.
CHAIRMAN HONIGBERG: Thank you, Ms. Menard.

MS. MENARD: Sure.
CHAIRMAN HONIGBERG: Ms. Crane.
MS. CRANE: I'm here. Charlotte
Crane. A member of the Ashland to Deerfield Non-Abutter Group.

BY MS. CRANE:
Q Is there anything about the possibility of the removal of vegetation in Easton that might
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appropriately be addressed through a concern for wildife crossings?

MR. NEEDLEMAN: Objection.
Irrelevant.
CHAIRMAN HONIGBERG: Ms. Crane.
MS. CRANE: I am under the impression that even the underground portion there will be substantial loss of vegetation. And I --

CHAIRMAN HONIGBERG: And the basis for your understanding is what?

MS. CRANE: The exhibits that I've seen and the proximity of vegetation to the roadways.

CHAIRMAN HONIGBERG: All right. Is there some questions you want to ask these witnesses about a particular thing you've seen or heard that is from the materials that post date their testimony, happened here or recent pieces of correspondence or something?

MS. CRANE: I just wanted to make sure, I've heard a lot about loss of vegetation in terms of views and land values. I wanted to make sure that the panel didn't have concerns that would not be encompassed by those two
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categories, with respect to the vegetative loss.

CHAIRMAN HONIGBERG: Beyond what is
in their prefiled testimony?
MS. CRANE: Correct.
CHAIRMAN HONIGBERG: Because there's testimony about their concerns about what's going to happen in Easton in their prefiled testimony, and that should govern the scope of the questions you're asking them here.

MS. CRANE: I am willing to limit the scope of my question to things that were appropriately not included in their prefiled testimony.

CHAIRMAN HONIGBERG: You reversed the order of things. What's you're next question, Ms. Crane, because I don't think they can answer the question you asked?

BY MS. CRANE:
Q Is there anything that has come to your attention since the prefiled testimony -- since your filing of prefiled testimony, regarding vegetation concerns?

A (Pastoriza) I would note that DOT asked
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Eversource to provide clearing maps, maps of the area that would be cleared for the underground in 2016, and the Applicant has not provided those. That would affect how much area would be cleared over streams, which could affect habitat for fish and invertebrates. Okay. Thank you. In your interactions with the various State agencies involved, particularly since the filing of prefiled testimony, have these agencies been able to consistently provide you with the information that you thought you -- both you and the agency needed to fulfill your function with respect to these proceedings?

MR. NEEDLEMAN: Objection. I think this needs to be tied to specific issues that came up after April 17th.

CHAIRMAN HONIGBERG: Ms. Crane.
MS. CRANE: Are there any -- I'll
just restate the question.
BY MS. CRANE:
Q Are there any of your interactions since April
that have not involved the agency -- in which
the agency has not been able to provide you
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[WITNESSES: Thibault|Pastoriza|Collier]
with the information that you were hoping to obtain?

MR. NEEDLEMAN: Same objection.
CHAIRMAN HONIGBERG: Ms. Crane, where are you going here?

MS. CRANE: Well, my ultimate question is whether they have an opinion about whether the agency has been provided with the information that both the agency and the local bodies would need in order to fulfill their assigned roles.

CHAIRMAN HONIGBERG: Which agency?
MS. CRANE: Any of the state
agencies. I'll limit it to the DOT, if you would prefer?

CHAIRMAN HONIGBERG: I'd like you to ask a nice focused question. So, if you want to ask about their communications with DOT, I guess that question can stand. Does anyone have an answer to that?

BY THE WITNESS:

A (Pastoriza) I would point out that the most useful information from DOT came through 91-A requests.
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BY MS. CRANE:
Q And could you repeat for the record what the 91-A requests involve?

A (Pastoriza) That's the Freedom of Information Act. So, I've made repeated requests to DOT for information involving their conversations with Northern Pass. As I said, some of that was later posted to the DOT site. And that's what's been most fruitful in terms of agency communication with DOT.

Q And, so, the primary source or a significant source of your information has not been from the Applicant, but from what you have asked from the agency, and the agency had not been -it had not been easy to get that information without the Freedom of Information Act request? MR. NEEDLEMAN: Objection. CHAIRMAN HONIGBERG: Ms. Crane, I'm not sure that's what she said. I'm not sure what the purpose was of trying to restate her testimony. She gave you an answer to the previous question. And $I$ don't know that you restated it properly. It didn't sound to me at all like what she said.
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And I'm not sure what the purpose of
that is. Your question and her answer, perfectly good ones. What's the next question?

BY MS. CRANE:
Q The next question is simply, is there enough information at this point for you, in your official capacities, to proceed? Are you comfortable with the amount of information that you now have?

MR. NEEDLEMAN: Objection.
CHAIRMAN HONIGBERG: I'm going to
overrule it, because we know the answer. Go ahead, you can answer.

## BY THE WITNESS:

A (Pastoriza) No. We don't have enough information to assess the Project.

MS. CRANE: Thank you.
CHAIRMAN HONIGBERG: Ms. Schibanoff.
MS. SCHIBANOFF: I have one piece of material to put on the ELMO that Mr. Lakes is going to do right now.

Carl, could you put the transcript section up please.

MR. LAKES: Yup.
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[WITNESSES: Thibault|Pastoriza|Collier]

MS. SCHIBANOFF: Thank you. Good morning, panel.

WITNESS THIBAULT: Good morning. MS. SCHIBANOFF: I'm Susan

Schibanoff, from the Non-Abutting Property Owners Bethlehem to Plymouth. And Mr. Pappas has anticipated the first half of the questions that $I$ wanted to ask Mr. Collier and Mr. Thibault. Mr. Collier, can you hear me okay?

## WITNESS COLLIER: Yes, I can.

MS. SCHIBANOFF: Thank you.
BY MS. SCHIBANOFF:
Q Mr. Pappas established that both Mr. Collier and Mr. Thibault have raised the issue of property values in their petitions -- or, testimonies, is that correct, Mr. Collier?

A (Collier) Yes, it is.
Q Okay. Mr. Thibault?
A (Thibault) Yes.
Q And he has also established that I think he said one-third of the tax parcels in Easton lie along the proposed underground route?

A (Thibault) Approximately, yes.
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or gain, presumably, implications of a buried line on the abutting property.

Now, Mr. Thibault and Mr. Collier, you have both filed or adopted testimony in which you say that you are worried about negative impacts of a buried route on the abutting property values. Could each of you describe what you see as those implications?

A (Thibault) First of all, I read his -Mr. Chalmers' prefiled testimony, and I notice that only twice did he mention "underground", and it was only to say that there would be "no visible impacts".

I disagree with that. There will be visible impacts. We envision a strip running right down the road where the line is buried. Not necessarily under the road, as we were told, but beside the road. There will be visual impacts on the box car size splice vaults.

So, given that, and what Mr. Collier already mentioned about the character of the road, the people who live here are going to see this as a diminishing of the values of their
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property. And people who are going to come to buy these properties, commonsense is going to say "Yes, you have this big power line out in front of you", it will, and $I$ have to say, yes, I'm not an expert like Mr. Chalmers, but commonsense is going to say that people are going to want to pay less for that property, as opposed to the one that's maybe a road over that doesn't have the high-voltage line in front of it.

So, secondly, the people who live there now are already seeing and planning that their properties will be diminished, and already planning on coming in to the Town for abatements of their taxes, which I think, as we said earlier this morning, that all that's going to do is raise the taxes for everyone else. If we lower one property owner's taxes, somebody else's has to go up. So, yes, we do see this as a big issue.

Q Thank you. Mr. Collier, do you see any other implications?

A (Collier) Yes. And I'm not sure it's
admissible. But my history in the North
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Country has been being involved with the Village at Loon Mountain, which, of course, is not nearby, and with Franconia Notch Vacations, which my wife and $I$ owned for a short time after we purchased it from Paul and Paula Valar, of Happy Val -- Memory, which is right on the Main Street, in Franconia.

And that is, sure, I live in town, and Bob lives in town, we're almost across the street from each other. And somebody digging in the dirt in front of the lot is going to be a bother.

My major concern professionally, until I retired a couple of years ago, but is still a concern, is how does it affect all of those people who travel the road, particularly those who come to the North Country for recreation and vacations?

Having owned Loon Reservation Service, which rented condos and townhouses and vacation homes, as far as Lincoln, North Woodstock, Franconia, Easton, and a couple of places even beyond, the vacationer does not come, when he rents a whole house for his family for a
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vacation, he does not come to that living room or that bedroom and sit in it. That's his center of operations.

People who come north, as you probably noticed, drive around a bit. They use motorcycles, they use bicycles, and they are out enjoying the ambiance of our roads and towns, Easton being one of them. Easton being on one of the very popular circuits advertised by chambers of commerce for tourists to travel. It's also on a favorite motorcycle tour route.

These people judge their vacation from their whole experience, from what they do each day, where they had a good meal; where they had a bad breakfast; where they had to wait on the highway because they were putting in a new culvert; where the highway was torn up; where the forest has been torn down; where they're repaving a road. All of these things come into that individual who has come to New Hampshire, from far away, and all you need to do is go out and look at license plates to see where people come from. Our marketing area is, of course, New York, Connecticut, and Rhode Island, but --
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MR. NEEDLEMAN: Mr. Chair, I think we're far beyond the scope of the question here.

CHAIRMAN HONIGBERG: Mr. Collier, do you remember the question?

WITNESS COLLIER: I do, indeed.
CHAIRMAN HONIGBERG: What was the question?

WITNESS COLLIER: The question dealt with "how does this Project interfere with the value of the property?"

CHAIRMAN HONIGBERG: Both questions and answers need to be more focused.

Ms. Schibanoff.
BY MS. SCHIBANOFF:
Q May I ask you, Mr. Collier, if you are still concerned about what you wrote in the petition that you composed for the Planning Board, and I'll read that briefly. These are your words: "Routing this Project through our residential neighborhood subjects these property owners in perpetuity to the potential risk of catastrophic accidental dig-ins. Property owners located along this latest proposed
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corridor already bear the uncertainty of not knowing if the Project will damage and/or impact the value of their property." You wrote that in the petition of -- I forget what the date was, late 2015.

Does Dr. Chalmers' statement change your mind about that?

A (Collier) No, not at all. I don't believe he looks into the hearts of the people who own the properties or, in my professional life, the people who rent them.

Thank you. One further short question, and this is for Ms. Pastoriza. Following up on a map that $I$ believe Counsel for the Public showed. You had indicated bore holes and indicated where there were findings of hydrocarbons. Do you recall that map?

A (Pastoriza) Yes.
Q Can you tell us what these hydrocarbons are?
Why are they finding hydrocarbons along the road in Easton?

A (Pastoriza) As I understand, hydrocarbons tend to indicate a leaking fuel storage tank, I would suspect underground. I know there used
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to be a gas station out at that corner, 112 and 116, where those hydrocarbons were found.

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

CHAIRMAN HONIGBERG: Ms. Draper.
MS. DRAPER: Yes. Hello. I'm over
here. Excuse me. I just have two quick questions.

BY MS. DRAPER:
Q One has to do with the testimony, and I guess it was Mr. Collier had identified water resources, water flow, water quality as a concern. And $I$ was wondering if you have protected aquifers in your town?

A (Collier) Yes.
Q And what are they -- do they have a rating?
A (Collier) Oh, boy. Now you've got me.
Q Okay.
A (Collier) The aquifer that is in the Valley, extends from Franconia through to Easton. And it's a glacial drift aquifer. And it is labeled as one of the finest in the State of New Hampshire. And I can't report the source of that. But it's important enough that it
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is -- the Town of Easton has seen fit to have an Aquifer Protection District in its Zoning Ordinance.

Okay. And is this protected area, protected aquifer, where is that in relation to the Northern Pass proposed route?

A (Collier) It is on -- it is beneath Route 116 and to either side of it. Route 116 is in the bottom of this glacial valley that is Franconia and Easton. And it extends from about the north side of I-93, in Franconia, all the way south, in Easton, to about a mile south of the area that we were discussing located by the Town Hall. Which is essentially at the height of land between the Ham Branch watershed and the wild Ammonoosuc watershed, perhaps just a mile shy of it.

Q All right. Thank you. And this question is for anyone on the panel, although it came from Mr. Thibault's testimony of April 2017. You had mentioned that there were concerns about best management practices that would help environmental damage, and that the Town's position was that they were not impressed with
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some of the borings and the utilizations of best management practices. And I wondered if that was still the Select Board's opinion? (Thibault) Yes. And you just said it. Best management practices would help. They wouldn't prevent.

Q Right.
A (Thibault) So, it is still our opinion that best management practices are at best a compromise between harmful and harmless. Secondly, when we were watching the boring operations going on, when they started out, there was no best management practices that we could see that were involved. They were dumping slurry on the side of the road. There was frac-outs in the streams nearby. And that was until a citizen started to hold their feet to the fire.

Q Okay.
A (Thibault) And then they at least started doing the best management practices. And this is after we were told that "all of our contractors will be monitored for best management
practices." And we just didn't see that. So,
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on two counts, we're not impressed by that term at all.

Q Fine. And what kind of monitor process do you believe would satisfy the Town of Easton, if this Project were permitted?

A (Thibault) Well, it's a little hard to say. Obviously, we would expect impartial monitors watching over the work sites very, very carefully, very often. Not once a day or once every other day. Who pays them would be a big concern. Obviously, if the Project pays them, you have to wonder about their impartiality. And, then, if the Project doesn't pay, then who will?

So, yes. We still have concerns about the monitoring.

Uh-huh. Fine.
(Thibault) Also, I might add, if it's a State agency, you know, say, DES, for instance, it is our feeling, based on our experience, our limited experience in town with DES, that they are stretched very, very thin. And it's not that we don't trust DES, it's just we don't believe they have the manpower to monitor it
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correctly.
Q All right. Thank you. Ms. Pastoriza, do you have anything -- anyone have anything to add to that?

A (Pastoriza) In regards to the best management practices, $I$ would note that a lot of DES regulations require that you not contribute to a degradation of ground water standards. So, they require monitoring to be happening all the time. And then, once the monitoring shows that there's damage, the damage has already been done. So, that seems to me ineffective.

I would compare it to lead paint. If you had a standard where you allowed lead paint, as long as it didn't contribute to a lead level -certain lead levels in children, some children wouldn't be tested, some children would be tested, they would have damage already. What makes sense is to ban whatever is a danger in the first place.

So, the fact that some of the DES
standards have to do with not impairing something, $I$ think it's ineffective, and places a burden on monitoring that simply can't be
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met.
Q Mr. Collier, would you like to add anything about monitoring?

A (Collier) Well, $I$ feel that, as Ms. Pastoriza feels, that monitoring only tells you that somebody made a mistake, and now you have to live with it or try to mitigate it. One of the things that $I$ think is very important is the fact that the people that speak with us, the Planning Board, do not want this Project in town, because they don't trust that it can be done without adverse effects on their lives.

MS. DRAPER: Thank you very much. I have no more questions.

CHAIRMAN HONIGBERG: All right. Did
I miss any of the intervenor groups?
[No indication given.]

CHAIRMAN HONIGBERG: I didn't think
so. Mr. Needleman.
MR. NEEDLEMAN: Good morning,
everybody. My name is Barry Needleman. I represent the Applicant in this case.

BY MR. NEEDLEMAN:
Q Let me start off with you, Mr. Thibault, if I
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could. On the screen in front of you is a summary that the Applicants put together of the outreach efforts that have occurred in Easton.

And if you look at the first page, toward the bottom, the last entry, it says that, on March 14th of 2017, the Applicants sent to the Town of Easton a letter asking if the Town was interested in discussing a construction MOU. Are you familiar with that.

A (Thibault) No, I'm not.
Q Well, let me see if $I$ can --
A (Thibault) Let me just add, I wasn't on the Board of Selectmen at that time.

Q Do you, in your capacity adopting the testimony here today of $I$ think it was Mr. Cutler and, in turn, Mr. Stever [Ms. Stever?], did you learn anything about this MOU process?

A (Thibault) Yes.
Q Okay. I think maybe I can refresh your recollection with the next exhibit.

MR. NEEDLEMAN: So, if we could go to Applicant 149 please.

BY MR. NEEDLEMAN:
Q So, these are Select Board Special Meeting
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minutes from March 15, 2017. And at the top it indicates that you were present at this meeting. Is that right?

A (Thibault) That's right. That was my first Select Board meeting of my new term.

Okay. And this meeting was called, it appears in part, perhaps in whole, to discuss this issue of the proposed construction MOU that the Project sent to the Town. Is that right? (Thibault) Yes.

And in the first paragraph, underneath the "Subject", it says that "Attorney Fillmore assured Selectman Cutler that stipulations the Town might offer would be presented to the SEC and would not, in any way, be used against Easton." Do you see that?

A (Thibault) Yes.
Q And my understanding also is that the Planning Board and the Conservation Commission were invited to this meeting, is that right?

A (Thibault) That's right.
Q And further down in that paragraph it said that "if Northern Pass comes down Route 16 (112?) this offer might provide an opportunity for the
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Town to mitigate against potential issues." Is that right?

A (Thibault) Yes.
Q And then, in the third paragraph, it talks about how the Town chose to deal with this proposal. It said that "The majority opinion, led by Ms. Pastoriza, was that Easton should present no stipulations and...maintain its "significant voice" in opposition", and you can see the rest. Do you see that?

A (Thibault) Yes.
Now, it says the "majority opinion". Were there members there who favored having these discussions with Northern Pass?
(Thibault) Well, we thought long and hard about this proposal. And these minutes, you can actual read these minutes in two minutes. The meeting went on for an hour, and we had a lot of discussion. We discussed what if -- a lot of "what ifs". What if we said this? What if we said that? What if we said "yes, put it down the entire" -- "the entirety of it, put it down under the pavement", like people understand it was going to be initially. And
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we talked about those, and we realized "no, that won't happen." DOT will not let it happen with the UAM. So, we knew we couldn't stipulate that. It would be worthless.

We would talk about "how about asking them to go down 93?" We already had a meeting with Northern Pass at our Select Board meeting at which there were 40 some odd town residents, and we were told "we will not discuss going down 93." So, that was a nonstarter. We even talked about "well, what if we say to the Northern Pass "will you compensate abutting property owners?"" And people felt, no, that's not good. You're going to pit one-third of the town against two-thirds of the town. So, there was a lot of discussion there.

And then it finally came down to, well, we can't -- there are no stipulations we felt that we could put out that would have any weight or any legal weight or any authority that would help us. So, that's why we came to the conclusion we did, and we all stand firm the way we have been.

Q It says in this paragraph also that "Easton is
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viewed in a leadership position". What was meant by that?

A (Thibault) Well, that's what we're being told by other towns that we're a leadership position in opposition.

Q So, part of your reason for not wanting to have a discussion about stipulations was because of your perceived leadership position with other towns on this?

A (Thibault) No, I wouldn't say that. It was basically that there were no stipulations we could come up with that we thought would be doable.

Q And then, on the next page, it talks about an organized effort to encourage other towns not to enter into stipulations. Do you see that? Middle of that second paragraph?

A (Thibault) Yeah.
Q So, did Easton do that? Did it communicate with other towns and encourage them not to have MOU discussions with the Project?

A (Thibault) No, we didn't encourage them. We contacted other towns and told them what our stand was going to be. That we had no way to
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offer any stipulations that were worthwhile. And we wanted to inform other towns of that.

Q Mr. Pappas, when he was questioning you, asked you about the testimony that you put in regarding your view of property value impacts in Easton, and, in particular, your view that, if the Project were built, people along the road would seek abatements. Do you recall that?

A (Thibault) Yes.
Q Did you do any analysis to support that testimony?

A (Thibault) We've only -- only in that I've heard people say that at meetings that they will do that.

Q Did you do any research to see if something like that happened in any other states where a transmission line was built in a state road?

A (Thibault) No. And $I$ have no knowledge of it, you know, there are other towns like that.

Q Do you have any examples that you could point to anyplace where towns actually granted abatements to adjacent property owners when a transmission line was built in a road?
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A (Thibault) No. Only on the aboveground rights-of-way, the properties are valued a little bit less, with the assumption that the right-of-way holder will pay and make up the difference.

Q A few minutes ago Ms. Schibanoff put some testimony in front you that Mr. Chalmers provided, and the summary of his testimony is that he didn't believe there would be any property value impacts where the line was buried. Is it fair to say, based on the discussion we just had, that you don't actually have any specific evidence to refute that conclusion?

A (Thibault) No. As I said, it's just a commonsense thing, I think, that people are going to say "hey, do $I$ buy this house or that house?"

Q Okay. In your prefiled testimony, Joint Muni 102, on Page 1, Line 9, you said that one of the purposes is to "express our concerns regarding the adverse effects the Northern Pass Project would have on the local and regional economy, real estate values and property
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taxes". I wanted to ask you about property taxes for a moment. And I'm going to put a section of a report up for one of the Project's witnesses, Dr. Shapiro, who talks about property taxes. Is this a report that you've had any opportunity to look at?

A (Thibault) I don't think I've seen that particular page, but $I$ know the number.

Q According to Dr. Shapiro, in Easton, if the Project were constructed as proposed, the assessed value there would be a little over $\$ 87$ million. Do you see that?

A (Thibault) Yes. I'm familiar with that.
Q And then $I$ want to take you to Figure 6 on Page 12 of her report, if we could, Dawn. This is APP23705.

And according to Dr. Shapiro, in that first column, the percentage increase in the local property tax base, in the first year, after the Project is constructed, would be over 127 percent in Easton. Is that right?

A (Thibault) Yes.
Q And if you go all the way over to the far
column, in turn, that would increase -- that
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NPT share of the total property tax base in Easton would be 56 percent, is that right?

A (Thibault) Yes.
MR. NEEDLEMAN: And, in fact, Dawn, if you zoom back out for a minute.

BY MR. NEEDLEMAN:
Q I believe if you look at that whole right-hand column, at 56 percent, that would make Easton the top recipient of all of the towns with respect to that particular figure. Do you see that?

A (Thibault) Yes.
Q Earlier there were some discussion about impacts to the Tamarack Tennis Camp. Do you recall that discussion?

A (Thibault) Yes.
Q And it was somebody, it may have been
Mr. Pappas, who asked you whether, based on your knowledge, Tamarack had heard anything about -- from the Project regarding discussions to reduce impacts. Do you recall that?

A (Thibault) Yup.
Q Have you -- are you familiar with Applicants Exhibit 215, which is the March 22 nd, 2017
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letter that the Project sent to Tamarack Tennis Camp?

A (Thibault) No, I'm not.
Q Are you aware of the fact that that letter invited Tamarack to engage in discussions with the Project, and Tamarack never responded to the letter?

A (Thibault) No, I'm not. But, when I spoke to Tamarack, and when $I$ speak to other people, when they see a letter come from -- with the Northern Pass logo on it, they consider it junk mail and they throw it away. So, if it was a form letter like that, I'm sure it was never opened.

Q So, I assume then that Tamarack would have considered the follow-up October 2nd, 2017 letter as junk mail, and they wouldn't have responded to that either? (Thibault) Probably, if it was not certified or registered or followed up with a phone call, yes.

Q And you're aware of the fact that there are other businesses along the route who actually have responded to those letters and engaged
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with Northern Pass?
A (Thibault) Yes. I'm aware of one.
Q Now, specifically, with respect to Tamarack, it's my understanding that this is a tennis camp for kids that operates for a couple of periods during the summer, and typically hosts 60 to 70 kids at a time. Is that roughly correct?

A (Thibault) That's right.
Q And, so, do you think it's fair to say that, if the Project agreed to avoid any sort of construction activity in the area of the tennis camp while it was in session, that would address the concerns of the tennis camp?

A (Thibault) Probably, yes.
Q And has any -- well, let me ask it this way. If the Committee were to make that a condition of a certificate, if it chose to issue a certificate, would that address your concerns raised in your testimony about Tamarack?

A (Thibault) I didn't understand. Say that again please.

Q Sure. You've expressed concerns about the Project's impact on the Tamarack Tennis Camp.
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[WITNESSES: Thibault|Pastoriza|Collier]

If the Committee made it a condition of a certificate, if it issued a certificate, that the Project would avoid construction activities around the tennis camp while it was in session, would that address concerns that you've expressed regarding the Project's impact on Tamarack Tennis Camp?

A (Thibault) It may, if there were absolutely no construction activities going on, nothing dug up, maybe.

Now, on Page 3, Line 7, of your testimony, you refer to "Warrant Article 13", which you also attached to your testimony. Do you recall that?

A (Thibault) I'd have to refresh. Which one was it?

Q Well, it's Warrant Article 13 , and we can --
MR. NEEDLEMAN: Dawn, why don't we put it up on the screen, so that Mr. Thibault can see that.

WITNESS THIBAULT: Okay.
BY MR. NEEDLEMAN:
Q So, it begins on the bottom of 13 , do you see that?
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A (Thibault) Yes.
Q This is from your testimony. Do you recognize this?

A (Thibault) Yes.
Q Okay. And this is a March -- my understanding is, this is a March 8th, 2011 warrant article, is that right?

A (Thibault) Yes.
Q And, so, at the time that the Town discussed and adopted this warrant article, the Project was proposed to be overhead in Easton through the White Mountain National Forest. Is that right?

A (Thibault) That's right.
MR. NEEDLEMAN: And, Dawn, if we can go down a little bit in this warrant article. BY MR. NEEDLEMAN:

Q These are the "whereas" clauses from this particular warrant article, which we've blown up there. And all of these whereas clauses pertain to the overhead corridors -- corridor and issues with the line being overhead in Easton.

A ( Thibault) That's right.
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Q Is that right?
A (Thibault) Yes.
Q And line is now fully buried in Easton?
A (Thibault) Yes.
Earlier Ms. Fillmore asked you about local roads and the issue of delegation of authority for local roads. Are you -- is it your understanding that the entire project in Easton is proposed to be buried in state roads?

A (Thibault) Yes.
And so, do you have a particular -- well, strike that. Let me move onto the next question.

Mr. Pappas also asked you questions about the effects of hypothetical road closures in Easton. Do you recall that?

A (Thibault) Yes.
Q Are you aware of the fact that the Project is not proposing any road closures in Easton?

A (Thibault) I've heard Ms. Farrell's
[Farrington's?] testimony on that, and there are none planned. However, any project, any large project, there are unforeseen things that come up. And I think even she said she can't
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say there will never be any road closures. So, yes, there may be none planned. But that doesn't mean there will be none that happen.

Ms. Pastoriza, let me turn to you, if I could.
MR. NEEDLEMAN: And, Dawn, I'd ask
you to put up Applicants Exhibit 447.
BY MR. NEEDLEMAN:
Q This is a February 7th, 2011 article by the Associated Press in which you're quoted further down. Your name's right in the beginning. Do you recall seeing this article?

A (Pastoriza) $I$ don't recall seeing it in that context, no.

Q And in February of 2011, as we just heard, the lines were proposed to be overhead in Easton, right?

A (Pastoriza) Yes.
MR. NEEDLEMAN: And, Dawn, if we could go to the next page. And in the middle of the page, highlight those second -- the third and fourth paragraphs.

BY MR. NEEDLEMAN:
Q The article is reporting, I guess, on a
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conversation with you. Do you recall this?
A (Pastoriza) I don't recall it, but $I$ fully believe that it took place.

Q Okay. And at the bottom, at the time this was proposed to be overhead in Easton, you were saying that the Project should be buried, because that would, in your words, "eliminate the problem of the horrible ugliness of those massive towers", is that right?

A (Pastoriza) Yes.
MR. NEEDLEMAN: And, Dawn, if we could go to Applicants Exhibit 448 .

BY MR. NEEDLEMAN:
Q So, this is a July 2nd, 2013 letter from the Easton Conservation Commission to then PSNH President Gary Long. So, this is a couple of years after that article. And you were Vice Chair of the Easton Conservation Commission at this time, is that right?

A (Pastoriza) Yes.
Q And this letter followed the Project's announcement that it was going to bury approximately 8 miles of the line up in the North Country, in Stewartstown and Clarksville,
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that we've heard so much about.
And in the first paragraph of that letter, the second sentence, it says "We believe that burial in softened transportation corridors is a far better solution for the entire line, for all the reasons that you expressed in your press release", referring to "June 27, 2013". Is that right?

A (Pastoriza) I would point out that "softened transportation corridor" does not apply to 116 . It applies to 93.

Q Well, I guess the Committee can draw conclusions about what was meant by that. But this is certainly what the letter says, is that fair to say?

A (Pastoriza) I think the Committee can see what the letter says.

Q And there is, in fact, no place in this letter or in the prior article where you talked about "I-93", is that right?

A (Pastoriza) I believe there was a presentation to White Mountain National Forest showing the superiority of 93 as a burial route, compared to the overland route, specifically aesthetics
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[WITNESSES: Thibault|Pastoriza|Collier]
and the lack of need for altitude gain.
Q Let me come back to my question, though. In the two exhibits we just looked at, there was no reference to "I-93", is that correct?

A (Pastoriza) I believe "softened transportation corridor" was a reference to 93.

MR. NEEDLEMAN: And let's look at the next exhibit please.

BY MR. NEEDLEMAN:
Q So, this is Applicants Exhibit 449. And this is a December 14th, 2010 Request for Intervention by you in the Presidential Permit process. Do you recall filing this?

A (Pastoriza) Yes.
MR. NEEDLEMAN: And, Denise -- I'm sorry, Dawn, could we just go down to Page 4. BY MR. NEEDLEMAN:

Q And part of your description here, and expressing your desires, was you wanted the Project buried, but, as an alternative, you say "partial underground lines in the areas where adverse impacts of above-ground lines would be most substantial" is also something you asked for, is that right?
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[WITNESSES: Thibault|Pastoriza|Collier]

A (Pastoriza) I would put two caveats. One is that this was before $I$ fully understood where the power was coming from. Number two, our understanding of underground lines at this point was a 4-inch conduit buried in the ground. So, this was before we understood the thermal resistivity problems that the Applicant has with the soils in our area that necessitate the duct bank.

So, is it fair to say that during this period of time when the line was overhead in Easton, you wanted it to be underground, and then subsequently the line was offered as fully underground in Easton?

A (Pastoriza) Inasmuch as I understood what underground might be, which was an incomplete understanding.

Q Let me switch topics now.
MR. NEEDLEMAN: Dawn, if we could pull up the Day 12 Morning Session transcript. So, Page 12--112, Lines 18 to 24.

BY MR. NEEDLEMAN:
Q This is the portion of the Construction panel
testimony where the Committee was now asking
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questions of the panel, in particular,
Mr. Johnson. And Mr. Way asked how the Project was going to work with businesses along the route to promote them. Were you present for this testimony?

A (Pastoriza) I don't think so.
Q But you've certainly looked at it since then, is that right?

A (Pastoriza) I looked at portions of the testimony in which there was discussions about business directory, and the construction witnesses were stating what they understood the conditions for being on that directory to be.

Q And if we can go to Page 114, Line 20, Mr. Johnson here was explaining, he had already explained how the directory was going to work, and he added in here that one measure the Project had developed was this directory, which included, as he said below, businesses registering with the Project through the jobs fair. Do you see that?

A (Pastoriza) Yes.
Q And then Mr. Johnson went on to explain that
this was the Project's approach to try to
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[WITNESSES: Thibault|Pastoriza|Collier]
direct business to businesses along the line, is that correct?

A (Pastoriza) Yes.
MR. NEEDLEMAN: Now, if I could pull up Applicants Exhibit 450 please. And if we could jump down to the second or third page, Dawn. And jump down a couple of pages. So, right there.

BY MR. NEEDLEMAN:
Q So, in the middle of the page, this is a November $29 t h, 2017$ email that you sent to someone named Roderick de Greef, who operates a business called "Cabins at Lopstick". Does that sound familiar?

A (Pastoriza) Yes.
Q And in this email, you said that to Mr. de Greef "Are you aware that you are listed in the Northern Pass Directory as a supporter of Northern Pass?" Do you see that?

A (Pastoriza) Yes.
Q And then you encouraged him to contact the Committee if he wasn't aware of that, is that correct?

A (Pastoriza) Yes.
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Q And if we go down a little bit, Dawn, lower on the page, you actually attached the portions of the transcript over to the next page that we just looked at a moment ago, is that right?

A (Pastoriza) Yes. I wanted him to understand the context in which it was described how one got onto the business directory.

MR. NEEDLEMAN: And then, if we can go back to Page 2, and then up a little bit, Dawn.

BY MR. NEEDLEMAN:
Q And, so, we see Mr. de Greef's response here, part of it, and we'll go to the first page in a minute. But suffice it to say he's surprised and disappointed to learn this news that you provided to him, is that right?

A (Pastoriza) He was surprised to learn that he was in this business directory, yes.

Q And it's true that there's actually no place anywhere in this transcript that we just looked at or that you provided to Mr. de Greef where it says that "being on the business list means you're a supporter of the Project", isn't that right?
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that letter or not. And I believe that on your website people need to go there and register to be on the directory. That's another way of getting on a directory. And there's a little box there that says "check if you're a supporter". And I believe one must uncheck that box.

So, there are people on this list that did not reach out to you as supporters.

Well, that's a separate issue, but let's go back to this. It's clear --

A (Pastoriza) I don't believe that's --
Q Well, it's clear that there's no place here where Northern Pass ever says that "to get on the directory, you must be a supporter". The transcript doesn't say that, does it?

A (Pastoriza) I believe --
Q Mr. Johnson didn't say that, did he?
A (Pastoriza) I believe there's a clear implication that it was people who supported you and wanted to work with you. So, that's your interpretation, which you then offered to Mr. de Greef, correct? And Mr. de Greef then said he was unhappy with that and
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wanted to be off the list, right?
A (Pastoriza) Yes.
MR. NEEDLEMAN: Okay. Dawn, can we now go to the next exhibit, I think it's Applicants 450 -- 451. 461?

MS. GAGNON: Yes.
BY MR. NEEDLEMAN:
Q So, the Project contacted Mr. de Greef, and made it clear to him that being on the list does not mean that you are a supporter of the Project.

A (Pastoriza) That's your interpretation.
Q And Mr. de Greef responded, as we can see here, and given that representation from the Project was then happy to be placed back on the business list. Do you see that?

A (Pastoriza) There is the representation by the Project. There is my interpretation, which could be the interpretation of many other people. So, I don't see that one has any more weight than the other. And I think that Roderick could have been more cautious in his approach.

Q So, is it fair so say that, if the Project had
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not communicated with Mr. de Greef and corrected this representation about support, he would have been taken off the list and would have lost the opportunity to gain any economic benefits from the Project, if the --

MS. FILLMORE: Objection.
Speculative. Sorry about that.
CHAIRMAN HONIGBERG: Mr. Needleman.
MR. NEEDLEMAN: I don't think there's anything speculative about it. It's direct cause and effect here as a result of Ms. Pastoriza's actions.

CHAIRMAN HONIGBERG: Overruled. You can answer.

BY THE WITNESS:
A (Pastoriza) If you accept Mr. Getz's interpretation that the directory is not an indication of support, that leads to one assessment. If you accept many other people's assessment that the directory is support, then he made a decision that he would preclude that extra business that might come to, if the Project is permitted, because he did not want to be seen as a supporter.
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BY MR. NEEDLEMAN:
Q You sent a similar email to a business called the "Cold Mountain Cafe", in Bethlehem, is that right?

A (Pastoriza) Yes.
Q How many other emails like this have you sent?
A (Pastoriza) I believe five.
Q And have you been working with anybody else to also send these kinds of emails?

A (Pastoriza) People who know these businesses have been asking how -- asking these people, the businesses, if they know they're on the directory, and, if so, how did they get on the directory? Because many of these people don't know they're in the directory. They don't know how they got to be in the directory. And they're not happy to be found in the directory.

Q And are you undertaking this effort in your individual capacity or in your capacity as a member of the Easton Conservation Commission?

A (Pastoriza) Individual.
Q And, in light of everything that we've just seen now, do you have any plans to recontact these businesses and explain to them the view
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of the Project, which is that being on this list does not mean you're a supporter?

A (Pastoriza) That's for the Project. If they want to send their view of what the directory means to someone in the directory, they're welcome to do that.

Q And if the Project couldn't figure out all the people you sent emails to at this point, then they would likely be removed from the directory and lose the opportunity to get this business. Is that fair to say?
(Pastoriza) I think, if the Project had made it very clear when they submitted this directory to the SEC exactly what chain of events led to someone being listed in the directory, this whole issue wouldn't be a problem. If you had a chart that said "We sent them a letter. Here is their letter responding saying "yes, we want to be on the directory"." If you had tracking on your website, here's the person checking the box "we want to be on your directory", then you would have been covered.

But given that however someone got on the directory is opaque, $I$ think there's a problem
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with the directory that needs to be resolved. MR. NEEDLEMAN: Okay. Thank you, Ms. Pastoriza. No further questions. CHAIRMAN HONIGBERG: Let's go off the record for a minute.
[Brief off-the-record discussion ensued.]

## CHAIRMAN HONIGBERG: Commissioner

Bailey.
CMSR. BAILEY: Good morning.
BY CMSR. BAILEY:
Q Ms. Pastoriza, can you go to Page 9 of your testimony please? You're original testimony. Hash tag number 10 .

A (Pastoriza) Yes.
Q Your testimony says "I have been told the SEC does not read pre-filed testimony. Any members
that do read this, let me know by email or I will assume you did not."

A (Pastoriza) Yes.
Q You didn't get an email from me, correct?
A (Pastoriza) I didn't, no.
Q No.
A (Pastoriza) I haven't received any emails.
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Q Do you understand that it would be completely inappropriate for me to have any conversation with you that's not recorded by the stenographer?

A (Pastoriza) I guess I understood that later in the process.

Q Okay.
A I wasn't thinking about it in terms of knowing whether my testimony had been read. And I think we all thought this would be read right after we wrote it, which was a misunderstanding of the process.

Q Say that again?
A (Pastoriza) I think we all thought our prefiled would be read within weeks after we wrote it, which was a misunderstanding of the process. Okay. So, do you believe that your prefiled testimony has been read now?

A (Pastoriza) Yes. I've seen, from the Committee's answers, that they are reading everybody's prefiled.

Okay. So, why didn't you correct this statement when you were asked if everything was still true and accurate?
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A (Pastoriza) I just completely missed that. I was focused on technical details, numbers. And I missed that, and apologize.

Q How do $I$ know whether there are other facts in your testimony that are different now than when you wrote it?

A (Pastoriza) If there are other issues related to protocol, it may be that $I$ missed them. If there's other issues related to facts, I think I've covered them all.

Okay. Do you have a science degree?
(Pastoriza) $I$ took science courses in college, but that was not my degree.

Q You have a degree in art?
A (Pastoriza) Studio Art.
Q Okay. Can you look at the article that you attached as Appendix $C$ in $I$ think it's Joint Muni Exhibit 113. Oh, sorry, Appendix D.

A (Pastoriza) Is it an article on fly ash or is it DOT and aquifers?

Q The fly ash article.
A I can turn to it.
Okay. On my copy, in PDF, it says that the article was viewed 15 times. Do you see that?
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[WITNESSES: Thibault|Pastoriza|Collier]

A (Pastoriza) I'll take your word for it.
Q Okay. Was this article peer-reviewed?
A (Pastoriza) I don't know.
CMSR. BAILEY: Okay. Thank you.
That's all I have.

CHAIRMAN HONIGBERG: Ms. Weathersby.
MS. WEATHERSBY: Just really quick, about the slurry.

BY MS. WEATHERSBY:
Q In your testimony, you indicated that a
5 percent slurry loss, and then you go on about how many gallons, etcetera. I'm wondering where -- and you said "the industry estimate is 3 to 9 percent". I'm wondering where you got that number from, if you recall?

A (Pastoriza) I could probably re-dig up the website. It was a lot of finding to find an industry cite that would list what their expected slurry losses is. It goes in to coating the bore hole, so that the fluid does not go up the bore hole for the most part.

But you don't know where that reference to the industry estimate of the loss came from or --

A (Pastoriza) I can re-find it. I can re-find
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it, if you want me to send it to you.
Q Actually, yes. That would be helpful.
CHAIRMAN HONIGBERG: Wait. Wait.
What you've got, please send to Ms. Monroe.
Ms. Fillmore, do you understand the request?

MS. FILLMORE: I do not. Could you please repeat it.

MS. WEATHERSBY: I'm wondering where she got the industry estimate of 3 to 9 percent for slurry loss --

MS. FILLMORE: We will find that.
MS. WEATHERSBY: -- during HDD
drilling.
BY MS. WEATHERSBY:
Q And then, concerning the slurry sample that you showed us today, did you have that tested at all?

A (Pastoriza) I don't have the resources to test it. And I don't think the chemicals that might be in it are something that DES regularly tests for. It might be like PFOA, where it doesn't show up in your regular water test.

MS. WEATHERSBY: Okay. Thank you. I
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have nothing further.
CHAIRMAN HONIGBERG: Mr. Way.
MR. WAY: Good morning.
BY MR. WAY:
Q Mr. Collier, I think I heard you say that, during the construction of the Project, that might be a discouragement to project -construction projects along the route?

A (Collier) I did.
Q And, from your experience, Planning Board/Zoning, do you have any projects in the queue that have expressed this opinion?

A (Collier) No. The opinion comes from my position as a vacation rental manager, and listening to my guests over an 18 -year period, I'm sensitive to what they were displeased with. And their displeasure comes from anything that is out-of-the-ordinary. Anything that was not their expectation.

Successful vacations are ones that realize their expectations. And my job was to make them happy, because they were spending money and paying rooms and meals tax.

Q Fair enough. I guess what I'm trying to get
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to, is there anything in the queue right now that is being considered, maybe, say, for residential development, because $I$ guess that's really the thrust of the community, do you have anything in the queue that is being planned or developed during your -- I mean, I started to look at some of the minutes. Do you have anything in the queue that has expressed that?

A (Collier) No, sir. And if there is anything that is currently planned for development in town is being planned off of the Route 116 highway. So, it would have very minimal effect. In other words, development occurs on private property, which is already there, and is not being dug up right along Route -usually, they don't usually run 116 as frontage, let's put it that way. MR. WAY: Thank you, sir. CHAIRMAN HONIGBERG: Ms. Dandeneau.

Know.

MS. DANDENEAU: Hi there. My
question is for you, Ms. Pastoriza.
BY MS. DANDENEAU:
Q In your prefiled testimony, on Page 4 of 20 ,
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you comment that you were -- you were discussing the mud and drilling fluid used during horizontal directional drilling, and you commented that the additives in that fluid are "toxic to fish and aquatic wildlife". And I was just curious where you found that information?

A (Pastoriza) $I$ found it several places on the internet, which I did not list in testimony. My understanding is that it suffocates them through their gills.

Okay. Do you recall if any of those sources where you found that information were peer-reviewed? Scientific journal articles or . gov websites or --

A (Pastoriza) I have looked at so many articles, I could honestly not tell you which are peer-reviewed and which are not.

MS. DANDENEAU: All right. Thank you.

CHAIRMAN HONIGBERG: Mr. Wright.
DIR. WRIGHT: Good morning.
BY DIR. WRIGHT:
Q I think, Mr. Collier, it was you who mentioned
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[WITNESSES: Thibault|Pastoriza|Collier]
the Town has an Aquifer Protection District, is that right?

A (Collier) An Aquifer Protection District, that is correct. It's an overlay district on our regular zoning.

Q Okay. So, it's part of your zoning requirements?

A (Collier) Yes, it is.
Q Are there specific parts of that that you feel the Project would not specifically comply with if it went through a local review?

A (Collier) Anything over it.
Q Anything over it. So, --
A (Collier) Water goes down, and if it ends up in the aquifer, that's bad, if it's bad water.

So, Route 116 runs through the Aquifer
Protection District?
A (Collier) Unfortunately, it does.
Q Okay. Mr. Thibault, did you want to add something? You looked like you wanted to add something.

A (Thibault) No. I was nodding in agreement.
Okay. Anything, Ms. Pastoriza, you would like
to add to that?
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[WITNESSES: Thibault|Pastoriza|Collier]

A (Pastoriza) There was a map that was used as an exhibit that shows that. So that would be in the exhibits. I think Ms. Fillmore used that. Was that the map we saw this morning, I think? (Pastoriza) Yes. (Thibault) Yes.

I think it's in your testimony. Is that part of your map in your testimony as well?

A (Pastoriza) New Hampshire Granite site, yes.
DIR. WRIGHT: Okay. Thank you.
CHAIRMAN HONIGBERG: Anything else from the Subcommittee?

> [No indication given.]

CHAIRMAN HONIGBERG: Ms. Fillmore, do you have any redirect?

MS. FILLMORE: Yes, I do. Just one moment, I'm coming up to the front. Dawn, could I have Apple TV please.

## REDIRECT EXAMINATION

BY MS. FILLMORE:
Q What's on the screen now is Joint Muni 322, which is a continuation of a document we looked at this morning. This is the last three pages of that exhibit. And this question is for
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anyone on the panel.
Ms. Saffo asked earlier about the Town's efforts to learn about the Project. Can you describe briefly what this document is and who put it together?

A (Pastoriza) I compiled this document in response to what we've seen for Northern Pass outreach. It covers Easton outreach to the Applicant and various agencies during the past seven years. I would point out that the select Board public meeting and the Conservation Commission public meeting were both initiated by the Town. Conservation Commission meeting was the one with the one and a half year lag time. Between our expressing interest in discussing things with the Applicant, and then actually meeting with us, 23 petitions to intervene. The comment letters are simply people whose names $I$ recognize. So, there could be other ones that $I$ missed. Trust fund, $\$ 50,000$. Eighteen (18) municipal letters to agencies. This does not include public comments at any of the DOE meetings or any of the Northern Pass SEC meetings.
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Q pages, and $I^{\prime} m$ not going to have you read the entire thing, because the Committee can read it themselves.

But would it be fair to summarize that this reflects the Town's efforts between 2010 and today to learn about the Project, and as well as input from the Town and its citizens to the $S E C$ and the various state agencies that are involved, and communications with the Applicant. Is that a fair summary?

A (Thibault) Yes.
A (Pastoriza) Yes.
Q And I'd just like to clarify the timeline of the meetings that you discussed with Ms. Saffo. There were three that were mentioned. One was the public information meeting in September, September 8th, 2015, in Lincoln. And then is that -- do you recall that meeting or that it occurred?

A (Pastoriza) I was there. But that was a public information, I'm not listing that in this table.

Thank you. And then the Applicant met with the
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Board of Selectmen, and that meeting was on November 9th, 2015 , correct?

A (Thibault) Correct.
Q And that was a meeting you had asked for since 2013, you had been asking for that meeting?

A (Pastoriza) That was a Conservation Commission meeting that had that delay.

Oh. All right. And then, subsequent to that, there was a meeting between the Applicant and the Conservation Commission, and that was February 2nd of $2016 ?$

A (Pastoriza) Yes.
Q Okay. And were all of you at some or all of those meetings?

A (Thibault) Yes.
A (Pastoriza) Yes.
A (Collier) Yes.
Q Mr. Collier, could you speak up.
A (Collier) Yes.
Q Were you left with the impression, after those meetings, that the Project would be located under the pavement, at that the conduit would be under the pavement, and that perhaps the splice vaults would extend into the shoulder?
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[WITNESSES: Thibault|Pastoriza|Collier]

A (Thibault) Yes.
Q To your knowledge, did anyone from Northern

Pass or Eversource attempt to contact the Town to inform the Board of Selectmen or the Conservation Commission that the plans had changed so that it would not be under the pavement?

A (Thibault) No.
A (Pastoriza) No.
Q Mr. Thibault, I believe, you were asked about the warrant article that the Town Meeting voted on regarding the Project?

A (Thibault) Yes, 2011, and every year since then.

Q You anticipated my question. So, would it be fair to say that the Town's opinion of the Project has not changed, despite the fact that it is now proposed to be buried through Easton?

A (Thibault) Yes. And even knowing about the increased tax revenue, the Town has still voted to oppose it.

So, regarding town roads, is it your
understanding that the route as it's proposed will cross town roads, that there will be
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[WITNESSES: Thibault|Pastoriza|Collier]
intersections with town roads?
A (Thibault) It won't cross town roads, no.
Q Not over them, but --
A (Thibault) No. Town roads, of course, intersect into 116 .

Q Thank you. So, there may be some impacts to
town roads at those intersections as the Project moves through?

A (Thibault) I suppose so, yes.
Q And does the Town yet know where all of the staging and laydown areas in Easton will be located?

A (Thibault) We have no idea.
Q Is it possible -- have you heard that they will
not be located on town roads?
A (Thibault) No.
Okay. Ms. Pastoriza, Mr. Needleman asked about
your letters opposing the Project when the
proposal was for it to run overhead. Can you
explain why you and the Town are still opposed
to the Project, even though it is now proposed
to be buried through Easton?
A (Pastoriza) As I said, our understanding from
the research we did of what was involved in
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burial was simply two 4 -inch conduits laid in the ground, similar, although much larger, to existing infrastructure. I don't think we've done a lot of research about $H D D$ and frac-out, and the thermal resistivity of the soil had not been tested, so we didn't know that the duct bank with the fluidized thermal backfill was required. We didn't know it was a 3-foot by 3-foot duct bank that would have to be as deep as it was.

And given that we didn't know the size, we didn't know the interference that it would be causing, not only with existing utilities, but potentially with water flow, and not knowing about the fluidized thermal backfill, we didn't know about the potential of the duct bank to be acting as a French drain going through a very hilly area.

Q Regarding Commissioner Bailey's questions about your background, how many years have you served on the Conservation Commission?

A (Pastoriza) At least nine.
Q And in that capacity, have you worked with DES regarding impacts, environmental impacts that
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might occur from proposed developments or impacts to natural resources?

A (Pastoriza) Most of my communications with DES have been regarding Northern Pass.

Have you done reading over those nine years or other ways to educate yourself about natural resources and the environment?

I have spent hundreds of hours reading about the Project.

MS. FILLMORE: Thank you. And, Dawn, could I have the ELMO please?

BY MS. FILLMORE:
Q What's on the screen now will be marked as "Joint Muni 332". And it is a letter from ForwardNH to the Town of Easton Board of Selectmen, dated February 24 th, 2017. Mr. Thibault, have you seen this letter before?

A (Thibault) Yes, I have.
Q And in the middle of the screen, it shows what the proposed first year's tax payment would be, correct?

A (Thibault) Yes.
Q Why would the Town not want a project that would bring in money like that?
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A (Thibault) Actually, there are many reasons. First of all, do you believe it? You know, they say "87 million" now. They say "\$501,000". At one point, they offered us to sign a contract with them that they would not go after an abatement later on, because we know that Eversource is famous for going after tax abatements in the state. So, they offered that. We didn't feel like we could trust that lawyers wouldn't come after-the-fact, and we didn't want to get into a legal battle with them.

Another reason is that is misleading. It's the first year. If you read the papers, it's an estimate, a projection. And it's on a straight line 40 -year depreciation. So, in Year 41, that figure would be zero.

Thirdly, the select Board wasn't interested in putting in a temporary influx of money into the Town, and winding up having that being spent for years, and then all of a sudden we don't have that money anymore. But we have all the new schools and whatever we spent it on. Or, that money would have to go into some
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kind of trust fund to alleviate damages done by the Project, which we take considerably as a real possibility with water flow and water quality.

And one thing we haven't mentioned is that there's water flow under the road in the aquifer, and we'd be probably interrupting some of those underground streams, especially with the bentonite that's used, because the purpose of bentonite is to block the water flow for the drilling, for instance. So, there's real possible damages that could be done that we'd have to use that money for anyway.

Lastly, I would say that, even though this has come up for 11 years, and even after it wasn't overhead anymore, the Town has repeatedly voted "Yes, let's put money in. Let's pay lawyers to fight this." And for a town of 250 feet people to put in $\$ 50,000$ says something about the commitment of the community, that they don't feel like their miles of scenic road, the water quality, the water availability, the amount of wells along the road, the buildings so close to the road,
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they don't feel like those ought to be sacrificed at any price, especially a temporary price. And especially from a company who we know has a history of going back and doing everything they can to reduce their tax payments. That's just a couple of reasons. MS. FILLMORE: Thank you, Mr. Thibault. Mr. Chairman, I have no further questions.

CHAIRMAN HONIGBERG: All right.
Thank you, folks, for your testimony. We're going to take our lunch break. We'll return at 1:30.
(Lunch recess taken at 12:19
p.m. and concludes the Day 65

Morning Session. The hearing
continues under separate cover
in the transcript noted as
Day 65 Afternoon Session ONLY.)
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## C E R T I F I C ATE

I, Steven. E. Patnaude, a Licensed Shorthand Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

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

Steven E. Patnaude, LCR Licensed Court Reporter N.H. LCR No. 52
(RSA 310-A:173)
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MR. IACOPINO:
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